U.S. COMMISSION ON IMMIGRATION REFORM

Created by the Immigration Act of 1990; Dissolved in December 31, 1997

MANDATE	**Congressional Authorization**
PEOPLE	**Commission Members** **Staff**
ACTIVITIES	**Reports to Congress** **Commission Research Papers** **Mexico-U.S. Binational Migration Study Report** **Binational Research Papers** **Congressional Testimony**

Last updated April 20, 1998.

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U.S. COMMISSION ON IMMIGRATION REFORM

MANDATE

CONGRESSIONAL AUTHORIZATION

The bipartisan U.S. Commission on Immigration Reform was authorized by Section 141 of the Immigration Act of 1990. The Commission expired on December 31, 1997. The mandate of the Commission was to review and evaluate the implementation and impact of U.S. immigration policy and to transmit to the Congress reports of its findings and recommendations.

In particular, the Commission examined the implementation and impact of provisions of the Immigration Act of 1990 related to family reunification, employment-based immigration, and the program to ensure diversity for the sources of U.S. immigration. The Commission examined: the effectiveness of efforts to curb illegal immigration; the impact of immigration on labor needs, employment, and other economic and domestic conditions in the United States; the social, demographic, and natural resources impact of immigration; the impact of immigration on the foreign policy and national security interests of the United States; and various numerical limitations in the selection and adjustment of status of immigrants, asylees, and non-immigrants.

The Commission's first interim report *U.S. Immigration Policy: Restoring Credibility*, presented to Congress on September 30, 1994, focused primarily on controlling illegal immigration with unanimous recommendations for border management, work-site verification, program eligibility, and impact aid for states affected by illegal immigration.

The Commission's second interim report *Legal Immigration: Setting Priorities* was presented to Congress in 1995. Whereas the previous report focused on illegal immigration, this report presents near unanimous recommendations on family and employment-based immigration, refugee admissions, and naturalization/Americanization.

The Commission made two final reports to Congress in 1997: *U.S. Refugee Policy: Taking Leadership*; and *Becoming An American: Immigration and Immigrant Policy*.

U.S. COMMISSION ON IMMIGRATION REFORM

PEOPLE

COMMISSION MEMBERS

Shirley M. Hufstedler, Chair
Appointed by the President

Richard Estrada
Associate Editor, Dallas Morning News
Appointed by Senate Republican Leadership

Harold Ezell
President and Founder, Ezell Group
Appointed by House Republican Leadership

Lawrence H. Fuchs, Vice Chair
Jaffe Professor of American Civilization and Politics
Brandeis University
Appointed by Senate Democratic Leadership
Elected by Commisioners to be Vice Chair

Robert Charles Hill
Partner, Venable Baetjer Howard & Civilletti
Former Secretary of Department of Education
Named by President Clinton as Commission Chair

Shirley Mount Hufstedler
Former judge U.S. Court of Appeals, Ninth Circuit
Appointed by House Republican Leadership

Warren R. Leiden
Partner, Berry, Appleman & Leiden.
Appointed by House Democratic Leadership

Nelson Merced
Chief Executive Officer, Inquilinos Boricuas en Accion
Emergency Tenant Council, Inc.
Appointed by Senate Democratic Leadership

Bruce A. Morrison
Chairman, Federal Housing Finance Board
Appointed by House Democratic Leadership

Michael S. Teitelbaum, Vice Chair
Program Officer, Alfred P. Sloan Foundation
Appointed by Senate Republican Leadership
Elected by Commissioners to be Vice Chair

Last updated April 10, 1998

U.S. COMMISSION ON IMMIGRATION REFORM

STAFF

Executive Director
Susan Martin

Deputy Director
Andrew Schoenholtz

Communications Director
Paul Donnelly

Last update April 10, 1998

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ACTIVITIES

REPORTS TO CONGRESS

The executive summaries and full reports are available in text or PDF format.

BECOMING AN AMERICAN: IMMIGRATION AND IMMIGRANT POLICY
1997 (232 PAGES)
Executive Summary (PDF format, 280Kb)
Executive Summary (HTML text)
Full Report to Congress (PDF format, 584Kb)
Full Report to Congress (Separated in short PDF files)
Available from:
U.S. Government Printing Office
Superintendent of Documents
Mail Stop SSOP
732 N. Capitol Street, N.W.
Washington, DC 20401-0003

U.S. REFUGEE POLICY: TAKING LEADERSHIP
1997 (72 PAGES)
Full Report to Congress (PDF format, 231Kb)

LEGAL IMMIGRATION: SETTING PRIORITIES
ISBN 052-003-01456-4
1995 (245 PAGES)
Executive Summary (HTML text)
Executive Summary (PDF format, 105K)
Available from:
U.S. Government Printing Office
Superintendent of Documents
Mail Stop SSOP
732 N. Capitol Street, N.W.
Washington, DC 20401-0003

U.S. IMMIGRATION POLICY: RESTORING CREDIBILITY
ISBN 0-16-045373-9
1994 (250 PAGES)
Executive Summary (HTML text)
Executive Summary (PDF format, 69K)
Available from:
U.S. Government Printing Office
Superintendent of Documents
Mail Stop SSOP
732 N. Capitol Street, N.W.
Washington, DC 20401-0003

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ACTIVITIES

COMMISSION RESEARCH PAPERS

SORT BY TITLE | SORT BY AUTHOR

Averting Immigration Emergencies.
Kathryn C. Lawler. Refugee Policy Group. 1994. 24 pages.
Paper available in PDF format, 141Kb.

The Challenge of Mass Asylum.
Charles B. Keely. Georgetown University. 1994. 20 pages.
Paper available in PDF format, 129Kb.

Desertification and Migration: Mexico and the United States.
Michelle Leighton Schwartz and Jessica Notini. Natural Heritage Institute. 1994. 51 pages.
Paper available in PDF format, 1289Kb.

Employer Sanctions in France: From the Campaign Against Illegal Employment to the Campaign Against Illegal Work.
Mark J. Miller. University of Delaware. 1995. 48 pages.
Paper available in PDF format, 245Kb.

Environmental Degradation and Migration.
Natural Heritage Institute. 1997. 46 pages.

Estimates of the Financial Costs of Refugee Resettlement: The Current System and Alternative Models.
David S. North. 1997. 52 pages.
Paper available in PDF format, 268Kb.

Illegal Mexican Migration and the United States/Mexico Border: The Effect of Operation Hold the Line on El Paso/Juarez.
Frank D. Bean, Roland Chanove, Robert G. Cushing, Rodolfo de la Garza, Gary P. Freeman, Charles W. Haynes, David Spener. Population Research Center, University of Texas at Austin. 1994. 132 pages.
Paper available in PDF format, 630Kb.

Immigrant Quality and Assimilation: A Literature Review.
T. Paul Schultz. Yale University. 1995. 16 pages.
Paper available in PDF format, 126Kb.

Immigration Emergencies: Learning from the Past, Planning for the Future.
Gretchen Bolton. Refugee Policy Group. 1994. 42 pages.
Paper available in PDF format, 198Kb.

Immigration's Impact on U.S. National Security and Foreign Policy.
Kenneth J. Franzblau. 1997. 48 pages.
Paper available in PDF format, 214Kb.

The Impact of the Immigration Act of 1990 on U.S. Immigration.
Michael J. Greenwood and Fred A. Ziel. 42 pages.
Paper available in PDF format, 175Kb.

Impact of the Federal Welfare Reform on Immigrants.
Dolores Acevedo-Garcia, Robin Omata, Deborah Ringel, Sharon Carothers, Christine Lee, Amy Westpfahl. 1997. 41 pages.
Paper available in PDF format, 163Kb.

Potential Sponsorship by IRCA-Legalized Immigrants.
Karen A. Woodrow-Lafield. Center for Social and Demographic Analysis, University at Albany, State University of New York. 1995. 40 pages.
Paper available in PDF format, 208Kb.

Temporary Migrants in the United States.
Edited by B. Lindsay Lowell. Articles on temporary workers, foreign students, and exchange visitors by Jagdish Bhagwati, Barry R. Chiswick, Gregory DeFreitas, Jacqueline Hagan, Charles Keely, Philip Martin, Susana McCollom, Frank L. Morris, Sr., David North, Demetrios Papdemetriou, Miland Rao, and Michael P. Smith. U.S. Commission on Immigration Reform. 1996. 287 pages.
Paper available in PDF format, 881Kb.

U.S. Immigration and the Environment: Scientific Research and Analytic Issues.
Ellen Percy Kraly. Colgate University. 1995. 82 pages.
Paper available in PDF format, 400Kb.

Western European Strategies to Deter Unwanted Migration: Neither New Barbarian Invasions Nor Fortress Europa.
Mark J. Miller. University of Delaware. 1994. 38 pages.
Paper available in PDF format, 209Kb.

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MEXICO - U.S. BINATIONAL MIGRATION STUDY REPORT

The executive summary and full report are available in PDF format.

BINATIONAL STUDY: MIGRATION BETWEEN MEXICO AND THE UNITED STATES
ESTUDIO BINACIONAL: MIGRACION ENTRE MEXICO Y LOS ESTADOS UNIDOS
1997 (80 PAGES)
Executive Summary (PDF format, 98Kb)
Full Report to Congress (PDF format, 333Kb)

BACKGROUND

After a meeting of the Migration and Consular Affairs Group of the Mexican-United States Binational Commission in March 1995, the governments of Mexico and the United States decided to undertake a joint study of migration between the two countries. Research teams in each country studied each of five aspects of migration within their country and collaboratively analyzed the findings. National coordinators were designated for each country with the Commission on Immigration Reform coordinating the work of U.S. researchers. The main objective of the Binational Study is to contribute to a better understanding and appreciation of the nature, dimensions, and consequences of migration from Mexico to the United States. It also provides an opportunity to identify options to respond to these movements.

NATIONAL COORDINATORS AND STAFF

U.S. Commission on Immigration Reform

Susan Martin, Executive Director, National Coordinator
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Deborah Meyers, Program Analyst

Mexican Coordinators

Enrique Loaeza Tovar, Coordinador Nacional de México, Secretaría de Relaciones Exteriores
Carlos Planck, Coordinador Adjunto, Secretaría de Gobernación
Remedios Gómez Arnau, Secretaria Técnica del Estudio Universidad Nacional Autónoma de México

1. Quantification of Migration

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Rodolfo Corona, El Colegio de la Frontera Norte*

Rodolfo Tuirán, Consejo Nacional de Población
Karen A. Woodrow-Lafield, Mississippi State University

2. Characteristics of Migrants

Jorge Bustamante, El Colegio de la Frontera Norte*
Guillermina Jasso, New York University*
Edward J. Taylor, University of California at Davis
Paz Trigueros, Universidad Autónoma Metropolitana

3. Factors that Influence Migration

Agustín Escobar Latapí, Centro de Investigaciones y Estudios Superiores en Antropología Social*
Philip Martin, University of California at Davis*
Katharine Donato, Louisiana State University
Gustavo López Castro, El Colegio de Michoacán

4. Effects of Migration

Marta Tienda, Princeton University*
Gustavo Verduzco, El Colegio de México*
Michael J.Greenwood, University of Colorado
Kurt Unger, Centro de Investigación y Docencia Económicas

5. Responses to Migration

Francisco Alba, El Colegio de México*
Sidney Weintraub, Center for Strategic and International Studies, Washington, D.C.*
Rafael Fernández de Castro, Instituto Tecnológico Autónomo de México
Manuel García y Griego, University of California at Irvine

* Core Group/Member Lead

U.S. COMMISSION ON IMMIGRATION REFORM

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BINATIONAL RESEARCH PAPERS

The Mexico/United States Binational Study on Migration was a joint effort undertaken by twenty scholars from both countries who worked together in teams on five subject areas: quantification of migration; characteristics of migrants; factors that influence migration; effects of migration; and responses to migration. These researchers wrote background research papers and individual team reports, whose information and conclusions were collaboratively condensed and compiled into a joint summary report published under the title *The Binational Study on Migration Between Mexico and the United States*, available elsewhere on this web site. Available here is the three-volume publication, titled *Migration Between Mexico and the United States: Binational Study*. It consists of the individual team reports (Volume 1) and background research papers and materials (Volume 2 and Volume 3) that were prepared as part of the Binational Study and were the basis for the joint summary.

MIGRATION BETWEEN MEXICO AND THE UNITED STATES - BINATIONAL STUDY

VOLUME 1: THEMATIC CHAPTERS

Volume 1 - Cover and Table of Contents
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The Quantification of Migration between Mexico and the United States
Frank D. Bean, Rodolfo Corona, Rodolfo Tuir&#65533;n and Karen A. Woodrow-Lafield
Paper available in PDF format, 333Kb.

Characteristics of Migrants: Mexicans in the United States
Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
Paper available in PDF format, 183Kb.

Factors that Influence Migration
Agust&#65533;n Escobar Latap&#65533;, Philip Martin, Paul S. Davies, Gustavo L&#65533;pez Castro and Katharine Donato
Paper available in PDF format, 250Kb.

Impacts of Migration:

U.S. Impacts of Mexican Immigration
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Impacts of Migration in Mexico
Gustavo Verduzco and Kurt Unger
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VOLUME 2: RESEARCH REPORTS AND BACKGROUND MATERIALS

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QUANTIFICATION OF MIGRATION

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Estimating Underenumeration among Unauthorized Mexican Migrants to the United States: Applications of Mortality Analyses
Jennifer Van Hook and Frank D. Bean
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The Mexican-origin Population of the United States in the Twentieth Century
Jennifer E. Glick and Jennifer Van Hook
Paper available in PDF format, 40Kb.

Emigration: Implications for U.S. Immigration Policy Research
Ellen Percy Kraly
Paper available in PDF format, 86Kb.

Estimating Authorized Immigration
Karen A. Woodrow-Lafield
Paper available in PDF format, 631Kb.

Viewing Emigration at Century&#65533;s End
Karen A. Woodrow-Lafield
Paper available in PDF format, 34Kb.

CHARACTERISTICS OF MIGRANTS

The Process of Acquiring Citizenship and/or Nationality at Birth in Mexico and the United States
Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
Paper available in PDF format, 12Kb.

The Selectivity of International Labor Migration and Characteristics of Mexico-to-U.S. Migrants: Theoretical Considerations
Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
Paper available in PDF format, 30Kb.

Data Sources
Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
Paper available in PDF format, 92Kb.

Immigrant Characteristics from U.S. Data Sources

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
Paper available in PDF format, 59Kb.

Mexico-to-U.S. Migrant Characteristics from Surveys Involving Samples Drawn in Mexico
Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor and Paz Trigueros Legarreta
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Mexico-to-U.S. Migrant Characteristics from Mexican Data Sources
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Some Thoughts on Perceptions and Policies
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VOLUME 3: RESEARCH REPORTS AND BACKGROUND MATERIALS

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FACTORS THAT INFLUENCE MIGRATION

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Mexican Immigrant Workers and U.S. Food Expenditures
Philip Martin
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Guest Workers: Past and Present
Philip Martin
Paper available in PDF format, 52Kb.

Proposition 187 in California
Philip Martin
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Mexican Migration Project Data
Katharine Donato
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Coyotes and Alien Smuggling
Gustavo L�pez Castro
Paper available in PDF format, 30Kb.

Factores de la Migraci�n y Redes Migratorias
Jean Papail
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IMPACTS OF MIGRATION

The Participation of Mexican-born Households in Means-tested U.S. Welfare Programs
Paul S. Davies and Michael J. Greenwood
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Labor Market Implications of Mexican Migration: Economies of Scale, Innovation, and Entrepreneurship
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The U.S. Labor Market Impacts of Low-skill Migration from Mexico
Paul S. Davies, Michael J. Greenwood, Gary L. Hunt, Ulrich Kohli and Marta Tienda
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Mexican Immigrants and Mexican American Political Assimilation
Michael J. Rosenfeld
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Transferability of Skills and the Economic Rewards to U.S. Employment for Return Migrants in Mexico
Steven S. Zahniser and Michael J. Greenwood
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Impactos de las Cambios Econ&#65533;micos en el Agro Mexicano y en la Migraci&#65533;n: Un An&#65533;lysis Micro-multisectorial
Antonio Y&#65533;nez Naude
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Las Remesas de los Migrantes Mexicanos en Estados Unidos: Estimaciones para 1995
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RESPONSES TO MIGRATION

The Bracero Program
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Mexico&#65533;s 1982 Economic Crisis
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IRCA and the Facilitation of U.S.-Mexico Migration Dialogue
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The Riverside Incident
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Selected Court Cases on Immigration Enforcement
U.S. Court Decisions
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On the Unrenounceability of Mexican Nationality
Sidney Weintraub

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CONGRESSIONAL TESTIMONY

LISTING OF TESTIMONY INCLUDED IN FOLLOWING PAGES:

August 3, 1994. B. Jordan. Senate, Judiciary Committee, Subcommittee on Immigration.

August 9, 1994. B. Jordan. House of Representatives, Ways and Means Committee, Subcommittee on Human Resources.

September 29, 1994. B. Jordan. House of Representatives, Judiciary Committee, Subcommittee on International Law, Immigration and Refugees.

January 26, 1995. L.H. Fuchs. House of Representatives, Ways and Means Committee, Subcommittee on Human Resources.

February 24, 1995. B. Jordan. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims.

March 3, 1995. R. Hill. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims.

March 7, 1995. R. Hill. House of Representatives, Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology.

March 14, 1995. S. Martin. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims.

March 27, 1995. S. Martin. Senate, Committee on Finance.

March 29, 1995. B. Jordan. House of Representatives, Committee on Appropriations, Subcommittee on Appropriations for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies.

March 30, 1995. B. Jordan. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims.

May 17, 1995. S. Martin. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims.

June 28, 1995. B. Jordan. Joint House of Representatives Judiciary Committee, Subcommittee on Immigration and Claims and Senate Judiciary Committee, Subcommittee on Immigration.

December 7, 1995. R. Estrada. U.S. House of Representatives, Judiciary Committee, Subcommittee on Immigration and Claims

December 13, 1995. B. Jordan. House of Representatives Judiciary Committee, Subcommittee on Immigration and Claims

February 6, 1996. S. Martin. U.S. Senate Judiciary Committee, Subcommittee on Immigration.

February 22, 1996. H. Ezell. U.S. House of Representatives Committee on Economic and Educational Opportunities.

May 16, 1996. M. Teitelbaum. U.S. House of Representatives Judiciary Committee, Subcommittee on Immigration and Claims.

May 16, 1996. L. Fuchs. U.S. House of Representatives Judiciary Committee, Subcommittee on Immigration and Claims.

October 22, 1996. L. Fuchs. Senate, Committee on the Judiciary, Subcommittee on Immigration.

U.S. COMMISSION ON IMMIGRATION REFORM

Last updated on March 16, 1998

EXECUTIVE SUMMARY

INTRODUCTION

The U.S. Commission on Immigration Reform was created by Congress to assess U.S. immigration policy and make recommendations regarding its implementation and effects. Mandated in the Immigration Act of 1990 to submit an interim report in 1994 and a final report in 1997, the Commission has undertaken public hearings, fact-finding missions, and expert consultations to identify the major immigration-related issues facing the United States today.

This process has been a complex one. Distinguishing fact from fiction has been difficult, in some cases because of what has become a highly emotional debate on immigration. We have heard contradictory testimony, shaky statistics, and a great deal of honest confusion regarding the impacts of immigration. Nevertheless, we have tried throughout to engage in what we believe is a systematic, nonpartisan effort to reach conclusions drawn from analysis of the best data available.

Underlying Principles

Certain basic principles underlie the Commission's work. The Commission decries hostility and discrimination against immigrants as antithetical to the traditions and interests of the country. At the same time, we disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

It is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

Challenges Ahead

The credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in . . .

The Commission believes that legal immigration has strengthened and can continue to strengthen this country. While we will be reporting at a later date on the impacts of our legal immigration system, and while there may even be disagreements among us as to the total number of immigrants that can be absorbed into the United States or the categories that should be given priority for admission, the Commission members agree that immigration presents many opportunities for this nation. Immigrants can contribute to the building of the country. In most cases, they have been actively sought by family members or businesses in the U.S. The tradition of welcoming newcomers has become an important element of how we define ourselves as a nation.

The Commission is mindful of the problems that also emanate from immigration. In particular, we believe that unlawful immigration is unacceptable. Enforcement efforts have not been effective in deterring unlawful immigration. This failure to develop effective strategies to control unlawful immigration has blurred the public perception of the distinction between legal and illegal immigrants.

For the Commission, the principal issue at present is how to manage immigration so that it will continue to be in the national interest.

- How do we ensure that immigration is based on and supports broad national economic, social, and humanitarian interests, rather than the interests of those who would abuse our laws?

- How do we gain effective control over our borders while still encouraging international trade, investment, and tourism?

- How do we maintain a civic culture based on shared values while accommodating the large and diverse population admitted through immigration policy?

The credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave.

During the decade from 1980 to 1990, three major pieces of legislation were adopted to govern immigration policy—the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990. The Commission supports the broad framework for immigration policy that these laws represent: a legal immigration system that strives to serve the national interest in helping families to reunify and employers to obtain skills not available in the U.S. labor force; a refugee system that reflects both our humanitarian beliefs and international refugee law; and an enforcement system that seeks to deter unlawful immigration through employer sanctions and tighter border control.

. . . people who should not get in are kept out . . . and people who are judged deportable are required to leave.

The Commission has concluded, however, that more needs to be done to guarantee that the stated goals of our immigration policy are met. The immediate need is more effective prevention and deterrence of unlawful immigration. This report to Congress outlines the Commission's recommendations in this area.

In the long term, immigration policies for the 1990s and beyond should anticipate the challenges of the next century. These challenges will be substantially influenced by factors such as the restructuring of our own economy, the establishment of such new trade relationships as the North American Free Trade Agreement [NAFTA], and changing geopolitical relations. No less importantly, immigration policy must carefully take into account social concerns,

demographic trends, and the impact of added population on the country's environment.

Finally, current immigration is the first to occur in what economists call a post-industrial economy, just as it is the first to occur after the appearance of the modern welfare state. The Commission's report to Congress in 1997 will cover these issues in assessing the impact of the Immigration Act of 1990. The present report reviews the progress of the beginning implementation of this legislation.

RECOMMENDATIONS

Serious problems undermine present immigration policies, their implementation, and their credibility: people who should get in find a cumbersome process that often impedes their entry; people who should not get in find it all too easy to enter; and people who are here without permission remain with impunity.

The Commission is convinced that unlawful immigration can be controlled consistent with our traditions, civil rights, and civil liberties. As a nation with a long history of immigration and commitment to the rule of law, this country must set limits on who can enter and then must credibly enforce our immigration law. Unfortunately, no quick and easy solutions are available. The United States can do a more effective job, but only with additional financial resources and the political will to take action. Our recommendations for a comprehensive, effective strategy follow.

Border Management

The Commission believes that significant progress has been made during the past several years in identifying and remedying some of the weaknesses in U.S. border management. Nevertheless, we believe that far more can and should be done to meet the twin goals of border management: preventing illegal entries while facilitating legal ones.

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Land Borders

Credibility is a problem at U.S. land borders, given the ease of illegal entry and various obstacles to legal entry. These problems are particularly prevalent at the U.S.-Mexico border, as the Commission's visit to San Diego and El Paso demonstrated. The Commission

believes that an underlying principle of border management is that prevention is far more effective and cost-efficient than the apprehension and removal of illegal aliens after entry. At the same time, the Commission believes that legal entry should be facilitated in order for the country to benefit from cross-border trade and tourism.

The Commission supports the strategy, now being tested as "Operation Hold the Line" in El Paso, that emphasizes prevention of illegal entry at the border, rather than apprehension following illegal entry. Prevention holds many advantages: it is more cost-effective than apprehension and removal; it eliminates the cycle of voluntary return and reentry that has characterized unlawful border crossings; and it reduces potentially violent confrontations on the border. The Commission recommends:

San Diego border patrol [INS photo]

- **Increased resources for prevention**, including additional staff, such improved technology as sensors and infrared scopes, data systems that permit expeditious identification of repeat offenders, and such additional equipment as vehicles and radios.

- **Increased training for border control officers** to execute strategies that emphasize prevention of illegal entry.

- **Formation of a mobile, rapid response team to improve Border Patrol anticipation of new smuggling sites and to augment their capacity at these locations.** The Immigration and Naturalization Service [INS] must develop a capacity to respond quickly to changing patterns of unlawful immigration along the land border. Also, contingency plans should be developed to

address increased boat arrivals that may arise from improved land border enforcement.

- **Use of fences to reduce border violence and facilitate enforcement. However, the Commission does not support the erection of extraordinary physical barriers, such as unscaleable walls, unless needed as a last resort to stop violence when other means have proved ineffective.** Fences have been used effectively in San Diego to reduce border violence, deter illegal aliens from running across the interstate highway that leads from Mexico, and facilitate enforcement.

- **Systematic evaluation of the effectiveness of any new border strategies by INS.** The typical measurements of Border Patrol effectiveness—apprehension rates—have little meaning in assessing a prevention strategy. INS should develop new evaluation techniques that measure the effects of border management efforts in terms of the flow of unauthorized aliens and their impacts on U.S. communities.

The Commission supports efforts to reduce potentially violent confrontations between Border Patrol officers and those believed to be seeking illegal entry into the U.S. Such confrontations were reduced, for example, during "Operation Hold the Line," in terms of both reported human rights violations against suspected illegal aliens and attacks on Border Patrol officers.

The Commission supports efforts already underway to address complaints about human rights violations, including:

- **Increased training and professionalism of Border Patrol officers to enable them to respond appropriately to potentially violent situations;**

- **Improved procedures for adjudicating complaints of Border Patrol abuses;**

- **Mechanisms to provide redress or relief to those subjected to improper actions;** and

- **More effective protection of Border Patrol officers from violence directed at them.**

The Commission believes that port of entry operations can be improved. Legal entry at the border should be facilitated as the United States benefits from trade, tourism, family visits and consumer spending. More specifically, the Commission supports:

Congestion at El Paso port of entry [INS photo]

- **Additional resources for inspections** at land border ports of entry.

- **An expedited adjudication and issuance process for the Border Crossing Card [BCC]**. Mexican nationals are required to have a visa (unlike Canadians). Because of the volume of BCC applications on the Mexican border, the Commission encourages negotiations between the U.S. and Mexico to amend the bilateral treaty to permit collection of fees to be used exclusively to expedite the issuance and adjudication of the card.

- **Further steps to better ensure that the BCC is not misused by legal crossers who engage in unauthorized employment after entry.** Each BCC should contain the legend indicating it is "not for work authorization," as currently appears on INS-issued cards.

- **Development of a land border user fee to pay for needed improvements in the inspection of border crossers,** with fees to be used exclusively to facilitate land border management.

The Commission supports increased coordination on border issues between the governments of the U.S. and Mexico. The Commission views favorably the discussions underway between the U.S. and Mexican governments. These discussions promote greater cooperation between the two governments in solving problems of mutual concern. In particular, the Commission encourages:

- **Continued cooperation in antismuggling efforts** to reduce smuggling of people and goods across the U.S.-Mexico border.

- **Bilateral discussions that take into account both U.S. entry and Mexican exit laws in devising a cooperative approach to regulating the movements of people across the U.S.-Mexican land border.** Mexican law requires that Mexican nationals exit Mexico through official inspection stations. Thus, unauthorized migration into the United States generally violates not only U.S. law, but Mexican law as well.

- **Cross border discussions and cooperative law enforcement efforts** among federal, state, and local officials of both countries to develop cooperative approaches to combat violent crimes and auto and cargo theft along the border.

- **Continued U.S. cooperation and support for Mexican efforts to address the problem of third-country nationals crossing Mexico** to come to the United States.

Airports

Each year about 50 million citizens and aliens enter the country through airports.

The Commission supports a combined facilitation and enforcement strategy that would prevent the entry of unauthorized aliens while facilitating legal admissions at U.S. airports as efficiently as possible, including:

- **The use of new technologies to expedite the inspections process and improve law enforcement, including more efficient processing of travelers with Machine Readable Documents.**

Immigration Inspection, O'Hare International Airport [INS Chicago District photo]

- **Programs that enhance the capacity of airline carriers to identify and refuse travel to aliens seeking to enter the U.S. on fraudulent documents,** including the Carrier Consultant Program and other coordinated efforts to maintain complete, accurate, and reliable Advance Passenger Information System [APIS] data and improved lookout data systems.

- **Continued government-airline industry discussions on improving inspections** that have led to innovative proposals.

- **Development of a system for mitigation of penalties or fines for those carriers that cooperate in screening and other programs and demonstrate success in reducing the number of unauthorized aliens they carry.**

- **Making INS, not the carrier, responsible for the actual physical custody of inadmissible air passengers.**

Interagency Coordination

The Commission expresses its dissatisfaction with the past lack of coordination between the Customs Service and the INS at ports of entry. This has hampered effective border management by both agencies.

The Commission recommends implementation of initiatives to improve coordination between INS and Customs, as recommended by the General Accounting Office [GAO] and the National Performance Review. The Commission will monitor these efforts to improve coordination of border management, particularly as they relate to immigration matters.

If these efforts prove ineffective, the Commission will recommend more extensive action, such as creating a new immigration and customs agency or designating one agency as the lead agency on inspections.

Alien Smuggling

Organized smuggling operations undermine the credibility of U.S. enforcement efforts and pose dangers to the smuggled aliens.

Aliens on the ship
Chin Lung Hsiang
[INS photo]

The Commission recommends an effective prevention strategy that requires enhanced capacities to combat organized smuggling for commercial gain. Possible enhancements include:

- **Expanded enforcement authorities,** such as Racketeer Influenced and Corrupt Organizations Act [RICO] provisions, wire-

tap authority, and expanded asset forfeiture for smuggling aliens; and

- **Enhanced intelligence gathering and diplomatic efforts** to deter smuggling.

Worksite Enforcement

Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration.

The Commission believes that reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. The ineffectiveness of employer sanctions, prevalence of fraudulent documents, and continued high numbers of unauthorized workers, combined with confusion for employers and reported discrimination against employees, have challenged the credibility of current worksite enforcement efforts.

Verification

A better system for verifying work authorization is central to the effective enforcement of employer sanctions.

The Commission recommends development and implementation of a simpler, more fraud-resistant system for verifying work authorization. The current system is doubly flawed: it is too susceptible to fraud, particularly through the counterfeiting of documents; and it can lead to increased discrimination against foreign-looking or foreign-sounding authorized workers.

In examining the options for improving verification, ***the Commission believes that the most promising option for secure, nondiscriminatory verification is a computerized registry*** using data provided by the Social Security Administration [SSA] and the INS.

The key to this process is the social security number. For decades, all workers have been required to provide employers with their social security number. The computer registry would add only one step to this existing requirement: an employer check that the social security number is valid and has been issued to someone authorized to work in the United States.

The Commission believes the computerized system is the most promising option because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry, rather than only an identification card, guards against counterfeiting of documents. It provides more reliable information about work authorization.

- **Reduction in the potential for discrimination** based on national origin and citizenship status, as well as inappropriate demands for specific or additional documents, given that employers will not be required to ascertain whether a worker is a citizen or an immigrant and will have no reason to reject documents they believe to be counterfeit. The only relevant question will be: "What is your social security number?"

- **Reduction in the time, resources, and paperwork** spent by employers in complying with the Immigration Reform and Control Act of 1986 [IRCA] and corresponding redirection of enforcement activities from paperwork violations to knowing hire of unauthorized workers.

The Commission recommends that the President immediately initiate and evaluate pilot programs using the proposed computerized verification system in the five states with the highest levels of illegal immigration as well as several less affected states. The Presi-

A computer registry to verify that a social security number is valid and has been issued to someone authorized to work in the U.S. is the most promising option for eliminating fraud and reducing discrimination, while protecting individual privacy.

dent has the authority to do so under Section 274A(d)(4) of the Immigration and Nationality Act. A pilot program will: permit the testing of various approaches to using the proposed verification system; provide needed information about the advantages, disadvantages, and costs of the various approaches; develop and evaluate measures to protect civil rights and civil liberties; and ensure that any potential obstacles, such as the quality of the data used in the registry, are addressed prior to national implementation. Assuming the successful results of the pilot program, Congress should pass the necessary statutory authorities to support more effective verification. Pilot program features should include:

- **A means by which employers will access the verification system to validate the accuracy of information given by workers**. We have received conflicting testimony about the best way to check the applicant's identity. We have heard proposals for a more secure social security card, a counterfeit-resistant driver's license, and a telephone verification system that does not rely on any document. The pilot program presents an opportunity to determine the most cost-effective, fraud-resistant, and nondiscriminatory method available.

- **Measures to ensure the accuracy of and access to the specific data needed** to ensure that employers have timely and reliable information when seeking verification of work authorization. Improvements in the Social Security Administration and INS databases must be made to ensure that these data are available. Procedures must be developed to ensure timely and accurate entry, update, extraction, and correction of data. The Commission strongly urges INS and the Social Security Administration to cooperate in this endeavor, as the proposed registry would be built upon and—once implemented—would support the primary missions of those agencies.

- **Measures to ensure against discrimination and disparate treatment of foreign-looking or -sounding persons.** The Commission believes that the least discriminatory system would have the same requirements for citizens and aliens alike. To reduce the potential for discrimination and increase the security of the system, the Commission also believes that employers should not be required to ascertain immigration status in the process of verifying authorization for employment. Their only requirement should be to check the social security number presented by each employee against the registry and record an authorization number to prove that they have done so.

- **Measures to protect civil liberties.** It is essential that explicit protections be devised against use of the database—and any card or any other means used to gain access to it—for purposes other than those specified in law. The uses to be made of the verification system must be clearly specified. We believe the worksite verification system could be used, without damage to civil liberties, for verifying eligibility to receive public benefits [see p. 22]. However, it should be stipulated that no one should be required to carry a card, if one is used, or to present it for routine identification purposes. There also should be penalties for inappropriate use of the verification process.

- **Measures to protect the privacy of the information included in the database.** The Commission is aware of the proliferation of databases and the potential for the invasion of privacy by both government and private agencies. There need to be explicit provisions for protecting privacy; the resultant system should incorporate appropriate safeguards regarding authorized users' access to individual information. In establishing privacy safeguards, it is important to take into account that, while access to any one piece of information may not be intrusive,

in combination with other information such access may violate privacy.

- **Estimates of the start-up time and financial and other costs** of developing, implementing and maintaining a national system in such a manner that verification is reliable.

- **Specification of the rights, responsibilities, and impact on individual workers and employers,** for example: what individuals must do; how long it will take for newly authorized workers to get on the system and to correct inaccurate data; and what will be required of employers and at what expense. Provisions must also be developed to protect both workers from denial of employment and employers from penalties in cases where the information provided by the computer registry may be missing or inaccurate.

- **A plan for phasing in of the system.** The Commission recognizes that the proposed verification system will result in financial costs. The system should be phased in to lessen the immediate impact. The pilot programs should test various phase-in procedures. Given the required levels of accuracy, reliability, and convenience required, the evaluation should help measure the cost of phasing in the system nationally.

The Commission recommends evaluation of the pilot programs to assess the effectiveness of the verification system. The evaluation should include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

The Commission supports INS efforts to improve its Telephone Verification System/SAVE [TVS/SAVE] database—but only as an interim measure. The improvements are essential for improving the data needed for the new, more effective verification process. The Commission is aware of the inadequacies of the current INS data that would be used in the proposed system. The Commission does not endorse the TVS/SAVE program as a long-term solution to the verification problem because use of TVS/SAVE requires the inadequate mechanism of self-attestation by workers as to their citizenship or alienage, thus making it easy for aliens to fraudulently claim U.S. citizenship. It also imposes requirements on legal immigrants that do not apply to citizens. Nevertheless, improvements in this database, as well as the Social Security Administration database, are essential to the development of a more secure, less potentially discriminatory verification system.

The Commission also recommends action that would reduce the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country, including:

- **Regulation of requests for birth certificates** through standardized application forms;

- **A system of interstate and intrastate matching** of birth and death records;

- **Making certified copies of birth certificates issued by states or state-controlled vital records offices the only forms accepted by federal agencies**;

False documents [INS photo]

- **Using a standard design and paperstock for all certified copies** of birth certificates to reduce counterfeiting; and

- **Encouraging states to computerize** birth records repositories.

To address the abuse of fraudulent documents, the Commission recommends imposition of greater penalties on those producing or selling such documents. Document fraud and counterfeiting has become a lucrative and well-organized operation that may involve international networks that conspire to produce and sell the resulting fraudulent products. These documents are used in smuggling and terrorist operations, as well as for work authorization. RICO provisions designed to facilitate racketeering investigations should cover conspiracy to produce and sell fraudulent documents. Criminal penalties should also be increased for large-scale counterfeiting activities

Antidiscrimination Strategies

Mechanisms must effectively prevent and redress immigration-related discrimination.

The Commission is concerned about unfair immigration-related employment practices against both citizens and noncitizens that may occur under the current system of employer sanctions. A more reliable, simpler verification system holds great potential to reduce any such discrimination because employers will no longer have to make any determination as to immigration status. Nevertheless, mechanisms must effectively prevent and redress discrimination.

The Commission recommends that the Office of the Special Counsel [OSC] for Immigration-Related Unfair Employment Practices in the Department of Justice initiate more proactive strategies to identify and combat immigration-related discrimination at the workplace. OSC should target resources on independent investigations and on programs to assess the incidence and prevalence of unfair immigration-related employment practices.

The Commission also recommends a methodologically-sound study to document the nature and extent of unfair immigration-related employment practices that have occurred since GAO's 1990 report. The new study should measure the effects of immigration policy—as distinct from other factors—on discrimination at the worksite. As noted above, the pilot programs should be evaluated to determine if they substantially reduce immigration-related discrimination at the workplace.

Employer Sanctions and Labor Standards Enforcement

Enforcement of employer sanctions, wage/hour, child labor, and other labor standards can be an effective tool in reducing employment of unauthorized workers.

The Commission believes that enforcement of employer sanctions, wage/hour, child labor, and other labor standards can be an effective tool in reducing employment of unauthorized workers. The Commission finds, however, that current enforcement efforts are inadequate. In addition, the Commission expresses its concern that current coordination efforts between the Immigration and Naturalization Service and the Department of Labor are insufficient.

The Commission supports vigorous enforcement of labor standards and enforcement against knowing hire of unauthorized workers as an integral part of the strategy to reduce illegal immigration. Labor standards and employer sanctions should be seen as mutually reinforcing. Specifically, the Commission recommends:

- **Allocation of increased staff and resources to the enforcement of labor standards to complement employer sanctions enforcement.**

- **Vigorous enforcement, increased staff and resources, and full use of current penalties against those who knowingly hire unauthorized workers.** If the new verification system proposed by the Commission substantially reduces inadvertent hiring of unauthorized workers—as we believe will occur—Congress

should discontinue paperwork penalties and evaluate the need for increased penalties against violators and businesses that knowingly hire or fail to verify work authorization for all employees.

- **Targeting of investigations to industries that have a history of using illegal alien labor.**

Garment industry violations [Department of Labor photo]

- **Enhanced enforcement efforts targeted at farm labor and other contractors** who hire unauthorized workers on behalf of agricultural growers and other businesses.

- **Application of employer sanctions to the federal government**. At a minimum, the President should issue an Executive Order requiring federal agencies to abide by the procedures required of other employers. Alternatively, legislation should stipulate that federal agencies follow the verification procedures required of other employers and be subject to penalties if they fail to verify work authorization.

The Commission urges the Attorney General and the Secretary of Labor to review the current division of responsibilities between the Departments of Justice and Labor in the enforcement of employer sanctions and labor standards. INS and the Department of Labor have signed a Memorandum of Understanding [MOU] that spells out each agency's responsibility for enforcing employer sanctions and labor standards. Preliminary evidence indicates that few warnings have been issued to employers under the MOU. The implementation of the MOU should be closely monitored over the next twelve months. Should the monitoring demonstrate that the joint

efforts have not resulted in effective enforcement, it may be necessary to designate a single agency to enforce employer sanctions.

The Commission recommends enhanced coordination mechanisms to promote cooperation among all of the agencies responsible for worksite enforcement. Strategies to promote coordination at headquarters and in field operations include:

- **Establishment of a taskforce in Washington, D.C., to review and set policy**;
- **Local taskforces of worksite investigators** to coordinate field operations; and
- **Continued joint training for worksite investigators** from all applicable agencies.

Education

Thousands of new businesses begin operations each year. New workers enter the labor force each year as well.

The Commission recommends coordination and continuance of educational efforts by the Immigration and Naturalization Service, the Office of Special Counsel, and the Department of Labor regarding employer sanctions, antidiscrimination provisions, and labor standards. The Commission calls upon these agencies to develop and communicate a single message to all employers and employees. The Commission also recommends the development of new strategies, including the enhanced use of technology, to inform employers and workers of their rights and responsibilities under the law.

Benefits Eligibility and Fiscal Impact

The eligibility of aliens for public benefits should be consistent with the objectives of our immigration policy.

The Commission believes a clear and consistent policy on immigrant eligibility for public benefits is needed. The Commission also believes that the federal government has a responsibility to mitigate the impacts of unlawful immigration on states and localities, particularly through renewed efforts to reduce illegal entries.

Eligibility

The U.S. has the sovereign authority to make distinctions as to certain rights and responsibilities of various people subject to its jurisdiction—illegal aliens, legal immigrants, and U.S. citizens. Policies regarding the eligibility of aliens for public benefits should be consistent with the objectives of our immigration policy.

The Commission recommends that illegal aliens should not be eligible for any publicly-funded services or assistance except those made available on an emergency basis or for similar compelling reasons to protect public health and safety (e.g., immunizations and school lunch and other child nutrition programs) or to conform to constitutional requirements. Illegal aliens are now eligible for few benefit programs. The Commission firmly believes that benefits policies should continue to send this message: if aliens enter the U.S. unlawfully, they will not receive aid except in limited instances. Federal legislation should permit states and localities to limit eligibility of illegal aliens on this same basis. Should illegal aliens require other forms of assistance, their only recourse should be return to their countries of origin.

- **The pilot programs on work authorization also should test new procedures for verification of benefit eligibility.** Verification of eligibility for federally-funded benefits is an essential

part of the overall strategy for maintaining a credible benefits enforcement policy. Many of the shortcomings of the eligibility verification process are parallel to those for employment. The proposed pilot programs will provide an opportunity to test new approaches to benefit eligibility verification.

- **An equitable policy based on immigration status must be adhered to in cases of mixed households** (households in which some members are legal residents and/or citizens and others are illegal aliens). Regardless of a family's economic situation, only citizen members or those legally authorized to reside and work in the U.S. should receive routine benefits. Some benefits could be prorated in order to provide them only to eligible recipients in a household.

The Commission recommends against any broad, categorical denial of public benefits to legal immigrants. The United States admits legal immigrants with the expectation that they will reside permanently in the United States as productive residents. Therefore, the Commission believes that:

- **The safety net provided by needs-tested programs should continue to be available to those whom we have affirmatively accepted as legal immigrants into our communities.** U.S. immigration law bars the entry of those who are likely to become a public charge [see below]. However, circumstances may arise after entry that create a pressing need for public help—unexpected illness, injuries from a serious accident, loss of employment, a death in the family. Under such circumstances, legal immigrants should be eligible for public benefits if they meet other eligibility requirements.

Migrant healthcare [photo copyright 1992 Alan Pogue]

- **Sponsors should be held financially responsible for the immigrants that they bring to this country.** In particular, the Commission believes that the affidavits of support signed by sponsors should be legally enforceable, with contingencies made if the sponsor's financial circumstances change significantly for reasons that occurred after the immigrant's entry. Mechanisms should be developed that would ensure that sponsors actually provide the support they have promised. This would protect recent immigrants and close a loophole in current policy wherein the sponsor's income is "deemed," or taken into account, in calculating the immigrant's eligibility, regardless of whether such support is actually available to the immigrant.

- **A serious effort to enhance and enforce the public charge provisions** in immigration law is needed to ensure that legal immigrants do not require public assistance within five years of entry for reasons that existed prior to entry. The Commission recommends modification in the procedures for deporting such individuals. The sustained use of public benefits for reasons that existed prior to entry should become the basis for deportation. Current practices are unreasonable: the government is required to show that the benefit program requested repayment of the aid under a specific statute and that the immigrant has refused repayment.

The Commission recommends that comprehensive categories of aliens in the U.S. be defined in the Immigration and Nationality Act to simplify determination of eligibility for public benefits. The Commission believes that benefit eligibility determinations are complicated by the myriad legal statuses now afforded to individuals within this country. While the rights of lawful permanent residents, refugees and asylees have been spelled out in the Immigration and Nationality Act and/or benefit laws, it is also true that the Congress,

Executive Branch, and the courts have created various other statuses that may or may not denote benefit eligibility. The Commission recommends:

- **Establishment of statutory categories of aliens according to their eligibility for work and benefits.** Such categories could include those who are authorized to work and eligible for needs-tested benefits, subject to public charge and sponsorship provisions; authorized to work and eligible only for benefits that accrue from employment; not authorized to work and not eligible for any but a circumscribed list of benefits.

- **Placement of every alien who is permitted to remain in the country on a temporary or permanent basis (whether by legislation, court order, or administrative order) in one of the designated categories.** The categories should reflect whether an alien has been affirmatively admitted to the United States, is awaiting a final decision on deportability, or has already been determined deportable and is awaiting removal.

Impact on States and Localities

Difficulties in enforcing U.S. immigration laws have created fiscal impacts that would not have occurred had enforcement strategies been more effective. The ineffective enforcement has been due, in some measure, to a lack of political will on the part of decision-makers, including officials and representatives of states now heavily affected by illegal immigration. Nevertheless, the federal government clearly bears a responsibility for alleviating these impacts, particularly through renewed efforts to reduce unlawful immigration.

The federal government clearly bears a responsibility for alleviating the impacts of unlawful immigration.

The Commission supports in principle a short-term authorization of impact aid to offset at least a portion of the fiscal burdens of

unlawful immigration until such time as better enforcement measures are in place. Any such aid should be provided contingent on the following conditions:

- **Better data and methods to measure the net fiscal impact of illegal immigration**. The Commission finds that weak data make it difficult to determine the extent of these burdens. The authorization of impact aid should follow a concerted effort to develop better data on such impacts, with impact assistance provided only to the extent that actual net costs are accurately identified.

- **Provision of any impact aid authorized in a manner commensurate with the interim period of regaining control over unauthorized immigration.** Impact aid mechanisms should be temporary and designed to ensure that governments do not become dependent on impact aid as a continuing source of funding.

- **Appropriate cooperation of state and local governments receiving impact aid with federal authorities** to enforce the immigration laws of the United States. The type of cooperation will vary depending on the assistance programs covered by impact aid and should be consistent with the federal laws and regulations that apply to the program in question. For example, law enforcement officers may be asked to provide information to identify convicted or arrested illegal aliens, whereas school officials would not be required to transfer information obtained from their pupils.

The Commission supports an immediate authorization of impact aid aimed specifically at criminal justice costs. The Commission believes impact assistance for criminal justice and law enforcement is justified where there is a high incidence of illegal aliens in the

criminal justice system. Specific costs attributable to the incarceration of illegal aliens can be reliably ascertained if state correctional departments cooperate with INS in identifying deportable illegal aliens in prisons. The federal government should assume responsibility for the costs of incarcerating illegal aliens through reimbursement, by incarcerating them in federal facilities, and/or by negotiating with foreign governments to accept and incarcerate their nationals who are criminal illegal aliens.

The Commission recommends further investigation of the costs of education and emergency medical assistance. The data currently available do not provide reliable estimates of the number of illegal alien children and the proportion of emergency medical assistance specifically associated with illegal aliens. While the Commission accepts in principle the need for enhanced federal funding to assist localities with the costs of providing elementary and secondary education to illegal alien children and of emergency medical care under Medicaid to illegal aliens, the Commission does not recommend that such a program be instituted until there is a workable method for accurately establishing actual costs.

Detention and Removal of Criminal Aliens

Prompt removal of aliens ordered deported is an essential part of a credible deterrence policy.

An effective procedure for prompt removal of aliens ordered deported is an essential part of a credible deterrence policy. If unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally. The Commission is reviewing the full range of issues raised by U.S. exclusion and deportation procedures and plans to issue a separate report on this subject in FY 1995. For the present, the Commission limits its specific recommendations to

the removal of criminal aliens who represent the most serious threat to public safety and national security.

The top priority of enforcement strategies should be the removal of criminal aliens from the U.S. in such a way that the potential for their return to the U.S. will be minimized. To help ensure the prompt and effective removal of criminal aliens, the Commission recommends:

- **Increased resources for INS investigations** to identify and initiate deportation of criminal aliens.

- **Enhanced use of the Institutional Hearing Program [IHP] as an effective mechanism to ensure that criminal aliens are identified and receive final orders of deportation while still serving their sentences.** The IHP is cost-effective in that criminal aliens can be deported directly from state and federal prisons, alleviating INS' need to detain them during deportation proceedings. The Commission commends the negotiations taking place between INS, the Executive Office of Immigration Review [EOIR], and state correctional departments to enhance their efficiency.

- **In the case of Mexico, repatriation of deported criminal aliens to the area of Mexico from which they came, rather than simply to the border.** Removals should be done in coordination with Mexican authorities who may then determine if there is a warrant for the arrest of the criminal alien for crimes committed in Mexico.

- **Use of bilateral treaties encouraging the transfer of criminal aliens to serve sentences in their own countries.** The Department of State should monitor these cases to be certain that sentences are served.

Immigration Emergencies

Since 1980, emergency circumstances in their home countries have prompted the migration of large numbers of people to the U.S. Their arrival, in turn, has created emergency circumstances within the United States. The exodus of Haitians and Cubans are only the most recent examples. An emergency can overwhelm resources and create massive problems that far outlast the emergency.

The Commission believes that a credible immigration policy requires the ability to respond effectively and humanely to immigration emergencies. Specific recommendations regarding emergencies will be the subject of a separate report in FY 1995 that will include discussion of contingency planning, interdiction, safe havens, refugee processing, asylum procedures, temporary protected status, aid to communities experiencing emergency arrivals of aliens, and other issues.

Haitian migrant interdiction
[Official U.S. Coast Guard photo]

An emergency can overwhelm resources and create massive problems that far outlast the emergency.

Curtailing Unlawful Immigration at the Source

Migrants enter and remain unlawfully in the United States for a variety of reasons. Few migrants take the decision to leave their countries lightly. Generally, a combination of "push" and "pull" factors contribute to these movements. Many of the recommendations in this report aim to reduce the pull of both jobs and of ineffective immigration enforcement. On the push side, lack of employment, low wages and poor working conditions, separation from family members, political, social and religious repression, civil conflict, and other problems motivate people to leave their homes. Any effective strategy to prevent unlawful migration must address these causes.

Any effective strategy to prevent unlawful migration must address both "push" and "pull" factors.

The Commission recommends that the United States give priority in its foreign policy and international economic policy to long-term reduction in the causes of unauthorized migration to the U.S. More specifically, the Commission supports:

- **The recommendations of the Commission for the Study of International Migration and Cooperative Economic Development related to trade with, and investment in, immigrant-sending countries.**

- **Adoption of quick and effective strategies targeted at alleviating migration pressures in communities producing large numbers of illegal aliens.**

- **Strengthening intelligence gathering capacities to improve early warning of unauthorized migration patterns.**

- **Coordinated efforts by the United States and other countries to address pressures for unlawful migration.** The Commission

recommends a strengthening of those multilateral coordination efforts that prove effective in averting unauthorized migration, particularly within the Western Hemisphere.

Improving Data

Throughout the Commission's own inquiry, we have found it difficult to assess the effects of immigration policy and of immigration itself because of inadequacies in the data. The Commission commends the work of the InterAgency Working Group on Immigration Statistics that is seeking to reform data collection efforts within the federal government. Reliable data is a necessary ingredient for credible policy and its implementation.

The Commission supports improved data collection efforts in four major areas:

- **Matching administrative data** on immigrants collected by the INS, Social Security Administration, and other agencies to obtain a more accurate profile of their experiences in this country;
- **Developing a methodology for better measuring the size of the illegal alien population and the flow of illegal aliens entering the United States;**
- **Developing new methods for estimating emigration** from the United States; and
- **Improving the estimates of the costs and benefits** associated with people of different immigration status.

File room [INS Chicago District photo]

Reliable data is a necessary ingredient for credible policy and its implementation.

THE IMMIGRATION ACT OF 1990 AND LEGAL IMMIGRATION

The Immigration Act of 1990 [IMMACT], which provided for the most comprehensive change in the legal immigration system since 1965, aimed to:

- Establish overall limits on legal immigration through adoption of a flexible cap on total numbers;
- Permit continued reunification of close family members (allowing increases above the cap if higher numbers of immediate relatives of U.S. citizens seek entry);
- Meet labor market needs by increasing the number of immigrants admitted for employment-based reasons and giving higher priority to the entry of professionals and others who are highly skilled; and
- Provide greater diversity through new opportunities for migration from countries with relatively small numbers of immigrants to the United States.

Naturalization ceremony
[INS photo]

IMMACT Effects on Migration

The principal provisions of IMMACT were not implemented until 1992, and with only two years worth of data, there is little experience to use in determining its effects. The Diversity

Table 1.
Immigrants Admitted by Major Category

Category of Admission	Average 1987-1991	1992	1993	Projected 1994
Subject to the Numerical Cap	**511,427**	**655,541**	**719,701**	**683,350**
Family-based immigrants	**439,614**	**502,995**	**539,209**	**512,600**
Immediate relatives of U.S. citizens and children born abroad to alien residents	227,551	237,600	257,089	252,900
Family-sponsored immigrants	212,062	213,123	226,776	225,300
Legalization dependents	NA	52,272	55,344	34,400
Employment-based immigrants	**58,341**	**116,198**	**147,012**	**128,750**
Diversity programs	**13,473**	**36,348**	**33,480**	**42,000**
Not Subject to the Numerical Cap	**131,926**	**155,094**	**160,313**	**150,100**
Refugees and Asylees	98,858	117,037	127,343	131,000
Other	33,068	38,057	32,970	19,100
Total	**643,353**	**810,635**	**880,014**	**833,450**

Excludes persons granted legal permanent resident status under the provisions of the Immigration Reform and Control Act of 1986. Categories are arranged according to the limitations specified in IMMACT.

Program will not go into effect until FY 1995. The following analysis, therefore, must be considered preliminary at best.

As Table 1 shows, overall levels of legal immigration increased from an average of 640,000 during the five years preceding IMMACT implementation to an average 840,000 for the past three years. The immigrants fall into two major categories: those whose numbers are subject to an annual statutory cap and those whose numerical limits can change each year.

Statutory Cap

IMMACT established a flexible worldwide level of 700,000 family-based, employment-based, and diversity immigration visas for FYs 1992-1994. This limit can be "pierced" if the number of immediate relatives of U.S. citizens, for whom there are no numerical limits, exceeds 239,000 (FYs 1992-1994) and 254,000 (FY 1995 and after).

- **Family-sponsored immigration** increased modestly since passage of IMMACT, largely because of an increase in the number of immediate relatives of U.S. citizens. Waiting lists that number more than one million persons continue in the categories under which spouses and minor children of permanent residents and siblings of U.S. citizens enter the United States. Much of the growth in the backlog for spouses and children is attributable to the large number of legalized aliens who are now seeking to reunify with their families.

- **Employment-based immigration** represents a sizeable increase over the 58,000 average employment-based immigration pre-IMMACT. Nevertheless, employment-related admissions under the new legislation have been well below the statutory ceiling of 140,000. Many of those who entered, particularly in 1992, were

in the backlog of individuals who had applied prior to IMMACT. In addition, Chinese nationals who adjusted status under the provisions of the Chinese Student Protection Act were counted in this category. The economic recession may have led employers to petition for fewer immigrant workers than allowable under the IMMACT ceilings.

- **Diversity immigration** has not yet begun in its permanent form. The diversity transition program averaged 34,000 in FY 1992-93. As of FY 1995, 55,000 visa numbers will be available for the permanent diversity program.

Immigrants outside the Statutory Cap

The number of immigrants considered in the categories outside the statutory cap varies each year, largely depending on the number of refugees admitted in prior years who adjust to permanent resident status. Refugees are initially admitted under conditional status and may adjust to permanent resident status after one year. Because of the increase in refugee admissions from the former Soviet Union that began in 1988, the 1990s have seen an increase in refugee adjustments.

Characteristics of Legal Immigrants

INS maintains data on the countries of origin, age, gender, occupation, and place of intended residence of new immigrants.

- **Places of origin.** IMMACT has not changed the regional origins of immigrants significantly. Asia accounts for more than 40 percent of new admissions, while North America, including Mexico, accounts for another 30 percent. Mexico appears to have almost doubled its number of new arrivals since IMMACT passed, largely because of the legalization dependents program and the

elimination of per-country limits for some second preference family visas.

- **Age and gender**. The median age of immigrants admitted in FYs 1992 and 1993 was 28. About 54 percent of the immigrants were female and 46 percent were male. By contrast, during the 1980s, men and women were equally represented. The trend toward more women admitted as legal immigrants began prior to IMMACT. It is likely to be reinforced by the entry of the family members of aliens legalized under IRCA. Very high proportions of young adult legalized aliens were men, many of whom have already petitioned for their wives.

- **Intended residence.** Immigration follows much the same pattern as in the 1980s regarding intended residence. Approximately 70 percent of the immigrants intend to live in the six states of California, New York, Texas, Florida, New Jersey, and Illinois. More than 25 percent of immigrants intend to live either in New York City or Los Angeles. Other metropolitan areas with significant immigrant arrivals are Chicago, Miami, Washington, D.C., and San Francisco.

- **Occupation**. Among those who reported an occupation, the percentage of immigrants of working age who were professionals or executives increased slightly from 15 percent in the two years before IMMACT to 17 percent in fiscal years 1992 and 1993. Every other occupation group declined, except for operators, fabricators, and laborers, which increased from 9.2 to 9.7 percent.

Looking to the Future

Much has changed in the U.S. and the world since passage of IMMACT—for example, the end of the Cold War, cutbacks in many defense industries, and such new trade arrangements as NAFTA and the most recent round of GATT. Commission recommendations must take into account this changing context, along with the changes brought about by IMMACT.

Future Commission activities will include:

- Exercising the Commission's mandate to assess the impact which the establishment of a national level of immigration has upon the availability and priority of family preference visas.

- Developing an understanding of both the long- and short-term interconnections between immigration and the U.S. economy and labor market with an eye toward formulating sound immigration policy.

- Examining the effects of our immigrant population on social and community relations, as well as the effects of American life on immigrants. A further area of interest is the civic integration of immigrants, including participation in local, state, and national political affairs, development of political constituencies, and other manifestations of civic involvement.

- Looking at data and analyses regarding population pursuant to IMMACT's instruction to determine and report on the effects of immigration on demographics and natural resources.

- Analyzing and reporting on the relationship between immigration and the environment as mandated by IMMACT.

- Examining the interconnections between U.S. immigration and international trade and foreign policy.

Plans for FY 1995—FY 1997

The Commission will launch a new research program to gauge the effects of IMMACT upon the size and characteristics of the incoming immigrant population and to evaluate the impacts that legal immigration poses for family reunification, the U.S. economy, social relations, demographics, the environment, foreign policy, and national security.

The Commission will also develop further recommendations to address two of the issues touched on in this report—removal of deportable aliens and handling of immigration emergencies.

The Commission plans to continue its schedule of public hearings, roundtable consultations and fact-finding missions. The Commission's assessments will be discussed and recommendations offered in future reports.

Future Commission activities will examine: immigration and family reunification, the U.S. economy, social and community relations, population, environment, and international trade and foreign policy.

THE NATIONAL INTEREST

A properly regulated system of legal immigration is in the national interest of the United States. Such a system enhances the benefits of immigration while protecting against potential harms.

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Immigrants often create new businesses and other employment-generating activities that promote the renewal of city neighborhoods and commercial districts. Immigrants also can strengthen America's economic and political ties with other nations and, thus, enhance our ability to compete in a global economy and provide leadership in international and humanitarian affairs. Properly regulated immigration further strengthens American scientific, literary, artistic and other cultural resources. It promotes family values and ties, important components of good schools and strong communities. At a time of troubling ethnic strife in many parts of the world, an effective American immigration policy can demonstrate to other countries that religious and ethnic diversity are compatible with national civic unity in a democratic and free society.

Legal immigration, however, has costs, as well as benefits. Immigrants with relatively low education and skills may compete for jobs and public services with the most vulnerable of Americans, particularly those who are unemployed or underemployed. Jobs generated by immigrant businesses do not always address this problem. Concentrated and/or rapid entry of immigrants into a locality may impose immediate net costs, particularly in education funding to meet the additional and special needs of newcomers. Concentration of new immigrants can exacerbate tensions among ethnic groups. Certain legal immigrant populations may impose other costs: refugees often need special health and other services, making per capita resettlement more costly than overseas solutions; elderly new immigrants are more likely to draw upon public services than elderly

Immigrant Admissions by Major Category: FYs 1990-1994

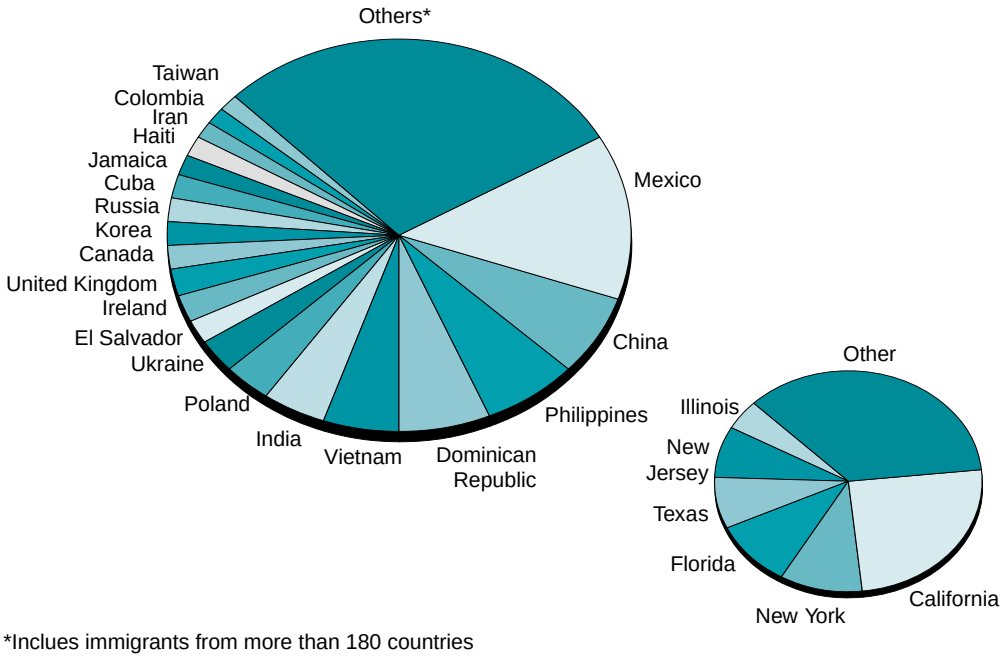
Category of Admission	1990	1991	1992	1993	1994
SUBJECT TO THE NUMERICAL CAP	**535,993**	**537,010**	**655,541**	**719,701**	**662,029**
FAMILY-BASED IMMIGRANTS	**448,640**	**455,415**	**502,995**	**539,209**	**497,682**
Immediate Relatives of U.S. citizens	231,680	237,103	235,484	255,059	249,764
Spouses and children	171,491	173,527	170,720	192,631	193,394
Parents	60,189	63,576	64,764	62,428	56,370
Children born abroad to alien residents	2,410	2,224	2,116	2,030	1,883
Family-sponsored immigrants	214,550	216,088	213,123	226,776	211,961
Unmarried sons/daughters of U.S. citizens	15,861	15,385	12,486	12,819	13,181
Spouses and children of LPRs	X	X	90,486	98,604	88,673
Sons and daughters of LPRs	X	X	27,761	29,704	26,327
Married sons/daughters of U.S. citizens	26,751	27,115	22,195	23,385	22,191
Siblings of U.S. citizens	64,252	63,462	60,195	62,264	61,589
Legalization dependents	X	X	52,272	55,344	34,074
EMPLOYMENT-BASED IMMIGRANTS	**58,192**	**59,525**	**116,198**	**147,012**	**123,291**
Priority workers	X	X	5,456	21,114	21,053
Professionals w/ adv. deg. or of advanced ability	X	X	58,401	29,468	14,432
Skilled, professionals, other workers, (CSPA)	X	X	47,568	87,689	76,956
Skilled, professionals, other workers	X	X	47,568	60,774	55,659
Chinese Student Protection Act (CSPA)	X	X	X	26,915	21,297
Special immigrants	4,463	4,576	4,063	8,158	10,406
Investors	X	X	59	583	444
Professionals or highly skilled (Old 3rd)	26,546	27,748	340	X	X
Needed skilled or unskilled workers (Old 6th)	27,183	27,201	311	X	X
DIVERSITY PROGRAMS	**29,161**	**22,070**	**36,348**	**33,480**	**41,056**
Diversity transition	X	X	33,911	33,468	41,056
Nationals of adversely affected countries	20,371	12,268	1,557	10	X
Natives of underrepresented countries	8,790	9,802	880	2	X
NOT SUBJECT TO THE NUMERICAL CAP	**120,118**	**166,995**	**155,094**	**160,313**	**136,365**
Amerasians	13,059	16,010	17,253	11,116	2,822
Cuban/Haitian Entrants	710	213	99	62	47
Parolees, Soviet and Indochineese	X	4,998	13,661	15,772	8,253
Refugees and Asylees	97,364	139,079	117,037	127,343	121,434
Refugee adjustments	92,427	116,415	106,379	115,539	115,451
Asylee adjustments	4,937	22,664	10,658	11,804	5,983
Registered Nurses and their families	2,954	3,069	3,572	2,178	304
Registry, entered prior to 1/1/72	4,633	2,282	1,293	938	667
Other	1,398	1,344	2,179	2,904	2,838
TOTAL	**656,111**	**704,005**	**810,635**	**880,014**	**798,394**

Note: X = Not Applicable. Excludes persons granted LPR status under the provisions of the Immigration Reform and Control Act of 1986.
Source: Immigration and Naturalization Service, Statistics Division

native-born Americans or immigrants who came to the United States at a younger age.

The recommendations in this report strongly affirm the value of a properly regulated immigration system. They seek to maximize the many positive opportunities that legal immigration presents to our nation. At the same time, the recommendations will help mitigate potential negative impacts, particularly on disadvantaged U.S. workers. Finally, the Commission's recommendations support effective Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity. These recommendations should help ensure that our legal immigration system will continue to serve the national interest of the United States.

Origin and Destination of Immigrants
FY 1994



*Inclues immigrants from more than 180 countries
Source: Immigration and Naturalization Service, Statistics Division

FRAMEWORK FOR IMMIGRATION REFORM

The Commission supports the basic framework of current policy—family unification, employment-based immigration, and refugee admissions. We considered alternative frameworks, particularly a point system, but rejected these approaches. We believe that a system that relies on formulas and bureaucratic procedures for determining which immigrants meet the ability criteria for admission is not as effective in serving the national interest as one that relies on the judgment of American families and employers within a framework that protects U.S. workers from unfair competition. At the same time, the Commission is convinced that our current immigration system must undergo major reform to ensure that admissions continue to serve our national interests. Hence, ***the Commission recommends a significant redefinition of priorities and a reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.****

The Commission supports the basic framework of current policy—family unification, employment-based immigration, and refugee admissions—but is convinced that our current immigration system must undergo major reform to ensure that admissions continue to serve our national interests.

*See Appendix for Commissioner Leiden's dissenting statement.

PRINCIPLES FOR A PROPERLY REGULATED IMMIGRATION POLICY

The Commission believes that our immigration system should rest upon certain basic principles.

Clear Goals and Priorities. Sound immigration policy must set out clear goals and give priority to the admission of those immigrants who best meet those goals.

Enforcement of Immigration Limits. An effectively regulated immigration policy establishes limits on the number of immigrants that are consistent with the goals of the various categories under which immigrants enter. Moreover, these limits must be enforceable *and* enforced. We underscore our commitment to curtailing illegal immigration as embodied in our 1994 recommendations. We will continue to monitor progress toward their implementation until the expiration of our mandate in September 1997.

Regular Periodic Review. An effectively regulated system requires some flexibility with regard to numbers so as to permit adjustment as circumstances in the United States change.

Clarity and Efficiency. Immigration policy should not be overly complex, and the mechanisms used to implement immigration policy should be efficient and comprehensible. The terms used should be as clear and self-explanatory as possible. The number of visas allocated to various immigrant categories should be sufficient to ensure the expeditious entry of those of highest priority. Backlogs in high priority categories undermine the

purposes of immigration policy, while backlogs in lower priority categories give false hope to individuals whose admissions are of lesser national interest.

Enforcement of Sponsor Responsibility. A properly regulated immigration policy will hold sponsors accountable for keeping immigrants from becoming burdens on the American taxpayer and enforce that accountability through legally binding obligations.

Protection of U.S. Workers. A properly regulated system will also provide protection to American workers against unfair competition arising from immigrant categories that are designed to enhance U.S. economic strength. A higher level of job protection should be made available to the most vulnerable in our society.

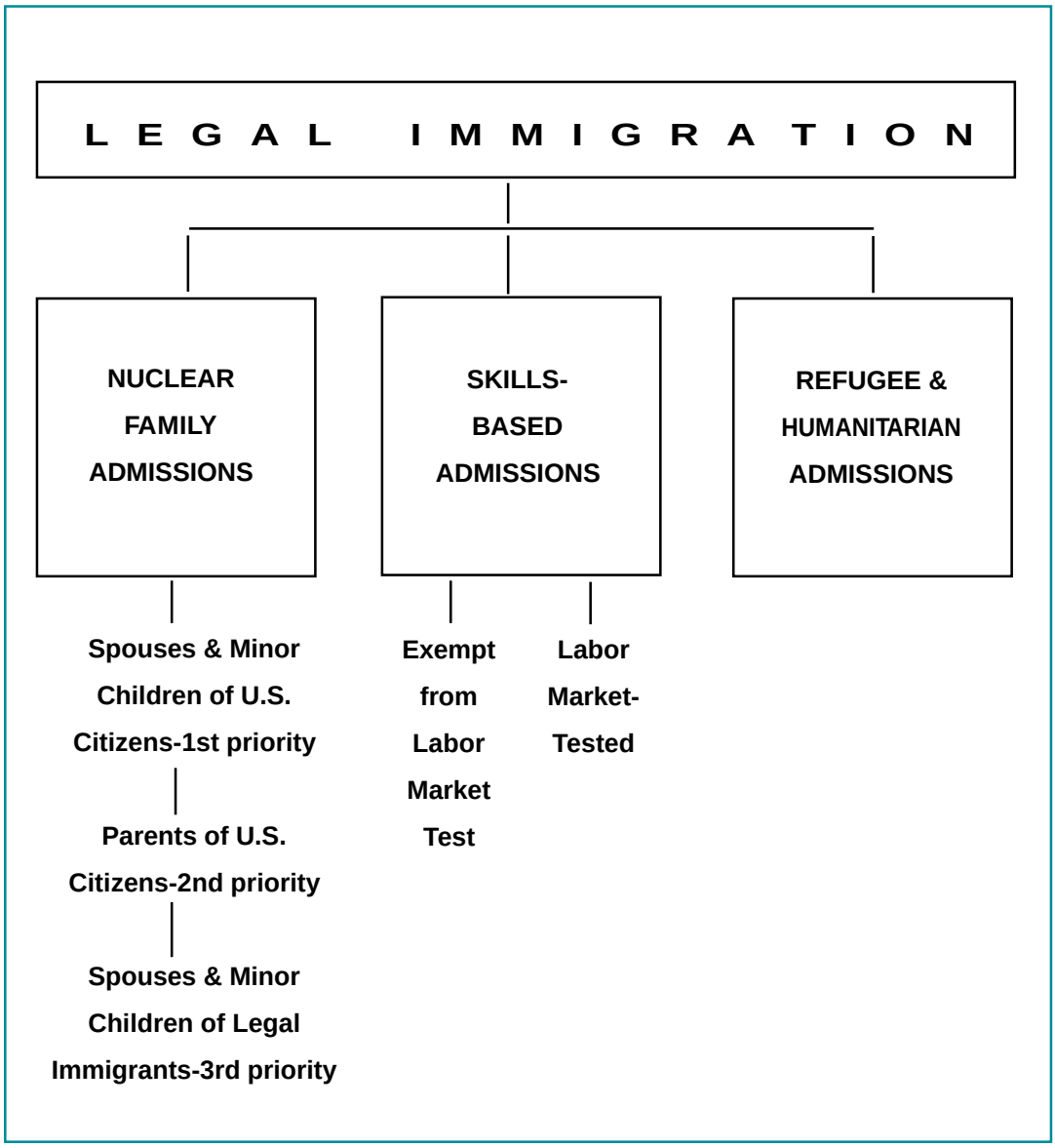
Coherence. Both temporary and permanent admissions categories must be seen as integral parts of a coherent legal immigration policy. Temporary student, worker, and humanitarian categories are linked to permanent immigration. Inefficiencies and inconsistencies in the procedures for determining admissibility in permanent categories frequently lead employees, employers, and even family members to use temporary categories to gain entrance when the immigrant's true intention is permanent residence.

Americanization. Immigration policy is not credible without attention to English language training, civic education, and preparation for naturalization and effective citizen participation. Americanization—by which we mean cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity—is desirable and possible regardless of the

nationality, native language, or religious background of immigrants and their children.

A Transition Period. Fundamental immigration reform, as proposed by the Commission, requires a period of transition to get from the present system to the new one. We recommend prudent, measured steps to make that transition possible.

Proposed Tripartite Immigration System



RECOMMENDATIONS

The following recommendations will contribute to a more accountable and credible application of our immigration policy:

The Commission supports a tripartite immigration policy that permits the entry of nuclear family members, professional and skilled workers, and refugees and other humanitarian admissions. In addition, the Commission urges Congress to take steps to address the continued aftereffects of the 1986 Immigration Reform and Control Act [IRCA] that provided legal status to formerly illegal aliens.

The Commission proposes a core immigration admissions level of 550,000 per year, to be divided as follows:

Nuclear family immigration	400,000;
Skill-based immigration	100,000;
Refugee resettlement	50,000.*

The Commission further recommends that Congress authorize 150,000 visas annually for the admission of the spouses and minor children of legal permanent residents who have been awaiting entry until such time as this backlog is eliminated.

The Commission recommends that admission levels be authorized by Congress for a specified time period (e.g., three to five years) in order to ensure regular periodic review and, if needed, change by Congress.

These recommendations represent fundamental reform of U.S. immigration policy.

These recommendations for entry of nuclear family members, professional and skilled workers, and refugees —with steps to address the aftereffects of IRCA— represent fundamental reform.

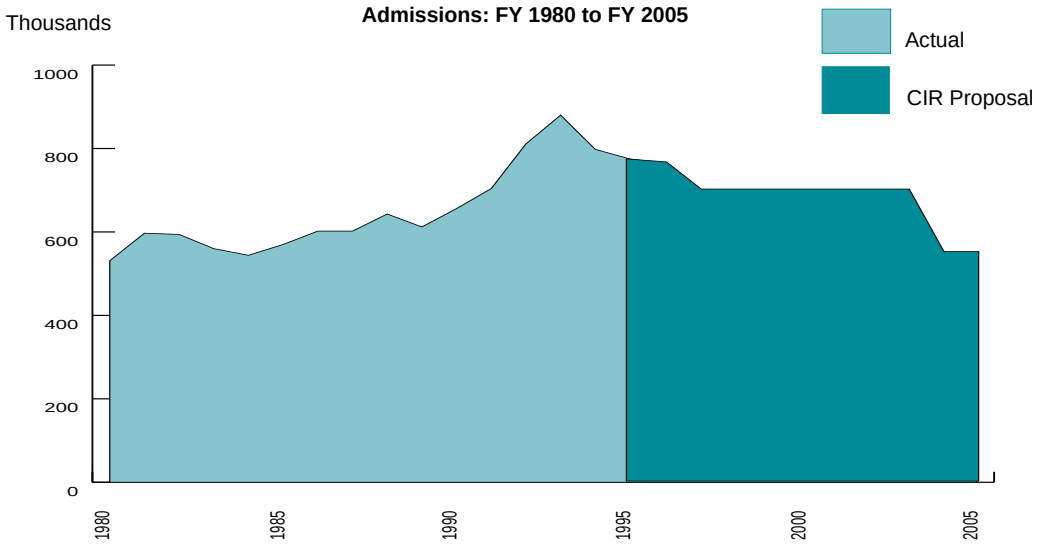
*Not including other humanitarian admissions, such as asylum adjustments.

Legal Immigration Levels

	Current		Proposed	
Category	Numerical Limits	FY 1996 Projected Use	Transition (5-8 years)	Core
Nuclear Family Admissions	480,000	480,000	550,000	400,000
Skills-based Admissions	140,000	100,000	100,000	100,000
Refugee Resettlement*	Variable	90,000	50,000**	50,000**
Diversity	55,000	55,000	0	0
TOTAL		**725,000**	**700,000**	**550,000**

*Does not include asylum claimants or other humanitarian admissions.
**50,00 is a target that can be exceeded in an emergency or with direct and affirmative participation by Congress.

Legal Immigration Admissions



Includes refugees who have adjusted to lawful permanent resident. Does not include IRCA legalization beneficiaries.
Source: Immigration and Naturalization Service, Statistics Division

Nuclear Family Immigration

Immigration supports the national interest by promoting strong and intact nuclear families—that is, the basic social unit consisting of parents and their dependent children living in one household. Immigration contributes to this national interest by permitting the entry of *close* family members of U.S. citizens and permanent residents who otherwise may be separated for years. Immigration policy also can contribute to the strength of U.S. families by ensuring that immigrants receive any needed financial support from their own relatives and, thus, impose no financial burdens upon the taxpaying public.

Immigration policy can promote strong and intact nuclear families —while ensuring that family unification poses no public financial burdens.

The Commission recommends:

A prioritization of family relationships to determine who will be admitted through family-based immigration, with admission numbers going to those who are of the highest priority. Only to the extent that visas are available after the demand in higher priorities is met should visas be made available to lower priority categories. Following this reasoning, the Commission makes further recommendations.

- **Spouses and minor children of U.S. citizens should continue to be admitted as the first priority.** Also to be admitted under this priority are the small number of adult children dependent on U.S. citizen parents because of a mental or physical disability. This policy permits the expeditious entry of the closest family members while reinforcing the notion that citizenship confers additional benefits on those who become fully participating members of our polity.

- **Parents of U.S. citizens should be admitted as the second priority.** This permits adult children to sponsor their

parents, most of whom are past working age. However, the Commission is mindful of the potential negative impacts that the entry of parents may pose for the U.S. taxpayer if these individuals utilize Supplemental Security Income, Medicaid, and similar programs. Therefore, ***the Commission believes that continued admission of parents should be contingent on a legally enforceable affidavit of support***. The affidavit should ensure that parents who are unable to work enough quarters to become eligible for Social Security or Medicare do not become a burden to taxpayers through use of SSI, Medicaid, or equivalent state and local services. Further, the Commission recommends that affidavit signers (petitioners and, if necessary, coguarantors) should provide:

The backlog in nuclear family admissions, which results primarily from IRCA, can be cleared without creating another waiting list.

Verifiable assurance that they indeed have the capacity to provide what may be a lifetime of financial support to the parent immigrants; and

Verifiable assurance of the purchase of what may be lifetime health coverage for the parent immigrants (obtained either privately or through buying into Medicare, which the government should make available at an actuarially fair price).

- **Third priority should be allocated to spouses, minor children, and adult physically or mentally dependent children of legal permanent residents [LPRs].**

The Commission further recommends sufficient additional numbers, on an interim basis, to eliminate the backlog in the category for admission of spouses and minor children of LPRs. We believe that this backlog, which results primarily from the Immigration Reform and Control Act, can be cleared without creating another waiting list.

By the end of this fiscal year, 824,000 spouses and minor children of aliens legalized under IRCA will be waiting for visas. The number of new applications has fallen to only a handful for this group. However, since the filing of applications by the legalization beneficiaries, a backlog of 279,000 (or about 80,000 per year) spouses and minor children of other LPRs has developed. Under our current system, it would take more than a decade to clear the backlog, even with substantial naturalization. In the meantime, when an LPR sponsors a spouse and/or minor child, that individual goes to the end of the waiting list of 1.1 million.

We believe that priority for clearance of the backlog should go first to the spouses and minor children of LPRs who entered lawfully under the regular immigration preferences. Only afterwards should expedited admission be offered to the spouses and minor children of LPRs who entered under one of the legalization provisions of the Immigration Reform and Control Act.

The Commission recommends this separate treatment of the family members of those who became permanent residents through regular immigration and those who legalized under IRCA because:

- The circumstances are different for the two sets of spouses and minor children. Many of the families of the immigrants who legalized under IRCA are in the United States and, under the Family Unity provisions of the Immigration Act of 1990, have a quasi-legal status that permits their continued presence and work authorization. Many of the families of the other legal immigrants are separated, with their spouses and/or minor child(ren) living outside the United States.

- The legalized have already received special treatment in obtaining amnesty. To further reward their earlier illegal

Family-Based Immigration: Categories and Admission Numbers

CURRENT LAW	
CATEGORIES	USAGE (FY 1994)
Unlimited Spouses/Minor Children of USCs	193,394
Unlimited Parents of USCs	56,370
First Preference Adult Unmarried Sons/ Daughters of USCs	13,181
Second Preference 2A-Spouses/Children of LPRs (88,673) 2B-Adult Unmarried Sons/ Daughters of LPRs (26,327)	115,000
Third Preference Adult Married Sons/ Daughters of USCs	22,191
Fourth Preference Brothers/Sisters of USCs	61,589
TOTAL	**461,725**

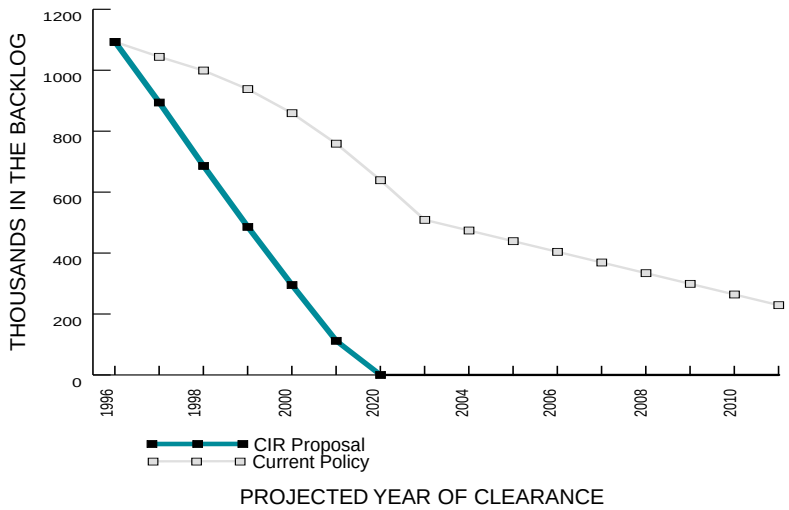
CIR RECOMMENDATIONS		
CATEGORIES	ADMISSIONS (Transition)	ADMISSIONS (Core)
First priority Spouses/Minor Children of USCs	up to 400,000 (current usage about 200,000)	400,000
Second priority Parents of USCs	400,000 less number admitted under first priority (current usage about 55,000)	400,000 less number admitted under first priority
Third priority Spouses/Minor Children of LPRs	400,000 less number admitted under first and second priorities plus 150,000 for backlog clearance	400,000 less number admitted under first and second priorities
TOTAL	**550,000**	**400,000**

entry by giving equal or higher priority to the entry of their relatives sends the wrong message at a time in which the U.S. must obtain greater control over unauthorized entry.

- As of December 31, 1995, most legalized aliens will be eligible to naturalize. As citizens, they will be able to expedite the admission of their spouses and minor children without using the additional visas earmarked for LPRs.

The Commission believes that the addition of 150,000 visas will permit the elimination of the regular LPR beneficiary backlog within three years and the legalization beneficiary backlog in five to eight years. Thereafter, the entry of all spouses and minor children of LPRs should be possible within a year of application under the proposed 400,000 admissions ceiling on family-based immigration.

Elimination of the Backlog: Spouses and Minor Children of Legal Immigrants



Includes projected admission upon naturalization of the petitioner.
Source: Department of State, Visa Office

The Commission recommends elimination of other family-based admission categories, including:

Adult, unmarried sons and daughters of U.S. citizens;

Adult, married sons and daughters of U.S. citizens;

Adult, unmarried sons and daughters of legal permanent residents; and

Siblings of U.S. citizens.

The Commission acknowledges that many individuals in these categories have contributed to U.S. society. Nevertheless, it is necessary at this time to emphasize the reunification of nuclear families. The elimination of these categories should take place one year after the date that legislation is enacted to accomplish this purpose. In this way, the plans of U.S. families that are on the verge of reunifying with their foreign siblings and adult children will not be unfairly disrupted.

The Commission recommends elimination of these categories for several reasons.

- The numbers now used to admit these individuals in more extended family relationships could be used instead to reduce the waiting time for closer family members without raising the overall levels of immigration.

- Elimination of these preferences will remove extraordinary backlogs that now undermine the credibility of our policy. Credible immigration policy should not give false hopes to applicants. An individual now applying under the sibling category, for example, could not expect to enter the U.S. legally for more than a decade. Applicants

from the Philippines face the longest waiting period—as much as forty years for those applying today.

- Unless there is a compelling national interest to do otherwise, immigrants should be chosen on the basis of the skills they contribute to the U.S. economy. The Commission believes that admission of nuclear family members and refugees provide such a compelling national interest. Reunification of adult children and siblings of adult citizens solely because of their family relationship is not as compelling.

The Commission recommends amendment of Section 201(c) of the Immigration and Nationality Act [INA] to provide that otherwise unused immigrant visa numbers for a fiscal year be made available to people who have a priority date that would entitle them to processing in that year but who were not issued visas.

Given the large backlog of spouses and minor children, all efforts should be made to ensure their expeditious entry by fully utilizing authorized visas. Under current policy visas unused because of administrative delay or personal reasons are lost. Allowing such unused visas to be made available to otherwise eligible immigrants after the end of that fiscal year ensures that all the visas allocated for family-sponsored immigrants would be used and charged to the given fiscal year. The new fiscal year visa numbers would not reflect an increase in visas allocated over the annual worldwide limit for family-based immigration.

For example, if 400,000 visas were allocated for family-sponsored immigrants in FY 1997, and during that year only 390,000 visas were issued because 10,000 immigrants were delayed beyond the end of the fiscal year, the remaining 10,000 visas could be issued to the delayed or other eligible aliens during the next fiscal year but would

count toward the original year. Under the proposed amendment, the Department of State could charge to FY 1997 all visas allocated in that year even though the visas themselves might not be issued in FY 1997. As the recommendation affects only aliens already entitled to a visa, annual number limitations would not be exceeded.

The Commission further recommends that the INA be amended to address better the aging-out problem of certain aliens. One unfortunate side effect of waiting lists is the aging-out of minor children who become adults while awaiting their already approved petition. This issue, which arises particularly in the case of the minor children of legal permanent residents, will become even more of a problem with the elimination of admission opportunities for adult children. For example, the minor child of a legalized alien may have been granted Family Unity status with the understanding that eventually a visa would be available. Under current law, a child who has aged-out would rarely be deported but is no longer eligible for permanent residence as a minor child. A provision stating that "a person entitled to status at the time a petition is approved shall continue to be entitled to that status regardless of his or her age" would allow such applicants to retain their eligibility for immigrant visas.

The benefits of immigration for U.S. global competitiveness must be balanced with policy that develops a U.S. workforce with the skills necessary to compete in the global economy.

Skill-Based Immigration

Immigration can support the national interest by bringing to the U.S. individuals whose skills would benefit our society. It also can help U.S. businesses compete in the global economy. This national interest in the competitiveness of business must be balanced by an equally compelling national interest in developing a U.S. workforce that has the skills necessary to compete in the global economy. Immigration policy can contribute to this national interest by:

- Focusing on the admission of highly-skilled individuals;
- Giving employers access to a global labor market when they cannot identify U.S. workers with knowledge and expertise required for a specific job or when they demonstrate a labor shortage that cannot be filled through short-term training programs;
- Helping companies conducting business, both in the United States and internationally, to reassign personnel as needed to maintain their competitiveness;
- Encouraging entrepreneurial activities and other investment in the United States aimed at creation of jobs;
- Providing a means of ensuring that U.S. workers are not displaced or otherwise adversely affected by the entry of foreign workers; and
- Providing incentives or penalties to help ensure that employers in the U.S. engage in serious recruitment of American workers (for example, national rather than local recruitment where appropriate) and contribute significantly to the training of the domestic U.S. workforce.

Offers of employment to foreign workers should be conditioned on an appropriate test of the domestic labor market to ensure that qualified American workers are not displaced or otherwise adversely affected.

The Commission recommends that the preferences for the admission of skill-based immigrants be reorganized to establish two categories: those subject to a labor market test, which we would expect to be the norm; and those who, for significant and specific policy reasons, should be exempt from such a labor market test. Labor market testing requires a demonstration that a business has a *bona fide* need for the skills of a foreign worker and cannot find a qualified U.S. worker or one who could be readily trained for the intended job.

Skills-Based Immigration: Categories and Admission Numbers

CURRENT LAW

Categories	Usage (FY 1994)
FIRST PREFERENCE Aliens with Extraordinary Ability Outstanding Professors/Researchers Multinational Executives and Managers	21,053
SECOND PREFERENCE Professionals with Advanced Degrees	14,432
THIRD PREFERENCE Skilled Workers (2 years training/experience) Professionals with Baccalaureate Degrees	46,269
FOURTH PREFERENCE Ministers and Religious Workers	7,946
FIFTH PREFERENCE Investors (Entrepreneurs)	444
TOTAL	**90,134**

CIR RECOMMENDATIONS

Categories	Admissions (proposed)
LABOR MARKET TEST EXEMPT Aliens with Extraordinary Ability Multinational Executives and Managers Entrepreneurs Ministers and Religious Workers (Limited to current usage, about 8,000)	Up to 100,000 (current usage about 30,000)
LABOR MARKET TESTED Professionals with Advanced Degrees (Including professors and researchers who do not meet the definition of "extraordinary") Professionals with Baccalaureate Degrees Skilled Workers (5 years specialized experience)	100,000 less number admitted in exempt category (current usage about 60,000)
TOTAL	**100,000**

Exempt workers should include those individuals whose entry will generate economic growth and/or significantly enhance U.S. intellectual and cultural strength without undermining the employment prospects and remuneration of U.S. workers. The following individuals should be exempt:

Individuals at the very top of their chosen field whose extraordinary ability in the sciences, arts, education, business, or athletics is demonstrated by sustained national or international acclaim and whose achievements have been recognized through extensive documentation, or individuals who have demonstrated the potential for extraordinary achievement in their chosen field through extensive documentation, including the receipt of internationally-recognized prizes and the testimony of appropriate experts;

Managers and executives of international businesses whose expertise contributes to U.S. global competitiveness. Greater safeguards must be put in place to ensure that only *bona fide* international businesses benefit from this policy;

Entrepreneurs whose active investment in new commercial enterprises generate a significant number of jobs for American workers in the United States;

A limited number of individuals ordained by a religious denomination and other religious workers who have carried on the religious vocation abroad during the two years immediately preceding the application for admission and who are members of a religious denomination having a *bona fide* nonprofit, religious organization in the United States that sponsors them.

Labor market-tested foreign workers permitted to immigrate to the United States under these categories should include only those

who have attained a baccalaureate or higher academic degree or those who are needed to fill jobs that require a high level of specific skills above the entry or journeyman level. Categories that would require a test of the domestic labor market include:

Professionals with advanced degrees, including professors and researchers who do not meet the definition of "extraordinary;"

Professionals with baccalaureate degrees, and skilled workers with a minimum of five years of specialized work experience, whose admission should be scrutinized strictly to ensure that they will have no adverse effect on similarly qualified U.S. workers.

We see little justification for admitting unskilled foreign workers into an economy that must find job opportunities for millions of unskilled U.S. workers.

The Commission recommends the elimination of the admission of unskilled workers. Unless there is another compelling interest, such as in the entry of nuclear families and refugees, it is not in the national interest to admit unskilled workers. This is especially true when the U.S. economy is showing difficulty in absorbing disadvantaged workers and when efforts towards welfare reform indicate that many unskilled Americans will be entering the labor force.

The Commission is not satisfied with current labor certification procedures because they are neither timely enough to meet the needs of employers with a *bona fide* interest in hiring a foreign worker nor effective in protecting the interests of U.S. workers. We seek to replace a failed and expensive regulatory system with one that is market-driven. (The cost to the federal government was about $70 million in 1992 and is estimated to be about $60 million in 1995.) ***The Commission recommends replacing the labor certification procedure with a more timely and effective labor market test.***

To demonstrate the *bona fide* need for a foreign worker and to increase the competitiveness of U.S. workers, **an employer should**

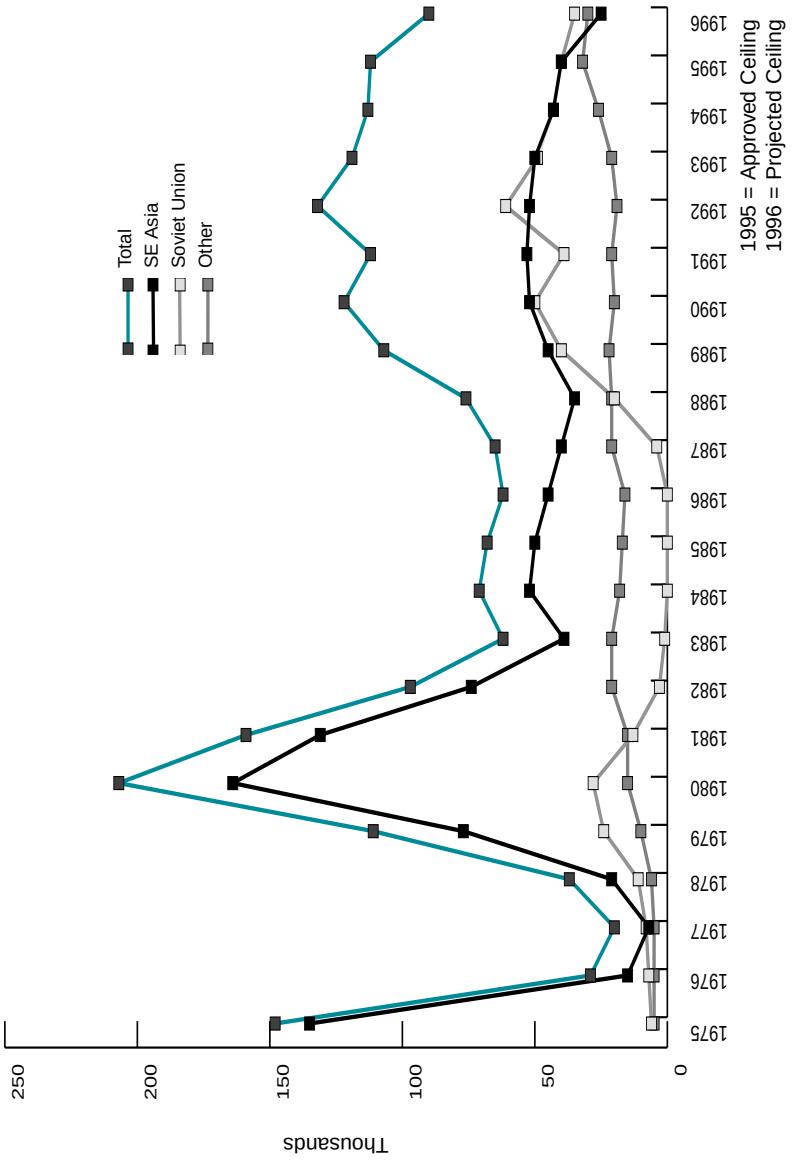
be required to pay a substantial fee, that is, make a substantial financial investment into a certified private sector initiative dedicated to increasing the competitiveness of U.S. workers, for example through education and training. Employers seeking to hire foreign workers already incur substantial financial costs and face lengthy processing delays. Under the Commission's proposal, the fee would go towards developing a well-trained U.S. workforce rather than supporting costly bureaucratic processes. To ensure that the employer, and not the foreign worker, pays the fee, penalties should be imposed upon violators.

Employers should demonstrate that they have engaged in appropriate attempts to find a qualified U.S. worker using normal company recruitment procedures that meet industry-wide standards and offering wages that are at least 5 percent above the prevailing wage.

The resulting permanent resident status so obtained should be conditional for a two-year period. Conditional status would be removed at the end of that period if the foreign worker is still employed by the same employer at the same or higher level and if the employer demonstrates that the attested wage has been paid. The law should specify conditions under which the foreign worker could obtain a waiver of the two-year requirement. For example, it could be waived in situations where unanticipated circumstances, such as layoffs or business failure, occur or where an employer's unfair labor practices would render the foreign worker subject to abuse. To prevent both fraud and abuse against workers, penalties should be authorized.

To provide greater flexibility and allow for market adjustments, the Commission recommends that skill-based visas not used in a fiscal year be carried over to the next year's skill-based numbers.

Refugee Admissions: 1975-1996



Source: U.S. Department of State, Bureau for Population, Refugees and Migration

Refugee Resettlement

The Commission strongly affirms that the United States should continue its commitment to resettle refugees as one of several elements of humanitarian protection for the persecuted. Refugee admissions fulfill a humanitarian commitment to provide protection and assistance to those who otherwise would be persecuted or endangered. The Commission recommends that, on an interim basis:

The U.S. should allocate 50,000 admission numbers each year to the entry of refugees from overseas (not including asylum adjustments);

Other than in emergency situations, refugee admissions could exceed the 50,000 admissions level only with more direct and affirmative participation by Congress than occurs in the current consultation process;

In the case of an emergency, the President may authorize the admission of additional refugees upon certification of the emergency circumstances necessitating such action. The Congress may override the emergency admissions only with a two-house veto of the Presidential action.

Refugee resettlement and other humanitarian admissions fulfill a commitment to provide protection and assistance to those who otherwise would be persecuted or endangered.

Allocating a set number of refugee admissions, with provisions to exceed this number in case of an emergency or other changed circumstances, ensures a continued U.S. commitment to resettlement, particularly following the expected closure of the current refugee programs in Southeast Asia and, possibly, the former Soviet Union. These two programs account for almost 80 percent of current resettlement (about 87,000 out of 112,000 admissions in FY 1994).

Reform of the current consultation process is needed to ensure Congressional oversight of decisions made to exceed the 50,000 limit.

The U.S. should take leadership in generating international responses to refugee crises, with particular focus on international burdensharing and regional solutions.

Current consultations are often *pro forma* and occur very late in the planning process. As discussed below, the Commission will provide recommendations on mechanisms for decisionmaking on numbers in a forthcoming report.

The U.S. should take leadership in generating international responses to refugee crises, with particular focus on international burdensharing and regional solutions. Future policies also must take into account the relative weight to be given resettlement versus the other avenues open to the United States to help protect and assist refugees worldwide, including support for repatriation of refugees to their homelands when conditions permit.

The Commission recommends a thorough assessment of the criteria used to admit refugees for resettlement and the procedures for their admission. The contexts for making future policy regarding refugee resettlement are in flux. The refugee resettlement program must be revamped to meet the needs of a post-Cold War world. Today extreme nationalism and ethnic conflicts produce massive population displacements while resolution of other conflicts is permitting large-scale voluntary repatriation. Resettlement criteria should take into account the protection of refugees who otherwise would be endangered in a country of origin or asylum and who would have no other alternatives.

The Commission is reviewing a variety of issues related to refugee resettlement, including: the priority system; in-country refugee processing; country-specific legislation; procedural issues; congressional and Executive Branch roles, including the consultation process; the role of international organizations; parole authority; and domestic assistance, including the role of the state and local organizations (e.g., nongovernmental organizations and voluntary agencies).

Specific recommendations on refugee resettlement—which may include modification of the above interim recommendations—will be included in a future Commission report. This report also will include recommendations related to immigration emergencies.

Nonimmigrant Admissions

The Commission believes that both permanent and temporary (nonimmigrant) admissions must be considered as part of an integrated immigration system. Although we are deferring specific recommendations on most nonimmigrant issues until we have completed a comprehensive review, we do note two areas of particular interest.

Temporary Workers and Foreign Students. The Commission intends to examine in depth the nonimmigrant temporary worker and foreign student systems and their relationships to permanent immigration. In particular, we will be looking at ways to simplify and achieve greater coordination in these systems and to make recommendations as a result of this study. A high percentage of applicants for permanent skill-based admission are already in this country on temporary work or student visas. Businesses that intend to petition for permanent visas for new hires frequently obtain temporary visas first because of long delays in processing. In addition, a significant number of individuals admitted for temporary study or work seek permanent jobs during their stay. As noted above, these categories of temporary admission must be seen as integral parts of a coherent legal immigration policy. The Commission will address these specific issues in a later report.

The categories of temporary admission must be seen as integral parts of a coherent legal immigration policy, and the Commission will address these specific issues in a later report.

The Commission is highly skeptical of the need for an agricultural guestworker program.

Agriculture Guestworker Program. ***The Commission believes that an agriculture guestworker program, sometimes referred to as a revisiting of the "bracero agreement," is not in the national interest and unanimously and strongly agrees that such a program would be a grievous mistake.***

First, the Commission is highly skeptical of the need for an agricultural guestworker program at this time or in the near future. Proponents of such a program have failed to demonstrate that a labor shortage is about to occur or that there are no means other than a guestworker program available to agricultural producers to obtain sufficient employees in their industry.

Guestworker programs effectively expand rural poverty. Moreover, guestworker programs are predicated on limitations on the freedom of those who are invited to enter and work. Experience has shown that such limitations are incompatible with the values of democratic societies. For that very reason, "temporary" guestworkers tend to become permanent residents, *de facto* or even *de jure*. The inconsistency between the stated intent of guestworker programs and their actual consequences cannot be ignored by policymakers who seek credibility in a reformed system.

Americanization

The Commission supports effective Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity. The United States is one of the most successful multiethnic nations in history. It has united immigrants and their descendants from all over the world around a commitment to democratic ideals and constitutional prin-

ciples. Those ideals and principles have been embraced by persons from an extraordinary variety of religious and ethnic backgrounds, partly because they permit and protect religious and cultural diversity within a framework of national political unity.

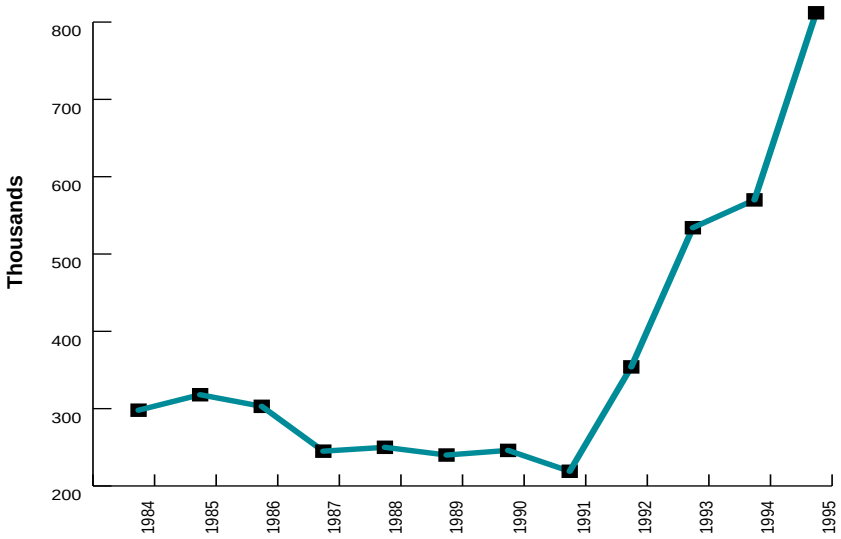
Religious and cultural diversity does not pose a threat to the national interest as long as public policies ensure civic unity. Such policies should help newcomers learn to speak, read, and write English effectively. They should strengthen civic understanding in the teaching of American history for all Americans. They should lead to the vigorous enforcement of laws against hate crimes and of laws to deter and to punish discrimination. Of course, such policies should encourage the naturalization of immigrants as the path to full civic participation.

At the same time, immigration to the United States should be understood as a privilege, not a right. Immigration carries with it obligations to embrace the common core of the American civic culture, to become able to communicate—to the extent possible—in English with other citizens and residents, and to adapt to fundamental constitutional principles and democratic institutions.

In its further deliberations, the Commission will consider other public policies that are believed by some to encourage ethnocentrism in the name of multiculturalism or to promote political separatism in the name of civil rights. For example: Do bilingual education and affirmative action as applied to immigrants and their children promote or diminish civic unity? Now that immigrants come from more than 160 nations and many more ethnic groups, it is extremely important that public policies facilitate, not inhibit, the Americanization of newcomers.

American democratic ideals and constitutional principles have been embraced by persons from an extraordinary variety of religious and ethnic backgrounds, partly because they permit and protect religious and cultural diversity within a framework of national political unity.

Naturalization Applications Filed Nationwide



Source: Immigration and Naturalization Service
Statistical Yearbook of the INS 1993

Naturalization is the most visible manifestation of civic incorporation. At present, there is greater interest in naturalization than there is a capacity to act upon this interest. Large backlogs must be overcome so that the nation can benefit from the growing commitment of immigrants to become American citizens.

The Commission strongly recommends that INS adopt and implement as a strategic goal the reduction of processing time and backlogs for naturalization while maintaining rigorous standards in processing applications. The Commission also urges Congress to appropriate sufficient resources to support the implementation of this strategic goal. Applicants for naturalization pay a fee designed to cover the costs of the application process. The fees go into an account dedicated to use for examinations. The Commission believes that naturalization applicants have the right to receive the timely

service that their fee represents. Naturalization fees should not subsidize other activities. Nor should an efficient naturalization procedure require a reallocation of resources from other priority functions. If the current fee is not adequate to cover the full costs of timely naturalization, it should be increased appropriately. Further, the Commission urges INS to:

Set a standard reasonable time frame for processing naturalization applications. The time frame should permit timely review of applications without lowering the standards for civics and English language knowledge or compromising the required background checks. The INS also should improve processes and policies, as well as allocation of resources, to establish a level of efficiency that can withstand fluctuations in volume.

Continue to recruit national and community-based organizations, both public and private, as well as employers, to assist in facilitating smooth operation of the processing of naturalization applications. These organizations have proved very helpful in prior partnerships with INS in: overseeing proper completion of applications; taking security check fingerprints; serving as testing sites for the required English and civics examinations; briefing applicants on procedures; providing less intimidating final interview sites; and reviewing files before interviews to make certain that examiners need spend time only on substantive interview issues.

Ensure that there are adequate numbers of personnel to complete naturalization processing efficiently. To reduce waiting periods in districts with backlogs, INS should reassign personnel and, where appropriate, designate examiners who will do naturalization interviews exclusively. In instances where an interview can be waived, INS should permit naturalization appli-

cations to be filed, reviewed, and approved at one of its four Regional Service Centers.

Carefully scrutinize the naturalization applications of all Special Agricultural Workers [SAW] to assure that their original SAW status was properly granted. Reports of widespread fraud in this program require such special attention to applications for U.S. citizenship by SAW legalization beneficiaries.

The Commission urges both the public and private sectors to assist legal immigrants in their preparation for naturalization.

The Commission urges private industry, churches, community groups and individual volunteers to redouble their efforts to provide English language instruction and civics education to immigrants. The current increased interest in naturalization presents an opportunity to use instruction in English, U.S. history, and civics to help immigrants participate more fully in the life of the community. Private sector initiatives would fill current gaps in such services. These programs also would benefit the providers, particularly businesses, who would gain from a workforce better able to communicate in English.

The Commission supports targeted outreach programs aimed at informing eligible immigrants about the requirements for naturalization. Outreach programs are critical to civic incorporation. They encourage immigrants to want to become citizens and help ensure awareness of opportunity and equitable access to information about naturalization.

CONCLUSION

These interim conclusions and recommendations on legal immigration to the United States are a first step in the Commission's examination of the implementation and impact of our legal immigration system. Together with our earlier recommendations on illegal immigration, they seek to restore credibility to our immigration policies.

This report defines the national interest in immigration. It outlines mechanisms that permit the expeditious entry of those who are of highest priority for admission while mitigating potential harmful effects on U.S. communities and vulnerable populations.

The Commission continues our longer-term investigation of the impact of legal immigration on the United States. Based on the results of these studies, the Commission expects to make further recommendations on legal immigration in our final report to Congress in 1997.

This report outlines mechanisms that permit the expeditious entry of those who are of highest priority for admission while mitigating potential harmful effects on U.S. communities and vulnerable populations.

1997
REFUGEE
POLICY

U.S. Refugee Policy: Taking Leadership

A Report to Congress

JUNE 1997

U.S. COMMISSION ON IMMIGRATION REFORM

June 5, 1997

The Honorable Newt Gingrich, Speaker of the House of Representatives
The Honorable Richard A. Gephart, Minority Leader of the House of Representatives
The Honorable Trent Lott, Majority Leader of the Senate
The Honorable Thomas A. Daschle, Minority Leader of the Senate

On behalf of the U.S. Commission on Immigration Reform, it is my pleasure to submit our interim report on U.S. refugee policy.

This Commission was mandated by the Immigration Act of 1990 [Public Law 101-649] to examine and make recommendations regarding the implementation and impact of U.S. immigration policy. Refugee admissions, mass migration emergencies, and asylum constitute important components of U.S. immigration policy that must be considered in the context of both their domestic and international ramifications.

To learn about the domestic effects of U.S. refugee policy, the Commission held public hearings and consultations in such diverse sites as Seattle, Washington; Orange County and Fresno, California; St. Louis, Missouri; Lowell, Massachusetts; and Miami, Florida. To better understand the international aspects of our policies, the Commission undertook site visits to Bosnia, Croatia, Germany, Haiti, Cuba, and Kenya, in addition to holding discussions with representatives of the U.N. High Commissioner for Refugees [UNHCR] and the International Organization for Migration [IOM] in Geneva and in field offices.

The U.S. is entering an era that requires changes in our refugee policy. The end of the Cold War has ushered in new challenges along with new opportunities to promote policies that address the causes and consequences of refugee movements. The recommendations in this report promote a comprehensive and coherent U.S. refugee policy that will permit the U.S. to assert international leadership and implement responsible

domestic programs. The U.S. government must have the capacity to detect the causes of the movements early on to better prevent them through political, diplomatic, and economic initiatives; to assist in caring for and protecting the refugees overseas who are forced to leave their countries; to resettle effectively the few for whom U.S. resettlement is the only or best option; to adopt a viable plan to respond to mass migration emergencies that immediately affect our own nation; and to operate an effective asylum system that protects the *bona fide* refugee while deterring those who are not. Because domestic and international policies affect and are affected by each other, this report emphasizes the need for White House leadership in coordinating and overseeing decisionmaking on refugee policy throughout the federal government.

The Commission could not have produced this report without the cooperation of the Executive Branch and both Houses of Congress. We look forward to working with the Senate and House subcommittees responsible for immigration and refugee policy, as well as the federal agencies responsible for administering our refugee programs. The Commission also thanks the many representatives of state and local government and private agencies who shared their experiences and perspectives regarding refugee policy and its implementation.

Our special thanks go to the UNHCR and IOM for making our overseas site visits so productive. The field staff of these international agencies, along with the nongovernmental agencies with whom they work in providing assistance to refugees, displaced persons, and returnees, truly exemplify professionalism and competence, often under the most trying circumstances. We hope these recommendations will help them in their important work.

Sincerely,

Shirley Mount Hufstedler
Chair

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1997 REFUGEE POLICY

Somali "women at risk,"
Kakuma refugee camp in Kenya
[Photo: CIR staff]

Destroyed home, Sarajevo
[Photo: CIR staff]

U.S. COMMISSION ON IMMIGRATION REFORM

INTRODUCTION

Since its very beginnings, America has been a refuge for the persecuted—a "city on the hill" beckoning the victims of political, religious, ethnic, and other forms of repression. That tradition continues to this day. Through both our admissions policies and, equally importantly, through our support for international protection and assistance, the United States leads the world in responding to refugee and related humanitarian crises.

Since its very beginnings, America has been a refuge for the persecuted—"a city on the hill" beckoning the victims of political, religious, ethnic, and other forms of repression.

On its overseas site visits, the Commission witnessed the desperate plight of those forced to flee their homes. Existence in refugee camps is often tenuous. The Somali women of Dadaab, Kenya refugee camp, for example, face frequent rapes and assaults; many Sudanese adolescent males are dying from malnutrition-caused anemia; youngsters are forcibly recruited for military service; children born and raised in refugee camps have little hope for the future.

We also observed the daunting challenges faced by refugees able to return to their home countries. Though the Dayton Accords signaled the formal end to conflict in the former Yugoslavia, many refugees' homes, local schools, and medical facilities were destroyed; others are no longer welcome or safe in their old neighborhoods because a different ethnic group has taken them over. Haitian refugees have returned to greater political freedom, but their problems are far from over as their government tries to address the damage done by years of exploitation and neglect.

As new emergencies arise, and as new possibilities to avert or resolve refugee crises emerge, U.S. leadership faces new challenges and new opportunities. With the end of the Cold War, millions of refugees have been able to return to their countries of origin. Many more have been forced to leave their homes. In the 1990s, complex factors precipitated the population displacements in and from such

Chart 1.
Total Displaced Persons: 1996

Source: U.S. Committee for Refugees. *World Refugee Survey 1997*.

Chart 2.
Major IDP Populations: 1996

COUNTRY	NUMBER
Sudan	4,000,000
Afghanistan	1,200,000
Angola	1,200,000
Bosnia and Herzegovina	1,000,000
Liberia	1,000,000
Iraq	900,000
Sri Lanka	900,000
Sierra Leone	800,000
Colombia	600,000
Azerbaijan	550,000
Turkey	500,000 - 2,000,000
Burma	500,000 - 1,000,000
South Africa	500,000
Lebanon	450,000
Peru	420,000
Burundi	400,000
Russian Federation	400,000
Zaire	400,000
Georgia	285,000
Cyprus	265,000

Source: U.S. Committee for Refugees. *World Refugee Survey 1997*.

Chart 3.
Populations of Concern to UNHCR: 1995

*Others includes asylum seekers, persons in refugee-like situations who have not been formally recognized as refugees, UNHCR-assisted victims of armed conflict in the former Yugoslavia, various groups of concern in the Commonwealth of Independent States, and others similarly situated.

Source: UNHCR, Food and Statistical Unit, Division of Programmes and Operational Support

What is International Protection?

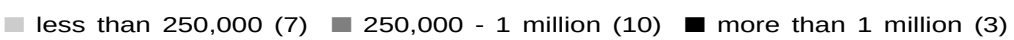
Most people can look to their own government to guaran-tee and protect their basic human rights and physical security. But in the case of refugees, the country of origin has proved itself unable or unwilling to protect those rights. UNHCR is mandated to ensure that refugees are protected by their country of asylum, and assists that government as far as possible in that task.

. . . [S]tates may not refoule, or forcibly return, refugees to a territory where they face danger. They may not dis-criminate between groups of refugees. They should ensure that refugees benefit from economic and social rights, at least to the same degree as other foreign residents of the country of asylum. Finally, states have an obligation to cooperate with UNHCR. And, for humanitarian reasons, states should permit the admission of at least the spouse and dependent children of any person to whom temporary refuge or asylum has been granted.

UNHCR. 1996. *Protecting Refugees: questions & answers*. Geneva.

Chart 4.
Major Refugee Source Countries: 1996

Palestinians 3,718,500*
Afghanistan 2,628,550*
Bosnia/Hercegovina 1,006,450*
Liberia 755,000*
Iraq 608,500*
Somalia 467,100*
Sudan 433,700
Sierra Leone 350,000*
Eritrea 343,100*
Vietnam 288,000
Croatia 300,000*
Burundi 285,000*
Rwanda 257,000
Azerbaijan 238,000*
Angola 220,000*
Tajikistan 215,600*
Armenia 197,000*
Burma 184,300*
China (Tibet) 128,000
Bhutan 121,800*



Source: U.S. Committee for Refugees. *World Refugee Survey, 1997.* [*Number reported from sources varies widely.]

varied places as Bosnia, Rwanda, Liberia, Afghanistan, Chechnya, and Albania. These complex movements require equally complex responses both to resolve the existing crises and to avert future emergencies. Repatriation, reconstruction, and democracy-building efforts in Central America, Cambodia, Haiti, Bosnia and elsewhere point to the significant investment in time, money, and personnel required to bring stability to these troubled areas and, thereby, avert future crises.

The vast majority of the refugees and displaced persons from these and other countries remain within their own region. Increasingly, they are internally displaced within their own countries. The U.S. Committee for Refugees [USCR] estimates that at present there are 14.5 million refugees and asylum seekers worldwide, with almost 19 million additional persons who are internally displaced [IDPs]. By contrast, in the early 1980s, USCR counted fewer than 10 million refugees worldwide and did not even estimate the number of IDPs. While most refugees fall under the United Nations High Commissioner for Refugees [UNHCR] mandate, only a small minority of the internally displaced persons receive international assistance and protection. They become of concern to the UNHCR as a result of a request from the Secretary General or competent organs of the United Nations or because of their proximity to assisted refugee and returnee populations. The UNHCR reports 26 million "persons of concern"—including more than 13.2 million refugees, 4.6 million internally displaced persons, 3.3 million returnees still in need of assistance and protection, and 4.9 million other persons of concern.

Resident of Gasinci refugee camp in Bosnia [Photo: CIR staff]

By contrast, even the largest U.S. resettlement program of the past two decades—that of Southeast Asian refugees—brought no more than 168,000 refugees to this country in any one year. During the same period, the U.S. generally saw fewer than 100,000 asylum seek-

Chart 5.
Major Destinations of Refugees and Asylum Seekers: 1996

Source: U.S. Committee for Refugees. *World Refugee Survey, 1997.* [*Number reported from sources varies widely.]

ers per year come directly to our shores. This is not to say that these arrivals do not have profound consequences both positive and negative for the U.S. communities in which they reside. The Mariel boatlift in the early 1980s saw more than 125,000 Cubans arrive within weeks. Similarly, the more sustained movements of refugees from southeast Asia and the former Soviet Union continue to pose challenges and provide opportunities to this country. Nonetheless, the comparison between the number of international refugees and the numbers of those resettled in the U.S. underscores that nearly all refugees will remain outside of this country—a reality that U.S. refugee policy must reflect.

A majority of the world's refugees are in Africa and the Middle East. By USCR's count, Africa has more than 3.6 million refugees (down from 5.2 million in 1995 largely because of the recent return of Rwandans from Zaire [now Congo]) and the Middle East almost six million. Major source countries in Africa include Rwanda, Burundi, Liberia, Somalia, Sierra Leone, Sudan, and Eritrea. Each of these countries also has large numbers of internally displaced persons and returnees. Afghans, Iraqis, and Palestinians represent the major refugee groups in the Middle East. Europe follows with more than two million refugees, largely from the former Yugoslavia. South and Central Asian countries host another one million plus refugees, primarily from Afghanistan. Perhaps because of growing support for democracy, there has been a marked downturn in refugee movements in East Asia, Latin America, and the Caribbean, with exceptions such as the flight of Burmese to Thailand.

Despite the small percentage of the world's refugees who can be resettled in the United States, U.S. resettlement policies nevertheless can greatly influence the international response to refugees. U.S. pledges of resettlement and support for the protection mandate of UNHCR encourage other nations to provide first asylum to new arrivals and serve as an example to other resettlement nations.

Who Is a Refugee?

[A refugee is] any person who is outside any country of such person's nationality, or in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or . . . any person who is within the country of such person's nationality . . . and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term "refugee" does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, member-ship in a particular social group, or political opinion.

Immigration and Nationality Act Section 101a(42)

Conversely, other countries point to U.S. decisions to interdict and return individuals without screening their claims about persecution as justification for their own refusal to accept asylum seekers.

U.S. adherence to international norms for the protection of refugees is essential to a well-functioning international system. The Commission believes U.S. policies should recognize that persons in life-threatening situations or subject to serious bodily harm who do not qualify under the refugee definition may also need protection and assistance from the United States.

The recommendations in this report support a comprehensive and coherent U.S. refugee policy that will permit the U.S. to assert international leadership and implement responsible domestic programs. The U.S. government must have the capacity to detect the causes of the movements to better prevent them through political, diplomatic, and economic initiatives; to assist in caring for and protecting the refugees overseas who are forced to leave their countries; to resettle the few for whom U.S. resettlement is the only or best option and provide sensible transitional assistance to them; to operate an effective system for protecting *bona fide* asylum seekers in the U.S. while deterring those who are not; and to adopt a humane and effective plan to respond to mass migration emergencies that immediately impact our own nation. Because domestic and international policies affect, and are affected by, each other, this report also emphasizes the need for White House leadership in coordinating and overseeing decisionmaking on refugee policy throughout the federal government.

RECOMMENDATIONS

A FOCAL POINT FOR U.S. LEADERSHIP

Demonstrating leadership in a new era requires that the U.S. government develop a coordinated, comprehensive approach to refugee policy and its implementation. This leadership will exert maximum effect if it comes from the White House.

The Commission recommends the designation of an office within the National Security Council to serve as the White House focal point for overseeing and coordinating all aspects of U.S. policies regarding domestic and international refugee and related humanitarian issues. The responsibility for refugee and related humanitarian issues now is divided among agencies scattered among several Cabinet-level departments. For example, the Department of State has lead responsibility for setting and implementing policies related to international refugee and humanitarian assistance and protection. The Department of Justice sets and implements asylum policy and the Department of Health and Human Services oversees the domestic assistance program for resettled refugees. Each department faces separate issues, but their overlapping areas of interest necessitate a high level of coordination to accomplish smooth, effective operations.

The National Security Council, in consultation with the Domestic Policy Council, is particularly well-suited to make sure that appropriate weight is given to national security, foreign policy, domestic interests, and humanitarian concerns.

When refugee crises emerge, more than coordination is needed. Generally, only the President can make the final decision to put U.S. diplomatic, financial, and even military resources behind efforts to address major crises such as those that have occurred in the Great Lakes region of Rwanda, Zaire [Congo], and Burundi, and in Bosnia, Somalia, and northern Iraq.

Designation of a focal point within the National Security Council [NSC] will help ensure that the President receives the best intelligence needed to make informed decisions during international cri-

ses and mass migration emergencies involving U.S. borders and ports. The NSC, in consultation with the Domestic Policy Council, is particularly well-suited to make sure that appropriate weight is given to national security, foreign policy, domestic interests, and humanitarian concerns. The NSC focal point would have an opportunity to assess and comment on the implications of various policy decisions for possible humanitarian crises, as well as alert the President and Cabinet members to looming crises that require early attention. The NSC has the confidence of the President in policy judgments and it can bring the key Executive Branch decisionmakers to the table in critical situations.

Bosniac children at Gasinci refugee camp [Photo: CIR staff]

The Administration has taken steps in this direction with the designation of a Special Assistant to the President and Senior Director of the National Security Council for Democracy, Human Rights, and Humanitarian Affairs. Responsibility for refugee policy should be institutionalized at the NSC. And, the office should be provided the necessary resources and personnel to coordinate federal programs related to early warning of refugee and related humanitarian emergencies, preventive actions that address the causes of such crises, humanitarian assistance to refugees and internally displaced persons, U.S. resettlement of refugees, migration emergency planning, U.S. asylum and temporary protection policies, and domestic assistance for refugees and others of humanitarian concern. The aim of the NSC office should be to maximize consistency in policy formulation on domestic and international issues, enhance coordination among the lead agencies in developing and implementing policies that cross lines of authority,[1] clarify accountability through a

[1] For example, through the formulation of a national strategy paper addressing all refugee issues.

coordinated review of appropriation requests of agencies implementing refugee programs, and expedite the appropriate tasking of agencies when an emergency arises.

Sudanese children in Kakuma refugee camp in Kenya [Photo: CIR staff]

INTERNATIONAL REFUGEE POLICY AND PROGRAMS

With the vast majority of the world's refugees and displaced persons remaining overseas, the U.S. must focus first and foremost on international refugee policy and programs. Our leadership can take many forms, including policy direction and guidance in international *fora*, financial contributions to assistance and protection programs, and last but not least, the example set through our own domestic refugee resettlement and asylum policies.

The Commission urges the federal government to continue demonstrating leadership in generating international responses to refugee and related humanitarian crises. The vast majority of the world's refugees and displaced persons are outside of the United States. The Commission is charged with taking a broad view of U.S. refugee policy to include not only domestic but also international policies and programs. The leadership the U.S. provides in responding to international crises is a key component of our refugee policy. The number of refugees and displaced persons requiring international assistance and protection continues to grow. Thus, the need for a continued, effective U.S. response remains. U.S. refugee policy should:

The number of refugees and displaced persons requiring international assistance and protection continues to grow. Thus, the need for a continued, effective U.S. response remains.

- **Anticipate and take action, when possible, to prevent** refugee and related humanitarian emergencies from occurring;

- **Respond in a timely, humanitarian, and effective manner** when their prevention is not possible;

- **Facilitate protection of and assistance to refugees** regardless of their location—that is, in countries of first asylum as well as at the border and in the interior of the United States;

- **Endeavor to ensure, to the extent practicable, humanitarian aid and protection to those who are internally or externally displaced** by other situations that threaten life or liberty; and

- **Seek durable solutions** (repatriation, local integration, or third-country resettlement) for those who require international protection and assistance so as not to perpetuate long-term refugee displacements.

Somali women residents of Kakuma refugee camp in Kenya [Photo: CIR staff]

The United States should serve these goals through:

- **Preventive diplomacy and other actions** that address the causes of refugee and related humanitarian emergencies and, thereby, reduce the likelihood of their occurrence;

- **Policy leadership** in the international refugee system through which the vast majority of refugees receive assistance, protection, and durable solutions;

- **Timely and appropriate finan-cial contributions** designed to address the causes, conse-quences, and solutions to refugee and related humanitarian emergencies;

Chart 6.
1997 U.S. Migration and Refugee Assistance Account

Source: Department of State, Bureau of Population, Refugees and Migration

- **Support for programs that target assistance and protection to the most vulnerable populations**, with particular regard for the needs of women and children who comprise the vast majority of the world's refugee and displaced populations; and

- **Clear, comprehensive, and consistent domestic refugee policies** that adhere to recognized international norms for the protection of refugees and others facing life-threatening situations.

Chart 7.
U.S. Contributions* Relative to Other Countries: 1996

COUNTRY	CONTRIBUTION $ PER CAPITA	CONTRIBUTION TOTAL $
Norway	$13.25	$58,297,834
Denmark	$12.60	$65,507,230
Sweden	$10.42	$91,731,953
Netherlands	$ 5.09	$78,875,566
Luxembourg	$ 4.72	$1,887,174
Switzerland	$ 4.63	$32,880,104
Finland	$ 3.32	$16,930,168
Liechtenstein	$ 3.17	$94,961
United States	**$ 1.47**	**$388,792,372**
Ireland	$ 1.38	$4,976,523
Belgium	$ 1.22	$12,483,315
Japan	$ 1.13	$142,633,003
Canada	$ 1.10	$33,085,740
United Kingdom	$ 1.10	$54,747,538
Australia	$ 1.03	$18,797,686
Kuwait	$ 0.83	$1,500,000
Saudi Arabia	$ 0.53	$10,300,000
Germany	$ 0.52	$43,454,808
Italy	$ 0.38	$21,559,888
Spain	$ 0.28	$10,886,661

Source: U.S. Committee for Refugees, *World Refugee Survey 1997*
*Contributions to UNHCR, IOM, and UNRWA.

The Commission reinforces the need for creative approaches to address issues that are now impeding effective responses to international refugee and related humanitarian emergencies. The most pressing of these are:

- **Early Warning of Humanitarian Crises.** Most humanitarian emergencies that generate large-scale movements of refugees and other displaced persons are predictable to some degree. Many people know that a potential crisis is brewing long before the first persons take flight. The key is to transform such generalized knowledge into the specific information needed for action plans to prevent the crisis, if possible, or to respond more effectively and quickly if not.

- **Preventive Actions.** Even more problematic than the capacity to sound early warnings is the will and capacity among national and international agencies to respond to them. Preventive action can involve a wide array of strategies, ranging from diplomacy, to economic sanctions to, as last resort, military intervention. While the United States is not the only country with the capacity to take such actions, our unique role as the remaining superpower makes it imperative that we understand how to use these tools most effectively and when it is in our national interest to do so.

Food distribution at Dadaab refugee camp in Kenya [Photo: CIR staff]

- **Emergency Responses.** Unfortunately, the circumstances that cause humanitarian emergencies often cannot be prevented. Despite decades of experience, however, emergency responses typically are "too little, too late." Prompt and effective responses can decrease illness and death resulting from starvation, overcrowding, disease, and lack of shelter. Early responses can limit the security risks to neighboring countries that sometimes result from the large-scale movements of people during conflict. And, they can diminish the later cost of addressing the consequences of failed assistance and protection policies.

- **Internally Displaced Persons.** Few humanitarian issues generate greater controversy and require more leadership than the situation of internally displaced persons who seek refuge within the borders of their own country. More individuals are internally displaced because of repression and conflict than have sought or obtained refuge in other countries. In some cases, they remain in danger in their own countries because of an unwillingness on the part of

neighboring countries to permit them to enter and seek asylum. Above all, there is a need for a clearer picture of the rights of IDPs to protection and assistance and the responsibilities of states and the international community towards them. More effective strategies to reach and provide assistance and protection to IDPs should be developed. These strategies should include guidelines and rules of conduct to help determine when, under what circumstances, and by whom to provide aid to IDPs and to help ensure that aid does not become politicized or serve to fuel a conflict.

■ **Protection of Aid Workers.** In recent years, staff of the international organizations, government agencies, and nongovernmental organizations providing assistance to refugees and internally displaced persons have come under deadly attack. Agencies such as the International Committee of the Red Cross [ICRC] that have had long histories of operating safely on both sides of conflicts are now increasingly the targets of armed reprisals from military and paramilitary forces. Sometimes the attacks have led to the death of humanitarian aid providers and forced others to depart, leaving refugees and IDPs without outside help. Violent attacks upon humanitarian workers are wholly unacceptable; the protection of aid workers must be given high priority if effective assistance and protection is to occur.

Rwandan refugees return from Tanzania. [A/P/Wide World Photos]

■ **Durable Solutions for Refugees and Internally Displaced Persons.** The decade of the 1990s has seen the end to many refugee

and related humanitarian crises. Yet far too many inidividuals remain externally or internally displaced because of continuing conflict or repression in their home countries. Expanding repatriation opportunities while promoting local integration and third-country resettlement for those who cannot return home will help ensure that millions of refugees are not left without permanent solutions to their plight.

- **Institutional Roles and Relationships.** A number of these issues fall between the cracks of the U.S. government and international systems, producing conflicts or leaving gaps in institutional responsibility. Sometimes, too many agencies vie for participation; at other times no one steps forward to assume responsibility. Too often, the few agencies willing and able to assist and protect the victims of humanitarian crises become overextended. U.S. leadership in setting out a more effective humanitarian response system would help correct these problems.

- **International Responsibility.** A broader sharing of responsibility and commitment towards refugees will increase the effectiveness of responses to refugee and related crises. No one country, the United States included, has either the resources or the capacity to undertake all of the tasks necessary to prevent or respond effectively to refugee crises. The United States should lead efforts to develop more effective mechanisms for sharing of responsibility among nations able to do so.

As a matter of urgency, the Commission calls on the President to establish a senior-level taskforce, under the leadership of the NSC, to set criteria and guidelines for the involvement of U.S. military forces in humanitarian operations related to refugees and IDPs. In the past, the U.S. military occasionally has been involved in providing humanitarian assistance

to victims of conflicts or natural disasters. Since the end of the Cold War, however, as crises continue but superpower conflicts no longer impede international action, the U.S. military has been involved in numerous complex contingency operations. These have involved humanitarian as well as the more typical political and security aspects (e.g., Iraq, Somalia, Haiti, former Yugoslavia, etc.). The U.S. military also has continued to provide critical logistical support to the increasing numbers of humanitarian operations. Military resources and facilities have even been used to interdict and, in the case of Guantanamo Naval Base, to process and protect migrants.

U.S. military loads flour for Sarajevo [Department of Defense photo]

The military is likely to continue to be involved in humanitarian operations, at least in the near future. Although the U.S. government has developed criteria for the participation of military forces in peacemaking and peacekeeping operations, similar guidelines have not yet been promulgated for the broader array of humanitarian operations to provide assistance and protection in situations related to refugees or IDPs.

These situations pose specific challenges that go beyond those encountered in providing logistical support. For instance, a humanitarian response to flood victims may only require airlifting supplies or feeding people. Though such efforts can require demanding logistical planning and difficult operations, they tend to be far less complex than negotiating access with warlords, preventing the hijacking of supply convoys, or defending the lives of relief workers—all of which occur in protection situations. The crisis in Zaire [Congo] highlights the many complex issues. Rwandan refugees have been threatened not only by the domestic Zairian [Congo] conflict but also by Rwandan military and militia forces operating in Zaire

[Congo]. The plan for a multinational humanitarian force, including U.S. military, was put on hold in December 1996 when the majority of Rwandan refugees repatriated spontaneously, but as of the spring of 1997, the situation remained fluid with several hundred thousand refugees remaining in Zaire [Congo], largely out of reach of humanitarian refugee assistance.

The proposed taskforce would cover such issues as: recommending criteria for determining if and when military intervention is in the U.S. national interest; developing criteria for initial engagement and later disengagement; formulating a code of conduct during deployment to include, at a minimum, an absolute right of self-defense; analyzing the effects of the humanitarian assistance on the situation on the ground; evaluating the interaction between the humanitarian operations and political and diplomatic efforts; devising necessary training; delineating agency responsi-bilities and a chain of command; and clarifying funding issues. Among others, the taskforce should include the Secretary of State, the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of Central Intelligence, as well as key leaders of Congress, inter-national and nongovernmental organiza-tions and religious institutions.

U.S. soldier in Haiti gives medical assistance [Department of Defense photo]

MASS MIGRATION EMERGENCIES

The Commission reiterates its view (expressed in its 1994 report) that a credible immigration policy requires the ability to respond effectively and humanely to migration emergencies in which large numbers of people seek entry into the United States. Failure to act appropriately and

in a timely manner can have profound humanitarian consequences. Further, an uncontrolled emergency can overwhelm resources and create serious problems that far outlast the emergency. The Commission believes that the recommendations below will facilitate the ability to respond effectively and humanely.

Failure to act appropriately and in a timely manner during mass emergencies can have profound humanitarian consequences, overwhelm resources, and create serious problems that far outlast the emergency.

The Commission recommends establishment of a regional temporary protection system. The creation of a regional protection system is by far the best option to provide temporary protection outside of the U.S. to individuals fleeing armed conflict and/or upheavals that pose serious threats to life or liberty. The U.S. government learned valuable lessons during the Haitian and Cuban migrations in 1994. First, we can and should protect those fleeing oppressive regimes or life-threatening danger. Second, we can and must do so without precipitating the migration or admission of large numbers of those who only seek a better economic life in the U.S. Third, we can engage regional neighbors in providing protection. The Commission believes that the U.S. should build on this experience now so that, in accordance with both our commitment to humanitarian principles and our role as an international leader on refugee policies, we can make all feasible efforts to protect, at least on a temporary basis, individuals who fear return to their home countries because of armed conflict and other serious civil disruptions.

The U.S. should be working hard now—when we are not immediately affected by a mass migration crisis—on ways to address the political, fiscal, and technical problems that may impede efforts to establish a regional system to deal with likely future crises. Establishing such a system will take time, high level political involvement, and the potential commitment and leverage of U.S. financial and other resources. A regional protection system would require the countries of the Americas and the Caribbean to negotiate and agree upon several key elements:

- **Sites**. Various locations would be needed depending on

the size of the emergency movements, their proximity to the source country, and geopolitical sensitivities regarding a particular emergency. In addition, regional partners are likely to expect each other to do more than provide funding or logistical assistance to the system. Sites in two or three countries near the source country would likely be the primary protection locations. Negotiations on establishing a regional protection system should address minimum requirements for such sites in terms of overall conditions, access to medical and other services, presence of nongovernmental organizations, specific policies related to unaccompanied minors and women-at-risk, and other similar issues.

The U.S. should be working hard now—when we are not immediately affected by a mass migration crisis—to establish a regional system to deal with likely future crises.

The U.S. may have to be prepared to provide a location for use by the regional system. Until the U.S. develops the capacity and legal framework that would allow it to provide truly temporary protec-tion to large numbers within our territory, Guantanamo Naval Base should continue to be used in responding to mass migration emergen-cies. The base is the only offshore site that the U.S. currently can offer if called on by our regional neighbors to contribute territory it controls to a regional protection system. Further, Guantanamo appears to be the only U.S.-controlled offshore protection site in the region available for situations where the U.S. acts unilaterally to handle emergency movements.

Processing at Guantanamo
[Photo: Ramon Garcia]

Safe havens in the country of origin also should be used to provide protection,

but only as a last resort when all else has proven ineffective in responding to the humanitarian emergency. The risks to life for both protected and protectors have so often outweighed the potential benefits of such in-country protection that only in the most extraordinary circumstances should this option be considered.

- **Plans for Processing of Those Who Reach Borders Beyond the Primary Protection Sites.** Those seeking protection who reach nations further away from the source country could be provided refuge either at one of the primary regional protection sites or within the country that they reach. Those nations, including the United States, concerned that too many individuals might try to reach their country, should be able to find a principled and humanitarian way to determine who among those needing protection should receive it at the primary locations and who within their own borders.

  Temporary protection within a regional protection system is one potential way for the United States to do this. Under this framework, the U.S. would not interdict and directly return asylum seekers in order to prevent their entry in the U.S. Instead, those who arrive at U.S. borders requesting protection would undergo a constitutionally-sound, expedited procedure to determine if they qualify for either asylum or temporary protection. They would have an opportunity to make claims before an Asylum Officer and, if not approved, an Immigration Judge. Those who fail to prove eligibility for either asylum or temporary protection would be returned to their home country. Those who are determined ineligible for asylum, but who qualify for temporary protection, would receive a grant for the latter and be provided protection at one of the primary sites outside the U.S. Those whose claims for asylum require adjudication beyond what can be accomplished within the expedited procedure

would be admitted into the U.S. for regular asylum processing. If they ultimately fail in their asylum claim but are granted temporary protection, they could be allowed to remain in the U.S. as long as the U.S. determined that such protection was warranted.

If, however, experience shows that the availability of such temporary protection in the U.S. creates a magnet effect, protection could be provided at the primary regional sites. In this way, the U.S. could share the regional responsibility of providing temporary protection to some individuals within its own territory without serious concerns that such admissions would lead to a magnet effect.

Migrant interdiction off the Florida coast [U.S. Coast Guard photo]

- **Measures to Avert and Resolve Crises**. It is both humane and pragmatic for the U.S. and its regional partners to be similarly committed to resolving the conditions causing flight. This would require prompt and intensive assessments of the extent to which coordinated diplomatic action can serve to avert mass migration emergencies within the region. Coordinated action may also be helpful in finding solutions to crises that cannot be prevented so that people can return in safety to their home countries.

- **Durable Solutions**. For most protected populations, timely repatriation is the best solution. In accordance with the humanitarian nature of temporary protection, safe return should be accomplished through voluntary means with a combination of financial and development aid incentives. Such aid should be targeted to the communities from which those protected come. The model UNHCR often uses, Quick

Impact Projects [QIPs], provides resources to communities where there was substantial displacement resulting from warfare. QIPs support rehabilitation of local roads, water systems, community health centers, schools, housing, and other infrastructure affected by warfare. QIPs employ both the resident population and the returnees, thereby making the local community more receptive to the return of its residents while providing needed transitional income to both residents and returnees. Compulsory repatriation may be necessary for some individuals, but should be used only when an individual has chosen not to return after being provided with a fair opportunity and appropriate incentives to do so in a safe and voluntary manner.

In some situations, timely return will prove impossible because the conditions causing flight persist despite efforts to resolve the crisis. Coordinated action to find other durable solutions will then be needed. Local integration and third-country resettlement should be considered for individuals whose continued presence in protection sites no longer can be sustained.

- **Financing Plan.** The temporary protection system, in addition to costs incurred by the various government agencies involved, will entail numerous other costs, including "mothball" maintenance of the protection site and their utilization and operation if and when a migration emergency occurs. For example, if the United States were to use Guantanamo, the military would face costs greater than normal maintenance of the base. However, certain costs would be incurred regardless of the presence of aliens seeking protection. Reimbursement formulas need to be developed that take into account the *marginal* additional costs incurred. As part of their advance planning, the countries involved would

have to project what the total costs could be and clarify who would pay which costs and from which budget items.

The Commission recommends that the federal contingency planning for migration emergencies that has been under development during the past decade be finalized, with appropriate provisions to review and revise as needed. Mass migrations are likely to continue within this hemisphere. The presence of a contingency plan that identifies various scenarios, policy responses, and appropriate plans for handling them can help avoid dangerous and costly *ad hoc* decisionmaking and planning, as well as the disruption of normal operations. A great deal of time and effort already have been put into the contingency plan, Operation Distant Shore. Significant improvements in the plan have been made although further changes are needed to make it more useful. These include modifying policy assumptions to reflect changes in U.S. asylum law and regulations and to incorporate the lessons of the most recent responses to movements out of Cuba and Haiti, including the viability of off-shore safe havens and the need for a formalized structure for making policy decisions. Contingency planning also may involve consideration of how to address or ameliorate the causes of the migration so that people do not feel they have no choice but to migrate. The development of a more realistic funding plan [as discussed below] is also needed as part of any contingency plan.

Housing at Guantanamo
[Photo: Kenneth Leutbecker]

The Commission recommends that the NSC focal point for refugee issues assume leadership quickly to ensure a smooth response to an unfolding mass migration emergency. The early establishment of a chain of command is crucial to an effective emergency response. Past experiences demonstrate that the majority of the decisions needed in responding to an emergency are linked to domestic politics and end up at the White House. During the 1994 Cuban and Haitian

migration crises the NSC took an active role in determining and organizing the U.S. government's policy response. To facilitate coordination and to use the emergency powers, authorities, and funds available to the President, the focal point must have access to the highest levels of the Executive Branch and have sufficient authority and government experience to be able to carry out the responsibility effectively. Institutionalizing this responsibility within the Executive Office of the President would help ensure that the designated individual is involved in the identification of potential crises and formulation of a coordinated U.S. response. By exercising leadership in the planning process prior to the emergency, the NSC will help ensure continuity between planning and implementation after an emergency has begun.

The Commission urges increased coordination among federal agencies involved in emergency responses as well as with state and local agencies and regional and international organizations. Increased coordination within the federal government would help ensure that the appropriate participants are identified and involved in the discussions and that as many decisions and responsibilities as possible are agreed upon prior to emergency situations. Such prior agreements between the federal government and state and local agencies could eliminate many of the sources of tension and confusion that currently exist about roles and responsibilities. This would reduce the reluctance of state and local government to be involved, increase trust between the parties, and thus facilitate responses to mass migration emergencies. Moreover, some state and local governments have knowledge and experience that would enhance the quality of the planning process. Fortunately, progress is being made. The Immigration and Naturalization Service [INS] and the Federal Emergency Management Agency [FEMA] are negotiating a Memorandum of Understanding clarifying how FEMA would support INS in an immigration emergency. Recent field exercises have increased the active participation of state and local officials. Increased coordination with our regional partners and international agencies prior to a migration

emergency (as suggested above) would help focus attention on addressing the causes of such mass migrations, clarifying responsibilities, and creating infrastructures, mechanisms, and guidelines to deal with any crisis that does occur. This would facilitate timely implementation of an appropriate response, lower the costs borne by the U.S. and its regional partners alike, and prevent the burden from being placed solely on the U.S.

The Commission recommends development of a realistic financing strategy and mechanisms to trigger allocation of funds. Even with planning and leadership, an effective emergency response can fail if the operational agencies have insufficient resources and authorities to carry out their responsibilities. The Immigration and Nationality Act established an emergency fund that can be tapped in these situations. The development and inclusion of a realistic financing plan and trigger mechanisms for the disbursement of those funds are crucial to increasing the viability of any mass immigration response plan. Otherwise, the uncertainty regarding funding availability, division of costs, and reimbursements will continue to impede effective emergency responses. Such a process would facilitate agency participation in an emergency response and in advance planning and will likely facilitate and enhance the response effort itself.

The Commission also recommends that those particular agencies mandated to take operational responsibility for responding to a mass migration emergency are granted the necessary statutory authority to allow them to respond effectively. For instance, while INS currently has on-the-ground operational responsibility when migrants enter the U.S. under emergency circumstances, it lacks the authority to assign tasks to other agencies as needed. State and local governments are often confused about their authority to respond during a migration emergency. During a natural disaster, the Federal Emergency Management Agency does have statutory authority to "task" other federal agencies for additional support in its efforts to respond to the emergency and also has immediate access to funding to reimburse their

implementing partners. To further coordination and effectiveness, officials involved in the migration emergency planning process have begun to gather additional information from the relevant agencies about how they would respond to certain situations and what resources and authorities they would need to be able to do so.

ASYLUM

As a matter of legal obligation, humanitarian principles, and good public policy, the United States should not expel or return refugees to countries in which they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The United States fulfills this commitment through two statutory vehicles: Section 208 of the INA discretionary grants of asylum to individuals who have been persecuted in the past or who have a well-founded fear of persecution; and Section 241(b)(3) mandatory withholding of removal of those demonstrating that their life or freedom would be threatened if removed to a particular country (or Section 243(h) withholding of deportation for applications filed before April 1, 1997). Asylees may become permanent residents in the United States, but those granted withholding of removal cannot adjust status and may be deported to another country.

As a matter of legal obligation, humanitarian principles, and good public policy, the United States should not expel or return refugees to countries in which they have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

Although the United States is not legally obliged to admit asylees for permanent settlement, we should and do provide such refuge on the basis of humanitarian principles and good public policy. We are legally obliged to have in place procedures for determining refugee status before taking any steps that may result in a person's return to a country in which he or she may face a threat to life or liberty. This obligation extends to refugees within the United States and at our frontiers. Asylum and withholding of removal procedures should ensure protection to *bona fide* refugees but also deter fraud and abuse of those procedures from unmeritorious claimants.

The Commission commends the regulatory changes in the asylum system that have professionalized and streamlined decisionmaking while reducing abusive claims to refugee status. The Department of Justice promulgated regulations in 1990 and 1995 that have greatly improved the process for adjudicating claims to asylum in the United States. The establishment in 1990 of a trained corps of asylum officers has raised the quality of decisions on asylum. The various administrative changes adopted in 1995, including the delinking of asylum claims and work authorization and the more efficient and consistent decisionmaking at the INS and Immigration Courts through procedural changes accompanied by the addition of more staff, appear to have reduced significantly the number of frivolous asylum applications without jeopardizing the integrity of the system.

Asylum interview
[Photo: INS Houston asylum office]

The Commission recommends enhanced attention to the timely removal of rejected asylum seekers. The absence of an effective and coordinated strategy to ensure the timely removal of rejected asylum seekers may undermine efforts to demonstrate that the U.S. is serious in its commitment to a credible asylum system. The Commission believes that priority regarding removal of asylum seekers should be given to those whose applications have been rejected under the new asylum system. The 1995 reforms sought to deter abuse by concentrating adjudicatory resources on new cases in order to send a message that asylum was no longer a route to indefinite stays in the United States. Only after INS and the Immigration Courts were able to make a decision on all new cases within six months did their attention turn to the large backlog of prereform asylum cases. This

strategy has, at least initially, reduced new asylum applications by half. The same logic holds for setting removal priorities. The U.S. should start now to remove the more recent applicants who fail to qualify for refugee status and who are ineligible for any other form of relief from removal. Once we carry out such removals on a regular basis, attention can then turn to deportation of individuals now in the asylum backlog who are ineligible for any relief.

The Commission expresses reservations about the asylum-related legislation enacted in 1996 and urges immediate correction of certain provisions that can harm bona fide asylum seekers and undermine the efficiency of the asylum system. In particular, the Commission is concerned about the following provisions:

- **"Credible Fear" Determinations in Expedited Removal Proceedings.** The 1996 legislation mandates expedited removal of individuals who are inadmissible because of certain forms of fraud, misrepresentation or faulty documentation.[2] Under the expedited removal procedures, individuals who request asylum must demonstrate that they have a credible fear of persecution in order to continue with their asylum application. The law anticipates that the "credible fear" determination will be made swiftly and requires that the Immigration Judge review of that determination be completed in no more than one week.

  The "credible fear" provisions were introduced in response to what appeared to be abuse of the asylum system at airports of entry by individuals who used fraudulent documents or destroyed the documents they had used to board flights to the United States. During 1995 and 1996, however, significant steps, such as sustained detention of such

[2] In its final report, the Commission will examine the application of expedited procedures to circumstances beyond those related to asylum or mass migration.

asylum seekers, were taken to control this abuse of the asylum process. In FY 1996, about 3,600 individuals requested asylum at ports of entry. This number of applications can be handled through the normal removal proceedings that provide greater protection to asylum-seekers. A separate port of entry process for hearing the preliminary credible fear applications is not merited for such cases.

The Commission believes that constitutionally-sound expedited procedures may be needed in exceptional circumstances. If the number of asylum applications increases significantly within a short period, the Attorney General could be given standby authority to institute "credible fear" determinations to sort legitimate asylum applications from those that are manifestly unfounded. During mass migration emergencies, a "credible fear" process certainly is preferable to the policy of direct return of all asylum seekers that has characterized past U.S. actions.

- **Detention of Asylum Seekers.** The new legislation specifies that even those applicants who meet the "credible fear" standard shall be detained until their full asylum hearing before an Immigration Judge. Detaining asylum seekers who have met an initial threshold demonstrating their likelihood of obtaining asylum is not a good use of scarce detention resources. As expressed above, the Commission does not believe "credible fear" is—except under exceptional circumstances—an appropriate standard for determining who will gain access to an asylum hearing. It is an appropriate standard for determining who will be released from detention. "Credible fear" already is used in the Asylum Pre-Screening Officer [APSO] Program.

  Asylum seekers whose claims meet the "credible fear" of persecution standard are not likely to abscond during their

removal proceeding as, were they to abscond, they would forfeit their reasonable chance to win asylum. Thus, they are releasable, subject to public safety, reasonable assurance of reappearance, and reasonable supervision during the interim. If the applicant's claim for asylum is rejected later at the full hearing on the merits, the applicant can be detained for deportation at that time.

Detainees at Krome Detention Center in Miami [AP/Wide World Photos]

By contrast, those do not meet the "credible fear" standard are subject to confinement pending their full hearing and cannot be released unless they obtain asylum. This immediate detention may deter future abuse of the asylum system and will facilitate the deportation of rejected asylum seekers.

The Commission recognizes that asylum seekers may create impacts for certain local communities. However, we believe release based on a "credible fear" determination serves the national interest. It permits the government to use its scarce detention resources on only those aliens who are likely to abscond or be a danger to the community.

- **Bars to Asylum and Withholding of Removal on Basis of Criminal Activity.** Aliens can be barred from applying or receiving asylum and withholding because they have committed particularly serious crimes. Prior to the Immigration Act of 1990 [IMMACT], determinations of whether a crime was "particularly serious" were based on a case-by-case analysis of relevant facts. Under IMMACT, Congress effectively made aliens convicted of an aggravated felony ineligible for asylum and withholding of removal. The Antiterrorism and Effective Death Penalty Act [AEDPA] created a

waiver of that bar with respect to withholding applications. IIRAIRA eliminated that waiver and significantly expanded the crimes that constitute an "aggravated felony." Thus aliens are now effectively barred from asylum if they have been convicted of any aggravated felony and from withholding of removal if sentenced to five years of imprisonment for such a conviction.

The Commission is concerned that the current categorical approach denying eligibility in a prescriptive manner may result in the return of refugees who are not dangers to the community and have not committed crimes that most Americans would consider to be particularly serious ones. In some cases, there would be broad agreement as to the seriousness of a crime that is currently included in the "aggravated felony" category (e.g., rape, murder, armed robbery, drug trafficking, etc.) Under IIRAIRA, however, an aggravated felony includes offenses for which a term of imprisonment of one year or more is imposed, regardless if that sentence were suspended or the actual time served by the alien was less. Such convictions may stem from participation in a minor brawl, shoplifting, or writing a bad check. Moreover, for those convicted abroad, the legislation does not make a distinction between those who truly committed serious crimes and those jailed by a repressive regime on trumped-up charges to silence their opposition. Further, the law does not take into account the different criminal standards used in different countries.

The process of determining whether an asylum claimant convicted of a crime should be denied asylum or returned should be both individualized and expeditious. In each case, and in a timely manner, the severity of the persecution feared should be balanced against the nature of the particu-

lar crime committed and the danger the individual may pose to the community. In short, the Commission believes that, given the consequences to the refugee and the U.S. community, there should be flexibility in weighing some of the crimes currently defined as "particularly serious."

- **Numerical Limitations on Asylum Grants.** The new legislation, for the first time, limits the number of grants of asylum that can be made in a given year to a particular category of refugees. Such artificial numerical limits on grants of asylum to recognized refugees are inadvisable. It is a violation of our laws and obligations to return recognized refugees to conditions that we have defined as persecutory merely because asylum numbers are unavailable. The alternatives—to place otherwise eligible asylees into the limbo state of withholding of removal or establish a backlog for approved cases who are awaiting an asylum number—undermine the credibility and efficiency of our asylum system.

Artificial numerical limits on grants of asylum to recognized refugees are inadvisable.

*The Commission recommends that asylees be admitted as Legal Permanent Residents [LPRs] upon the grant of asylum.** Currently, a grant of asylum is for an initial period of one year, after which, unless country conditions have changed or an asylee has availed himself or herself of the protection of another country, the asylee can adjust status to that of legal permanent resident. Part of the criteria for adjustment under Section 209(b) of the INA is that an applicant for such adjustment must still be a refugee and, therefore, requires a personal interview and nominal readjudication of asylum status. With respect to eligibility for naturalization, an asylee's record of admission begins one year before the date of the approval of the adjustment application.

* Commissioner Ezell believes that asylees should be granted a two-year conditional LPR status.

Elimination of the delay in adjustment would greatly reduce continued uncertainty and instability in the lives of asylees even after their initial approval and would enable asylees and their families to integrate into the U.S. in a timely fashion. These asylees already have passed through an extensive process for determining their refugee *bona fides*. It would also reduce the administrative burden placed on the INS, which already is overwhelmed with too many responsibilities.

The INA, as amended by the Immigration Act of 1990, also specifies that no more than 10,000 asylees may adjust to permanent legal resident status each year. In FY 1996, 10,000 asylees adjusted to permanent resident status, up from 7,800 in FY 1995 and 6,000 in FY 1994. More than 18,000 cases were granted asylum in FY 1996 (combined INS and EOIR figure), each case representing one or more individuals, in addition to the 6,500 Kurdish refugees resettled through the asylum process in that fiscal year. The Commission is seriously concerned that under the current system these developments will result in an unnecessary backlog of adjustment applications. We strongly reiterate our belief, stressed in our 1995 report on legal immigration, that the federal government should not manage immigration policy by backlogs and waiting lists. Given the recent reforms in the asylum system and the rigorous standard applied in granting asylum, numerical ceilings on adjustment are neither required nor good public policy.

However, we recognize that there are legitimate concerns as to the total number of refugees admitted, including asylees. The number of asylees who are expected to obtain permanent resident status, barring unforeseen changes in the pattern of asylum applications, should be considered during the annual consultation on refugee admissions. The Refugee Act of 1980 already requires the President to report on the number of asylees who adjust each year. This

Chart 8.
U.S. Refugee Admissions 1975-1997

Sources: U.S. Commission on Immigration Reform. 1995. *Legal Immigration: Setting Priorities.* Washington, DC. Department of State, Bureau of Population, Refugees and Migration.

requirement permits the President and Congress to assess the total commitment the United States is making, via the combination of our asylum and overseas resettlement program, towards protecting and assisting refugees.

U.S. REFUGEE ADMISSIONS FROM OVERSEAS

The United States has long been the principal country of resettlement for refugees from overseas. In just the past two decades, the United States has resettled almost two million refugees from such diverse countries as Vietnam, Laos, Cambodia, the former Soviet Union, Bosnia, Iran, Iraq, Afghanistan, Liberia, Ethiopia, Somalia, and Cuba. While resettlement is but one element of a comprehensive approach, and only a small proportion of refugees can be considered for admission to the United States, resettlement remains a powerful instrument through which the United States exercises leadership to find solutions to refugee crises. It is also a manifestation of one of our strongest traditions: to be a refuge to the world's persecuted.

Resettlement remains a powerful instrument through which the United States exercises leadership to find solutions to refugee crises. It is also a manifestation of one of our strongest traditions: America as a refuge to the world's persecuted.

The Commission strongly recommends that the U.S. continue its commitment to resettle refugees as one of several elements of humanitarian protection for the persecuted. Continuing a refugee admission program of significant numbers is essential: to sustain our humanitarian commitment to provide refuge to the persecuted; to pursue U.S. foreign policy interests in promoting human rights; and to encourage international efforts to resettle persons requiring rescue or durable solutions. A well-run refugee resettlement program that brings Americans into contact with refugees also can build support domestically for refugee protection and for the international efforts and agencies engaged in assistance and protection to refugees worldwide.

The Commission recommends that U.S. resettlement policy should rest on the following principles and frameworks:

- **Protection as a Core Priority**. The U.S. should give priority to those who are in imminent danger within their own countries or countries of first asylum**.**

- **Obligations to Per- sons Persecuted Be-cause of Close Association with the U.S. Government.** The U.S. has a moral obligation to accept for resettlement per-sons who are persecuted or who have a well-founded fear of persecution specifically because of their former employment by or significant assistance to the U.S. government or by agencies acting on behalf of the U.S. government, unless these individuals pose a security threat to this country or were themselves guilty of persecuting others.

- **Promotion of Human Rights and Democratization**. Selective resettlement of political dissidents and other victims of serious human rights violations can be an important component of U.S. foreign policy, highlighting the human rights abuses practiced by other countries and, thereby, supporting efforts to encourage other countries to respect fundamental human rights and democratic principles.

Rescue of Vietnamese Boat People
*[*UNHCR Photo: P. Deloche*]*

- **U.S. Leadership in Promoting Durable Solutions.** Resettlement in the U.S. should be undertaken in the context of interna-

tional efforts to find durable solutions for refugees. Many of the world's refugees cannot return to their country of origin and cannot remain permanently in their country of asylum. U.S. pledges of resettlement can help encourage other nations to do their fair share.

- **Consideration of the Effects of Resettlement Decisions on the Protection and Assistance of Refugees Worldwide.** Admission to the U.S. should be undertaken in close collaboration with UNHCR and other receiving countries.

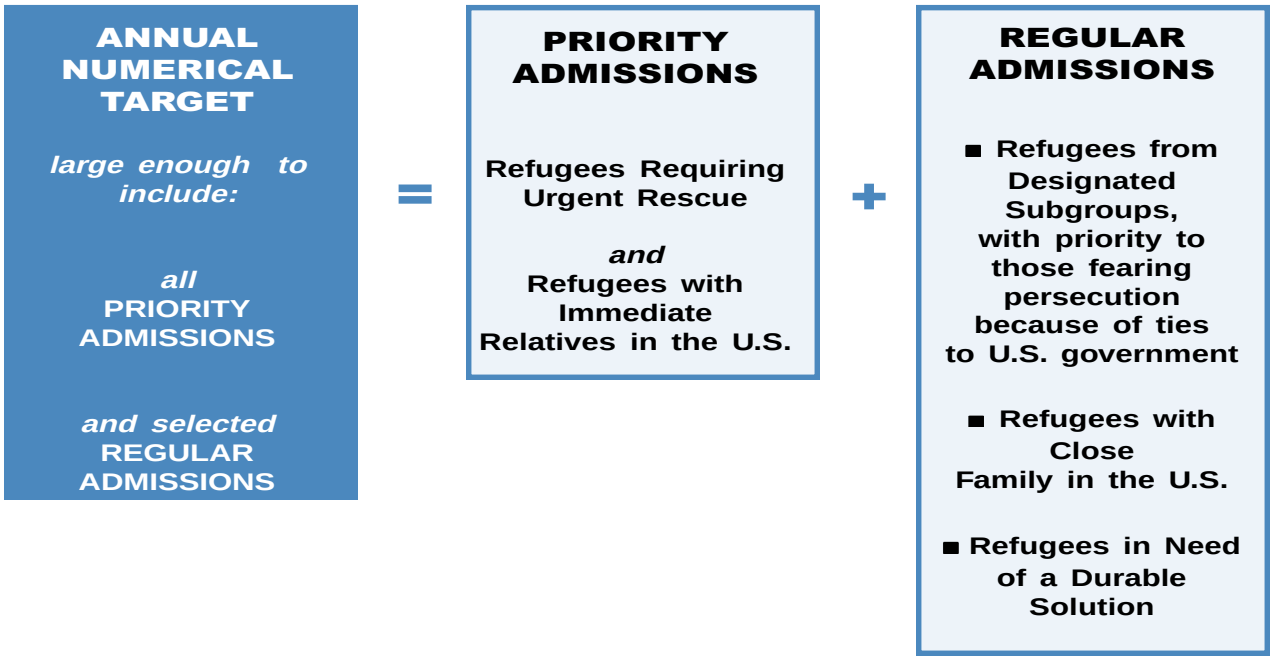
- **Proportionality of Support for Resettlement.** The U.S. should review carefully the proportionality of resources expended on resettlement relative to those required to assist, protect, and find solutions for refugees worldwide and to resolve refugee-producing situations.

- **Flexibility in Policy and in Program Implementation**. Refugee crises are difficult to predict with any degree of precision, making it imperative that the U.S. refugee program maximize its flexibility and minimize its response time.

- **Coordination and Consultation with Affected Agencies**. Refugee admission decisions have domestic and foreign policy ramifications, necessitating consultation and coordination with a wide range of private agencies, state and local governments, other nations, and international organizations.

The Commission recommends that the Bureau for Population, Refugees and Migration, which is charged with determining which refugees are of special concern to the U.S. for resettlement purposes, establish categories based firmly on human rights and humanitarian considerations and allocate admissions numbers according to these categories. Fiscal Year 1997 processing guidelines specify five "priorities" for considering refugees to be of special concern to the United States. The first priority

Chart 9.
Proposed Refugee Admissions Categories



category encompasses refugees who need resettlement for protection purposes, followed by designated groups of special concern to the U.S. and by family members of individuals with permanent legal status in the U.S. In practice, however, admission numbers are not now allocated by these so-called priorities. Instead, numerical limits are set by geographic region, with suballocations for specific nationalities within these regions. The Commission believes a prioritization and an allocation of numbers based on human rights and humanitarian considerations would reflect more accurately the reasons certain refugees are of special concern to the United States. Such a categorization can be accomplished administratively with no statutory changes.

An allocation and prioritization of refugee admissions based on human rights and humanitarian considerations would reflect more accurately the reasons certain refugees are of special concern to the United States.

The Commission suggests dividing categories for refugee admission into two broad priorities, each with subgroups, and with numbers allocated accordingly [**Chart 9**].

The first priority encompasses refugees whose immediate entry is justified. It has two subgroups: refugees who are in urgent need of rescue and refugees who are the immediate relatives of persons already living legally in the United States. The Commission believes sufficient admission numbers should be allocated each year to guarantee entry to all such *bona fide* applicants within this grouping.

The second priority includes refugees whose admission is of special humanitarian interest to the United States but who are not in imminent danger where they currently reside: refugees who are members of designated groups who have a well-founded fear of persecution because of their past association with the U.S. government or whose admission will support U.S. foreign policy interests in promoting human rights; refugees with family ties to permanent residents of the U.S., but who are not immediate relatives; and refugees in need of durable solutions who can neither repatriate nor remain indefinitely in their country of asylum. This second group should be allocated numbers on a spill-down basis [that is, the annual target

for refugee admissions minus the numbers needed for Group One], with the recognition that these refugees may remain in relative safety where they are until an admission number is available. Numbers should be allocated separately to the three categories within the second grouping, with a mechanism to move unused numbers between the categories. More specifically, the categorization would work as follows:

Priority One:

- **Refugees Who Are in Immediate Need of Rescue.** Protection of refugees is at the heart of the refugee regime. The Commission believes the United States should continue to give highest priority to the admission of refugees who face individual endangerment, cannot find protection where they are located or in another country, and for whom third-country resettlement in the U.S. is both a practical and realistic solution. Within this category are refugees who are in need of legal protection from *refoulement (or forced return)*, certain refugee women at risk of rape or other violence who cannot be protected where they are, victims of torture, and selected refugees who are in urgent need of continuing medical or other treatment not available in their country of first asylum. Also included in this category are refugees still within their country of origin who require immediate rescue from life- or liberty-threatening circumstances.

- **Refugees Who Are Immediate Relatives (spouses, minor children, and parents).** Imme-diate family members of U.S. citizens, legal permanent residents, previously admitted refugees, asylees and certain parolees admitted for long-term residence should have high priority for admission, regardless of nationality. The current system for admission of refugees with family ties in the U.S. is fraught with inconsistencies and discriminatory practices. Refugees from some

nationalities (Liberians, Sudanese, Burundians, Iraqis, and Iranians) have access to reunification with spouses, unmarried sons and daughters, and parents. Others (Bosnian Muslims who applied through March 1997) have access to reunification with more distant relatives, such as aunts and uncles, who are not dependent on the principal applicant. Other nationalities have no recourse to family reunification other than through regular immigration channels or in the limited circumstances where a spouse or minor is "following-to-join" a previously-admitted refugee or asylee. A worldwide standard for admission of immediate relatives would be more equitable.

A Vietnamese family reunited in America
*[*ORR Photo: Mark Halevi*]*

Priority Two (each to be assigned a target admission number):

- **Refugee Members from Designated Subgroups.** This category includes refugees who have a well-founded fear of persecution because of their past association with the U.S. government and refugees whose admission will support U.S. foreign policy interests in promoting human rights. For example, the United States has long given priority to the admission of Vietnamese who spent years in reeducation camps because they had worked for the U.S. government. In designating Burmese political dissidents as a group eligible for resettlement, the U.S. reinforces our opposition to the repression practiced in Burma [Myanmar]. Similarly, the United States has designated religious minorities experiencing past or present persecution in the former Soviet Union and Iran for admission. Designated groups from

Bosnia now include: refugees detained on account of their ethnicity, political opinion, or religion; victims of torture or systemic and significant acts of violence against members of targeted ethnic groups; and persons in mixed marriages. Should the persons eligible under this category exceed our targeted admissions level, family or other close ties to the United States could be considered in giving priority for admission.

- **Refugees with Close Family Ties in the United States**. This category permits the resettlement of a specified number of refugees who have close family ties in the United States but do not fit one of the other categories. The United States should take responsibility for resettling "our own," and we should expect other nations to do likewise. The difference in circumstances between refugees and immigrants justifies a separate category for family-based refugee admissions. Unlike would-be immigrants, refugees with family ties in the United States may be in precarious, even if not life-threatening, situations and be unable to wait where they are for approval of an immigrant petition. Further, many refugees have suffered significant loss of family members during the very situations that made them refugees; more extended family members may be the only surviving relatives of refugees already living in the U.S. These family members can provide essential practical and psychological support. Admission numbers would be allocated on a worldwide basis using a careful assessment of affidavits of relationship filed by U.S. family members on behalf of refugees overseas.

- **Refugees in Need of Durable Solutions in Accordance with Principles of International Responsibility Sharing.** A pressing aim of the international refugee system is to find durable solutions to refugee crises. It is in neither our national

interest nor that of other countries to see refugees remaining in camps permanently. For most refugees, repatriation is the best and most likely solution, but there are refugees who are unlikely to be able to repatriate and whose status in the place of asylum does not present realistic prospects for a satisfactory long-term solution. This category encourages the United States to work with other nations and UNHCR to provide admission to that minority of refugees for whom refugee resettlement presents the best likelihood for a durable solution. A specified number of admission slots would be allocated to this category each year in accordance with projections of resettlement needs and negotiations with other countries about responsibility-sharing for this resettlement. Should the need for durable solutions exceed our targeted admissions level, family or other ties to the United States could be considered in giving priority for admission under this category.

The Commission recommends that admissions under each category include family members and close household occupants who are dependent on the principal applicant for financial or physical security. Refugee admissions should provide the opportunity for family and other close household members who are dependent on the principal applicant for their financial support and/or physical security to enter with or quickly follow-to-join the principal applicant. Examples of individuals who might not qualify under a narrow interpretation of family include foster children, grandparents, grandchildren, and unmarried adult sisters and aunts. If not permitted to resettle with the rest of the household, the dependent person may be left in a particularly vulnerable situation, alone in what may be a hostile environment. It makes no sense for our own resettlement program to *create* refugees in urgent need of protection. However, in implementing this provision, adequate safeguards must be in place to prevent fraud or abuse by individuals who are not, in fact, dependent on the principal applicant.

The Commission reaffirms its recommendation that the United States set numerical targets—but not a statutory limit—for future refugee admissions. The Commission is opposed to establishing a statutory level of admissions that can be exceeded only by special legislation. Such a provision could impede U.S. flexibility to respond to humanitarian emergencies requiring higher admissions. The Commission remains concerned, however, that resettlement could drop to unacceptably low levels as the need for the two principal resettlement efforts of the 1980s and early 1990s—for refugees from Southeast Asia and the former Soviet Union—declines. Hence, we believe that to preclude a steady erosion of admissions, it is necessary to establish a minimum target or goal for post-Cold War refugee admissions.[3]

Afghan reufugees
[Photo: Nancy Leach]

The Commission recommends that the consultation process be strengthened to ensure more effective Congressional participation in the setting of admission priorities and levels. As the Commission noted in its 1995 report to Congress, the annual consultations are at present often *pro forma* and occur far too late in the planning process to be effective. The following reforms would permit more timely and knowledgeable assessment of the need for resettlement and the resources required to admit and assist those admitted. They also would permit a more meaningful participation by Congress in the decisionmaking on refugee admissions.

- **Annual consultations on refugee admissions should consider not only admission levels and priorities for the coming year but also discuss projected need for resettlement**

[3] The Commission's 1995 report, *Legal Immigration: Setting Priorities*, contains additional discussion of numerical targets.

and appropriations for the following two years. The annual consultations should provide the opportunity not only for substantive discussions on admission targets but also on the level of appropriation required to pay the costs of the projected resettlement. These consultations should involve both the Judiciary and Appropriations committees. Consultations that address refugee resettlement projections in the out-years would foster the development of realistic targets for future refugee admissions. Such out-year projections are already used in developing the President's budget request for the Bureau for Population, Refugees and Migration and the Office of Refugee Resettlement. The recommended consultation process will permit greater consistency between admissions numbers and appropriation of resources by ensuring that admission and funding proposals are thoroughly vetted.

- **The consultation process should provide an opportunity for public hearings that involve a wide range of expert views on refugee admissions**. The Consultation process has two steps. The Administration first develops its proposal and Congress then assesses its adequacy. Both phases require more consultation with experts on refugee resettlement needs and capacities and with state and local officials. By law, Cabinet-level representatives must participate in the formal consultations between the Executive Branch and Congress, a requirement that often makes it difficult to schedule hearings but does not necessarily invite a thorough examination of the implications and impact of the resettlement decisions. While the Administration often consults with the private resettlement agencies and state governments assisting refugees, the consultations with Congress seldom involve these other players. Nor is input solicited by either the Administration or Congress from the wider range of human rights and humanitarian organizations that have first-

hand knowledge of the conditions precipitating the need for resettlement. Involving other experts and affected government agencies in the assessment of refugee admission priorities and numbers would provide a deeper under-standing of the domestic and international ramifications of the President's proposal.

The Commission recommends that the United States use an active, inclusive process for identifying and making decisions regarding the admissibility of applicants for resettlement. At present, resettlement on the basis of compelling security concerns and durable solutions requires that refugees be referred by the UNHCR or identified by a U.S. embassy. The Commission believes the U.S. government should confer with a broader set of agencies in identifying possible candidates for resettlement, including international and local human rights organizations, relief agencies providing assistance to refugees, and host governments. Department of State Refugee Coordinators now have broad authority to decide whether to accept a referral from UNHCR and would continue to exercise this authority in relationship to referrals from other sources. The Refugee Coordinators would also continue to consult with headquarters in Washington where appropriate.

The Commission cautions against excessive reliance on in-country processing of refugees for admission to the United States. In recent years, in-country processing has become the norm in U.S. refugee admissions from overseas. Indeed, about 80 percent of all resettlement to this country comes through in-country processing programs. Processing applications for admission while refugees are still within their own countries of origin can be a useful tool through which the U.S. can rescue individuals facing persecution without requiring them to make what may be a dangerous journey to a country of asylum. In-country processing is also an appropriate vehicle for resettling victims of past persecution whom the U.S. wishes to bring to this

country rather than leave where once they experienced torture, imprisonment, or other human rights violations.

However, in-country processing also presents a number of concerns that argue for judicious use of such programs. The availability of in-country processing has been used as a reason to deny asylum seekers access to first asylum protection within the United States. In-country programs can place refugee applicants in danger because processing generally takes place in public locations known to the persecuting authorities. When backlogs and waiting lists develop, even already-approved applicants may remain in danger until they are granted permission to travel to the United States. Alternately, as a recent report from the Department of State Inspector General points out, in-country processing gives countries that produce refugees (Vietnam, for example) substantial control over the U.S. resettlement program because these governments determine whether specific applicants will be given permission to present themselves for processing.

The Commission affirms the need for flexible and streamlined determinations of eligibility for the U.S. admissions program. Current procedures are too cumbersome to permit a timely response to precisely the type of refugee emergency that most requires resettlement. The most recent example is the 1996 decision to parole U.S.-employed Kurds into Guam. Had they been accorded refugee status as a group prior to evacuation, they would have been eligible for resettlement as refugees.

- **Streamlining of administrative processes** would allow quicker adjudication when short notice precludes current procedures or when there is need to evacuate a refugee who is in imminent danger. The Executive Branch should review the roles and responsibilities of the Department of State Refugee Coordinators, the Joint Voluntary Agency, the INS,

and the physicians conducting medical screening to identify areas where, in urgent cases, the process might properly be simplified or conducted within the United States after entry.

- **Training and career development paths for U.S. officials involved in the refugee admission program,** including Department of State Refugee Coordinators and INS examinations staff, should be reviewed and revised to reflect the nature of their responsibilities. Refugee Coordinators often arrive at their base with only minimal training to prepare them to respond to the demands of the refugee situations they monitor. Serving in this capacity is not seen as a valuable career path for these Foreign Service Officers who rotate through the assignment. The more active nature of the position contemplated by the Commission requires career development reforms within the Department of State to attract more experienced candidates.

  INS officers making refugee determinations overseas have not necessarily received the type of extensive training now available to INS staff making these same determinations for asylum applicants within the United States. All INS officers assigned to interview candidates for admission as refugees should receive the training provided to asylum officers and, to the extent possible, be drawn from experienced members of the asylum corps.

Current procedures are too cumbersome to permit a timely response to just the type of refugee emergency that most requires resettlement.

- **Narrowly-defined group profiles** for adjudicating certain refugee applications of humani-tarian concern to the U.S. would facilitate processing when the government has made a predetermination that it is because of their membership in the specified group that the refugees have a well-founded fear of persecution. Unlike asylum, where the applicant is self-selected, resettlement applies only to persons that the U.S. has decided to process. Using narrowly-designated groups makes particular sense when the U.S. is offering a

durable solution to refugees whom we determine are members of a group that cannot return to or remain within their home countries. An example would be the several thousand Kurds who worked for the U.S. government and U.S.-supported agencies in northern Iraq. The current interview that seeks to determine why each principal applicant left home is unnecessary when a group is defined in such highly specific terms and objective criteria indicate that members of that group would have a well-founded fear of persecution if required to remain in or return to their home country. Instead, the INS interview should be limited to determining if the applicant is indeed a member of the designated group.

Resettlement processing of Benadir in Kenya [Photo: CIR staff]

The Commission recommends that refugees be admitted as Legal Permanent Residents [LPRs] unless the Attorney General determines that there has been inadequate opportunity prior to admission for the INS officer to thoroughly review the case(s). Refugees are admitted now as conditional entrants and are required to appear before INS one year after entry for adjustment of status to permanent resident. The provision is an unnecessary burden on both INS and the refugee when applied to individuals who undergo a thorough screening prior to entry. In some instances, however, such as where refugees are hastily evacuated, the Attorney General could require adjustment of status up to one year later. This option protects against fraudulent entries when proper prescreening is not possible, while eliminating unnecessary bureaucratic procedures for the government and the individuals.

Chart 10.
Geographic Distribution of Refugees in the U.S.

Source for figures: Office of Refugee Resettlement

TRANSITIONAL REFUGEE ASSISTANCE AND SERVICES

A cornerstone of refugee policy is the exemption of refugees from the provisions of immigration law that otherwise bar admission of individuals who are likely to become public charges. Failing to exempt refugees from exclusion on public charge grounds can have extremely serious consequences—as the U.S. learned when German Jewish refugees who were refused admission to the U.S. on these grounds perished in the Holocaust. As discussed in greater detail below, the Commission supports a domestic assistance program that helps refugees, admitted despite the possibility that they may become public charges, to achieve economic self-sufficiency after entry while providing full federal financial support for refugees who because of age or disability are unable to support themselves.

The Commission endorses a domestic refugee resettlement program of assistance and services whose aim is the social and civic integration into local communities of all refugees, as well as economic self-sufficiency of those refugees who are employable. Most refugees arrive without the financial resources, language skills, knowledge of the U.S. workplace, or occupational skills that would permit a smooth and quick adjustment to a productive new life. Moreover, refugees may have experienced torture, prolonged malnutrition, and other barriers to their immediate adaptation to life in the United States without some period of special assistance. Consequently, the Refugee Act authorized a special refugee assistance program for which funding is appropriated annually. This program is administered by the Bureau for Population, Migration and Refugees [PRM] in the Department of State and the Office of Refugee Resettlement [ORR] in the Department of Health and Human Services.

The following elements are both significant to the historical successes of the domestic resettlement program and important to preserve to the maximum extent possible:

A domestic assistance program should help refugees achieve economic self-sufficiency after entry as well as provide full federal financial support for refugees who because of age or disability are unable to support themselves.

- **A flexible national capacity** that can respond quickly to changing needs and circumstances, with structural capacity to expand and contract in response to the international refugee-producing events that inevitably will create significant increases and decreases;

- **Local flexibility and diversity** in resettlement programs that can accommodate differences in state and local resources, local labor market conditions, local agency capacity, and available complementary community services;

- **Specialized services** to orient and assist refugees in adjusting to their new country, preparing for employment, finding jobs, and maintaining employment;

- **Public/private-sector partnerships** that draw on the strengths of both;

- **A structure that promotes private giving and enlists community volunteers**;

- **Participation** of the many local, state, and national agencies that have a history of contributing in the resettlement of refugees;

- **A placement policy** that seeks to ameliorate local impact and facilitate effective resettlement;

- **Local accountability** for economic, social, and civic integration outcomes; and

- **Federal responsibility** for the costs of the domestic resettlement program.

Chart 11.
Estimated Costs of the Current System
(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ millions)
Federal Programs		
Reception and Placement	DOS	Fed. $ 67.8[a]
Refugee Processing	DOS	Fed. $ 18.6[b]
Overseas Language/Orientation Programs	DOS	Fed. $ 6.1[b]
Transportation	DOS	Fed. $ 71.6[b]
Refugee Processing	DOJ	Fed $ 14.7[b]
Unaccompanied Minors	DHHS	Fed. $ 23.0[a]
Targeted Assistance Service Grants	DHHS	Fed. $ 44.5[a]
Social Services	DHHS	Fed. $ 80.8[a]
Matching Grants	DHHS	Fed. $ 23.6[a]
		Private $ 23.6[c]
Refugee Cash Assistance	DHHS	Fed. $ 55.9[a]
Refugee Medical Assistance	DHHS	Fed. $ 95.7[a]
State Admin. Costs	DHHS	Fed. $ 26.3[a]
Food Stamps	USDA	Fed. $ 64.2[c]
Federal/State Programs		
Supplemental Security Income	SSA	Fed. $ 83.5[c]
		State $ 14.7[c]
Medicaid	DHHS	Fed. $108.8[c]
(12 mos. for AFDC, SSI, GA clients)	States	State $ 83.7[c]
AFDC	DHHS	Fed. $ 75.3[c]
(12 mos.)	States	States $ 64.1[c]
State and Local Programs	State &	State &
General Assistance	local govts.	Local $ 3.2[c]
(available only in some states)		
Total Costs		Fed. $860.4
		State $165.7
		Private $ 23.6
		Total $1,049.7
Per capita (in dollars) for FY '95 arrivals (96,924)		$10,830[d]

Note: [a]Actual costs using ORR and DOS data from North, David. 1997. *Estimates of the Financial Costs of Refugee Resettlement: The Current System and Five Alternative Models.* CIR: Washington, DC.
[b]Estimates from Department of State, *Proposed Refugee Admissions for FY 1995.*
[c]Estimates by David North.
[d]Does not reflect educational costs.

The Commission supports the current array of assistance and services for newly arriving refugees and recommends increased attention to services that prepare refugees for naturalization. The Commission believes the following array of assistance and services should characterize the refugee resettlement program:

- **Reception and placement into local communities** with a focus on initial basic maintenance assistance (food, clothing, shelter), orientation, and referral to services;

- **Health screening** to identify and follow up on certain communicable diseases;

- **Transitional cash assistance** for needy newly arriving refugees who do not qualify for the Supplemental Security Income [SSI] or Temporary Assistance for Needy Families [TANF] public assistance programs;

- **Transitional medical bene-fits** for needy newly arriving refugees who do not qualify for Medicaid;

- **Refugee-specific social services and educational services** (i.e., services specifically designed to serve refugees), such as employment, English as a Second Language [ESL], orientation, case manage-ment, and mental health counseling.

- **Naturalization preparation,** including outreach, civics education, and assistance in applying for citizenship.

The Commission supports the continuation of a public/private partnership to help refugees quickly and effectively achieve economic self-sufficiency, but recommends a more explicit division of responsibility than currently exists. Simultaneously, the Commission urges the federal, state and local agencies to develop a national plan for streamlining the program. The Commission heard extensive discussion of the problems inherent in

the current partnerships among federal, state, and local public and private agencies. Chief among these concerns were the complexity of the funding process and reporting requirements, the overlap of programs and responsibilities, the inappropriateness of welfare programs as the vehicle for providing assistance, and the lack of clear accountability for the outcomes of the program.

In an ideal world the Commission would urge that all refugees, except those eligible for SSI, be assisted through a separate, specially designed refugee cash assistance program linked to a system of services targeted to their circumstances. In practice, however, the obstacles to this are considerable. Such a program would require the combined resources of the existing ORR program plus those spent under TANF for refugees. However, the TANF budget is a fixed block grant to states, and hence its resources could not easily be diverted to a separate refugee program. Given the zero-sum federal budget process, it is unlikely that sufficient new funds would be allocated to ORR to cover the costs of a program for all refugees.

English language instruction and orientation [Photo: Mark Halevi]

Moreover, the advantages of maintaining the involvement of both the private and public sectors in resettlement may outweigh the disadvantages of some fragmentation in program delivery. Where resettlement has been effective, all partners have contributed positively and their participation has sustained broad public support for the admission of refugees. At the same time, however, the Commission urges the existing partner agencies to develop a plan to streamline funding and reporting.

The Commission also urges increased planning and coordination in the local resettlement of refugees and the decisions regarding the placement of refugees in local communities. Too often, localities reported to the Commission that they are given insufficient advance notice to prepare for the arrival of refugees. In particular, the Commission was disturbed by reports from local schools of inadequate—or no—information on anticipated arrivals of refugee children with special needs. The Commission recommends that PRM and the voluntary agencies develop improved procedures of notification to local schools about the forthcoming arrival of refugee children and to all relevant state and local agencies about the arrival of families. This will be particularly important under the Commission's recommendation of shared public and private sector responsibility.

The Commission further recommends a three-year trial period during which roles and responsibilities would be defined and divided as follows:

- **Reception and Placement [R&P] grants from the Department of State to the private voluntary agencies would continue to cover all arriving refugees**. At present, R&P grants cover a period of up to 120 days of diminishing responsibilities. The Commission proposes that R&P activities be limited to prearrival and reception and maintenance during the first thirty days only, to reduce currently overlapping responsibilities between R&P and the ORR-funded programs.

- **Health screening grants, administered by public health agencies, would continue to cover all arriving refugees**. The health screening could be funded through a *per capita* grant to states.

- **The private sector subsequently would be funded by ORR to assume principal responsibility for refugees who are**

not eligible for TANF or SSI. Under the Commission's proposal, the voluntary agencies would provide cash and medical assistance and services to those refugees who were ineligible for TANF or SSI. Cash and medical assistance would be provided for up to a specified time period [a maximum of eight months assistance is permitted under current policy]. Consideration should be given to providing medical assistance through private health care programs, rather than through Medicaid. The voluntary agencies would be charged with implementing an integrated program of assistance and services and would receive a proportionate share of appropri-ations for social services, cash and medical assistance, and administration.

- **The public sector would have principal responsibility for refugees who qualify for TANF, SSI, and Medicaid.** Cash and medical assistance would be provided to them through these programs and would be funded by the federal and state funds that support these programs. In addition, states would receive an allocation of funds appropriated for refugee social services proportional to the number of refugees enrolled in the TANF and SSI programs. States also would receive the funds appropriated for targeted assistance to provide longer-term and supplemental services to refugees or to offset state costs. States would have the option to subcontract or grant any or all of these functions and funds to private resettlement agencies.

The Commission believes that the recommended public/private partnership should continue for a three-year trial period during which its effectiveness would be evaluated to assess whether it should be continued or modified. This trial period will provide time to determine if the new TANF welfare program, which is designed to help its clients rapidly achieve economic self-sufficiency, is responsive to

the needs of refugees. It also will test whether the private agencies have the capacity to administer effectively a comprehensive program of services and cash and medical assistance in many different sites across the country.

Medical care
[Photo: Betsy K. Frampton]

The Commission recommends strengthening the mechanisms by which the refugee program is funded. The current financing system does not provide sufficient clarity about the resources available for resettlement. The recommended statutory changes are intended to facilitate management of appropriations for the program and responses to emergency situations. The Refugee Act should be changed to:

- **Specify a minimum time period of special refugee cash and medical assistance provided to refugees not eligible for TANF or SSI.** Under current law, refugees may receive cash and medical assistance for up to thirty-six months. In practice, the actual period of eligibility—now eight months—is determined by budget rather than need for such assistance. A legislated minimum period of eligibility would preclude such budget-driven program policy.

- **Permit the appropriation of "no year" money for the cash and medical assistance portion of the ORR budget,** thus allowing automatic rollover of funds for these costs and providing the flexibility in budgeting and administration needed for such an unpredictable program.

- **Change the consultation process to ensure greater consistency between admission decisions and appropriation of funds to support refugee assistance and services.** As discussed under refugee admissions, the Commission favors an inclusive consultation on the administration's proposal for the upcoming fiscal year, as well as on two additional out-year projections of admissions.

- **Establish a domestic emergency fund** to pay for unanticipated costs associated with admission of refugees under the emergency consultation process or, if needed, to cover the minimum cash or medical assistance costs when they exceed the amount available for these purposes in a specific fiscal year**.**

The Commission recommends that under the leadership of the National Security Council, existing federal agencies develop an operating plan for improved national coordination. Better coordination is needed among the federal agencies and between the federal agencies and other public and private agencies to: (1) ensure consistency between admission decisions and transitional assistance requirements; (2) monitor and assess the adequacy of statutory and regulatory authorities to resettle refugees and develop a legislative agenda to make needed corrections; (3) improve local notification and preparation for arrivals, and (4) manage responses when emergency consultations are needed. The Commission believes that the National Security Council is the appropriate venue for this function.

The Commission recommends that Congress make urgently needed corrections in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. In its 1994 and 1995 reports to Congress, the Commission recommended against categorical denial of eligibility for public benefits to lawfully-resident immigrants and refugees. We continue to believe that such bars to eligibility are inconsistent with U.S. national interests and that the safety net provided by needs-tested

programs should continue to be available to those whom we have affirmatively accepted as legal permanent residents. With regard to refugees, two of the Act's provisions pose particular problems:

- **Inappropriate Time Limits on Eligibility of Elderly and Disabled Refugees for SSI and Other Federal Needs-based Programs.** Congress permitted refugees to retain eligibility for public benefit programs during their first five years in the country. Thereafter, refugees cannot obtain public assistance unless they naturalize. Thus, a refugee eligible for SSI and food stamps on arrival at age seventy will lose them at age seventy-five. Because it can take up to a year to naturalize, such aged and disabled refugees will suffer a disruptive break in coverage. Also, many elderly and some disabled persons will have great difficulty passing the naturalization requirements. Refugees are not subject to public charge grounds for exclusion and many do not have family sponsors to provide support. Providing continuing coverage under SSI, food stamps, and other means-tested federal benefit programs to elderly and disabled refugees would strengthen the U.S. capacity to offer resettlement to some of the world's most vulnerable refugees—the aged and disabled.

Elderly Bosnian refugee
[UNHCR Photo: A. Hollmann]

- **Inappropriate Eligibility Provisions for TANF-eligible Refugees.** At present, refugees are eligible for TANF only during their first five years in the United States and lose subsequent eligibility unless they naturalize. We believe that a small modification that would treat refugees as the law treats citizens—giving them a lifetime eligibility of five years—would make more sense. Pro-

gram experience shows that refugees are most likely to become self-sufficient if they enter the labor force within their first year in the United States. The existing provision may have the unintended effect of encouraging refugees to delay entry into the labor force, which would be detrimental to their likelihood of success. The proposed change is equitable and corrects a potential disincentive to employment.

CONCLUSION

Leadership is the theme of this report. Through the example of our own policies as well as leadership in international *fora*, the United States should work towards adoption of more effective policies to avert, respond to, and resolve refugee and related humanitarian crises. The Commission hopes these recommendations will serve as a blue-print for this renewed U.S. leadership.

Through the example of our own policies as well as leadership in international fora, the United States should work towards adoption of more effective policies to avert, respond to, and resolve refugee and related humanitarian crises.

Residential destruction in Bosnia/Hercegovina [Department of Defense photo]

1997
REPORT TO CONGRESS

Becoming an American: Immigration and Immigrant Policy

U.S. COMMISSION ON IMMIGRATION REFORM

COVER ART: THE *STATUE OF LIBERTY* (*LIBERTY ENLIGHTENING THE WORLD*), A GIFT FROM FRANCE THAT WAS INTENDED AS A REPRESENTATION OF REPUBLICAN IDEALS, HAS FOR MORE THAN A CENTURY BEEN THE PREEMINENT SYMBOL OF IMMIGRATION TO THE U.S. THE BLINDFOLDED STATUE OF *JUSTICE*, DERIVED FROM THE GREEK GODDESS, THEMIS, REPRESENTS THE ORDER OF SOCIETY ESTABLISHED BY LAW, CUSTOM, AND EQUITY. THESE TWO SYMBOLS HIGHLIGHT THE COMMISSION'S VIEW THAT A CREDIBLE IMMIGRATION POLICY MUST UPHOLD BOTH OUR IMMIGRATION TRADITION AND OUR COMMITMENT TO THE RULE OF LAW.

1997
REPORT TO
CONGRESS

Becoming an American:
Immigration & Immigrant Policy

SEPTEMBER 1997

U.S. COMMISSION ON IMMIGRATION REFORM

The Commissioners and staff
dedicate this final report
of the bipartisan
Commission on Immigration Reform
to the memory of

Barbara Jordan

Chair, U.S. Commission on Immigration Reform
December 14, 1993—January 17, 1996

"We are a nation of immigrants, dedicated to the rule of law. That is our history—and it is our challenge to ourselves. . . .It is literally a matter of who we are as a nation and who we become as a people. E Pluribus Unum. Out of many, one. One people. The American people."

(Barbara Jordan, August 1995)

September 30, 1997

The Honorable Newt Gingrich, Speaker of the House of Representatives
The Honorable Richard Gephardt, Minority Leader of the House of Representatives
The Honorable Trent Lott, Majority Leader of the Senate
The Honorable Tom Daschle, Minority Leader of the Senate

On behalf of the U.S. Commission on Immigration Reform, it is my pleasure to submit our Final Report, *Becoming an American: Immigration and Immigrant Policy*.

As mandated by the Immigration Act of 1990 [Public Law 101-649], this bipartisan Commission has examined and made recommendations regarding the implementation and impact of U.S. immigration policy. In fulfilling our mission, the Commission has held more than forty public hearings, consultations, site visits and expert discussions throughout the United States and in certain key foreign countries.

This report underscores the need for credible, coherent immigrant and immigration policy. Admission to this nation is only the first step of a process by which an immigrant becomes an American. Through the process of Americanization, immigrants become part of our communities and our communities learn from and adapt to their presence. We set out recommendations for immigrant policies that enhance this process through orientation services for immigrants and their new communities, English and civics education, and a credible, efficient naturalization process.

We also recommend immigration reforms. Since the Commission issued its 1994 report on illegal migration, significant progress has been made in improving border management, increasing criminal alien removals, reforming the asylum process, responding to mass migration emergencies, and pilot testing new worksite verification procedures. Illegal migration remains a problem, however, necessitating continued deterrence and removal efforts. In addition, we reiterate our call for legal immigration reform and make new recommendations regarding limited duration admissions.

In addition, we urge Congress to reconsider the welfare reform legislation adopted in 1996 that makes legal immigrants ineligible for basic safety net programs. Requiring immigrants to become citizens in order to receive the protections afforded by these programs debases citizenship. Further, making citizenship rather than legal status the determinant of eligibility blurs the distinction between legal immigrants, whom we welcome, and illegal aliens.

Restoring the credibility of our immigration system cannot happen unless the federal government is structured and managed effectively. While the Executive Branch has taken significant steps to address many of the weaknesses in current operations, the organization of the immigration system undermines reform efforts. Hence, in this report, we recommend a fundamental restructuring and streamlining of responsibilities for immigration.

Our work benefitted greatly from the effective cooperation we received from the Executive Branch and both Houses of Congress. We also thank the dozens of researchers who have contributed the results of their scholarship and the hundreds of community leaders, government officials, service providers and other experts who participated in our public hearings and consultations.

I particularly thank my fellow Commissioners. We have struggled with many tough issues, and we have reached consensus on nearly all of our recommendations. Without the dedication, hard work, and good humor of the members of this Commission, we could not have achieved this agreement. The work of the Commission could not have been accomplished without the support of an extraordinary staff led by Susan Martin, Executive Director and Andrew Schoenholtz, Deputy Director, assisted by the members of the Policy Research, the Public Affairs, Editorial, and Administrative Staffs. Each staff member has worked tirelessly to provide the Commission with volumes of valuable information, policy memoranda, and logistical support. The Commission is also indebted to the Executive Branch for lending outstanding career persons to serve on the Commission's staff.

Sincerely,

Shirley M. Hufstedler
Chair

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1997
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U.S. COMMISSION ON IMMIGRATION REFORM

INTRODUCTION

Immigration and immigrant policy is about immigrants, their families and the rest of us. It is about the meaning of American nationality and the foundation of national unity. It is about uniting persons from all over the world in a common civic culture.

The process of becoming an American is most simply called "Americanization," which must always be a two-way street. All Americans, not just immigrants, should understand the importance of our shared civic culture to our national community. This final report of the U.S. Commission on Immigration Reform makes recommendations to further the goals of Americanization by setting out *immigrant* policies to help orient immigrants and their new communities, to improve educational programs that help immigrants and their children learn English and civics, and to reinforce the integrity of the naturalization process through which immigrants become U.S. citizens.

This report also makes recommendations regarding *immigration* policy. It reiterates and updates the conclusions we reached in three interim reports—on unlawful migration, legal immigration, and refugee and asylum policy—and makes additional recommendations for reforming immigration policies. Further, in this report, the Commission recommends ways to improve the structure and management of the federal agencies responsible for achieving the goals of immigration policy. It is our hope that this final report *Becoming An American: Immigration and Immigrant Policy,* along with our three interim reports, constitutes a full response to the work assigned the Commission by Congress: to assess the national interest in immigration and report how it can best be achieved.

MANDATE AND METHODS

Public Law 101-649, the Immigration Act of 1990 [IMMACT], established this Commission to review and evaluate the impact of immigration policy. More specifically, the Commission must report on immigration's impact on: the need for labor and skills; employment and other aspects of the economy; social, demographic, and environmental conditions; and the foreign policy and national security interests of the United States. The Commission engaged in a wide variety of fact-finding activities to fulfill this mandate. Site visits were conducted throughout the United States. Commission members visited immigrant and refugee communities in California, Texas, Florida, New York, Massachusetts, Illinois, Arizona, Washington, Kansas, Virginia, Washington, DC, Puerto Rico and the Commonwealth of the Northern Mariana Islands. Some Commission and staff members also visited such major source countries as Mexico, the Dominican Republic, Cuba, Haiti, and the Philippines. To increase our understanding of international refugee policy issues, members and staff of the Commission visited Bosnia, Croatia, Germany, and Kenya, and consulted with Geneva-based officials from the U.N. High Commission for Refugees and the International Organization for Migration. We held more than forty public hearings, consultations with government and private sector officials, and expert roundtable discussions.

TODAY'S IMMIGRANTS

The effects of immigration are numerous, complex, and varied. Immigrants contribute in many ways to the United States: to its vibrant and diverse communities; to its lively and participatory democracy; to its vital intellectual and cultural life; to its renowned job-creating entrepreneurship and marketplaces; and to its family values and hard-work ethic. However, there are costs as well as benefits from today's immigration. Those workers most at risk in

Immigrant Admissions by Major Category: FYs 1992-1996

Category of Admission	1992	1993	1994	1995	1996
TOTAL	**810,635**	**880,014**	**798,394**	**716,194**	**909,959**
SUBJECT TO THE NUMERICAL CAP	**655,541**	**719,701**	**662,029**	**593,234**	**771,604**
FAMILY-BASED IMMIGRANTS	**502,995**	**539,209**	**497,682**	**460,653**	**595,540**
Immediate Relatives of U.S. citizens	235,484	255,059	249,764	220,360	350,192
Spouses and children	170,720	192,631	193,394	171,978	283,592
Parents	64,764	62,428	56,370	48,382	66,600
Children born abroad to alien residents	2,116	2,030	1,883	1,894	1,658
Family-sponsored immigrants	213,123	226,776	211,961	238,122	293,751
Unmarried sons/daughters of U.S. citizens	12,486	12,819	13,181	15,182	20,885
Spouses and children of LPRs	90,486	98,604	88,673	110,960	145,990
Sons and daughters of LPRs	27,761	29,704	26,327	33,575	36,559
Married sons/daughters of U.S. citizens	22,195	23,385	22,191	20,876	25,420
Siblings of U.S. citizens	60,195	62,264	61,589	57,529	64,897
Legalization dependents	52,272	55,344	34,074	277	184
EMPLOYMENT-BASED IMMIGRANTS	**116,198**	**147,012**	**123,291**	**85,336**	**117,346**
Priority workers	5,456	21,114	21,053	17,339	27,469
Professionals w/ adv. deg. or of advanced ability	58,401	29,468	14,432	10,475	18,436
Skilled, professionals, other workers, (CSPA)	47,568	87,689	76,956	50,245	62,674
Skilled, professionals, other workers	47,568	60,774	55,659	46,032	62,273
Chinese Student Protection Act (CSPA)	X	26,915	21,297	4,213	401
Special immigrants	4,063	8,158	10,406	6,737	7,831
Investors	59	583	444	540	936
Professionals or highly skilled (Old 3rd)	340	X	X	X	X
Needed skilled or unskilled workers (Old 6th)	311	X	X	X	X
DIVERSITY PROGRAMS	**36,348**	**33,480**	**41,056**	**47,245**	**58,718**
Diversity permanent	X	X	X	40,301	58,174
Diversity transition	33,911	33,468	41,056	6,994	544
Nationals of adversely affected countries	1,557	10	X	X	X
Natives of underrepresented countries	880	2	X	X	X
NOT SUBJECT TO THE NUMERICAL CAP	**155,094**	**160,313**	**136,365**	**122,960**	**138,323**
Amerasians	17,253	11,116	2,822	939	954
Cuban/Haitian Entrants	99	62	47	42	29
Parolees, Soviet and Indochinese	13,661	15,772	8,253	3,120	2,283
Refugees and Asylees	117,037	127,343	121,434	114,632	128,367
Refugee adjustments	106,379	115,539	115,451	106,795	118,345
Asylee adjustments	10,658	11,804	5,983	7,837	10,022
Registered Nurses and their families	3,572	2,178	304	69	16
Registry, entered prior to 1/1/72	1,293	938	667	466	356
Other	2,179	2,904	2,838	3,692	6,318

Note: X = Not Applicable. Excludes persons granted LPR status under the provisions of the Immigration Reform and Control Act of 1986.
Source: Immigration and Naturalization Service, Statistics Division.

our restructuring economy—low-skilled workers in production and service jobs—are those who directly compete with today's low-skilled immigrants. Further, immigration presents special challenges to certain states and local communities that disproportionately bear the fiscal and other costs of incorporating newcomers.

Characteristics of Immigrants

In FY 1996 (the last year for which data are available), more than 900,000 immigrants came to the United States from 206 nations, for a variety of reasons and with a diverse set of personal characteristics. Not surprisingly, the characteristics of immigrants from different sending countries vary, as do their effects on the U.S. There are also differences between immigrants admitted under different classes of admission. These differences generally reflect the statutory provisions that guide admissions. [See Appendix for description of IMMACT's more specific provisions and its effects.]

1996

Top Ten Countries of Origin of Legal Immigrants

Mexico 159,731
Philippines 55,778
India 44,781
Vietnam 42,006
Mainland China 41,662
Dominican Republic 39,516
Cuba 26,415
Ukraine 21,051
Russia 19,646
Jamaica 19,029

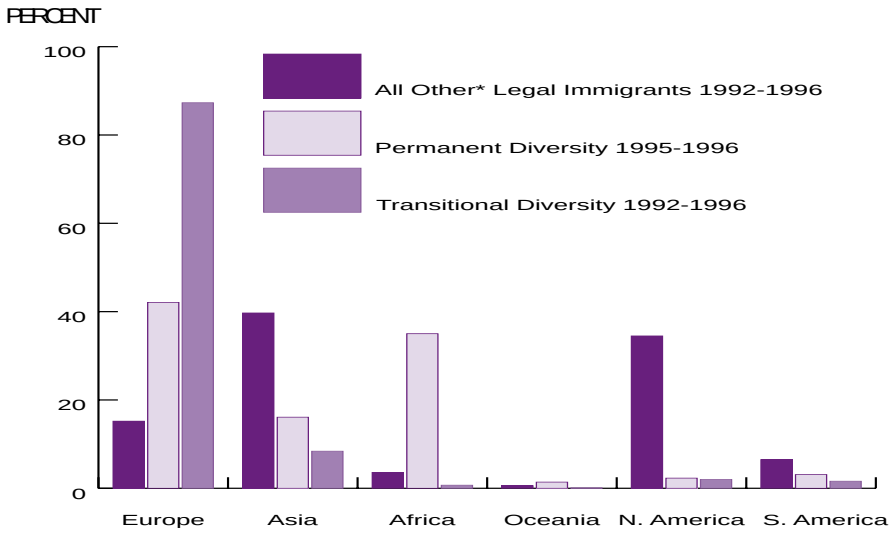
Source: INS FY 1996 Public Use Admissions Data.

Places of Origin. Asia and North America (i.e., Mexico, Canada, the Caribbean, and Central America) remain the sending regions with the largest share of immigrants. Mexico remains the largest sending country and its share of total legal immigrants to the U.S. increased from an average of 12 percent in the 1980s to more than 13 percent in FY 1994 and up to 18 percent in FY 1996. The effects of the Immigration Reform and Control Act of 1986 [IRCA], which resulted in the legalization of about two million formerly illegal Mexican residents, explains this trend. Even though the special admission category for the spouses of legalized aliens' dependents has been discontinued, Mexico benefits from the IMMACT's removal of per- country limits on the numerically limited spouse and children class of admission (FB-2A).

IMMACT established a transitional and a permanent "diversity" category for countries whose admission numbers were adversely

affected by the Immigration Act of 1965. The transitional program was in effect from FY 1992 to 1994, but unused visas were carried over through FY 1996. The permanent program went into effect in FY 1995. European countries benefitted the most from the transitional program, which mandated that as many as 40 percent of the visas could go to nationals of Ireland. Actual Irish admissions reached only 35 percent, with Polish immigrants accounting for an even larger share (38 percent). Under the permanent diversity program, 42 percent of the immigrants came from European countries and 35 percent came from Africa. The effect on African admissions is particularly noteworthy as Africans account for less than 1 percent of immigrants in other admission categories.

Origins of Diversity Immigrants versus All Other* Immigrants



*Other includes immigrants in family, employment, and humanitarian-based categories of admission.
Source: INS Public Use Admissions Data.

1996:

Top Ten Intended States of Residence of Legal Immigrants

California 199,221
New York 153,731
Texas 82,229
Florida 79,067
New Jersey 63,162
Illinois 42,154
Massachusetts 23,017
Virginia 21,329
Maryland 20,683
Washington 18,718

Source: INS FY 1996 Public Use Admissions Data.

Top Ten Intended Metro Areas of Residence of Legal Immigrants

New York 133,168
Los Angeles 64,285
Miami 41,527
Chicago 39,989
Washington DC 34,327
Houston 21,387
Boston 18,726
San Diego 18,226
San Francisco 18,171
Newark 17,939

Source: http:/www.ins.usdoj.gov/stats/annual/fy96/997.html

Intended U.S. Destinations. Immigrants in FY 1996 continue to select just a few states as their destinations. About two-thirds intend to reside in California, New York, Texas, Florida, and New Jersey. One-quarter of admissions are to California alone with another one-seventh to New York. New York City retains its place as the pre-eminent immigrant city with 15 percent of immigrants intending to go there. About 7 percent of immigrants intend to go to Los Angeles, and Miami and Chicago are in third place with about 4.5 percent each of the total. There has been little change in these leading destinations since IMMACT. However, some new destinations have emerged in recent years. For example, during the past decade, such midwestern and southern states as Mississippi, Nebraska, Kansas, Georgia and North Carolina saw more than a doubling of the number of immigrants intending to reside there. Although the numbers are significantly smaller than the more traditional destinations, absorbing more new immigrants can be a challenge for these newer destinations that often do not have the immigration-related infrastructure of the traditional receiving communities.

Age. Immigrants in FY 1996 remain young, with the largest proportion being in their later teens or twenties. A little more than one-fifth are children 15 years of age or younger, and another one-fifth are 45 years or older. More than one-half of family-based immigrants are younger than 30 years of age, reflecting the predominance of spouses and children. Because of beneficiaries, employment-based immigrants have just as many minor dependents age 15 years and younger as other groups, but more than two-fifths of these employment-based immigrants themselves are 30-44 years, the experienced and highly productive working ages. Diversity immigrants have a similar, yet somewhat younger, age distribution than other classes of admission. In contrast, and in large part due to those admitted as refugees from the former Soviet Union, humanitarian admissions tend to be somewhat older than other immigrants.

Age Groups of 1996 Legal Immigrants (Principals and Derivative Beneficiaries)

GROUP	ALL	FAMILY	EMPLOYMENT	DIVERSITY	HUMANITARIAN
15 yrs. & younger	22%	23%	20%	22%	20%
16 through 29 yrs.	31%	34%	23%	33%	27%
30 through 44 yrs.	27%	23%	44%	34%	24%
45 through 60 yrs.	15%	14%	12%	10%	21%
65 years & older	5%	5%	0%	1%	8%

Source: INS FY 1996 Public Use Admissions Data.

Gender. Females were 54 percent of admissions in FY 1996. There had been an essentially even balance of men and women during the decade of the 1980s. The increased share of females in the 1990s parallels the historical tendency toward more female immigrants throughout much of the post-World War II period. It also reflects the admission of the spouses of legalized aliens who were predominantly male. In FY 1996, family-based admissions were predominantly female (57 percent) and employment-based admissions (including beneficiaries) were evenly balanced by gender. Diversity (45 percent female) and humanitarian (48 percent female) admissions, in contrast, had more male immigrants. That a slight majority of FY 1996 humanitarian admissions were male is somewhat surprising given that worldwide refugee populations are disproportionately female.

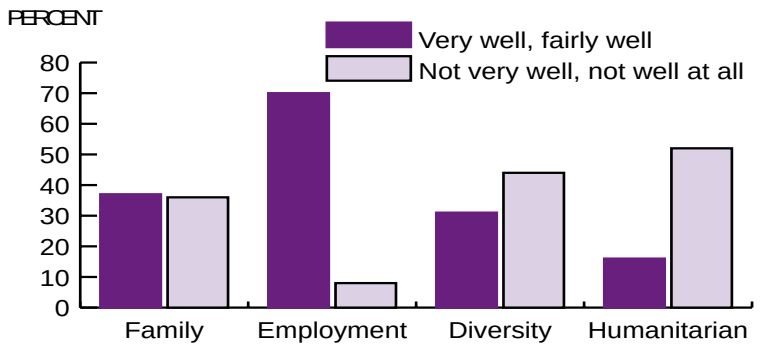
English ability. The Immigration and Naturalization Service [INS] admissions data do not include information on English language ability (or education, as discussed below). The following analysis draws instead on preliminary data from the New Immigrant Survey [NIS],[1] which studied a sample of immigrants admitted in FY 1996. The NIS is a pilot study designed to test the feasibility of a longi-

[1] Jasso, G.; Massey, D.S.; Rosenzweig, M.R.; Smith, J.P. 1997. The New Immigrant Survey [NIS] Pilot Study: Preliminary Results. Paper presented at the Joint Meeting of the Public Health Conference on Records and Statistics and the Data Users Conference, Washington, DC. (July.)

tudinal immigrant survey. Although the data are not yet published, analysis indicates that it offers promise of providing certain information about immigrants that has not previously been available.

The NIS, using the same measure as the U.S. Census, reports on the English language proficiency of adult legal immigrants who are 18 years and older. The initial results show that employment-based immigrants report the greatest English ability—70 percent of employment-based admissions report speaking at least fairly well and less than 10 percent speak very little or no English (the remainder report an "average" speaking ability). About 37 percent of family-based admissions report speaking English at least fairly well and an almost equal proportion report speaking little or no English. The diversity immigrants tend to report even less English ability, despite the requirement that they have at least a high school education. The humanitarian admissions trail the furthest behind in reported English language ability. Only 16 percent report speaking English at least fairly well, while more than 50 percent report speaking little or no English.

English Language Proficiency among New Adult Immigrants (18 years and older): 1996

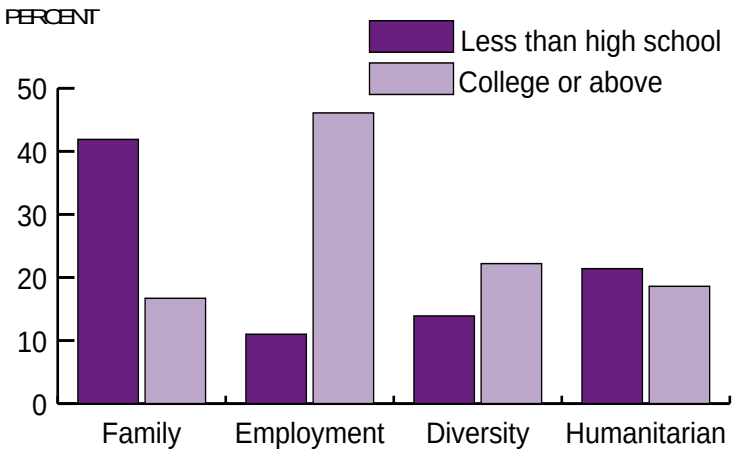


Source: Jasso, G.; et al. 1997. New Immigrant Survey Pilot Study.

Education. The years of schooling completed by immigrants is perhaps one of the most critical measures of skill level. The NIS provides our first indicators of years of education of adult legal immigrants at the time of their admission. As found in studies of foreign-born residents, the immigrants surveyed by the NIS tend to cluster at the higher or lower ends of the educational spectrum and differ significantly in their educational attainment by class of admission. Fully 46 percent of employment-based admissions have completed four years of college or a graduate degree. This figure includes principals and beneficiaries, making it likely that well-educated employment-based immigrants tend to have well-educated spouses. In contrast, just 17 percent of family-based immigrants 25 years and older have completed a college-level education while 42 percent have less than a high school education.

Diversity immigrants are required to have a high school education or two years of skilled work experience. The NIS data show that diversity immigrants tend to be better educated than family-based,

Educational Attainment of Legal Immigrants (25 years and older): 1996



Source: Jasso, G.; et al. 1997. New Immigrant Survey Pilot Study.

but not as well educated as employment-based immigrants. About 14 percent have not completed high school. They may be either principals who meet the work but not the education requirement or the spouses of the principals. Twenty-two percent of diversity immigrants have completed college or done graduate-level education, about the same proportion as among U.S. natives.[2]

The humanitarian classes of admission are less well educated than the employment-based, but are better educated than family admissions. The large number of relatively well-educated persons admitted as refugees from the Soviet Union may partly explain this finding. About 21 percent have less than a high school education, while about 19 percent have college or higher degrees.

Occupation. Ultimately, the English and educational skills that immigrants have are reflected in their occupations. The INS admissions data, which we use here, have only crude occupational classifications. It imperfectly captures the difference between immigrants who adjust into legal permanent resident [LPR] status after working in a U.S. job for several years and those who report an occupation upon admission that tells us more about what the immigrant did at home than what they will do here.

Sixty-five percent of all immigrants in FY 1996 reported no occupation or being a "homemaker," reflecting the fact that children, parents, and spouses are a large share of all admissions and most do not work at the time of entry.

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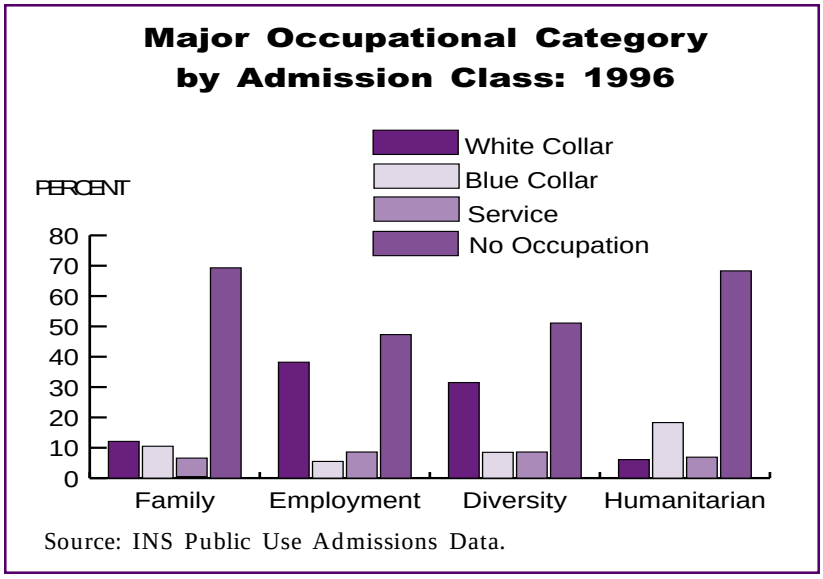
[2] The U.S. Current Population Survey [CPS] permits us to compare directly to the native-born, but the foreign-born data do not distinguish by admission status. The CPS data also include illegal aliens who have extremely low levels of education in the foreign-born category. See: Fix, M.; Passel, J.S. 1994. *Immigration and Immigrants: Setting the Record Straight*. Washington, DC: The Urban Institute. These figures for the diversity class of admission correspond to data on education collected by the U.S. Department of State for diversity immigrants only.



Source: INS Public Use Admissions Data.

Nevertheless, occupational status faithfully reflects the legal requirements of the admission class—the proportion of all immigrants not reporting an occupation is greater among family and humanitarian admissions, about 70 percent of all immigrants in each category. By way of comparison, only about one-half of all employment and diversity admissions have no reported occupation.[3] The skills which immigrants bring to the United States are reflected in their type of occupations. Family and humanitarian immigrants are primarily blue-collar workers. In contrast, employment-based and permanent diversity immigrants are predominantly white-collar workers. These broad differences between the major classes of admission have changed only slightly over the past three decades.

IMMACT has had an effect on occupational distribution within these broad categories. To gauge its effects, a research paper prepared for

[3] The initial results from the NIS pilot show that about 40 percent of adult nonexempt family immigrants are not employed. Alternatively, more than 95 percent of employment-based principals are employed. The INS admission figures for "no occupation" include children and persons who are unemployed, retired, or for whom no information is given.

FY 1996 Regular Admissions by Occupation: Predicted and Actual

OCCUPATION	PREDICTED (WITHOUT IMMACT)	ACTUAL (WITH IMMACT)	EXCESS OF ACTUAL OVER PREDICTED
WHITE-COLLAR WORKERS			
Professional, Technical, and Kindred			
Health Professionals	10,244	18.986	85%
Other Professionals	9,231	19,477	111%
Technical & Specialty	22,115	33,117	50%
Executives	20,283	30,702	51%
Sales	12,943	13,002	0%
Administrative Support	19,437	19,807	2%
BLUE-COLLAR WORKERS			
Precision Production	21,028	20,116	-4%
Operators, Fabricators, & Laborers	37,702	53,936	43%
FARMING, FORESTRY, AND FISHING	12,251	12,588	3%
SERVICE	48,180	51,797	8%
TOTAL WITH OCCUPATION	165,234	221,731	34%
TOTAL WITHOUT OCCUPATION	261,694	498,583	91%
GRAND TOTAL	426,928	730,314	69%

Note: Predicted numbers in FY 1996 are based on linear projections (from the years between 1972 and 1991), and are kept within numerical limits on nonexempt categories. Humanitarian admissions are not included.

Source: Greenwood, M.; Ziel, F.A. 1997. *The Impact of the Immigration Act of 1990 on U.S. Immigration*. Washington, DC: U.S. Commission on Immigration Reform.

the Commission calculated simple linear projections for all of the admission categories now subject to the worldwide ceiling on admissions. Data from FY 1972-1991 were analyzed and the trends identified, then projected forward to FY 1996. This analysis, therefore, paints a "what-if" picture of what today's immigration might have looked like if past trends had continued unaffected by IMMACT [see table above].

The actual total number of admissions under the worldwide ceiling in FY 1996 was 720,314 which—compared to the projected figure of

426,929—was 69 percent greater than would have been expected without IMMACT. Admissions were greater than the projected figure because IMMACT increased numerically-limited family, employment, and diversity admissions. The numerically-exempt admissions for the immediate relatives of U.S. citizens would have grown between 1992 and 1996 even without IMMACT. This analysis does not include humanitarian admissions.

Of immigrants who reported an occupation, the actual admissions in FY 1996 were 221,731 which—compared to the projected figure of 165,234—was 34 percent greater than would have been expected if IMMACT had not gone into effect. By contrast, nonworking immigrants experienced a 91 percent increase of actual over projected. This finding is not surprising as FY 1996 family admissions were significantly higher than would have been permissible under previous law. In part this was because IMMACT permitted unused FY 1995 employment-based numbers to be transferred to the FY 1996 family categories. In combination with a growth in immediate relatives (including those who would normally have been admitted in FY 1995 but were caught in processing delays), the additional visas meant more spouses and minor children entered. These immigrants are the least likely to be employed.

As might be anticipated, IMMACT's new emphasis on admitting highly-educated and skilled persons led to growth in professional occupations among those who reported an occupation. As stated above, there was an overall 34 percent increase in persons reporting an occupation. This increase was not evenly distributed, however. The number of health professionals, for example, was projected to be 10,244, but at 18,985 was 85 percent greater. The number of executives also shows a higher than expected increase. Interestingly, projections not shown here indicate that within the employment-based category, family members (beneficiaries) of the principals show the greatest growth in professional occupations. This suggests that when principals with more skills are admitted, they

bring with them spouses who are, likewise, more skilled than in the past. Further, projections not shown here indicate that the skill requirement for permanent diversity immigrants makes for more highly-skilled admissions from eligible countries. In short, IMMACT increased both the numbers of more skilled admissions and their share of immigrants admitted.

Most nonprofessional white-collar and blue-collar occupations show very little or no growth over what might have occurred without IMMACT. The one notable exception is a greater-than-expected increase in the number of "Operators, Fabricators, and Laborers." There were 53,936 admissions in these occupations compared to the 37,702 that were projected. As the employment-based access for persons with these occupations is highly limited, it appears that much of this increase is attributable to family-based admissions. It is unclear from the data, however, why this pattern has emerged.

Earnings. According to the NIS survey, the median earnings of all male immigrants admitted in 1996 was $15,600 and for women was $11,960, lower than the median earnings for natives. Compared to the earnings in their last country of residence, male immigrants experienced a 59 percent increase and women a 45 increase in earnings upon admission to the United States. Differences in earnings are, as should be expected, substantial by admission class. Many employment-based immigrants earn a median income of $36,400 on the date of their admission to LPR status, while the sibling or spouse of an LPR earns $11,750 and the spouse of a citizen earns $18,200.

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[4] National Research Council. (Smith, J.P.; Edmonston, B. eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

Effects on the Economy

An independent evaluation of immigration by a panel of eminent social scientists at the National Research Council [NRC], sponsored by the Commission,[4] found that immigration has a positive economic impact on the national level. However, the NRC panel's findings confirm the by now commonplace conclusion that there are tangible costs to certain sectors of the labor market and certain communities. This reinforces the Commission's conclusions on the need for a well-regulated system of immigrant admissions, as well as the need for attention to means of improving integration and reducing friction between newcomers and established residents.

The NRC panel estimates that immigrants may add $1-10 billion directly to the national economy each year, a small but positive amount in a $7.6 trillion economy. Many consumers, business owners, and investors benefit from the immigrant labor force. Recent newcomers may be willing to work for lower wages than other U.S. workers, although, with the exception of many immigrants with less than a high school education, most immigrants tend to earn as much as natives after a decade. Many others in the economy benefit, particularly those who do work that is complementary to that performed by immigrants. Immigrants provide the labor that has kept viable entire segments of certain labor-intensive industries, such as garment and shoemaking. Many immigrant entrepreneurs expand trade with foreign countries from which they come, and the language and cultural expertise of many immigrant employees are valuable to U.S. companies doing business abroad.

Immigrants also contribute to the economic revitalization of the communities in which they live. As middle-class natives have left the

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[5] Muller, T. 1993. *Immigrants and the American City*. New York: New York University Press. Winnick, L. 1990. *New People in Old Neighborhoods: The Role of New Immigrants in Rejuvenating New York's Communities*. New York: Russell Sage Foundation.

inner cities, immigrant newcomers have settled, established businesses, bought homes, and otherwise invested in these areas. Gateway cities, such as New York and Los Angeles, have benefitted particularly from this urban renewal. At the same time, these cities face new challenges related to immigration. Growing immigrant communities require local school systems (some of which may have otherwise faced declining enrollments) to provide sufficient classroom space and teachers. They must also develop programs to teach children who are without English skills or prior education. Overcrowded housing, drug trafficking, gang violence, sweatshops, and public health problems also may be found in many of these inner-city communities.[5]

Immigration particularly affects certain U.S. workers. The NRC panel finds that workers with less than twelve years of education are the most adversely affected by low-skilled immigrant workers. Immigrants may have reduced substantially the wages of high school dropouts, who are about one-tenth of the workforce, by 5 percent nationwide. This is a sizable impact on a group that was already poorly paid before the loss in real earnings it experienced over the past two decades. Most often it is the foreign-born worker, particularly in labor markets with large numbers of immigrants who experience the greatest competition.[6] While the education and skill level of most U.S. workers differs significantly from those of most immigrants (and therefore they are not competing for the same jobs), the new arrivals are often direct substitutes for immigrants who arrived a short time before them.[7]

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[6] Greenwood, M.; Tienda, M. 1997. U.S. Impacts of Mexican Immigration. Team Report to Mexico/United States Binational Study on Migration. Greenwood, J.; Hunt, G.L. 1995. Economic Effects of Immigrants on Native and Foreign-Born Workers: Complementarity, Sustitutability, and Other Channels of Influence. *Southern Economic Journal*. 61:4 1096.

[7] Waldinger, R. 1996. *Still the Promised City? African Americans and New Immigrants in Postindustrial New York*. Cambridge: Harvard University Press. Waldinger, R.; Bozorgmehr, M. 1996. *Ethnic Los Angeles*. New York: Russell Sage Foundation.

The evidence on the impact of immigration on native-born minorities nationwide is less clear. The NRC concluded that in the aggregate, the economic opportunities of African Americans are not reduced by immigration because African Americans and immigrants tend to be in different labor markets and reside in different cities. Other research finds small, adverse effects on African Americans.[8] These effects are found most strongly when low-skilled minority workers compete with low-skilled immigrant workers in the same industries and the same geographic areas.

The fiscal effects of immigration also are complicated. Generally, the impacts on the federal government are favorable compared to those on state and local governments. Most studies show that at the federal level, the foreign-born pay more in taxes than they receive in services. When spread across all taxpayers, this characteristic represents a very small, but positive, benefit. At the local level, however, immigrants often represent a net fiscal cost, in some cases a substantial one. Research on the resident illegal alien population finds the clearest examples of fiscal costs to states and localities.[9] In general, much of the negative effect is related to school costs that are considerable because of the larger size of many immigrant families. Although funds spent on education may be considered an investment, not just a fiscal burden, the payoff is not realized for many years.

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[8] Hamermesh, D.S.; Bean, F.D. (eds.) 1998 forthcoming. *Help or Hinderance? Immigration and Its Economic Implications for African Americans*. New York: Russell Sage Foundation.

[9] Taylor, E.; Martin, P.; Fix, M. 1997. *Poverty Amidst Prosperity: Immigration and the Changing Face of Rural Californi*a. Washington, DC: The Urban Institute Press. U.S. General Accounting Office. 1995. *Illegal Aliens: National Cost Estimates Vary Widely*. Washington, DC. 6. Clark, R.; Passel, J.S.; Zimmermann, W.N.; Fix, M.E. 1994. *Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States.* Washington, DC: The Urban Institute Press.

Education affects fiscal impacts in a second way. Ultimately, the economic success and fiscal contributions of immigrants are determined by their educational level. The NRC panel found that immigrants who complete high school and beyond generally represent a more favorable balance of fiscal costs and contributions than do those with little or no education. Even over their lifetimes, immigrants without education are unlikely to contribute sufficient tax revenues to offset their use of services. Both groups of immigrants tend to use public services in a similar fashion, particularly as related to the schooling of their children, but the more educated immigrants tend to earn more and pay higher taxes.

Educational differences also explain why certain states and localities are more adversely affected by immigration than are others. California immigrants represent a sizeable tax burden (estimated at almost $1,200 per native-headed family per year) while New Jersey immigrants represent a more modest tax burden (estimated to be $232 per native-headed family per year). The difference can be explained largely by the differences in the average educational level of the immigrants residing in these states.[10]

English language ability also affects the economic success and fiscal impacts of immigrants. In the 1990 Census, 47 percent of the foreign-born more than 5 years of age reported not speaking English "very well." Individuals with poor English language skills tend to be confined to the lowest levels of the U.S. job market. By contrast, ability in spoken English markedly improves immigrants' earnings, especially for Hispanic and Asian adult immigrants.[11] English read-

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[10] See: Espenshade, T. 1997. *Keys to Successful Immigration: Implications of the New Jersey Experience*. Washington, DC: The Urban Institute Press.

[11] Chiswick, B.R. (ed.). 1992. *Immigration, Language, and Ethnicity*. Washington, DC: The AEI Press. 229-96.

[12] Rivera-Batiz, F.L. 1992. English Language Proficiency and the Earnings of Young Immigrants in the U.S. Labor Market. *Policy Studies Review* 11:165-75.

ing comprehension also has been found to improve the earnings of young immigrant adults.[12]

Population Growth and Natural Resources

In recent years there have been about 800,000 legal admissions and an additional estimated 200,000 to 300,000 unauthorized entries, but the net annual increase of the foreign-born population is about 700,000 each year due to return migration and mortality.[13] In 1996, the foreign-born population was 24.6 million, 9.3 percent of the U.S. population. Recent arrivals make up a large share of the resident foreign-born population; about 28 percent arrived after 1990, and an additional 35 percent during the 1980s.

It is estimated that international migration makes up somewhere between one-quarter and one-third of net annual population increase. Given current demographic trends and noting that much can happen to alter long-range forecasts, the U.S. Census Bureau projects the population to increase by 50 percent between 1995 and 2050. Immigration is likely to become a larger proportion of the net increase.[14]

The NRC report also presented estimates of population growth. It found that *without* immigration since 1950, the U.S. population would have been 14 percent smaller than its 1995 size of 263 million. The NRC projected the population to the year 2050 after making certain assumptions about mortality, fertility, and rates of group inter-mar-

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[13] National Research Council. 1997. *The New Americans: Economic, Demographic and Fiscal Effects on Immigration.* Washington, DC: National Academy Press.

[14] U.S. Bureau of the Census. 1996. *Current Population Reports.* (Feb.). Edmonston, B.; Passel, J.S. (eds.). 1994. *Immigration and Ethnicity: The Integration of American's Newest Arrivals.* Washington, DC: The Urban Institute Press.

riage. According to the projection based on these assumptions, the U.S. population would increase by 124 million persons to 387 million, with immigration responsible for two-thirds (82 million) of the increase. Of this 82 million, 45 million are immigrants and an additional 37 million increase is due to their higher assumed fertility.

Immigration affects the age structure as well as the overall population. The NRC panel projected that under current immigration policy, kindergarten through grade eight school enrollment in 2050 would be 17 percent higher than it was in 1995. High school enrollment would rise from 14.0 million in 1995 to 20.3 million in 2050. Immigration also has small effects on the proportion of the population that is elderly. No matter which immigration policies are adopted, according to the NRC, the number of persons aged 65 years and older will double between 1995 and 2050. However, the proportion of older people in the total population will be somewhat smaller with immigration.

The NRC panel's projection of the ethnic distribution of the U.S. population in 2050 shows the Hispanic population increasing from 10 to 25 percent and the Asian population from 3 to 8 percent of the population. These projections are dependent on today's rates of group intermarriage and how persons report their ethnicity. It may be that, like children of immigrants who arrived in the last century, descendents of today's immigrants will choose to report their ethnicity as being different from that of their parents, and that today's ethnic categories will not accurately describe tomorrow's populations.

What broader implications do these growth figures have? Some analysts argue that high immigration levels mean an abundant supply of youthful workers who will be a substantial spur to the economy. From this perspective, population growth is an engine for technological progress and the means to solve environmental problems, effectively spawning change out of necessity. Proponents of

this view argue that human resourcefulness has dealt with population growth in the past and the solutions often have left us better off. Adding more people may "cause us more problems, but at the same time there will be more people to solve these problems."[15]

Others are concerned about the negative consequences of population growth, particularly on the environment, infrastructure, and services.[16] They see population growth as imposing pressures on our natural resources and quality of life, raising special concerns in the arid regions of the southwest or sites of industries relocating to the south central states.[17] Those concerned argue that our future well-being depends upon both conservation, and stabilizing population growth.[18]

This debate primarily concerns total U.S. population growth, which is strongly influenced by immigration. Still, there is little or no information about whether immigrants have *differential* impacts distinct from the population increase they produce on the U.S. environment.[19]

The Commission did find that rapid inflows of immigrants can pose difficulties for those who must plan for community growth. Schools sometimes receive large numbers of new immigrant students that had not been planned for. Housing and infrastructure development

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[15] Simon, J. 1994. More People, Greater Wealth, More Resources, Healthier Environment. *Economic Affairs* (April) 22-29.

[16] Beck, R. 1994. *Re-Charting America's Future: Responses to Arguments Against Stabilizing U.S. Population and Limiting Immigration.* Petoskey, MI: The Social Contract Press.

[17] U.S. Commission on Immigration Reform. 1995. Mesa, Arizona U.S. Commission on Immigration Reform roundtable.U.S. Commission on Immigration Reform 1997. Site visit to Garden City, Kansas.

[18] Abernethy, V. 1994. *Population Politics.* New York: Insight Press.

[19] Kraly, E.P. 1995. *U.S. Immigration and the Environment: Scientific Research and Analytic Issues.* Washington, DC: U.S. Commission on Immigration Reform.

may not be adequate in affected urban and rural communities.[20] New immigrant destinations, sometimes to areas that have not had new immigrants for a century or more, can put particular stress on communities that have experienced rapid growth in the past decade.

Foreign Policy and National Security Interests

Immigration matters frequently are intertwined with foreign policy and national security. Today, migration and refugee issues are matters of high international politics engaging the heads of state involved in defense, internal security, and external relations.[21] International migration intersects with foreign policy in two principal ways. The U.N. Security Council has acknowledged that migration can pose threats to international peace and security through economic or social instability or humanitarian disasters. Migration can also build positive relations with other countries and thereby promote national security. As a consequence, migration itself requires bilateral and international attention to help address the causes and consequences of movements of people.

During the Cold War, a foreign policy priority was the destabilizing of Communist regimes. Refugee policy was often a tool to achieve that strategic goal, for instance, by encouraging the flow of migrants from Eastern Europe or Cuba. Elsewhere, political, economic, and military involvement in Southeast Asia and the Dominican Republic had significant migration consequences, as large numbers of Southeast Asians and Dominicans ended up as refugees and immigrants

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[20] Taylor, E.; Martin, P.; Fix, M. 1997. *Poverty Amidst Prosperity: Immigration and the Changing Face of Rural Californi*a. Washington, DC: The Urban Institute Press.

[21] Weiner, M. 1992. Security, Stability, and International Migration. *International Security* 17:3 (Winter) 91-126.

to the U.S. These foreign policy priorities generally have had significant immigration consequences years later.

Alternatively, immigration concerns sometimes have played a significant role in U.S. foreign policy, especially when mass movements to the U.S. are feared. A stated rationale for U.S. Central-American policy in the 1980s was to prevent a mass movement that would occur if anti-American Marxist dictatorships were established in Central America. One of the explicit reasons for the military intervention in Haiti in 1994 was to restrain the flow of migrants onto U.S. shores. And, although the U.S. does not officially maintain relations with Cuba, migration concerns gained priority over diplomatic ones leading to negotiations on the Cuban Migration Agreement and to a reversal of policy regarding the interdiction of Cuban migrants.

Some observers believe that environmental causes now rival economic and political instability as a major source of forced migration throughout the world. There are estimates that as many as one-hundred million people may be displaced, in part, because of degradation of land and natural resources. "That will increase the pressure to migrate to places like the United States."[22] The pervasive deterioration of Mexico's rural drylands may contribute to between 700,000 and 900,000 people a year leaving rural areas.[23] Environmental degradation in Mexico, Haiti, and Central America also are believed to have migration consequences for the U.S. Often environmental problems intersect with other causes. One researcher argues that migrants from Haiti may be considered "environmental refugees" because the root causes of their migrations are land deg-

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[22] Schwartz, M.L.; Notini, J. 1994. *Desertification and Migration: Mexico and the United States*. Washington, DC: U.S. Commission on Immigration Reform.

[23] National Heritage Institute. 1997. *Environmental Degradation and Migration: The U.S./Mexico Case Study*. Report prepared for the U.S. Commission on Immigration Reform.

radation and the Haitian government's unwillingness to act in the interest of the general population."[24]

Stabilizing economic growth and democracy may be an effective means of reducing migration pressures. The Commission for the Study of International Migration and Cooperative Economic Development[25] concluded that, over the long run of a generation or more, trade and investment are likely to reduce migration pressures. Supporters of the North American Free Trade Agreement [NAFTA] argued that NAFTA-related development eventually will reduce unauthorized Mexican migration. The U.S. has provided the reinstalled democratically-elected government of Haiti with a great deal of rehabilitation assistance that should aid the stability of that country.

CONCLUSION

Properly-regulated immigration and immigrant policy serves the national interest by ensuring the entry of those who will contribute most to our society and helping lawful newcomers adjust to life in the United States. It must give due consideration to shifting economic realities. A well-regulated system sets priorities for admission; facilitates nuclear family reunification; gives employers access to a global labor market while protecting U.S. workers; helps to generate jobs and economic growth; and fulfills our commitment to resettle refugees as one of several elements of humanitarian protection of the persecuted.

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[24] Catanese, A. 1990/91. *Haiti's Refugees: Political, Economic, Environmental.* (Paper 17). San Francisco: Natural Heritage Institute; Indianapolis: Universities Field Staff International.

[25] The Commission for the Study of International Migration and Cooperative Economic Development. 1990. *Unauthorized Migration: An Economic Development Response*. Washington, DC.

AMERICANIZATION AND INTEGRATION OF IMMIGRANTS

A DECLARATION OF PRINCIPLES AND VALUES

Immigration to the United States has created one of the world's most successful multiethnic nations. We believe these truths constitute the distinctive characteristics of American nationality:

- American unity depends upon a widely-held belief in the principles and values embodied in the American Constitution and their fulfillment in practice: equal protection and justice under the law; freedom of speech and religion; and representative government;

- Lawfully-admitted newcomers of any ancestral nationality—without regard to race, ethnicity, or religion—truly become Americans when they give allegiance to these principles and values;

- Ethnic and religious diversity based on personal freedom is compatible with national unity; and

- The nation is strengthened when those who live in it communicate effectively with each other in English, even as many persons retain or acquire the ability to communicate in other languages.

As long as we live by these principles and help newcomers to learn and practice them, we will continue to be a nation that benefits from substantial but well-regulated immigration. We must pay attention

to our core values, as we have tried to do in our recommendations throughout this report. Then, we will continue to realize the lofty goal of *E Pluribus Unum*.[1]

AMERICANIZATION

The Commission reiterates its call for the Americanization of new immigrants.

The Commission reiterates its call for the Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity. The U.S. has fought for the principles of individual rights and equal protection under the law, notions that now apply to all our residents. We have long recognized that immigrants are entitled to the full protection of our Constitution and laws. The U.S. also has the sovereign right to impose appropriate obligations on immigrants.

In our 1995 report to Congress, the Commission called for a new commitment to Americanization. In a public speech that same year, Barbara Jordan, our late chair, noted: "That word earned a bad reputation when it was stolen by racists and xenophobes in the 1920s. But it is our word, and we are taking it back." Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence.

This process enhances our unity by focusing on what is important, through acknowledging that the many real differences among us as individuals do not alter our essential character as a nation.

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[1] Our national motto, *E Pluribus Unum*, "from many, one," was originally conceived to denote the union of the thirteen states into one nation. Throughout our history, *E Pluribus Unum* also has come to mean the vital unity of our national community founded on individual freedom and the diversity that flows from it.

This Americanization process depends on a set of expectations that the United States, which chooses to invite legal immigrants, legitimately has of newcomers. It applies equally to the expectations immigrants legitimately have of their new home.

The Commission proposes that the principles of Americanization be made more explicit through the covenant between immigrant and citizens. These principles are not mere abstractions. They can form a covenant between ourselves and immigrant newcomers. As President Johnson eloquently stated in 1965:

> They came here—the exile and the stranger. . . . They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of all mankind; and it binds us still. If we keep its terms, we shall flourish.

We have not always abided by its terms, but the ideal of a covenant between immigrant and nation still captures the essence of Americanization. Immigrants become part of us, and we grow and become the stronger for having embraced them. In this spirit, the Commission sees the covenant between immigrants and ourselves as:

> ***Voluntary***. Immigration to the United States—a benefit to both citizens and immigrants—is not an entitlement and Americanization cannot be forced. We as a nation choose to admit immigrants because we find lawful immigration serves our interests in many ways. Likewise, no one requires immigrants to come here or to become citizens; they choose to come and, if they naturalize, they choose to become a part of our polity.

Mutual and reciprocal. Immigration presents mutual obligations. Immigrants must accept the obligations we impose—to obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society. We must not exclude them from our community nor bar them from the polity after admission. This obligation to immigrants by no means excuses us from our obligations to our own disadvantaged populations. To the extent that immigration poses undue burdens on our communities, our citizenry, or immigrants themselves, we have an obligation to recognize and address them.

Thus the United States assumes an obligation to those it admits, as immigrants assume an obligation to this country they chose. Having affirmatively admitted the newcomer, the federal government necessarily extends civic and societal rights. Unfortunately recent legislative changes effectively have excluded immigrants from the public safety net until such time as they become naturalized citizens. This Commission previously recommended against such action. We believe it is likely that these changes will lead to greater problems both for immigrants and for the communities in which they live. Legislation that leads immigrants to seek citizenship to protect eligibility for social benefits, rather than out of commitment to our polity, provides the wrong incentive. The effect is not to exalt citizenship, but to diminish it.

Individual, not collective. The United States is a nation founded on the proposition that each individual is born with certain rights and that the purpose of government is to secure these rights. The United States admits immigrants as individuals (or individual members of families). As long as the United States continues to emphasize the rights of

individuals over those of groups, we need not fear that the diversity brought by immigration will lead to ethnic division or disunity. Of course, the right to assemble and join with others is a fundamental right of all Americans, immigrants included. However, unlike other countries, including those from which many immigrants come, rights in the United States are not defined by ethnicity, religion, or membership in any group; nor can immigrants be denied rights because they are members of a particular ethnic, religious, or political group.

The Commission believes that the federal government should take the lead and invite states and local governments and the private sector to join in promoting Americanization**.** For example, "I Am an American Day" was once widely celebrated in public schools and local communities. Recent immigration legislation mandates naturalization ceremonies on the 4th of July. While the federal government cannot and should not be the sole instrument of Americanization, it can provide important leadership in supporting the implementation of programs designed to promote full integration of newcomers.

To help achieve full integration of newcomers, the Commission calls upon federal, state, and local governments to provide renewed leadership and resources to a program to promote Americanization that requires:

- Developing capacities to orient both newcomers and receiving communities;

- Educating newcomers in English language skills and our core civic values; and

- Revisiting the meaning and conferral of citizenship to ensure the integrity of the naturalization process.

The Commission recommends that the federal government take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities about their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups.

ORIENTATION

The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups. Information and orientation must be provided both to immigrants and to their receiving communities. The experience of "newcomer schools" is that providing coordinated information and advice on life in the United States accelerates the integration of newcomers, which, in turn, decreases the negative impacts on communities. Information on expected impacts and successful programs can help localities foster immigrant integration and mediate differences to avoid community conflicts.

More specifically, to integrate into American society, immigrants need information on their legal rights and obligations, on American core civic beliefs, on how to access services, and on immigration-related requirements. Communities require information on the numbers and characteristics of immigrants arriving in their midst, the eligibility of newcomers for various services, the legal responsibilities of state and local government agencies, and similar matters. The Commission believes the federal government should help immigrants and local communities by:

- **Giving orientation materials to legal immigrants upon admission** that include, but are not limited to: a welcoming greeting; a brief discussion of U.S. history, law, and principles of U.S. democracy; tools to help the immigrant locate and use services for which they are eligible; and other immigration-related information and documents. All immigrants would receive the same materials. The packets would

be available in English and the main immigrant languages. It is not the Commission's intent to prescribe all parts of an orientation packet but, rather, to suggest the most important information and key resources that should be included.

Welcoming statement. The Welcoming Statement would congratulate immigrants on their decision to become permanent residents of the United States. It also would summarize the basic principles that all Americans embrace.

Example of a Welcoming Statement

Congratulations on your decision to immigrate to the United States of America. Best wishes for a successful settlement in your new home. This is a proud country of individual freedom, opportunity, and diversity with a long tradition of immigration. Finding success and opportunity in the United States can be difficult. We realize that immigrants face many challenges as they become self-reliant, such as learning a new language and adjusting to new circumstances. The U.S. has learned from its tradition of immigration that patience, tolerance, and adaptability are required from each and every one of us.

Basic American principles that you are asked to embrace include: a commitment to serve the best interests of the United States and the community in which you live; knowledge of and respect for our laws and democratic institutions; respect for freedom of speech and religion; and a commitment not to discriminate against others on the basis of nationality, race, sex, or religion. The excerpts from the U.S. history and law section of your orientation packet should serve to illustrate the meaning of these important principles.

We the people of the United States welcome you.

Example of Documents on the Founding Principles

On July 4, 1776, the Continental Congress adopted a Declaration drafted by Thomas Jefferson that defined the commitment of a new nation to the principles of liberty and justice for all:

> *We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .*

The greatest contradiction in the new nation's founding was the institution of human slavery, which ended only after a bloody civil war (1860-1864). After the decisive battle at Gettysburg, in 1863, Abraham Lincoln dedicated the cemetery, ending with these words:

> *[W]e here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.*

After the Civil War, the effort to live up to the promises of the founding principles intensified. In 1872, Susan B. Anthony was arrested for attempting to vote in a Presidential election. Her speech on the rights of women was an important step toward gaining women the vote:

> *The preamble of the federal Constitution says . . . It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union. And we formed it, not to give the blessings of liberty, but to secure them; not the half of ourselves and our posterity; but to the whole people —women as well as men.*

Way into the twentieth century, the founding principles continue to challenge Americans. In 1963, the Reverend Dr. Martin Luther King, Jr. led a peaceful March on Washington, and spoke on the steps of the Lincoln Memorial in the cause of civil rights.

> *When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness . . .*
>
> *I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident; that all men are created equal. . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character . . . And if America is to be a great nation this must become true.*

U.S. history, law, and principles of democracy. This would include a brief history of the United States and of the principles listed in the welcoming statement, followed by excerpts from relevant historical documents. It would stress that American civic culture is based on a trust in ordinary people's ability to govern themselves through their elected representatives who are then accountable to the people, on the right of all members of the polity to participate in public life as equals, and on the freedom of individual members of the community to differ from each other in religion and other private matters.

Tools for settlement. This section would emphasize the development of self-reliance. It would include general information and checklists to aid immigrants in finding and using services in their community that may help them in developing economic independence.

Example of Tools for Settlement

What to expect upon immigration: information to orient newcomers on federal policies and services, such as a pre-/ post-arrival checklist on admissions, information for those adjusting status on new rights and responsibilities as permanent residents, reminder to register for military service if necessary, the role of government agencies and service providers; consumer protection and tax policies;

How to secure basic needs: information on housing, employment, education and language training, health, transportation, police and fire protection, managing finances, and cultural adjustment;

Finding assistance and advice: telephone numbers for the local information clearinghouses, government agencies; documents listing weight and measurement conversions, U.S. holidays, instructions in using the telephone and postal systems; a U.S. map;

Getting involved in the community: listings of community organizations (e.g., civic, sports, arts) and volunteer opportunities.

Immigration information and documents. This section would provide necessary immigration forms, information on naturalization, and a card for non-English-speaking immigrants to indicate their need for an interpreter.

- **Encouraging state governments to establish information clearinghouses in major immigrant receiving communities.** The Commission recommends that the federal government provide modest incentive grants to states to encourage them to establish and maintain local resources that would provide information to immigrants and local communities. For example, local information clearinghouses could provide information to immigrants on rights and responsibilities, naturalization, education and training, and the world of work. They could have materials available on tenant law and renter/landlord rights and responsibilities. They could spell out how U.S. family law (regarding marriage and prohibiting spouse and child abuse, polygamy, and female genital mutilation, etc.) may differ from other cultures. They could provide information on public life (driving, insurance, hunting/fishing licences, law enforcement, consumer protection, etc.). They could also provide information to local public and private organizations about immigrants, e.g., documentation, culture/background, eligibility status for programs, work authorization verification.

  The resource centers could develop, translate and disseminate materials; foster partnerships among immigrant interest groups, ethnic churches, and service providers (advisory boards, taskforces, planning boards, coalitions); and develop volunteer networks in immigrant communities to help newly-arriving immigrants. These efforts could help reduce community tensions arising from immigration by providing accurate information and helping communities find ways to mediate these tensions. The resource centers could also

provide information on model programs implemented by businesses, service agencies, and others.

The Office of Refugee Resettlement in the Department of Health and Human Services, which already provides funding for refugee services, could administer this grant program. Each state receiving funds would designate the local structure through which the funding would be administered as part of its application for funds. Some states are likely to designate the state refugee coordinator's office, but others may designate the state education department. States had similar flexibility when they received funds under the State Legalization Impact Assistance Grant [SLIAG] program.

These already-existing structures could easily integrate the proposed services with only modest financial increments. Based on its consultations, the Commission believes that an annual appropriation of $30-35 million would cover development of orientation materials and underwrite services in forty to fifty targeted communities. The monies should be administered flexibly, not as a formula to each state. Targeted areas should include those with historically significant numbers of immigrants as well as communities experiencing a sudden growth in immigrant arrivals. (In Garden City, Kansas, for example, the Commission observed how the arrival of new meatpacking plants changed the population from one with few foreign-born residents a decade ago to one with a sizeable immigrant component today.)

- **Promoting public/private partnerships to orient and assist immigrants in adapting to life in the United States.** The Commission previously has called for a renewed public/private partnership in the Americanization of immigrants. While the federal government makes the decisions about how many and which immigrants will be admitted to the

United States, the actual process of integration takes place in local communities. Local government, schools, businesses, religious institutions, ethnic associations, and other groups play important roles in the Americanization process.

Project Vida in El Paso provides medical services to the Latino border community. Funded by the Presbyterian Church and public/private grants and contracts, Vida developed "one-stop shopping" for primary health care, education, housing, and other social services. It built 20 affordable rental units; and helped to generate an increase in local elementary school reading scores.

The Commission urges the federal government to assemble leaders from the public and private sectors at the federal, state, and local levels to discuss ways to invigorate a public/private partnership to promote Americanization. The participants should include representatives of state and local educational systems, businesses, labor, local governments, and community organizations. The meeting would address ways to enhance resources for instruction in English language acquisition, civic understanding, and workplace skills. The federal grant program described above also could help promote more coordinated efforts at the local level by establishing advisory structures representing the various public and private institutions with interest in immigration matters.

The Fannie Mae Foundation built a model public/private initiative with community-based organizations, public officials, and lenders to facilitate home ownership and naturalization for immigrants.

EDUCATION

Education is the principal tool of Americanization. Local educational institutions have the primary responsibility for educating immigrants. However, there is a federal role in promoting and funding English language acquisition and other academic programs for both immigrant children and adults.

The Commission urges a renewed commitment to the education of immigrant children. The number of school-aged children of immigrants is growing and expected to increase dramatically. These children, mostly young, speak more than 150 different languages; many have difficulty communicating in English. They are enrolled in public schools as well as in secular and religious private schools through the country.

In addition to the problems other students have, immigrant children face particular problems in gaining an education—often because of language difficulties. The 1990 Census shows that 87 percent of immigrant children attended high school as compared to 93 percent of natives. More than one-fourth of Mexican immigrant youth between ages 15 and 17 were not in school in 1990. While some dropped out, others never "dropped in" to school in the first place.

The Commission urges a renewed commitment to the education of immigrant children.

Immigrant children often come from countries with customs, traditions, and social and governmental structures that differ from those they encounter in the U.S.; some have little or no formal education and no understanding of the American school system; some arrive with personal experiences of trauma and war; many older children come from countries where school ends at a younger age; many experience lengthy delays in being mainstreamed into regular English-speaking classes; and some do not receive appropriate-level instruction in other academic subjects while they are learning English.

Immigrant children also bring strengths to American society. For example, their native-language skills contribute to building the future multilingual workforce needed in a global economy; sharing of their cultural heritage will promote the sensitivity of that workforce as it interacts in a worldwide marketplace. Many immigrant children who enroll in school and then remain to graduate do well academically. These immigrant children are more likely than natives to prepare for, attend, and complete college.[2] The key, however, is helping them achieve sufficient English proficiency to be able to participate.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction pro-

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[2] Venez, G.; Abrahamse, A. 1996. *How Immigrants Fare in U.S. Education.* Santa Monica: RAND. Rumbaut, R.G.; Cornelius, W.A. 1995. *California's Immigrant Children: Theory, Research, and Implications for Educational Policy.* San Diego: Center for U.S. Mexican Studies.

gram. English is the most critical of basic skills for successful integration. English can be taught to children in many ways. Effective programs share certain common characteristics. Based on a review of these programs, the Commission emphasizes the need to*:*

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program.

- **Conduct regular evaluations of students' English competence and their ability to apply it to academic subjects.** Such evaluations will ensure placement of immigrant children into regular English-speaking classes as soon as they are prepared. Regular evaluation also will highlight strengths and weaknesses in educational programs and provide insight on improvements that are needed to ensure timely English acquisition.

- **Collect and analyze data regularly on students, their linguistic and academic performance, and the method of instruction.** Presently, federal, state, and local governments fail to collect and analyze adequate, uniform, data on bilingual and other forms of English instruction. Such failure hinders overall evaluation and the responsible allocation of government funds. A 1997 National Research Council report[3] pointed out the need for new systems to support data collection and research in this area. The NRC recommended establishment of a new Department of Education Advisory Committee on Research on English-Language Learners, urged the National Center for Education Statistics to take the lead in collecting data on students and programs, and recommended that the Office of Bilingual Education and Minority Language Affairs take the lead in developing and evaluating programs to enhance teacher development.

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[3] National Research Council (August, D; Hakuta, K. eds.). 1997. *Improving Schooling for Language-Minority Children: A Research Agenda.* Washington, DC: National Academy Press.

- **Include appropriate grade-level instruction in other academic disciplines.** Coordination with teachers, curricula, and instruction outside of English acquisition will promote students' mastery of regular subject matter while they learn English.

- **Involve parents of immigrant students in their schooling.** A characteristic of many of the most successful language acquisition programs is the active involvement of parents in the education of their children. Such "family literacy" models include programs that promote frequent parent-teacher conferences and that also encourage non-English-speaking parents to enroll in English as a Second Language [ESL] programs. Some of the adult programs are offered at the local school in the evenings.

Seattle's Sharples Center teaches refugee students with limited or no English proficiency in grades six through twelve. They are grouped by English language ability, not age. Because of high demand, they usually can stay for only six months or less. The program focuses on preventing subsequent low academic perfor-mance and also pre-venting the high dropout rates that occur when students with limited English proficiency are mainstreamed too soon.

The Commission encourages programs that are responsive to the needs of immigrant children and an orientation to United States school systems and the community, such as we have seen in "newcomer schools." Newcomer schools must not isolate immigrant newcomers. Instead, they must be transitional and actively promote the timely integration of students into mainstream schools. Successful programs recognize the special needs of immigrant children, particularly refugees. They share information among resettlement programs and school administrators and among English acquisition and regular classroom teachers. Along with English and other academic subjects, newcomer schools teach basic school survival and living skills (such as how the local transportation system works and how to shop for food) and develop intercultural communications. Some also provide access to a wide range of support services, such as health screenings and immunizations.

The Commission encourages programs that are responsive to immigrant children's needs and an orientation to United States school systems and the community.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship. An understanding

of the history of the United States and the principles and practices of our government are essential for all students, immigrants and natives alike. Americanization requires a renewed emphasis on the common core of civic culture that unites individuals from many ethnic and racial groups. Civics instruction teaches students both the responsibilities and the rights of United States citizenship. Civics education also can help immigrant students turning eighteen to prepare for naturalization. The Commission recommends that local school boards institute civics programs that:

San Francisco's Newcomer High School was the nation's first high school devoted entirely to immigrants. Students with less than six years of education and/or poor English skills may attend for up to a year of intensive instruction based on their English ability rather than on their age. Before they are mainstreamed, students are taken to see their new school and meet their new teachers.

- Teach that the U.S. is united by the constitutional principles of individual rights and equal justice under the law;

- Restore the emphasis on such traditional American leaders as Washington, Jefferson, and Lincoln, who defined the American promise of liberty and equality for all, and incorporate other heroes and heroines, such as Sojourner Truth, Susan B. Anthony, Martin Luther King, Jr., Franklin Roosevelt, and Barbara Jordan, who expanded their promise to all Americans;

- Stress the importance of civic holidays and of American symbols and rituals, for example, the flag and the Pledge of Allegiance.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship.

Civics instruction in public schools should be rooted in the Declaration of Independence, the Constitution—particularly the Preamble, the Bill of Rights, and the Fourteenth Amendment. Emphasizing the ideals in these documents is in no way a distortion of U.S. history. Instruction in the history of the United States, as a unique engine of human liberty notwithstanding its faults, is an indispensable foundation for solid civics training for all Americans.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

There is a disturbing shortage of qualified teachers for children with limited English proficiency, of teacher training programs for producing such teachers, and of other support for effective English acquisition instruction. More than 50 percent of teachers in current bilingual education programs have no formal education in teaching students with limited English skills. Teachers are often unprepared and untrained in understanding how the cultural background and experiences of immigrant children may affect their ability to learn. They need to understand that while many students quickly acquire skill in using and understanding English in social situations, acquiring academic proficiency in English takes longer.

All teachers of immigrant students—those who teach English and those who teach other academic subjects—need training to develop the most effective tools for imparting knowledge to students with limited English proficiency. Teachers also need help in understanding how best to involve immigrant parents who may themselves be limited in their command of English. Schools that have been effective in involving immigrant parents in their children's education tend to be more effective in retaining and educating students. To promote such involvement, teachers must be sensitive to differences in language and culture that may impede an immigrant parent's ability to participate in school activities.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts. Urban and rural schools often require federal assistance when confronted with large numbers of immigrant students. Current federal support comes through several unrelated funding streams: some is geared to particular instructional models; some is directed to address impacts of large numbers of new arrivals; however, most comes indirectly through monies targeted to schools with economically disadvantaged children who are performing poorly.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts.

Washington, DC's public Bell Multicultural High School offers secondary and adult day/evening intensive English classes, vocational programs, career development, dropout prevention, technical preparation, and comprehensive math and science. Bell students have high attendance rates, high advanced placement exam scores, and high rates of continuing on to higher education. Last year counselors assisted more than 30 students to become citizens. Many staff are both immigrant and multilingual and, thus, can both empathize with students' transitions and support Bell's strong native language-maintenance program.

There are costs and responsibilities for language acquisition and immigrant education programs that are not now being met. We urge the federal government to do its fair share in meeting this challenge. The long-run costs of failure in terms of dropouts and poorly-educated adults will be far larger for the nation and local communities than the costs of such programs.

More specifically, we urge the federal government to:

- **Provide flexibility in federal funding for the teaching of English to immigrant students to achieve maximum local choice of instructional model.** The federal government should not mandate any one mode of instruction (e.g., bilingual education, English as a Second Language programs, immersion). Research indicates that no one pedagogical model for English instruction works more effectively than any other. What makes for success are: the commitment of the local school system to educate its English learners; well-trained teachers who are adept at English language instruction; involvement of parents; frequent evaluation of student language acquisition; and a plan for timely placements in mainstream programs.

- **Make funding contingent on performance outcomes—that is, English language acquisition and mastery of regular academic subject matter by students served in these programs.** School systems receiving funds because of large numbers of children with limited English proficiency and immigrant children should be held to rigorous performance standards. Incentives should promote—not impede—expeditious placement in regular, English-speaking, classes.

The Commission urges the federal, state, and local governments and private institutions to enhance educational opportunities for adult

immigrants. Education for basic skills and literacy in English is the major vehicle that integrates adult immigrants into American society and participation in its civic activities. Literate adults are more likely to participate in the workforce and twice as likely to participate in our democracy. Literate adults foster literacy in their children, and parents' educational levels positively affect their children's academic performance.

The Carlos Rosario Adult and Career Center in Washington DC. was for 25 years the only DC public school teaching English to adult foreigners, graduating classes as large as 650 students. Closed due to funding constraints, it reopened with private funding in a church in Chinatown. Courses are offered in computer use, nursing assistance, and GED.

According to the 1990 Census, a total of 5.8 million adults reported that they speak English "not well" or "not at all." This number continues to grow because of the entry of non-English-speaking immigrants. Researchers estimate that 600,000 adults with only limited or no English now enter the United States each year. Immigrants who are illiterate even in their native language or who have only a few years of schooling consequently are confined to employment in dead-end jobs.

The Commission urges the federal, state and local governments and private institutions to enhance educational opportunities for adult immigrants.

Adult education is severely underfunded. Available resources are inadequate to meet the demand for adult immigrant education, particularly for English proficiency and job skills. Enrollment in adult English as a Second Language classes increased 183 percent from 1980 to 1990; neither classes nor funding have kept pace with demand. In Massachusetts, a state widely recognized for its excellent adult education programs, an estimated 11,000 of the 16,000 on the waiting list for adult basic education are waiting for ESL services.

Three principal problems impede the capacity to expand opportunities for adult education. First, funding to subsidize courses is limited. Many adult immigrants are willing and able to pay some tuition for courses, expecting a positive return on this investment. However, given average income levels of uneducated, unskilled immigrants, they are unlikely to be able to cover the total costs of adult education courses.

The Resources Occupational Training Program in Brooklyn, New York, a nonprofit adult vocational training program, operates as an affiliate of the Catholic Migration Office of the Diocese of Brook-lyn. Launched in 1994 with seed money from an Italian businessman, it trains and places 98 percent of its immigrant students in well-paying jobs without government assistance.

Second, teacher training programs are limited, resulting in shortages in the number of qualified teachers. For example, in Massachusetts, there are only two training programs for teachers of ESL to adults and no Masters-level program for teachers of adult basic education. Many schools utilize volunteers to serve as tutors, but there is an insufficient number of trained teachers to provide guidance to these volunteer aides.

The third impediment relates to the general quality of adult education programs. The General Accounting Office [GAO] reported in 1995 that adult education and literacy programs funded by the U.S. Department of Education have no defined objectives, valid assessment instruments, or accurate program data.

In the early part of the twentieth century, state departments of education and local school boards played an active role in the Americanization of immigrants. They committed resources to adult education in evening and weekend classes because they recognized the importance of economic and civic incorporation into their communities. Similarly, many turn-of-the-century businesses participated in the Americanization movement, recognizing the benefits to their operations accruing from a literate, educated workforce.

Responding to requests from its limited English-speaking employees, the United Electric Control Corporation in Watertown, Massachusetts in 1992 launched an educational and vocational skills training program. Em-ployees are given time off from work to take courses in a program that is so successful that it led to the formation of a consortium of Boston area high-technology companies to provide the same services. In this case, the program was given a jump start by a federal workplace literacy program grant.

There has been a shift away from this once widely-held public perception of immigrant adult education as a local responsibility, with its local community- and school-based programs. The source of funding is federal and state (as compared to kindergarten through grade twelve education that is financed primarily through local taxes). While many local school districts continue to provide classrooms and other resources, others do not. In this setting of excess demand for adult education, volunteers and low-cost options do exist. Access to relatively inexpensive classroom space often is a major impediment to program implementation. But—even though publicly-owned classroom space is often available and unused during evening and weekend hours—such limitations persist.

In recognition of the benefits they receive from immigration, the Commission urges leaders from businesses and corporations to participate in skills training, English instruction, and civics education programs for immigrants. Religious schools and institutions, charities, foundations, community organizations, public and private schools, colleges and universities also can contribute resources, facilities, and expertise. All of these sectors benefit from having skilled, English-speaking workers and residents. For example, local school systems could open schools after hours to community groups providing English instruction on a volunteer basis, and businesses could provide employees the opportunity for such classes at the jobsite. Such public/private partnerships can contribute in many ways to a greater range of educational opportunities for immigrants.

The Boeing Company and the International Association of Machinists provide training and skills development to current and laid-off workers that includes English as a Second Language and professional English development. Boeing also provided in-kind production services for a community-based organization naturalization video series in eight languages.

NATURALIZATION

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer (except becoming President). The Commission reiterates its belief that no action should be taken that detracts from the appeal of citizenship as an opportunity to become a member of the polity. The naturalization process must be credible, and it must be accorded the formality and ceremony appropriate to its importance.

Maid Bess, a contract apparel business in Salem, Virginia provides free on-site English instruction to its refugee employees with the help of a local refugee resettlement agency. Among its more than 400 employees, 17 national and ethnic groups are represented. On its annual "International Day," all employees are encour-aged to dress in the traditional costume of their native country or that of their ancestors.

The Commission believes that the current legal requirements for naturalization are appropriate, but improvements are needed in the means used to measure that an applicant meets these requirements.

To naturalize, legal immigrants must meet certain threshold requirements; these have remained remarkably consistent throughout our history. At present, to naturalize, a legal permanent residents must reside in the United States for five years (three years for spouses of

The Commission believes that the current legal requirements for naturalization are appropriate but improvements are needed in the means used to measure that ***an applicant meets these requirements.***

U.S. citizens and legal permanent residents who serve in the military); demonstrate the ability to read, write, speak, and understand English; pass a U.S. history and civics exam; be of good moral character; and take an oath of allegiance.

With regard to the specific legal requirements, the Commission supports:

- **Maintaining requirements that legal immigrants must reside in the United States for five years (three years for spouses of U.S. citizens and Lawful Permanent Residents who serve in the military) before naturalizing**. We believe five years is adequate for immigrants to embrace, understand, and demonstrate their knowledge of the principles of American democracy.

- **Improving the mechanisms used to demonstrate knowledge of U.S. history, civics, and English competence.** The Commission believes that the tests used in naturalization should seek to determine if applicants have a meaningful knowledge of U.S. history and civics and are able to communicate in English. The current tests do not adequately assess such understanding or abilities. The civics test, for example, relies on memorization of discrete facts rather than on substantive understanding of the basic concepts of civic participation.

  INS district offices vary significantly from each other in the methods by which they administer the test and in the threshold number of correct answers needed for passage. In some cases, examiners scale the tests to the perceived educational abilities of applicants. The lack of uniform standards governing whether an applicant has satisfactorily fulfilled the

The nonprofit Arlington Community Foundation in Virginia funds and organizes grassroots programs to assist immigrants in their transition to American society. It sponsors local community organizations, festivals, and focus groups to identify and address sources of tension be-tween longtime residents and newcomers. It also supports local initiatives to assist immigrant entre-preneurs and parents of school-age children to understand how American institutions work. In 1995, it founded the Washington Partnership for New Americans to encourage naturalization.

requirements is disturbing. Such inconsistencies pose undue confusion for qualified legal residents and undermine public confidence in the naturalization process.

The Commission believes the tests should be standardized and aim to evaluate a common core of information to be understood by all new citizens. The U.S. history and civics test should assess whether applicants understand the basic principles of U.S. government: for example, what it means to have freedom of speech or the freedom to assemble. The English test should accurately and fairly measure an immigrant's ability to speak, read, and write; the current practice of dictating English sentences for applicants to write is not an effective means of testing English proficiency.

INS is now undertaking a full review of its interview and testing criteria, including the content and format of the English and civics portions of the test. The Commission encourages officials responsible for naturalization to consult and enlist the assistance of professional educators, pedagogical experts, and standardized test providers in the development of new history/civics and English standards and tests. Consideration should be given to separating the English reading, writing, and comprehension components from the personal interview. Often, applicants are nervous about making a mistake during the interview and demonstrate less English proficiency than they may have. This separation also would work to the advantage of those responsible for adjudicating applications as interviews would be reserved for applicants who had fulfilled the English and civics requirements, sparing scheduling and interviewing of unqualified applicants.

The Arlington County, Virginia, Wilson Center provides education and training for immigrants using federal refugee program funds for language and employment services. It offers citizenship and English as a Second Language classes (focusing on child rearing and family violence). As the school registration center for foreign-born children, it can readily inform immi-grants of its services.

The American Telephone and Telegraph Company in India Hill, Illinois, learned the lengthy naturalization process was of major concern for its employees. It worked with the Chicago INS office to distribute naturalization applications and study guides to employees and provided space for officials to conduct interviews and naturalization ceremonies. A total of 400 employees and their family members became citizens.

These new standards will be meaningful only if applied equitably and there is a much greater capacity to monitor the agencies that give the tests. [See below.]

A more predictable and standardized testing process also must include consistent and rational exemptions for elderly legal permanent residents. At present English language exemptions are granted to legal permanent residents aged 50 years or older who have lived in the United States at least twenty years and to those 55 years of age who have resided in the U.S. for at least fifteen years. Special consideration on the civics component is given to naturalization applicants aged 65 or older who have resided in the U.S. for at least twenty years. The Commission supports these exemptions. However, it makes little sense to confer such exemptions on long-term legal residents, yet not on more recent elderly legal residents who have had less time to acquire English proficiency. The Commission calls for a thorough review of the current testing exemptions and urges the Congress to consider additional, narrowly-tailored exemptions to the English requirement for qualified elderly immigrants who have resided in the U.S. for fewer years than required by the current exemptions.

The Voter Education Registration and Action Program of the New England Literacy Resource Center in Boston, Massachusetts promotes adult literacy so that its students can take informed action on issues that concern them. The Center is supported by National Institute for Literacy grants under the 1991 National Literacy Act. In the November 1996 election, 467 out of 550 of the program's adult learners —85%— participated.

- **Expediting swearing-in ceremonies while maintaining their solemnity and dignity.** Approved applicants must take an oath of allegiance before U.S. citizenship is conferred upon them. Generally, the oath is administered in public ceremonies by federal judges. Most such ceremonies are solemn and dignified public affirmations of a mutual obligation that new Americans and their adopted country make to each other. However, in districts where the federal court has exercised sole jurisdiction to conduct the swearing-in cer-

emonies, long delays often result from crowded court calendars.

The Commission believes a more expeditious approach to the swearing-in ceremony should be adopted. Timely ceremonies need not sacrifice the ceremonial and traditional aspects of the ceremony that the Commission strongly believes are essential. The Commission believes the solemnity and pomp of the current judicial ceremonies should be maintained and could be enhanced by the inclusion of distinguished speakers. However, would-be citizens who have passed all requirements for naturalization should not be denied timely citizenship because of processing delays in scheduling swearing-in ceremonies.

Until 1990, the federal judiciary had sole jurisdiction to confer citizenship on an approved naturalization applicant. The Immigration Act of 1990, however, transferred authority to confer citizenship to the INS. Within one year, the Judicial Naturalization Amendments of 1991 reinstated the judiciary, albeit in a somewhat modified role. Consequently, judges who choose to exercise sole jurisdiction are granted forty-five days from notification of eligible applicants in which to perform swearing-in ceremonies. Despite the changes instituted by the 1991 Amendments, immigrants typically wait considerably longer to be sworn in as new citizens.

Such delays can have significant consequences for legal residents; they are unable to apply for particular jobs, travel abroad, vote, or receive certain benefits such as Food Stamps and Supplementary Security Income [SSI]. The Commission is concerned that as the number of newly-approved citizenship applicants increases, along with an increasing caseload

for the federal judiciary, the federal courts' capacity to perform timely ceremonies may be further hampered.

The Commission recommends that to reduce this waiting time Congress restore the Executive Branch's sole jurisdiction for naturalization. The Executive Branch should continue to work with federal judges as well as other qualified institutions and personnel, such as state courts or Immigration Judges, to ensure that swearing-in ceremonies are consistently conducted in a timely, efficient, and dignified manner. Eminent persons who would add dignity to the ceremony could be invited to participate as well. Standards of conduct should be developed for all such participants to assure, for example, that all remarks are free of partisan politics.

- **Revising the naturalization oath to make it comprehensible, solemn, and meaningful.** Taking the oath is a critical legal step in becoming a naturalized citizen. Its words convey the core meaning of becoming an American citizen. Thus, it is imperative that it be understandable by all who take it. We recommend that those naturalizing be given a written copy of the oath that they can read during the swearing-in and that they can keep as a meaningful memento. The current oath is not easy to comprehend. We believe it is not widely understood by new citizens. Its wording includes dated language, archaic form, and convoluted grammar. Although the 1952 statute does not prescribe any particular wording, it does require that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all

enemies, foreign and domestic; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

The Commission proposes the following revision of the oath as capturing the essence of naturalization.

> ***Solemnly, freely, and***
> ***without any mental reservation,***
> ***I,*** **[name]** ***hereby renounce under oath***
> ***[or upon affirmation]***
> ***all former political allegiances.***
> ***My sole political fidelity***
> ***and allegiance from this day forward***
> ***is to the United States of America.***
> ***I pledge to support and respect***
> ***its Constitution and laws.***
> ***Where and if lawfully required,***
> ***I further commit myself to defend them against all enemies, foreign and domestic, either by military or civilian service.***
> ***This I do solemnly swear [or affirm],***
> ***So help me God.***[4]

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process. The vast majority of applicants for naturalization are law-abiding immigrants who contribute to our society. The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens. Its value also is undermined when the

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process.

[4] As is the case under current regulations, when applicants, by reason of religious training and belief or for other reasons of good conscience, cannot swear an oath, they may substitute "solemnly affirm" and delete "so help me God."

process permits the abuse of our laws by naturalizing applicants who are not entitled to citizenship. For the process of Americanization to succeed, it must provide fair and timely service to legal residents applying for citizenship. It must also earn the trust and confidence of the general public.

In August 1995, the INS launched an initiative to address many of the most serious impediments to naturalization, including a backlog in excess of 300,000 persons and processing times that in larger cities approached four years. Consequently, the Service hired more than 1,000 new personnel, opened several additional branch offices, and established direct mail centers.

While these new resources resulted in record numbers of naturalizations, improprieties in granting citizenship to criminal aliens and fraud in the testing process undermined the goals of the program. It is fair to conclude that the new program revealed many of the structural and managerial weaknesses of the overall naturalization process. Subsequent Congressional hearings and independent investigations demonstrate that many of the most serious problems preceded the new initiative and were exacerbated by the increasing number of applications.

The Department of Justice [DOJ] has launched a variety of new initiatives to reengineer naturalization. DOJ named a Director for Naturalization Operations charged with overseeing management and reform of the naturalization program, including quality assurance and field operations. DOJ also contracted with Coopers and Lybrand to conduct a two-year review of the implementation and administration of the INS naturalization program.

Recognizing steps already are underway to reengineer the naturalization process, the Commission supports the following approaches:

- **Instituting efficiencies without sacrificing quality controls.** In the Commission's 1995 report to Congress, we recommended that the Immigration and Naturalization Service and the Congress take steps to expedite the processing of naturalization applications while maintaining rigorous standards. Two years later, the naturalization process still takes too long, and previous efforts to expedite processing resulted in serious violation of the integrity of the system.

  Because of failures in processing that resulted in the naturalization of ineligible applicants, new procedures subsequently were adopted to reduce inadvertent naturalization of criminal aliens. These new procedures, while not foolproof in barring criminals from naturalizing, have led to processing delays. At the same time, adequate staffing remains a problem. Congress has authorized reprogramming of funds to hire additional staff, but the Committees permitted temporary hires for most of the new positions even though the number of applications remain large. An entirely temporary workforce with short contracts lends instability to a process that already has problems. Instituting a system that has sufficient continuity of personnel and that is both credible and efficient therefore remains a pressing need.

- **Improving the integrity and processing of fingerprints.** Before applicants for naturalization can receive citizenship, they must submit fingerprints for FBI review to determine if the applicants have any disqualifying criminal background. Problems that delay thousands of applications have been identified in the operation of private agencies taking the fingerprints of applicants for citizenship. These problems include smudged prints and failure of applicants to sign or properly complete forms. Further, no mechanism now ex-

ists to verify accurately that the individual submitting the prints is the person whose prints are on the application.

To improve this process, the INS placed restrictions on who may qualify to offer fingerprint services. INS now accepts only fingerprints provided by Designated Fingerprint Services [DFS] trained and authorized by INS. These include local law enforcement agencies, nonprofit agencies, and fingerprint convenience stores. These restrictions may improve the quality of the prints, but do nothing to ensure that fingerprint services consistently and competently verify the identity of individuals whose prints are submitted. While law enforcement agencies have a vested interest in preserving the quality of fingerprints, they have heavy workloads and do not always give high priority to naturalization requests. Nonprofit, community-based organizations appear to take clear fingerprints, but there are questions about their competence to assess the validity of identity documents.

The Commission believes than only service providers under direct control of the federal government should be authorized to take fingerprints. If the federal government does not take fingerprints itself but instead contracts with service providers, it must screen and monitor such providers rigorously for their capacity, capability, and integrity. Failure to meet standards would result in termination of the contract.

- **Contracting with a single English and civics testing service.** The Commission urges a fundamental restructuring of the policies and procedures with which private agencies test naturalization applicants for their knowledge of English and civics.

A 1991 regulation authorized the INS to recognize the results of private for-profit and nonprofit testing services. The rationale was that private testing of civics and English would help to adjudicate citizenship applicants more expeditiously. By 1994, six organizations had been authorized by the INS to administer the citizenship exam.

Congressional hearings during the fall of 1996 revealed disturbing weaknesses in the use of private testers that undermined the integrity of the citizenship test. In response to reports that private, for-profit testing services were engaging in price gouging, cheating, and fraud, INS investigated three sites. In April and May of 1996, INS made some changes to improve testing site oversight Local INS offices were directed to conduct unannounced inspections of citizenship-testing affiliate locations if the office did not already have an inspection plan in place. The congressional hearings revealed that private testers continued to be inadequately supervised or disciplined by either INS or their parent company.

The Commission recommends that the federal government contract with one national and respected testing service to develop and give the English and civics tests to naturalization applicants. Having one organization under contract should help the government substantially improve its oversight. Moreover, continuity with a highly-respected and nationally-recognized testing service will help ensure a high quality product.

- **Increasing professionalism**. While many naturalization staff are highly professional in carrying out their duties, reports

from district offices, congressional hearings, and complaints from naturalization applicants demonstrate continued dissatisfaction with the quality of naturalization services. The Commission believes that a culture of customer-oriented service must be developed.

Recent audits point to very high levels of noncompliance with established practices and excessive error rates even in such basic tasks as filling in the proper names and identifying numbers on forms. Mistakes pose two serious problems for the naturalization process. First, legitimate applicants for naturalization face unnecessary delays while clerical and other mistakes are corrected. Second, ineligible applicants, including felons, may be able to obtain citizenship through administrative error. While INS must pursue denaturalization of such improperly naturalized citizens vigorously within legal limits, it is difficult to reverse grants of citizenship once made. Recruitment and training of longer-term staff assigned to adjudicating applications and overseeing quality control would help overcome some of these problems.

- **Improving automation.** According to the INS, the number of naturalization applicants projected for fiscal year 1997 and each of the following few years will exceed 1.8 million. As more and more immigrants apply for naturalization and choose to become part of the American polity, there is a greater need for efficient and accurate recordkeeping. Current systems are inadequate to meet such a demand for service. Both the INS and FBI rely on paper rather than electronic files, which is inefficient and subject to permanent loss or misplacement of documents. The inability of INS to provide accurate data on the number of recently-naturalized citizens who had undergone full background investigations is a particularly glaring example of the present system's

vulnerabilities. The costs to applicants and to INS credibility are significant. The Commission is encouraged by plans to develop linkages among data sources related to naturalization. The Commission recommends continued funding for an up-to-date, advanced, electronic automation system for information entry and recordkeeping.

- **Establishing clear fee and other waiver guidelines and implementing them consistently.** Under current law, the Attorney General is authorized to grant fee waivers to naturalization applicants. The Commission has received accounts of legitimate requests being denied. The prospective increase in naturalization fees may precipitate more fee waiver requests or perhaps discourage applicants. Clear guidelines and consistent implementation are needed to ensure that *bona fide* requests are granted, while guarding against abuse.

  The 1994 Immigration and Nationality Technical Corrections Act provided exceptions to the English proficiency and civics requirements for naturalization for persons with physical or developmental disabilities or with mental impairments. After extensive consideration and opportunities for public comment, the INS published its final rule in March 1997.

  The new rule emphasizes medically determinable standards that promote integrity and fairness. Further, the new rule does not confer a blanket exemption. Hence, judging whether an applicant's disability would bestow a disability waiver is inherently complex.

  The Commission believes that rigorous and equitable interpretation of the new rule will require that adjudicators are properly trained. Further, implementation must be strictly monitored to ensure that exceptions allowed by law are made

available to otherwise qualified legal residents. Finally, to ensure that the qualifications and procedures are understood and adhered to, the Commission recommends a thorough public education effort.

A CREDIBLE FRAMEWORK FOR IMMIGRATION POLICY

In our previous reports, the Commission defined a credible immigration policy "by a simple yardstick: people who should get in do get in, people who should not get in are kept out; and people who are judged deportable are required to leave." By these measures, the U.S. has made substantial, but incomplete, progress. What follows are the Commission's recommendations for comprehensive reform to achieve more fully a credible framework for immigration policy.

LEGAL PERMANENT ADMISSIONS

The Commission reiterates its support for a properly-regulated ***system for admitting legal permanent residents.***[1] Research and analyses conducted since the issuance of the Commission's report on legal immigration support our view that a properly regulated system of legal permanent admissions serves the national interest. We reiterate that such a system enhances the national benefits while protecting against potential harms.

The Commission reiterates its support for a properly-regulated system for admitting legal permanent residents.

This position is supported by a recent report we commissioned from the National Research Council on the impacts of immigration.[2] The panel concluded that "immigration produces net economic gains for domestic residents" in the form of increased productivity and reduced consumer prices. The benefits go well beyond economic ones, however. The panel also identified social and cultural gains

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[1] For a full explanation of the Commission's recommendations see *Legal Immigration: Setting Priorities,* 1995. See Appendix for summary of Commissioner Leiden's dissenting statement.

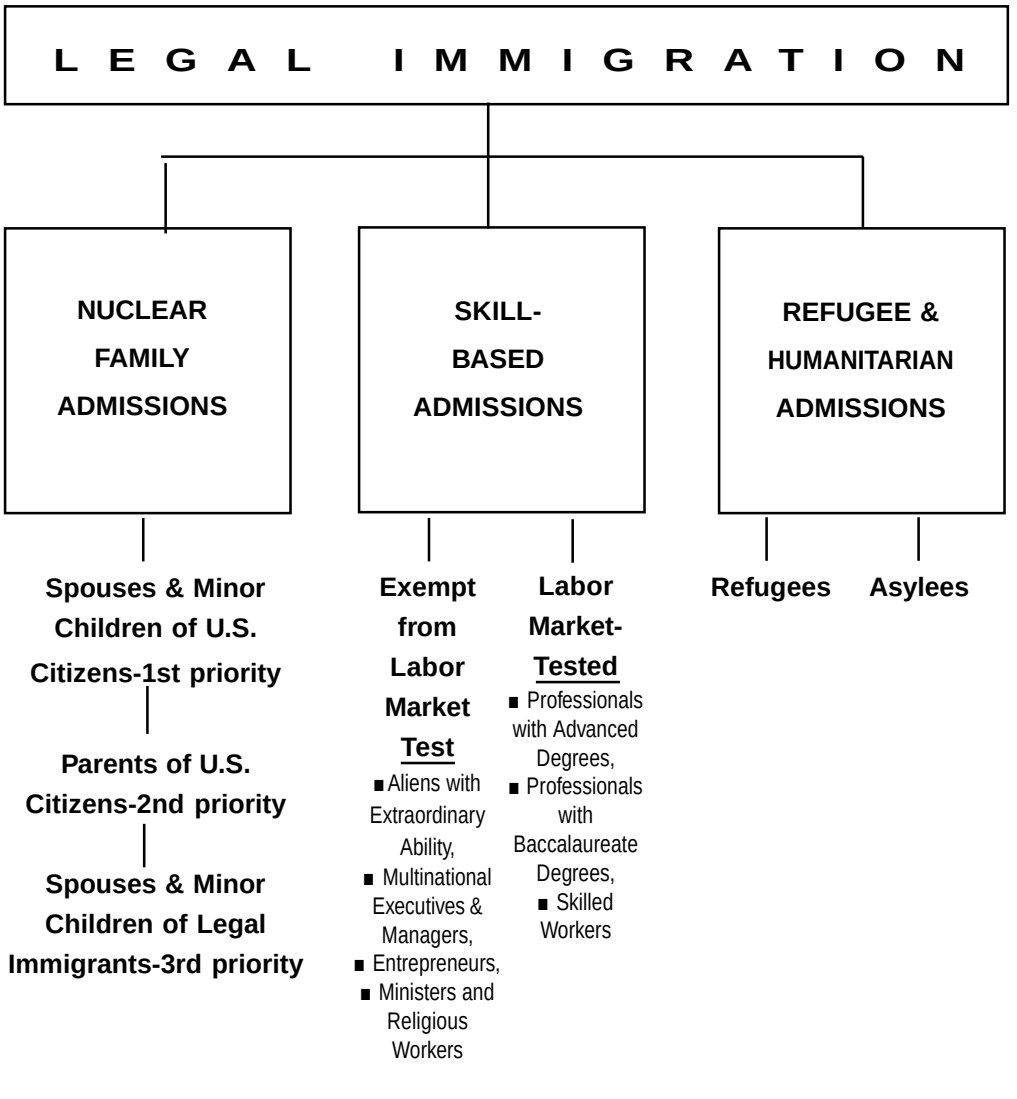
[2] National Research Council. (J.P. Smith, B. Edmonston, eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration.* Washington, DC: National Academy Press. 62.

resulting from immigration, particularly through the entry of highly-talented immigrants who choose to live and contribute to the United States. The report continues: "Even when the economy as a whole gains, however, there may be losers as well as gainers among different groups of U.S. residents." The principal "gainers" are the immigrants themselves, owners of capital, higher-skilled workers who are complements to most immigrants (who are themselves lower-skilled) and consumers. The principal "losers" are the low-skilled workers who compete with immigrants and whose wages fall as a result. On a fiscal basis, the panel found national-level net contributions of tax revenues resulting from immigration, but the panel also identified significant net fiscal costs to the taxpayers of states with large number of immigrants. These high fiscal impacts are due, particularly, to the presence of sizeable numbers of lesser-skilled immigrants whose tax payments, even over a lifetime, are insufficient to cover their use of services.

The Commission urges reforms in our legal immigration system to enhance the benefits accruing from the entry of newcomers while guarding against harms, particularly to the most vulnerable of U.S. residents—those who are themselves unskilled and living in poverty. More specifically, the Commission reiterates its support for:

- **A significant redefinition of priorities and reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.** The Commission's more specific recommendations on priorities and procedures for admission stem not only from the above analysis of the effects of immigration but also from our review of the workings of the admission system. We argued in our 1995 report that the current framework for legal immigration—family, skills, and humanitarian admissions—makes sense. However, the statutory and regulatory priorities and procedures for admissions do not support the stated intentions of legal

Proposed Tripartite Immigration System



immigration—to reunify families, to provide employers an opportunity to recruit foreign workers to meet labor needs, and to respond to humanitarian crises around the world. During the two years since our report on legal immigration, the problems in the legal admission system have not been solved. Indeed, some of them have worsened as is discussed below.

We believe current immigration levels should be sustained for the next several years while the U.S. revamps its legal immigration system and shifts the priorities for admissions away from extended family and toward nuclear family and away from unskilled and toward higher skilled immigrants. Thereafter, modest reductions in levels of immigration—to about 550,000 per year, comparable to those of the 1980s—will result from the changing priority system.

The Commission continues to believe that legal admission numbers should be authorized by Congress for a specified time (e.g., three to five years) to ensure regular, periodic review and, if needed, change by Congress. This review should consider the adequacy of admission numbers for accomplishing priorities. It also should consider the economic and other domestic needs and capacities of the United States to absorb newcomers.

- **Family-based admissions that give priority to nuclear family members—spouses and minor children of U.S. citizens, parents of U.S. citizens, and spouses and minor children of legal permanent residents—and include a backlog clearance program to permit the most expeditious entry of the spouses and minor children of LPRs.**

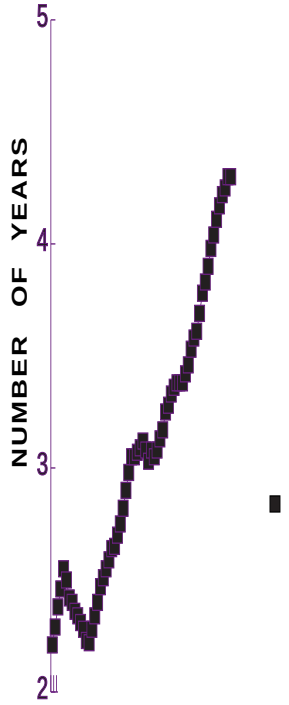
The Commission recommends allocation of 550,000 family-based admission numbers each year until the large backlog

of spouses and minor children is cleared. The backlog, which numbers more than 1 million persons, consists of the nuclear family members of legal immigrants who married after the U.S. spouse became a permanent resident, as well as spouses and minor children of aliens legalized under IRCA (most of whom are now eligible to naturalize). Numbers going to lower priority categories (e.g., adult children, siblings, and diversity immigrants), should be transferred to the nuclear family categories. Thereafter Congress should set sufficient admission numbers to permit all spouses and minor children of citizens and LPRs to enter expeditiously.

Since the Commission first reported its findings on legal admissions, the problems associated with family-based admissions have grown. In 1995, the wait between application and admission of the spouses and minor children of LPRs was about three years. It is now more than four years and still growing.[3]

Various statutory changes enacted in 1996 make it all the more important that Congress take specific action to clear the backlog quickly to regularize the status of the spouses and minor children of legal permanent residents in the United States. In an effort to deter illegal migration, Congress expanded the bases and number of grounds upon which persons may be denied legal status because of a previous illegal entry or overstay of a visa. Most important, a person un-

Waiting Time for Spouses and Minor Children of LPRs (FB-2A)



Source: DOS Visa Office
Visa Bulletin (1992-1997).

[3] It appears that the priority date (i.e., the cut-off date by which an approved petition must have been filed) has moved forward as much as it has only because of delays in processing applications for adjustment of status within the United States. When it became clear that INS could not keep up with the adjustment backlog, the Department of State moved up the priority date to continue processing visas overseas. As many of the adjustment applications are still to be processed, it is likely that there will be very little movement on the priority date during the next several months.

lawfully present for more than six months will be inadmissible for three years, and those unlawfully present for more than one year will be inadmissible for ten years.[4] If Congress decides not to renew the provision [known as Section 245(i)] that permits these individuals to adjust status within the United States, they will be unable to become legal immigrants even if they meet all other admission criteria.

An unknown, but believed to be large, number of spouses and minor children awaiting legal status are unlawfully present in the United States. While the Commission does not condone their illegal presence, we are cognizant of the great difficulties posed by the four-or-more-year waiting period for a family second-preference visa. U.S. immigration policy should not force legal immigrants to choose between family responsibilities and vows and their continued presence in the United States. The Commission believes no spouse or minor child should have to wait more than one year to be reunited with their U.S. petitioner.

The Commission is also concerned with the impact on nuclear family reunification of the provisions adopted in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA] to address perceived abuses in the use of parole. We agree that parole should be used only in exceptional circumstances and that Congress should be involved more directly in decisions to parole large numbers of individuals for permanent residence. We further recognize the validity of efforts to count long-term parolees against worldwide numerical ceilings. However, we do not agree with

[4] IIRIRA permits the Attorney General to provide a waiver for spouses and minor children if there is an extreme hardship to the U.S. petitioner. Although standards have not been set for implementing this provision, mere separation from family members generally has not counted as an "extreme hardship" in applying other provisions where extreme hardship is a ground for relief.

the IIRIRA provisions that count parolees against family-based admission numbers. Moreover, the language of IIRIRA requires the counting of those admitted with the intention that they reside permanently *and* those who are paroled for short stays but who are not known to have left one year later. For the first time in U.S. law, persons illegally in the U.S. would be counted against legal admission ceilings. This creates a conflict between policies. Moreover, inadequacies in current entry-exit controls mean that some parolees who leave the country will be determined to have remained and will also be counted against the legal admissions ceiling. Because the parole numbers are deducted from the family preferences, the new provisions hold the potential for delaying still further the already unacceptable delays in admission of nuclear family members.

The Commission believes that the national interest in the entry of nuclear family members outweighs that of more extended family members. We recognize that others disagree; they argue that the bonds to adult children and adult siblings can be as strong as the bond between spouses and with minor children. They also point to the valuable assistance provided by many extended families in setting up and running businesses and providing child care and other supportive services. Whatever the cultural and economic values attached to each family relationship, however, the far stronger responsibilities to one's spouse and minor children are well established in the U.S. We continue to believe that our family reunification system will remain seriously flawed until the spouses and minor children of LPRs are treated as a priority.

An end to extended visa categories is justified even apart from the large nuclear family backlog. The Commission pointed out in its 1995 report that the extraordinarily large

waiting list for siblings of U.S. citizens, and to a lesser extent, adult children undermines the integrity of the legal immigration system.

The backlog for siblings of adult U.S. citizens has stabilized during the past two years, but at a very large level. In January, 1995, there were 1.6 million on the waiting list; as of January 1997, the waiting list was 1.5 million. Except for oversubscribed countries, siblings who applied ten years ago are now eligible to enter. Admissions from the Philippines are of those who applied almost twenty years ago. These extended waiting periods mean that most siblings enter well into their working lives, limiting the time during which they can make a contribution to the U.S. economy. More than one-half of all the siblings and their spouses admitted in FY 1996 were above the age of 45. In other immigration categories, most principals are in their twenties or thirties.

The backlog for adult children is growing. In January 1995, there were about 70,000 unmarried sons and daughters of citizens, 500,000 unmarried sons and daughters of LPRs, and 260,000 married sons and daughters of citizens in the backlog. As of January 1997, the unmarried backlog had grown to more than 90,000 and 575,000, respectively, and the married children backlog is more than 310,000.

A particular concern is the "aging out" of children who were minors at the time of application, but who turned 21 years of age while awaiting their green cards. The Commission proposed in our 1995 report that the Immigration and Nationality Act [INA] be amended so that "a person entitled to status at the time a petition is approved shall continue to be entitled to that status regardless of his or her age."

- **Skill-based admissions policies that enhance opportunities for the entry of highly-skilled immigrants, particularly those with advanced degrees, and eliminate the category for admission of unskilled workers.** The Commission continues to recommend that immigrants be chosen on the basis of the skills they contribute to the U.S. economy. Only if there is a compelling national interest—such as nuclear family reunification or humanitarian admissions—should immigrants be admitted without regard to the economic contributions they can make. The reunification of adult children and siblings of adult citizens solely because of family relationship is not as compelling.

  A number of the NRC report's findings argue for increasing the proportion of immigrants who are highly-skilled and educated so as to maximize fiscal contributions, minimize fiscal impacts, and protect the economic opportunities of unskilled U.S. workers. The NRC research shows that education plays a major role in determining the impacts of immigration. Immigration of unskilled immigrants comes at a cost to unskilled U.S. workers, particularly established immigrants for whom new immigrants are economic substitutes. Further, the difference in estimated fiscal effects of immigrants by education is striking: using the same methodology to estimate net costs and benefits, immigrants with a high school education or more are likely to be net contributors while those without a high school degree are likely to be net costs to taxpayers.

  Shifting priorities to higher skilled employment-based immigrants will have a beneficial multiplier effect. The highly-skilled are, in effect, new seed immigrants who will petition for admission of their family members. The educational

level of the spouses and children of highly-educated persons tends to be in the same range. Hence, our society benefits not only from the entry of highly-skilled immigrants themselves, but also from the entry of their family.

The Commission's framework for legal skill-based admissions includes two broad categories. The first category would cover individuals who are exempt from labor market tests because their entry will generate economic growth and/or significantly enhance U.S. intellectual and cultural strength without undermining the employment prospects and remuneration of U.S. workers: aliens with extraordinary ability, multinational executives and managers, entrepreneurs, and ministers and religious workers. The second category covers individuals subject to labor market tests, including professionals with advanced degrees, professionals with baccalaureate degrees, and skilled workers with specialized work experience.

In our 1995 report, the Commission recommended allocation of 100,000 admission slots to skill-based immigrants. That number represented an increase of about 10 percent over actual usage of these visas, but a decline from the statutory ceiling of 130,000 admission numbers (i.e., 140,000 minus the 10,000 allocated to lesser skilled workers). We further recommended that unused skill-based admissions carry over to the following year's skill-based admissions.

The trend in admission of skill-based immigrants supports our 1995 recommendations, but also indicates the great need to monitor and revise admission numbers as needed. In FY 1995, 85,000 employment-based immigrants were admitted, including 7,900 unskilled workers. This number was artificially low, however, because of INS delays in adjudicating

applications for adjustment of status. In FY 1996, admissions totaled 117,000, including 12,000 unskilled workers. The 100,000 skilled admission numbers recommended by the Commission would have been sufficient to cover the period 1994-1996 (with the carry-over provision). However, if the FY 1996 spike turns out to be real (rather than an artifact of the adjustment of status delays of FY 1995), the number of employment-based visas may need to be revised.

The Commission also continues to recommend changes in the procedures used in testing the labor market impact of employment-based admissions. Rather than use the lengthy, costly, and ineffectual labor certification system, the Commission recommends using market forces as a labor market test. To ensure a level playing field for U.S. workers, employers would attest to having used normal company recruiting procedures that meet industry-wide standards, paying the prevailing wage, and complying with other labor standards. Businesses recruiting foreign workers also would be required to make significant financial investments in certified private sector initiatives dedicated to improving the competitiveness of U.S. workers. These payments should be set at a per-worker amount sufficient to ensure there is no financial incentive to hire a foreign worker over a qualified U.S. worker. Labor certification continues to be a time-consuming, unproductive way to protect U.S. workers from unfair competition from immigrant workers. The Department of Labor has tried to institute reforms that have streamlined the process for certain applications. The result, however, has been to slow down even further other applications that do not meet the streamlining requirements.

- **Refugee admissions based on human rights and humanitarian considerations, as one of several elements of** U.S.

leadership in assisting and protecting the world's **persecuted.**[5] Since its very beginnings, the United States has been a place of refuge. Today, when millions of refugees are displaced because of persecution, human rights violations, or warfare, U.S. leadership in responding to refugee crises is critical. The Commission believes continued admission of refugees sustains our humanitarian commitment to provide safety to the persecuted, enables the U.S. to pursue foreign policy interests in promoting human rights, and encourages international efforts to resettle persons requiring rescue or durable solutions. The Commission also urges the federal government to continue to support international assistance and protection for the majority of the world's refugees for whom resettlement is neither appropriate nor practical.

Admissions to the U.S. should be seen within the context of broader U.S. interests in protecting and assisting refugees worldwide. The Commission believes a comprehensive U.S. refugee policy should be coordinated by an office within the National Security Council [NSC] to serve as the White House focal point for domestic and international refugee and related humanitarian issues: to care for and protect refugees overseas; to resettle the few for whom U.S. resettlement is the only or best option and provide sensible transitional assistance to them; to operate an effective system for protecting *bona fide* asylum seekers in the U.S. while deterring those who are not; and to adopt a humane and effective plan to respond to mass migration emergencies.

The admission of refugees should be divided into two broad priority groups with numbers allocated accordingly. The first priority would be for refugees who are in urgent need

[5] For a full explanation of the Commission's refugee-related recommendations, see *U.S. Refugee Policy: Taking Leadership,* 1997.

of rescue and refugees who are the immediate relatives of persons already living legally in the United States. The second priority would include refugees whose admission is of special humanitarian interest to the United States but who are not in imminent danger where they currently reside. Admission numbers would be sufficient each year to guarantee entry to all *bona fide* applicants within the first priority and an agreed-upon number for the second priority Family members and close household members who are dependent on the principal applicant for financial or physical security should also be included among admissions within this priority system.

The United States should set annual numerical targets—but not a statutory limit—for future refugee admissions. The Commission recommends an improved consultation process that will help ensure that admission numbers and allocations meet U.S. national and international interests. The annual consultations should be strengthened by considering projections of admission levels and priorities for at least two years beyond the fiscal year under immediate consideration. Input should be solicited from a wide range of human rights and humanitarian organizations with knowledge of conditions precipitating the need for resettlement.

The United States also should use an active, inclusive process for identifying and making decisions regarding the admissibility of applicants for resettlement, conferring with a broad set of agencies in identifying possible candidates for resettlement. The U.S. government should confer with a broader set of agencies in identifying possible candidates for resettlement, including international and local human rights organizations, relief agencies providing assistance to refugees, and host governments.

The Commission further believes changes are needed to make the administrative processes for admission more flexible and streamlined in determinations of eligibility in order to respond quickly to refugee crises. Also, refugees should be admitted with LPR status except in cases where there has been inadequate opportunity prior to admission for the admitting officer to thoroughly review the case(s).

The Commission supports a continuing program of assistance to refugees after entry. The current array of assistance and services that characterize the resettlement program should be maintained, but with increased attention to services that prepare refugees for rapid economic self-sufficiency and civic participation. In addition, the federal, state, and local agencies involved in resettlement should develop a national plan for streamlining the program to address the complexity of the funding process and reporting requirements, the overlap of programs and responsibilities, and the lack of clear accountability for the outcomes of the program.

The current public/private partnership in the domestic resettlement program should be continued, but for a three-year trial period their division of responsibility should be more explicit, with (1) the public sector assuming responsibility for refugees eligible for the publicly funded public assistance programs and (2) the private sector being responsible for a limited duration program for refugees not eligible for the mainstream public programs.

The mechanisms by which the refugee program is funded should be strengthened through changes to the Refugee Act: (1) to specify a minimum time period of special refugee cash and medical assistance provided to refugees not eligible for Temporary Assistance for Needy Families [TANF] or Supplemental Security Income [SSI]; (2) to permit the appropria-

tion of "no year" money for the cash and medical assistance portion of the Office of Refugee Resettlement [ORR] budget; (3) to broaden the consultation process to ensure greater consistency between admission decisions and appropriation of funds to support refugee assistance and services; and (4) to establish a domestic emergency fund.

The Commission continues to recommend against denying benefits to legal immigrants solely because they are noncitizens. The Commission believes that the denial of safety net programs to immigrants solely because they are noncitizens is not in the national interest. In previous reports, the Commission argued that Congress should address the most significant uses of public benefit programs —particularly, elderly immigrants using Supplementary Security Income—by requiring sponsors to assume full financial responsibility for newly-arriving immigrants who otherwise would be excluded on public charge grounds. In particular, the Commission argued that sponsors of parents who would likely become public charges assume the responsibility for the lifetimes of the immigrants (or until they became eligible for Social Security on the basis of work quarters). We also argued that sponsors of spouses and children should assume responsibility for the duration of the familial relationship or a time-specified period. We continue to believe that this targeted approach makes greater sense than a blanket denial of eligibility for public services solely on the basis of a person's alienage.

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Basing eligibility for assistance on citizenship debases citizenship. We encourage immigrants to become citizens in order to participate fully in the civic life of the country. We do not want immigrants to become citizens solely because the alternative is the serious economic hardship that may result if benefits are lost or unavailable. In some cases, categorical denial of eligibility to legal aliens undermines the very purpose of our immigration policy. For example, the United States admits refugees, as noted above, to provide protection against the dangerous situations they encounter in their home coun-

tries and first-asylum countries. Some of the most vulnerable refugees requiring such protection are the elderly and disabled who will have the greatest difficulty meeting our naturalization standards.

This is not to deny that elderly and disabled immigrants pose a cost to U.S. taxpayers. The NRC report confirms this fact. By contrast, however, immigrants who come during their prime working years generally do not pose a net cost to the taxpayer over their lifetime. Most of the fiscal impact related to the presence of immigrants comes in the area of education, which can be seen as both a cost and an investment as education has long-term benefits to the United States both in a more skilled workforce and in higher income and resulting tax payments.

The Congress did not accept the Commission's recommendations to preserve the safety net. Some eligibility for elderly and disabled immigrants receiving Supplementary Security Income lost as of the enactment of the welfare reform legislation has been restored as a result of budget negotiations. Eligibility for food stamps and other programs designed for the working poor were not restored, however. And, future immigrants will be ineligible for SSI even if they become disabled after entry and have no other means of support.

The Congress did adopt, but in a modified version, the Commission's recommendation for binding affidavits of support. The 1996 legislation framed the requirement in two ways that differ from the Commission's recommendations. First, the legally-binding affidavit, with its more rigorous requirements regarding the income of sponsors, applies to some persons who are not likely to be public charges but not to others who are likely to require assistance. The affidavits apply to *all* family-based immigrants, not just to those who are likely to be public charges. By contrast, the new affidavit will not be used for other admission categories (for example, diversity immigrants) even if an immigrant is likely to be a public charge.

Second, under the new legislation, the same time periods and requirements apply to everyone who signs an affidavit. The affidavits are in force until the immigrant works forty quarters or becomes a U.S. citizen. The Commission believes the period of responsibility should be geared instead to the family relationship and likely period during which the immigrant may require assistance. For example, the sponsors of an elderly parent would be required to assume a longer (even an indefinite) period of support if the parent is of an age that makes it unlikely that he or she would become self-supporting. The responsibility for a spouse, however, would be for a time-limited period or for the duration of the marriage, whichever is longer. Under the new law, the responsibility of petitioners of younger immigrants is so open-ended that it does not provide a realistic or fair set of obligations. For example, if a U.S. citizen marries a foreign student with a professional degree and a job offer, the U.S. citizen must now take on a open-ended obligation to the foreign student, an obligation that carries on even if the marriage ends in divorce. If the immigrant spouse chooses not to work (and therefore doesn't meet the forty quarters requirement) and not to naturalize, the citizen remains responsible for his or her financial support (at 125 percent of the poverty level) indefinitely. The law has no "good cause" exception.

To conclude, the Commission's recommendations on legal admissions are as relevant today as they were in 1995. The Commission urges the Congress to take the measures needed to reform our legal immigration policies so it best serves the national interest in a well-regulated immigration system.

LIMITED DURATION ADMISSIONS

Persons come to the United States for limited duration stays for several principal purposes: representation of a foreign government or other foreign entities; work; study; and short-term visits for commercial or personal purposes, such as tourism or family visits. These individuals are statutorily referred to as "nonimmigrants." In this report, however, we refer to "limited duration admissions [LDAs]", a term that better captures the nature of their admission. When the original admission expires, the alien must either leave the country or meet the criteria for a new LDA or permanent residence. The term "nonimmigrants" is misleading as some LDAs entering the United States are really in transition to permanent residence, and other LDAs enter for temporary stays and become permanent residents based on marriage or skills.[6]

The benefits of a well-regulated system of LDAs are palpable. LDAs represent a considerable boon to the U.S. economy. The tourism and travel industry (domestic and international) is the second largest employer in the United States and generates 6 percent of the nation's Gross Domestic Product [GDP]. International tourism provides a net trade surplus (dollars international visitors spend here minus dollars U.S. visitors spend outside the U.S.) of $18 billion. Worldwide, the U.S. earned the most from international visitors—more than $64 billion.

Foreign students and workers often enrich the cultural, social, and scientific life of the United States. Our universities gain access to many talented students worldwide, thus maintaining the global competitiveness of the U.S. system of higher education. Foreign students give U.S. students the opportunity to learn about foreign

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[6] Certain LDA categories, such as those for fiancé(e)s, intracompany transferees, and specialty workers provide explicit bridges to permanent immigration.

Limited Duration Admissions and Visa Issuances

Class of Admission	Admissions (Entries) 1996	Visa Issuances 1996
All classes*	24,842,503	6,237,870
Foreign government officials (& families) (A)	118,157	78,078
Temporary visitors for business and pleasure (B1, B2)	22,880,270	4,947,899
Transit aliens (C)	325,538	186,556
Treaty traders and investors (& families) (E)	138,568	29,909
Students (F1, M1)	426,903	247,432
Students' spouses/children (F2, M2)	32,485	21,518
Representatives (& families) to international organizations (G)	79,528	30,258
Temporary workers and trainees	227,440	81,531
Specialty occupations (H-1B)	144,458	58,327
Performing services unavailable (H2)	23,980	23,204
Agricultural workers (H-2A)	9,635	11,004
Unskilled workers (H-2B)	14,345	12,200
Workers with extraordinary ability (O1, O2)	9,289	4,359
Internationally recognized athletes or entertainers (P1, P2, P3)	33,633	23,885
Exchange & religious workers (Q1, R1)	11,048	5,946
Spouses/children of temporary workers and trainees (H4, O3, P4, R2)	53,572	38,496
Exchange visitors (J1)	215,475	171,164
Spouses/children of exchange visitors (J2)	41,250	33,068
Intracompany transferees (L1)	140,457	32,098
Spouses/children of transferees (L2)	73,305	37,617

Sources: Admissions: U.S. Immigration and Naturalization Service statistical division. Visa Issuances: U.S. Department of State. 1996. *Report of the Visa Office, 1996*. Washington, DC: DOS, Bureau of Consular Affairs.

*Categories may not equal total because of omitted categories (e.g., fiancé(e)s of U.S. citizens, overlapping Canadian Free Trade Agreement professionals, unknown, NATO officials and professionals, and foreign media).

societies and cultures and, on returning home—often to positions of leadership—share their exposure to our democratic values, constitutional principles, and economic system. Foreign workers give employers timely access to a global labor market when they cannot identify or quickly train U.S. workers with knowledge and expertise required for a specific job. These worker programs also help companies conducting business both in the U.S. and internationally to reassign personnel as needed to maintain their competitiveness. As economies become increasingly integrated, companies are attracting more and more U.S. workers abroad as well.

Yet, LDAs pose problems for U.S. society under two principal circumstances: when the aliens fail to depart at the end of their legal stay; and when they present unfair competition to U.S. workers. The first problem is an enforcement one. Although overstayers represent a minute portion of the LDAs admitted each year, they are a significant part of the illegal immigration problem. The Immigration and Naturalization Service estimates that as many as 40 percent of the illegal aliens currently in the country originally entered with LDAs, many as short-term visitors. An equally pressing problem is the current inability to track the continued presence and whereabouts of many longer-term LDAs, particularly foreign students, after their arrival in the United States. This lack of capacity to monitor their presence exacerbates the problems of overstay and other violations of their legal status.

The second issue arising in limited duration admissions relates to the criteria for admission of foreign workers and the procedures used to determine their impact on U.S. workers. A proper balance must be struck in the LDA system between enhancing the productivity and global competitiveness of the U.S. economy through access to foreign workers and protecting U.S. workers against unfair competition.

The availability of foreign workers may create a dependency on

them. It has been well-documented that reliance on foreign workers in low-wage, low-skill occupations, such as farm work, creates disincentives for employers to improve pay and working conditions for American workers. When employers fail to recruit domestically or to pay wages that meet industry-wide standards, the resulting dependence—even on professionals—may adversely affect both U.S. workers in that occupation and U.S. companies that adhere to appropriate labor standards. For many of the foreign workers, even wages and working conditions that are very poor by U.S. standards are much better than those available at home. In a few egregious cases, businesses have hired temporary foreign workers after laying off their own domestic workforce.

The Immigration Act of 1990 imposed numerical limits on two employment categories where such dependence was feared: H-1B (specialty workers) is capped at 65,000 per year, and H-2B (unskilled workers) is capped at 66,000 per year. While the H-2B category is far from its numerical limits, the statutory cap on annual H-1B admissions was reached for the first time in FY 1997. INS announced in August 1997 the formation of a waiting list because approved workers would be ineligible to enter until the start of the next fiscal year. If the trend in applications continues, the cap is likely to be reached even earlier in FY 1998. Hence, employers petitioning late in the year would be required to wait for the admission of approved workers.

The current business users of the H-1B tend to fall into two distinct categories. One group of employers is clearly unlikely to become dependent on foreign workers but potentially is adversely affected by the numerical limits. These employers tend to hire relatively few foreign workers (for example, measured as a proportion of their overall workforce). Generally, they have identified specific foreign workers whose specialized skills are needed. Often, the company has done extensive recruitment in the United States and has been unable to find qualified workers with the specific skills they seek.

Because foreign workers represent a relatively small proportion of their workforce, there is little risk that foreign hires will cause either job displacement or wage depression for U.S. workers.

A second group of employers includes companies that make extensive use of H-1B professionals (again, as measured by proportion of their workforce). Sometimes, they seek approval in the same application for a large number of foreign workers who share minimal professional qualifications. But even within this more dependent group, there is variation in the risk posed by the importation of foreign workers to U.S. workers. Some employers recruit domestically or take other steps to employ U.S. workers, but they are unable to find sufficient professionals to fill their needs. Other employers recruit exclusively overseas and make no effort to employ qualified U.S. workers. They may utilize the H-1B workers in their own operations or contract the foreign workers to other employers.

Under current law, the numerical limits, and now required waiting time, pertain equally to the employer who has few foreign workers and the employer who has only foreign workers. Similarly, the same provisions apply to the employer who has recruited extensively within the United States and been unable to find a worker with the needed specialized skills and to the employer who does no domestic
recruitment.

The recommendations presented in this report seek to maximize the potential benefits for the U.S. economy and society resulting from the admission of LDAs while minimizing the potential negative effects. They build on—and in some cases reinforce—the Commission's previous recommendations for reforming the permanent legal immigration system. The overarching goal is to maintain the advantages that accrue to American society from entry of LDAs while protecting the legitimate interests of American workers and businesses from unfair competition.

Principles for a Properly-Regulated System

The Commission believes that LDA policy should rest on the following principles:

- **Clear goals and priorities**. LDA policy should clearly differentiate the goals of each set of visa categories, with procedures that reflect the requirements of each type of visa and subsequent admission. With more than forty different LDA visas provided for under current law, as discussed below, it is often difficult to identify how the goals of one category differ from those of others.

- **Systematic and comprehensible organization of LDA categories**. The statutory definitions, criteria, and procedures for visas and admission have developed in an *ad hoc* fashion. There is now accumulation of more than forty different LDA visas (subsumed under nineteen alphabetical headings), including overlapping categories for students, workers, and other visitors, as well as additional visas added to address the concerns of specific interest groups. Simplification of the system would enable businesses, educators, persons with LDAs, government officials, and the general public to understand more clearly the requirements for visa application and admission and the responsibilities of the persons with LDAs and their sponsors. Administration of the LDA system could be simplified, with attendant reduction in cost and confusion.

- **Timeliness, efficiency, and flexibility in implementation**. LDA policy should be implemented in a timely and efficient way with sufficient flexibility in law and regulations to respond to such domestic considerations as changes in the economy and our educational systems. Because of the time-limited nature of the stay, it is imperative that the system

allow admissions decisions to be made expeditiously while retaining a capacity to identify unqualified or fraudulent applications. Similarly, the provisions to protect U.S. workers must allow for timely and efficient mechanisms to investigate complaints and impose appropriate sanctions. While a good part of the LDA system now functions in a timely way, the diffusion of responsibility in foreign worker categories reduces the potential efficiency of that part of the system. The Commission's structural reform recommendations, discussed below, will help address certain inefficiencies.

- **Compliance with conditions for entry and exit and effective mechanisms to monitor and enforce this compliance.** The LDA system should be designed to allow for greater compliance, monitoring, and enforcement. Policies should specify clearly the conditions of entry and the penalties for noncompliance. It is the responsibility of the government, with the cooperation of the private sector where appropriate, to record, track, and report on those entering for limited duration stays. Americans expect that aliens will respect and observe the conditions of their temporary admission, including departure at the end of their lawful stay, and that they will be subject to government enforcement if they fail to comply with the conditions of their admission or if they overstay. Their sponsors (generally, businesses and schools) also bear responsibility for complying with all relevant requirements. Penalties for noncompliance must be commensurate with the offense. The current system does not yet have exit controls in place. In sum, the LDA system should meet a "truth-in-advertising" test.

- **Credible and realistic policies regarding transition from LDA to permanent immigrant status.** Realistic policies should continue to differentiate between LDAs who will

remain only temporarily and those who become permanent. For example, LDAs should continue to be able to transition to immigrant status as expeditiously as possible if they enter *bona fide* marriages with U.S. citizens or meet the justifiably high education, skill standards, and prescribed labor market tests of the permanent skill-based immigration categories.

- **Protection of workers from unfair competition and of foreign workers from exploitation and abuse**. LDA worker categories present special challenges in ensuring that U.S. workers are protected from unfair competition while legitimate foreign workers are protected from exploitation. Any system of LDA admissions must include protections for both U.S. and foreign workers, protections that are commensurate with the risk of unfair competition or abuse that the specific category presents. For example, lesser-skilled workers (whether American or foreign) who are newly entering the workforce and whose skills are easily replaced are generally more vulnerable—both to displacement and exploitation—than are more highly-skilled, specialized workers. Businesses that contract out their foreign workers to other businesses pose a greater risk for labor market violations because of the greater diffusion of employer responsibility. Also, employees of firms whose workforces consist primarily of temporary foreign workers, particularly from low-wage countries, are more vulnerable to exploitation; these foreign workers may be used to displace American workers because of their fear that any complaint about wages and working conditions might lead to deportation.

- **Appropriate attention to limited duration admission policies in trade negotiations**. Important policy decisions on admission of temporary workers occurred during negotiations on the North American Free Trade Agreement [NAFTA] and the General Agreement on Trade in Services [GATS].

Some are concerned that these treaty obligations restrict the capacity to reform our LDA policies by locking current immigration law into place or establishing minimum requirements to which changes in immigration law must adhere. In the future, both the Administration, in negotiating trade agreements, and the Congress, in passing enabling legislation, should assess more carefully the long-term ramifications of trade negotiations for immigration policy. The aim should be to ensure that options for future immigration reform are not unknowingly foreclosed.

The following recommendations aim at maximizing the potential benefits accruing from admission of LDAs while minimizing the potential harmful effects.

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable.

Framework

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable. The Commission recommends that the current proliferation of visa categories be restructured into five broad groups: official representatives; short-term visitors; foreign workers; students; and transitional family members. Subcat-

[7] The current system includes the J visa for cultural exchange, which is used for a variety of purposes, ranging from short-term visits to study and work. The workers include scholars and researchers, camp counselors, *au pairs*, and various others. Some work activities under the J visa demonstrate a clear cultural or education exchange; other work activities appear only tangentially related to the program's original purposes. Protection of U.S. workers by labor market tests and standards should apply to the latter group in the same manner as similarly situated temporary workers in other LDA categories. The Department of State should assess how better to fulfill the purpose of the Mutual Educational and Cultural Exchange Act of 1961 [Fulbright-Hays Act]. Such an analysis is particularly timely in light of the merger now being implemented between the Department of State and the United States Information Agency, which is responsible for administering the J visa.

egories of these groups may be appropriate in some cases. This reorganization reflects such shared characteristics of different visa categories as entry for like reasons, similarity in testing for eligibility, and similar duration of stay in the United States.

The definitions and objectives of the five limited duration admission groups would be:[7]

- **Official representatives** are diplomats, representatives of or to international organizations, representatives of NATO or NATO forces, and their accompanying family members. The objective of this category is to permit the United States to admit temporarily individuals who represent their governments or international organizations. The presence of official representatives in the United States is based on reciprocity; the United States expects similar treatment for its own persons in similar capacities abroad. Under current law, these individuals are admitted under the A and G visas. For the most part, members of these groups are admitted to the United States for the duration of their status as official representatives.

- **Short-term visitors** come to the United States for commercial or personal purposes. In 1995 alone, an estimated 43.5 million inbound visitors from other countries spent $76 billion on travel to and in the United States (on U.S. flag carriers, lodging, food, gifts, and entertainment).[8] This supports the U.S. national interest in encouraging tourism and business exchange. The majority of short-term visitors enter the United States under the visa waiver program, which is available for nationals of countries demonstrating little visa

[8] The 43.5 million visitors include the admission entries of individuals from countries where a visa or visa waiver is required as well as those from Canada (no visa, visa waiver, or border crossing card required) and Mexico (border crossing card required).

abuse. (For these nationalities, visas are required for all other purposes). "Nonwaiver" nationalities must possess a B visa for tourism or business, or a C visa for transit. Some short-term visitors also enter with the J visa if they are sponsored by the U.S. Information Agency [USIA] or other U.S. government agency. Short-term visitors generally have little or no effect on the U.S. labor market as they are severely limited in what they can do in the United States. Under current law, waiver visitors are admitted for ninety days, with no option for extension; visitors admitted with B visas are normally authorized a six-month stay, with flexibility to apply for another six months. Those in transit with C visas are given up to twenty-nine days' stay. The majority of visitors by their own volition stay for very short periods. This category also includes informants/witnesses (current S classification) whose temporary entry is in the U.S. national interest because their knowledge is needed for criminal prosecutions.

- **Foreign workers** are those who are coming to perform necessary services for prescribed periods of time, at the expiration of which they must either return to their home countries or, if an employer or family member petitions successfully, adjust to permanent residence. This category would serve the labor needs demonstrated by U.S. businesses with appropriate provisions to protect U.S. workers from unfair competition. Under current law, numerous types of foreign workers are admissible under the D visa for crewmembers, E visa for treaty traders and investors, H visa for "specialty workers" and other temporary workers, I visa for foreign journalists, L visa for intracompany transferees, O visa for aliens of extraordinary ability, P visa for performers and entertainers, Q visa for participants in cultural exchange programs, and R visa for religious workers. In addition, certain other workers enter under the TN provisions created

by NAFTA. There is a second, parallel system under which other workers enter with J visas because they are sponsored by an institution approved by the U.S. Information Agency to engage in cultural exchange. Some of these J workers are paid by their own governments or home institutions whereas others receive compensation from the U.S. institutions and businesses employing them. Also included as foreign workers are trainees, that is, individuals receiving on-the-job training by working in U.S. institutions. The present multiplicity of LDA work categories could be rationalized and made to parallel similar immigrant visa categories. [See below for specific recommendations regarding foreign workers.]

- **Students** are persons who are in the United States for the purpose of acquiring either academic or practical knowledge of a subject matter. This category has four major goals: to provide foreign nationals with opportunities to obtain knowledge they can take back to their home countries; to give U.S. schools access to a global pool of talented students; to permit the sharing of U.S. values and institutions with individuals from other countries; and to enhance the education of U.S. students by exposing them to foreign students and cultures. Students now enter under at least three visa categories: F visa for academic students; J visa, also for academic students (but generally including those whose education is paid by their own government or the U.S. government rather than themselves); and M visas for vocational students.

- **Transitional family members** include fiancé(e)s of U.S. citizens. These individuals differ from other LDAs because they are processed for immigrant status, although they do not receive such status until they marry in the U.S. and adjust. The Commission believes another category of transitional family members should be added: spouses of U.S.

citizens whose weddings occur overseas but who subsequently come to the U.S. to reside. At present, a U.S. citizen cannot petition for the admission of a spouse until after the marriage. Months often pass before the foreign spouse can come to the U.S. Under the Commission's plan, the newlywed should be permitted to enter the U.S. under a transitional family visa and then complete the paperwork for legal permanent resident status.

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstays.

Short-Term Visitors

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstays. A permanent visa waiver system requires appropriate provisions to expand the number of participating countries and clear and timely means for removing those countries that fail to meet the high standards reserved for this privilege. Congress should extend the pilot three years while the control system is implemented.

Most observers recognize that the waiver has been a positive factor in increased tourism and trade and in less processing time for many travelers at ports of entry. More than one-half of the short-term visitors from waivered nationalities come to the U.S. under the waiver, and INS reports little overstay or other immigration violations from these visitors. The Department of State [DOS] has been able to reallocate its relatively high-cost overseas resources to areas that need greater attention, such as increased antifraud efforts, coping with the Diversity Visa workload, and staffing new posts in the former Soviet Union. A key factor in the success of the waiver program is the electronic sharing of "watch list" data of persons ineligible for visas between the Department of State and INS on an almost immediate basis. Being able to screen visitors arriving with-

out visas at ports of entry serves the fundamental purpose of ensuring that statutorily ineligible aliens are not admitted to the United States.

Foreign Workers

Each year, more foreign workers enter the United States as LDAs for temporary work than enter as skill-based immigrants. In FY 1996, the Department of State issued almost 278,000 limited duration worker visas, including those for spouses and children. (Other LDA workers who changed status within the United States are not reflected in these statistics. Also not considered are LDA foreign students working in the United States during their course of study or as part of their practical training, or researchers entering under J visa programs.) By contrast, only 117,000 immigrant visa issuances and domestic adjustments of status in worker categories were recorded in FY 1996, far less than the legislated limit of 140,000.

The Commission recommends that the limited duration admission classification for foreign workers include three principal categories: those who, for significant and specific policy reasons, should be exempt by law from labor market protection standards; those whose admission is governed by treaty obligations; and those whose admission must adhere to specified labor market protection standards. Under this recommendation, LDA worker categories would be organized around the same principles that guide permanent worker categories. LDA workers would be subject to rigorous tests of their impact on the labor market unless they are exempt from these tests because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers.

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Within the labor market protection standards group, criteria for admission are consistent with the potential adverse effect of given categories of workers. The Commission believes adverse impact is broadly related to educational and skill level of the affected workers. Although there sometimes is an adverse effect from even the most highly-skilled and experienced foreign workers, the benefits of such workers are usually large to American society as a whole. They are likely to enhance the U.S. national interest through the generation of economic activity, including the creation of jobs. In general, the higher the levels of education and skill required in a given occupation, the more likely U.S. workers will be able to compete successfully with workers from abroad. Even at the very highest levels of skill and education, however, this generalization fits some high-skill occupations, but not others.

Entry-level professionals and lesser-skilled workers pose somewhat greater risk of displacing U.S. workers because their work can more likely substitute for that of U.S. workers. If they accept lower wages and benefits or poorer working conditions, they present unfair competition to U.S. workers and their employers may gain an unfair advantage over other U.S. employers. Similarly, unskilled foreign workers present the greatest potential for adverse impact because they are competing with some of the most vulnerable of American workers. Accordingly, the Commission proposes different sub-categories with labor market protection standards commensurate with the risks we believe are posed by the workers.

- **Those exempt by law from labor market protection standards** because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers. These include:

Individuals of extraordinary ability in the sciences, arts, education, business, or athletics, demonstrated through sustained national or international acclaim and recognized for extraordinary achievements in their field of expertise. These individuals now enter under the O visa. This category is comparable to the first priority in our permanent resident system. The U.S. national interest is well served by entry of individuals at the very top of their chosen fields who can contribute during their temporary stay to U.S. economic growth and intellectual and cultural strength.

Managers and executives of international businesses (current L visa), also comparable to the first priority in the legal permanent resident system. The global competitiveness of U.S. businesses is enhanced by the capacity of multinational corporations to move their senior staff around the world as needed. Often, there is only temporary need for a transfer, although permanent relocation may later be required. Under current law, the person with a LDA visa must have been employed by the firm, corporation, affiliate or subsidiary continuously for one year within the three years preceding the application for admission. As discussed below, the Commission believes greater safeguards must be in place to ensure that only *bona fide* international businesses benefit from this policy.

Professors, researchers and scholars whose salary or other compensation is paid by their home government, home institution, or the U.S. government in a special program for foreign professors, researchers, and scholars. Each year, professors, researchers, and scholars enter the United States on sabbatical from their own universities or research institutes, often with a J visa. Also in this category are foreign members of research teams cofunded by the United States and

other countries. These individuals present substantial benefits to the United States in the expertise and resources they bring, and they pose no threat of displacement of U.S. researchers as their salaries are from foreign sources or they enter under a U.S. government-funded program, such as the Fulbright Program, whose resources are earmarked through an appropriation process for foreign researchers and scholars.

Religious workers, including ministers of religion and professionals and other workers employed by religious nonprofit organizations in the U.S. to perform religious vocations and religious occupations. Under current law, religious workers must have had at least two years' prior membership in the religious organization (current R visa).

Members of the foreign media admitted under reciprocal agreements (current I visa). The U.S. benefits from the presence of members of the foreign media who help people in their countries understand events in the United States. Just as we would not want our media to be overly regulated by labor policies of foreign governments, the United States extends the same courtesy to foreign journalists working in the U.S.

- **Foreign workers whose admission is subject to treaty obligations.** This includes treaty traders, treaty investors, and other workers entering under specific treaties between the U.S. and the foreign nation of which the alien is a citizen or national. Under the provisions of NAFTA, for example, Canadian professionals are not subject to numerical limits or labor market testing; Mexican professionals continue to be subject to labor market tests, but will be exempt from numerical limits in 2003.

- **Foreign workers subject by law to labor market protection standards.** These are principally:

  Professionals and other workers who are sought by employers because of their highly-specialized skills or knowledge and/or *extensive experience*. Included in this category are employees of international businesses who have specialized knowledge (now admitted under the L visa) and professionals (now covered by the H-1B visa). A diverse range of individuals may be admitted in this category, including, but not limited to, university faculty and researchers with advanced degrees, accountants and lawyers with specialized knowledge of the tax and legal codes of other countries, and electrical engineers and software systems engineers with specialized knowledge needed for systems design. This category would also cover highly-skilled workers without professional degrees if they have substantial experience in their occupation. This category includes as well aliens now admitted under the H-1B visa who have a bachelor's degree but little specialized expertise or experience.

  Trainees admitted to the United States for practical, on-the-job training in a variety of occupations. They now enter through the H-3 visa, practical training arrangements under the F visa, and the J visa provisions pertaining to physicians seeking graduate medical education and to some researchers with J visas engaged in post-doctoral studies. All of these groups have in common work in U.S. institutions as part of a training program. They are paid U.S. wages and, in many cases, are not readily distinguished from U.S. residents in the same type of on-the-job training activities.

  Institutions petitioning for foreign workers as trainees would be required to demonstrate that the principal purpose of the

program is training by showing a significant educational component to the work experience. Trainees would be paid the actual wages provided to U.S. trainees in similar programs. The trainees would be admitted for the specified duration of the training program. For example, a foreign physician admitted for graduate medical education would be admitted for the period of the specific residency program.

Artists, musicians, entertainers, athletes, fashion models, and participants in international cultural groups that share the history, culture, and traditions of their country. This category includes aliens now admitted under the P visa and Q visa, as well as fashion models admitted under H-1B visa, and athletes, musicians and other performers admitted under the H-2B visa.

Lesser-skilled and unskilled workers coming for seasonal or other short-term employment. Such worker programs warrant strict review, as described below. This category includes aliens now admitted with H-2A and H-2B visas. Requests for admission of unskilled and lesser-skilled workers should be met with heightened scrutiny. Temporary worker programs for lesser-skilled agricultural workers exert particularly harmful effects on the United States. The Commission remains opposed to implementation of a large-scale program for temporary admission of lesser-skilled and unskilled workers along the lines of the *bracero* program. Having examined the issue further during our consultations on LDA issues, we reaffirm our belief that a new guestworker program would be a grievous mistake.

Historically, guestworker programs have depressed the wages and working conditions of U.S. workers. Of particular concern is competition with unskilled American work-

ers, including recent immigrants who may have originally entered to perform the needed labor but who can be displaced by newly entering guestworkers. Foreign guestworkers often are more exploitable than lawful U.S. workers, particularly when an employer threatens deportation if the workers complain about wages or working conditions. The presence of large numbers of guestworkers in particular localities—such as rural counties with agricultural interests—presents substantial costs for housing, health care, social services, schooling, and basic infrastructure that are borne by the broader community and even by the federal government rather than by the employers who benefit from the inexpensive labor.

Despite the claims of their supporters, guestworker programs also fail to reduce unauthorized migration. To the contrary, research consistently shows that they tend to encourage and exacerbate illegal movements by setting up labor recruitment and family networks that persist long after the guestworker programs end. Moreover, guestworkers themselves often remain permanently and illegally in the country in violation of the conditions of their admission.

If new initiatives to reduce illegal migration were at some point to create real labor shortages in agriculture or other low-skill occupations, employers could request foreign workers through the LDA provisions that the Commission proposes for the admission of unskilled workers.

The Commission recommends that the labor market tests used in admitting temporary workers in this category be commensurate with the skill level and experience of the worker.

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- **Employers requesting the admission of temporary workers with highly-specialized skills or extensive experience**

should meet specific requirements. Admission should be contingent on an attestation that:

The employer will pay the greater of actual or prevailing wage and fringe benefits paid by the employer to other employees with similar experience and qualifications for the specific employment in question. Actual wage rates should be defined in a simple and straightforward manner. By this recommendation, we do not intend a complicated, bureaucratically-defined wage analysis. Rather, businesses should be able to use their own compensation systems to determine appropriate wages and benefits for the individual foreign worker hired. The entry of a small number of highly-skilled foreign workers should have minimal effect on these wage scales, which will be determined by the majority of U.S. workers employed by the business. In the absence of a company-wide system that ensures equitable compensation for similarly situated workers, the employer would be required to attest to paying prevailing wages for that job category, wages that are typical of the enterprise or nonprofit company. [See below for recommendations for at-risk employers with a significant proportion of foreign workers.]

The employer has posted notice of the hire, informed coworkers at the principal place of business at which the LDA worker is employed and provided a copy of the attestation to the LDA worker employed.

The employer has paid a reasonable user fee that will be dedicated to facilitating the processing of applications and the costs of auditing compliance with all requirements. Currently no fees are collected by the Department of Labor [DOL] for either processing or monitoring purposes. In effect, this requires taxpayers to subsidize these programs.

To ensure that the employer, and not the foreign worker, pays the user fee, penalties should be imposed upon violators.

There is no strike or lockout in the course of a labor dispute involving the occupational classification at the place of employment.

The employer has not dismissed, except for cause, or otherwise displaced workers in the specific job for which the alien is hired during the previous six months. Further, the employer will not displace or lay off, except for cause, U.S. workers in the specific job during the ninety-day period following the filing of an application or the ninety-day periods preceding or following the filing of any visa petition supported by the application.

The employer will provide working conditions for such temporary workers that are comparable to those provided to similarly situated U.S. workers.

- **Certain at-risk employers of skilled workers [described** below] should be required to attest to having taken significant steps—for example, recruitment or training—to **employ U.S. workers in the jobs for which they are recruiting foreign workers.** The Commission is aware that some companies now petitioning for H-1B workers recruit exclusively in foreign countries. The Commission believes that U.S. recruitment or hiring efforts will help ensure that qualified U.S. citizens and permanent residents have access to these jobs. We do not recommend, however, that current labor certification processes be used to document significant efforts to recruit. These procedures are costly, time consuming, and ultimately ineffective in protecting highly-skilled U.S. workers.

Under the now expired H-1A visa program for the admission of LDA registered nurses, several alternative steps were described as meeting the requirement of timely and significant steps to employ U.S. workers. These alternatives include: operating a training program for such workers at the facility (or providing participation in a training program elsewhere); providing career development programs and other methods of facilitating workers to become qualified; paying qualified workers at a rate higher than currently paid to other similarly employed workers in the geographic area; and providing reasonable opportunities for meaningful salary advancement. Examples of other steps that might qualify as meeting the timely and significant requirement include monetary incentives, special perquisites, work schedule options, and other training options.

- **Employers requesting the admission of lesser-skilled workers should be required to meet a stricter labor market protection test.** Such employers should continue to be required to demonstrate that they have sought, but were unable to find, sufficient American workers prepared to work under favorable wages, benefits, and working conditions. They also should be required to specify the steps they are taking to recruit and retain U.S. workers, as well as their plans to reduce dependence on foreign labor through hiring of U.S. workers or other means. (For example, sugar cane growers in southern Florida who had petitioned for foreign workers had success in reducing their dependence on H-2A workers through mechanization.) Employers should continue to be required to pay the highest of prevailing, minimum, or adverse wage rates, provide return transportation, and offer decent housing, health care, and other benefits appropriate for seasonal employees.

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards—regardless of the education, skill, or experience level of its employees—be required to obtain regular independently-conducted audits of their compliance with the attestations made about labor market protection standards, with the results of such audit being submitted for Department of Labor review. Certain businesses, as described below, pose greater risk than others of displacing U.S. workers and/or exploiting foreign workers. The risk factors that should be considered in determining whether stricter protection standards must apply include:

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards be required to obtain regular independently-conducted audits of their compliance with the attestations made about labor market protection standards.

- **The employer's extensive use of temporary foreign workers.** Extensive use can be defined by the percentage of the employer's workforce that is comprised of LDA workers. It also can be measured by the duration and frequency of the employer's use of temporary foreign workers.

- **The employer's history of employing temporary foreign workers.** Those employers with a history of serious violations of regular labor market protection standards or specific labor standards related to the employment of LDA workers should be considered as at risk for future violations.

- **The employer's status as a job contracting or employment agency providing temporary foreign labor to other employers.** Risk of labor violations increases as responsibility is divided between a primary and secondary employer.

To ensure adequate protection of labor market standards, such employers should be required to submit an independent audit of their compliance with all statements attested in their application. The independent audits should be done by recognized accounting firms that have the demonstrated capacity to determine, for example, that

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards.

wages and fringe benefits were provided as promised in the attestation and conformed to the actual or prevailing wages and fringe benefits provided to similarly situated U.S. workers.

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards. To function effectively, both the exempt and nonexempt temporary worker programs must provide expeditious access to needed labor. The Commission's recommendations build on the current system of employer attestations that receive expeditious preapproval review but are subject to postapproval enforcement actions against violators. To ensure adequate safeguards for U.S. workers, the government agencies responsible for processing applications and enforcing the law must have adequate capacity to identify and act quickly against fraudulent applicants and to monitor postapproval violations of the terms under which foreign workers enter. More specifically, the Commission recommends:

- **Allocating increased staff and resources to the agencies responsible for adjudicating applications for admission and monitoring and taking appropriate enforcement action against fraudulent applicants and violators of labor market protection standards.** These agencies require additional resources to investigate potential fraud among applicants for temporary worker visas as well as violations of the labor market protection standards. Enhancing this capability has significant resource implications, especially if, as the Commission also recommends, such antifraud investigations are undertaken in a manner that does not delay visa adjudication and issuance. Increased costs required for more efficient adjudication of applications can be covered by applicant fees. However, additional costs incurred for more effective investigations of compliance with labor market standards will require appropriated funds.

Sufficient funds should be appropriated to provide the additional resources needed for adequate enforcement by the Department of Labor. These resources should be targeted at employers and contractors at special risk of violating labor market protection standards. Targeting these employers makes the most sense both in terms of economical use of resources and in protection of workers.

The Department of State also must have the capacity to make a proper investigation of cases in which fraud is suspected. This capacity is particularly needed in applications for admission of LDAs in exempt categories to ensure that use of these categories does not become a means of evading labor market protection standards. For example, the visa for intracompany transfers has been abused by persons setting up sham corporations. To comply with appropriate requirements for timely decisions, the government must have the resources to investigate suspected fraud.

- **Barring the use of LDA workers by any employer who has been found to have committed willful and serious labor standards violations with respect to the employment of LDA workers. Further, upon the recommendation of any federal, state, or local tax agency, barring the use of LDA workers by any employer who has been found to have committed willful and serious payroll tax violations with respect to LDA workers.** The law currently provides for such debarment for failure to meet labor condition attestation provisions or misrepresentation of material facts on the application. Implementation of this recommendation would enable penalties to be assessed for serious labor standards violations that are not also violations of the attestations. This would address an issue that has come to the attention of the Commission: the knowing misclassification of some

LDA workers as independent contractors, with subsequent failure to pay payroll taxes or other legally-required deductions to the appropriate governmental agency.

- **Developing an enforcement strategy to reduce evasion of the LDA labor market protection standards through use of contractors.** U.S. businesses' growth in contracting-out functions has raised questions of employment relationships and ultimate liability for employment-related violations, including those related to temporary foreign workers. A uniform policy for dealing with these situations is desirable for the enforcement agencies involved, as well as for employers, contractors, and workers.

Conclusion

Limited duration admissions are an important part of immigration policy because they are linked closely to the admission of legal permanent immigrants and to our policies for deterring unlawful migration. This report seeks to treat limited duration admission policy in a comprehensive fashion, building on the recommendations made by the Commission on other aspects of immigration policy. The opportunities presented by the admission of limited duration admissions are significant. With the type of regulation recommended herein, the United States will be able to continue to benefit from these admissions while mitigating potential harmful effects, particularly on vulnerable U.S. populations.

CURBING UNLAWFUL MIGRATION

In its first interim report to Congress this Commission recommended a comprehensive strategy to curb unlawful migration into the United States through prevention and removal.[9] That report focused on deterrence—steps that could prevent illegal entry and unauthorized work. The Commission found that curbing unlawful immigration required: (1) better border management; (2) more effective deterrence of the employment of unauthorized workers; (3) a more consistent benefits eligibility policy; (4) cooperative efforts with source countries; (5) improved data collection and analysis; (6) mechanisms to address migration emergencies; (7) and an improved capacity to remove deportable aliens. The Commission presented detailed recommendations on the first five elements of this strategy (border, worksite, benefits, source country, and data). Our report on refugee policy detailed more specific recommendations on the sixth, migration emergencies.[10] This final report provides more detailed recommendations on the seventh, removals.

Since 1994, the immigration system as a whole has undergone almost unprecedented change. As Congress, the public, and the Administration focused more keenly on immigration, the financial resources available to INS grew from $1.5 billion in FY 1994 to a projected $3.6 billion in FY 1998. During the same period, INS staffing is expected to rise 65 percent, from 17,000 in FY 1994 to more than 28,000 in FY 1998. Once in 1994,[11] and three times in 1996,[12] enactment of major legislation made substantive and substantial changes in laws affecting illegal migration. Many of these statutory and administrative actions sought to implement the Commission's 1994 recommendations.

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9 *U.S. Immigration Policy: Restoring Credibility*, 1994.

10 *U.S. Refugee Policy: Taking Leadership, 1997.*

11 Violent Crime Control and Law Enforcement Act of 1994.

12 Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA], Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA], Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Deterrence Strategies

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration.

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration. Despite the additional resources, new policies, and often innovative strategies adopted during the past few years, illegal migration continues to be a problem. In October 1996, INS released its latest estimates of the illegal alien population in the United States: some 5 million undocumented migrants reside in the United States, a number growing by approximately 275,000 annually; 41 percent of these are nonimmigrant overstays; the remaining 59 percent probably entered illegally and without inspection.

The Commission continues to believe that unlawful immigration can be controlled consistent with our traditions, civil rights, and civil liberties. As a nation committed to the rule of law, our immigration policies must conform to the highest standards of integrity and efficiency in the enforcement of the law. We must also respect due process. The Commission believes that the comprehensive strategy we outlined in 1994 continues to hold the best promise for reducing levels of illegal migration. These policies, combined with the structural and management recommendations detailed later in this report, can restore the credibility of our immigration system by both deterring illegal entry and facilitating legal crossings. The Commission emphasizes, however, that no one part of this strategy will, on its own, solve the problem of unauthorized migration.

More specifically, the Commission continues to support implementation of the following deterrence strategies:

- **An effective border management policy that accomplishes the twin goals of preventing illegal entries and facilitating legal ones.** Increased resources for additional Border Patrol officers, inspectors, and operational support, combined with

such new strategies as operations "Hold the Line," "Gatekeeper," and "Safeguard," have improved significantly the management of the border where they are deployed. The very success of these new efforts demonstrates that to gain full control, the same level of resources and prevention strategies must be deployed at all points along the border where significant violations of U.S. immigration law are likely to occur.

Implementing effective prevention strategies. In 1994, "Operation Hold the Line" in El Paso, Texas successfully challenged outmoded border control concepts. This effort then served as the model for efforts to control other parts of the border, particularly in the San Diego area. The result, "Operation Gatekeeper," utilizing a strategy described as "Prevention through Deterrence," began on October 1, 1994, and included the commitment of significant new resources and the implementation of innovative new strategies.

Phase I (1994) of the plan had the greatest impact on the area around Imperial Beach in San Diego County. For many years this area accounted for approximately 25 percent of illegal crossings across the southwest border. Utilization of new equipment led to apprehension of greater numbers, and use of new techniques cracked down on alien smuggling rings. Reinforcement of interior checkpoints helped capture those who made it illegally across the border.

Phase II (begun in June 1995) consisted mainly of reinforcing nearby ports of entry seen as the next likely route for aliens whose illegal entry was disrupted by "Operation Gatekeeper." INS placed additional service inspectors at the border, constructed fencing at strategic locations, installed a fingerprint identification system , and added increased lighting at ports of entry.

Phase III (begun in 1996) is designed to extend control over increasing sections of the southwest border as additional staff and equipment become available. The San Diego Border Patrol Sector now has almost 2,000 agents working along the border.

Where these new initiatives have been instituted, the number of people seeking to cross is significantly reduced. On Commission site visits, residents of El Paso and Imperial Beach, the main beneficiaries to date of the new enforcement efforts, cited reduction in vagrancy and petty crime as evidence of reduced illegal crossings through their communities. Preliminary research data reveal that it now takes longer and costs more to enter the United States illegally. Illegal migrants now must now cross through tougher terrain and need the assistance of smugglers. Migrant smuggling increasingly is becoming specialized and professionalized.

The 1997 Binational Study, *Migration Between Mexico and the United States,* reports that a systematic survey of border crossers indicates fewer actual crossers but longer periods of stay in the United States. Thus, it appears that while new border initiatives may deter some movements, they do not fully reduce either levels or impacts of illegal migration. In other words, border control is a necessary, but not sufficient, response to illegal migration.

Evidence also shows that in response to the new initiatives migrants have shifted their entry patterns. For example, as Imperial Beach and its neighboring communities came under control, the numbers of illegal entries rose in eastern San Diego county, the Imperial Valley, Arizona, and south Texas. As the Commission noted in 1994, the immigration

system must have the capacity to prevent entry across the southern border. Mobile, rapid response teams initially can help plug holes along the border, but eventually, a prevention capacity must be established in every likely crossing area.

Protecting human rights. Effective border management is not without its human toll, increased violence along the border, as well as deaths resulting from exposure to extreme weather in mountain and desert areas. Both border crossers and Border Patrol agents have been victims of this heightened violence.

Since the implementation of the border initiatives, incidents of violence against the Border Patrol have increased. Incidents of rock-throwing, a hazard to Border Patrol agents for years, have risen. Agents now face random gunfire from south of the border. Beginning in May of 1997, six reported sniper shootings in the San Diego sector were directed at Border Patrol agents. Sustained efforts to protect agents from such violence must be at the top of the policy agenda.

Efforts also must continue to warn potential illegal border crossers—while they are still in their countries of origin—of the increased physical dangers and legal consequences of trying to cross illegally. In particular aliens must be warned of the pitfalls of using smugglers, some of whom abandon border crossers and otherwise abuse them.

Site visits in Mexico demonstrate that already widespread knowledge exists about the new difficulties in entering the United States illegally; misinformation continues to abound as well. Residents in new sending regions such as Oaxaca, traditional sending regions such as Jalisco, and border cross-

ing points such as Tijuana, all spoke of the additional costs and dangers encountered in attempting to cross the border illegally.

The Commission continues to support efforts to monitor and reduce human rights violations and potentially violent confrontations between government personnel and those believed to be seeking illegal entry into the United States. The INS formed a Citizens' Advisory Panel [CAP] that met periodically from February 1994 through February 1997, a year beyond its original expiration date. During that time, the CAP discussed ways and means for averting potential human rights abuses and outright violence by INS employees against aliens. As a result, INS adopted a formal complaint procedure for reporting alleged abuses by government employees to their supervisors and for INS to respond to those complaints. At its February 1997 meeting, the CAP decided to disband in its present form. Discussions are now underway on how best to retain the CAP input in the INS decisionmaking processes, in delivering feedback for training and supervising INS border personnel, and in responding to complaints made against employees.

Improving ports of entry. Additional pressure on ports of entry also accompany enhanced border control. The various initiatives already undertaken provide guidance for other border sites. In San Diego, "Operation Gatekeeper II" included enhanced resources for inspectors to identify individuals entering with fraudulent documents or as impostors. A Port Court was established to place these persons into formal exclusion proceedings. Presiding Immigration Judges made clear to those receiving exclusion orders that they would face criminal penalties if they were apprehended attempting to reenter within one year. To ensure that word went out that these were not idle threats, the U.S. Attorney

pledged to prosecute these cases. A relatively small number of persons were apprehended attempting reentry after receiving an exclusion order at the Port Court.

This process has changed somewhat under the new expedited removal procedures mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which took effect on April 1, 1997. Under the new procedures, an alien arriving at a port of entry with fraudulent documents or without documents is referred to secondary inspection, where he or she is advised about expedited removal.[13] If the alien does not indicate a fear of persecution or an intent to apply for asylum, the alien is fingerprinted, photographed and detained until removal, which in San Diego typically takes two processing days. The alien's identity is recorded in the INS IDENT database for immediate and future determination of repeated attempts at unlawful reentry. An immigration officer's determination to remove an alien under the expedited procedures is not subject to administrative or judicial review, except under only very narrow circumstances.

Immigration officials in San Diego report a significant increase in removals as a result of the new expedited removal provisions. These gains in the capacity to remove at the border are no doubt desirable goals for an immigration enforcement agency. However, a more reliable determinant

[13] IIRIRA permits the Attorney General to apply the expedited removal provisions to aliens in the U.S. who have not been admitted or paroled [EWIs] and who have not shown to the satisfaction of the immigration officer that they have been continuously present in the U.S. for the two-year period immediately preceding the date of the determination of inadmissibility. At present, the Attorney General has elected not to apply these provisions to EWIs, although she has reserved through regulation, the option to apply the expedited removal provisions at any time, to any alien specified in that section.

of the extent to which a law actually deters the conduct it seeks to address is the recidivism rate. Thus, the effective communication of the consequences attached to the removal of an alien as a result of the new provisions is a key ingredient of the efficacy of our immigration laws. Without such public education, certain individuals are likely to be undeterred by the type of sanction exacted under the new expedited removal procedures.

Although reliable data on reentry is not yet available, the San Diego district reports an apparent increase in recidivism following implementation of the new law. It appears that an order issued by an immigration inspector does not have the psychological force of an order issued by an Immigration Judge. What is gained in expediting by the new statutory process may be lost in increased recidivism.

To counter this trend, the San Diego district has instituted a three-strike system that corresponds with the changes mandated by the new law. This system was established with the cooperation of the INS, the Executive Office for Immigration Review [EOIR], and the U.S. Attorney's Office in response to reports of apparent recidivism among aliens turned away by the expedited removal process. The first strike occurs once the INS inspector issues an expedited removal order to the alien that carries a penalty of inadmissibility for up to twenty years in some cases and permanently if the offense involves the use of a fraudulent document.

The second strike—appearance before an Immigration Judge in Port Court—occurs once the alien is apprehended after having been removed for a previous immigration or criminal violation. This step provides a critical link to deterrence: personal communication of the consequences of violating an immigration law. At the hearing, the Immigration

Judge advises the alien of the administrative sanction resulting from the attempted illegal reentry after expedited removal (i.e., a bar to admission for some period) and also of the certainty of felony prosecution if the alien attempts reentry during that period. The presence of an Immigration Judge is considered a vital component to the credibility of the San Diego district's border enforcement. The clear, unequivocal notice of the penalty aliens are likely to incur at the third step, coupled with the prospect of time spent in prison, is predicted to have more of a deterrent effect than simply turning aliens away without providing adequate notice of the consequences of their conduct.

The third strike involves felony prosecution by the U.S. Attorney's office under 8 U.S.C. § 1326(a) for illegal reentry following deportation, exclusion, or removal or under § 1326(b) for illegal reentry by certain criminal aliens who likewise have been previously removed. The penalties for a conviction under these sections of Title 8 range from sentences of not more than two years to not more than twenty years and/or a fine.

The INS and the Border Patrol are in the process of linking the IDENT system to all sectors along the southwest U.S.-Mexican border. This is especially important in light of the apparent shift in border movements to the east. Moreover, proper coordination of this system with various other law enforcement agencies to identify criminal aliens and other immigration violators may enhance the cooperation between those agencies and heighten enforcement along the border. For example, within the constraints of privacy limitations, data on criminal aliens entered into the IDENT system and furnished to the U.S. Attorney's Office would allow that office more readily to identify and prepare the criminal alien cases it intends to prosecute under the § 1326 provisions.

San Diego also is a laboratory for initiatives to facilitate legal entries while guarding against the abuses referenced above. The Commission urged in its 1994 report that port of entry operations be improved to reduce long waiting times for legal crossings. We learned in El Paso that some illegal crossers had legal authority to enter, but because of the long waits, chose to use unauthorized avenues to enter. San Diego, along with several northern border sites, has been experimenting with a Dedicated Commuter Lane [DCL] to speed legitimate border traffic. This concept combines upfront screening of the applicant for a commuter pass and use of technology to ensure that the crosser is indeed the person who previously was screened. Another innovation in San Diego is a new working relationship between INS inspections and the Customs Service to open all traffic lanes and to improve the division of responsibility: INS currently runs the port for pedestrian crossing and Customs for cargo inspections. Responsibility for inspections at the vehicle lanes still is shared by INS and Customs.

Reducing visa overstay and abuse. Visa overstay and abuse of visas and Border Crossing Cards [BCCs], particularly through unauthorized work, continue to challenge effective border management. Most of those entering with visas and BCCs come for legitimate purposes, abide by the terms of their entry, and leave when required. Out of the millions of aliens who are inspected each year, only a very small proportion (about 150,000 per year) overstay for significant periods. Any efforts to reduce abuse must also consider the widespread benefits that accrue from most visa and BCC holders. A number of policy changes could help ease legal entry while reducing abuse. The Commission previously recommended, and Congress and the Administration have taken

action for, the development of new entry-exit controls for persons entering with visas, reissuance of Border Crossing Cards to give them greater integrity, and providing significant new resources for inspections.

Monitoring and evaluating new initiatives. The various intended and unintended consequences of the new resources, policies, and initiatives in and between ports of entry make clear the need for careful monitoring. The Commission reiterates its 1994 recommendation that a systematic assessment of the effectiveness of new border strategies be undertaken by internal and external evaluators. IIRIRA mandates a General Accounting Office five-year evaluation of border management. This study should be underwritten with sufficient resources and expertise to ensure that Congress and the Executive Branch gain an independent view of the new policies' effectiveness.

- **Reducing the employment magnet is the linchpin of a comprehensive strategy to deter unlawful immigration.** Economic opportunity and the prospect of employment remain the most important draw for illegal migration to this country. Strategies to deter unlawful entries and visa overstays require both a reliable process for verifying authorization to work and an enforcement capacity to ensure that employers adhere to all immigration-related labor standards. The Commission continues to believe the following areas of worksite regulation and enforcement require improvement:

Employment authorization verification system. In our 1994 report, the Commission concluded that the single most important step that could be taken to reduce unlawful migration was development of a more effective system for verifying work authorization.

A large majority of employers will comply with the law, and they will not knowingly hire illegal aliens. However, the widespread availability of fraudulent documents makes it easy for illegal aliens to obtain jobs because employers generally have no way of determining if the workers are authorized or not. The minority of employers who knowingly hire illegal aliens, often to exploit their labor, find protection from sanctions by going through the motions of compliance while accepting counterfeit documents. The absence of a secure verification process also heightens the potential for discrimination against legally-authorized, foreign-looking or -sounding workers because employers fear that they may be inadvertently hiring illegal aliens.

The Commission concluded that the most promising option for verifying work authorization is a computerized registry based on the social security number; it unanimously recommended that such a system be tested not only for its effectiveness in deterring the employment of illegal aliens, but also for its protections against discrimination and infringements on civil liberties and privacy.[14] The Commission urged the Administration "to initiate and evaluate pilot programs using the proposed, social security-based computerized verification system in at least five states with the highest levels of illegal immigration . . ." In the interim, we recommended that INS should continue to implement pilot programs already underway that permit employers to verify the work authorization of these newly-hired workers who attest to being aliens. The existing pilot, since expanded, was a good mechanism through which INS could develop the data and other systems that would be needed in the more extensive pilots envisioned by the Commission. They continued to

[14] The Concurring Statement of Commissioners Leiden and Merced can be found in the Commission's 1994 report.

have a fatal flaw, however, in that an illegal alien could attest to being a U.S. citizen and thereby escape verification by INS.

The Commission's recommendation for a verification pilot that involved both citizens and aliens was incorporated in modified form in IIRIRA.[15] Congress mandated that the Attorney General establish a pilot confirmation system using a telephone line or other electronic media. The Commissioner of Social Security was mandated to establish a reliable, secure method to verify the social security number provided by a new hire as part of the employment confirmation process. Pilot programs testing the new confirmation process were to be implemented in, at a minimum, five of the seven states with the highest estimated illegal alien population. Participation in the pilot programs is to be voluntary for most employers. The legislation mandated participation by federal agencies and the Congress. Companies violating employer sanctions provisions can also be required to participate. The Attorney General is to report on the pilot programs after three and four years of operation.

The first of these pilot projects was to begin not later than one year from enactment of IIRIRA, or about August 1997. The first pilot project, starting in Chicago, began in late August. Called the "Joint Employment Verification Project" [JEVP], the pilot involves INS and the Social Security Administration. The verification pilot will test many of the requirements of the "Basic Pilot Program" mandated in § 403(a) of IIRIRA.

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[15] IIRIRA, Title IV—Enforcement of Restrictions Against Employment, Subtitle A: Pilot Programs for Employment Eligibility Confirmation, sections 401-405.

The JEVP will have prospective new employees fill out the current INS Form I-9, submit identification documents listed in the legislation, and include a photograph. Employers will then contact the Social Security Administration [SSA] through a touch-tone telephone (being developed under a contract with ATT) that will electronically verify identity and authorization/nonauthorization to work using the employee's social security number. If either of these is not confirmed, the prospective employee must be notified. The employee may then withdraw or contest this tentative nonconfirmation. In this case, the prospective employee has ten days in which to provide additional or corrected information to the employer. If this still does not produce confirmation of employment authorization, the employee will be told to contact SSA [for citizens] or INS [for noncitizens] to correct their record(s) and/or their status. During this confirmation process, employees cannot be terminated. If still unconfirmed at the end of the process, the employee then may be terminated. As mandated by IIRIRA, INS plans to expand implementation of the JEVP into five additional states by the end of September 1997.

In addition, IIRIRA mandates two other pilot projects, a "citizen attestation pilot project" and a "machine readable document pilot project." INS currently is formulating these additional pilot projects. The "citizen attestation pilot project" will be similar to the INS' current Employment Verification Program, while the "machine readable document pilot project" is a variation of the JEVP and the "Basic Pilot Project."

The current pilot programs are a useful step in improving verification, but they do not fully solve the problems we have identified. The Commission reiterates its support for

pilot-testing approaches that do not require employers to use the current I-9 procedure. The I-9 is flawed in several ways. First it is a document system, which is prone to counterfeiting. Second, it requires employees to specify if they are citizens or aliens. This latter requirement increases the potential for discrimination based on alienage or presumed alienage. Third, it presents an added paperwork burden for employers who must keep the I-9 file. The current pilot programs help address the first problem by providing for telephone or computer verification of information provided in the I-9. It does not address the second or third problems, however.

A system based on verification of an employee's social security number, with a match to records on work authorization for aliens, eliminates any determinations by the employer and can be implemented electronically, thus eliminating the need for work authorization documents. The Commission recognizes that the data systems are not yet in place for this preferred process to work. The federal government does not have the capacity to match social security numbers with INS work authorization data without some of the information captured on the I-9. Congress should provide sufficient time, resources, and authorities to permit development of this capability.

The Commission urges the Administration and Congress to monitor closely and evaluate the effects of these various pilot programs. As discussed in our earlier report, the evaluation should assess their effects in reducing fraud, reducing the potential for discrimination, reducing emplyers' time, resources, and amount of paperwork, and protecting privacy and civil liberties. The evaluation should be carried out by nationally-respected outside evaluators. It should be

conceived as a continuing evaluation whose results are used in modifying and improving the pilots as they are implemented.

Counterfeit documents. The Commission recommended action to reduce the availability of counterfeit documents and the fraudulent access to so-called "breeder documents," particularly birth certificates used to establish identity. The Commission is pleased to note progress in the development of new and more tamper-proof basic documents that could serve as verification documents until a general, nationwide verification system is fully in place. The Commission also believes that the federal government should develop a package of incentives and disincentives to encourage states and other localities to develop standards for issuing birth and death certificates and drivers' licenses. The Commission is pleased to note that its 1994 recommendation for imposing additional penalties on those producing and selling counterfeit documents was adopted in the IIRIRA.

Antidiscrimination strategies. In its 1994 report, the Commission expressed its concern regarding the discrimination that occurs against citizens and noncitizens as a result of the current employer sanctions system. To address this issue, the Commission recommended development of a new verification process to deter immigration-related discrimination. We also urged more proactive strategies to identify and combat immigration-related discrimination at the workplace, as well as a new study to document the nature and extent of the problem. Revisiting this issue three years later, the Commission finds that there have been a number of changes that are relevant to the Commission's recommendations.

First, the Office of Special Counsel [OSC] for unfair immi-

gration-related employment practices, formerly housed as an independent agency within the Department of Justice, has been incorporated into the DOJ's Civil Rights Division. This organizational change seems to have been well received within the Department as both the Division and OSC focus on protecting the rights of immigrants and racial and ethnic minorities.

The number of OSC staff, however, has decreased from thirty-six to about twenty-five since FY 1994. This downward trend harms OSC's ability to take the proactive role that the Commission recommended (e.g. increasing independent, targeted investigations and beginning testing programs). The Commission urges attention to this matter, as well as to the long delay in confirming a Special Counsel to head the office.

A significant portion of OSC's efforts have been directed toward the education of employees and employers, and we support these efforts. OSC has awarded 114 grants totaling $2.09 million since FY 1990 and contracted out for a five-year national public affairs/communications strategy. Its attorneys and staff have made 1,000 presentations in the last ten years, and its grantees have averaged 1,700 presentations per year. OSC also has coordinated its educational efforts with the Equal Employment Opportunity Commission, INS, and DOL and has Memoranda of Understanding with these and other agencies.

Despite this apparent coordination, however, OSC has not been involved in designing and monitoring the verification pilot programs. Reducing immigration-related employment discrimination against foreign-looking or -sounding persons was a key goal of the Commission's proposed verification

system. OSC should play a role in monitoring the verification pilots to see if the discrimination is indeed reduced as predicted.

The Commission also reiterates its recommendation for a methodologically-sound study to document the nature and extent of unfair immigration-related employment practices that have occurred since the General Accounting Office's 1990 report. Only through such a study can it be determined whether employer sanctions-related discrimination has increased or decreased and how the pilot programs compare with the current situation on this indicator.

In 1996, IIRIRA changed the INA by requiring that an intent to discriminate must be proven for an employer to be found guilty of violating IRCA's antidiscrimination procedures with respect to document requests. Some believe that the intent standard will be a difficult one to prove and that it provides the employer with a loophole. The actual effect of this provision will be known only as OSC implements the statutory change and should be monitored.

Labor standards enforcement. Protecting authorized workers from employment abuses and substandard conditions and practices remains an essential ingredient of a strategy to combat illegal migration. Employers who hire illegal aliens tend to violate other labor standards and *vice versa.* Recently uncovered examples of exploitation of illegal aliens, including indentured servitude, highlight the necessity of enhanced labor standards enforcement. The Commission recommended in our 1994 report the allocation of increased staff and resources to the Department of Labor for the enforcement of wage and hour and other labor standards. We continue to believe that these additional resources are necessary, and the Commission continues to urge Congress to

authorize and fund additional labor standards investigators whose work should target industries hiring significant numbers of illegal aliens. As described more fully later in this report, we believe that the Department of Labor should have full capacity and authority to sanction employers who fail to verify work authorization as part of the agency's duties in enforcing labor standards.

- **Restricting eligibility of illegal aliens for publicly-funded services or assistance except those made available on an emergency basis or for similar compelling reasons to protect public health and safety or to conform to constitutional requirements.** Although public benefit programs do not appear to be a major magnet for illegal migrants, it is important that U.S. benefit eligibility policies send the same message as immigration policy: Illegal aliens should not be here and, therefore, should not receive public assistance except in unusual circumstances. The Commission recommended drawing a line between illegal aliens and lawfully-resident immigrants with regard to benefits eligibility, in part to reinforce this message. Immigrants are welcome in the country and, therefore, should be eligible for our basic safety nets; illegal aliens are not welcome and should not receive our assistance. We continue to believe that this demarcation between legal and illegal aliens makes sense. The Commission urges the Congress to reconsider the changes in welfare policy enacted in 1996 that blur the distinctions between legal and illegal aliens by treating them similarly for the purposes of many public benefit programs.

- **Strategies for addressing the causes of unlawful migration in source countries.** An effective strategy to curb unauthorized movements includes cooperative efforts with source countries to address the push factors that cause people to seek new lives in the United States. The Commission contin-

ues to urge the United States government to give priority in its foreign policy and international economic policy to long-term reduction in the causes of unauthorized migration. The United States can take many unilateral steps to improve its immigration policies, but U.S. policies alone will not stop unauthorized migration.

Recognizing the complex motivations behind unlawful movements, the Commission advocated the following possible interventions, many of which have indeed occurred. They include: arrangements to facilitate trade and investment in sending countries; support for human rights and democracy building; peacekeeping operations; humanitarian assistance in countries of origin and first asylum; deployment of human rights monitors; human rights training for government officials in potential sending countries; humane treatment of citizens and minorities; and reconstruction programs after civil wars and civil conflicts. In its 1997 report on refugee policy, the Commission recommended that the U.S. government continue demonstrating leadership in international responses to refugee and related humanitarian crises, including concerted diplomatic and other efforts to prevent the emergencies from occurring.

To focus greater attention on the causes of migration, the Commission recommends development of immigration impact analyses of foreign policy and trade decisions with potential migrant sending countries. The Commission also calls for adoption of focused strategies for communities producing large numbers of U.S.-bound migrants and strengthened intelligence gathering to improve early warning of large unauthorized movements. Other efforts to reduce the pressures of migration from the sending countries would be helpful, such as programs to arrest environmental damage

throughout the hemisphere, to restore the environment in such areas as Haiti and Mexico, to improve rural development and agricultural productivity, particularly in those areas where land is becoming marginalized and unlikely to sustain the local population without an intervention strategy, and to address other environmental problems such as clearing land mines in rural Central America.

Given its proximity to the United States and its number of migrants, the Commission believes increased coordination with Mexico is essential to address problems related to migration. The Commission notes with satisfaction the efforts being conducted jointly by the government of Mexico and the United States to improve coordination strategies and actions on their respective sides of the border and encourages the continuation of such important dialogues. In particular, the Commission recognizes the work of the Binational Study on Migration Between Mexico and the United States, the Working Group on Migration and Consular Affairs, the various cross-border liaison groups established along the border, and efforts between the two countries to coordinate antismuggling efforts, regulate the movements of people across land borders, deter third-country nationals transiting Mexico *en route* to the U.S., curtail auto theft and train cargo theft, reduce border violence, and enhance cross-border law enforcement cooperation.

The Commission also notes that action has taken place at the regional level; annual discussions have been convened involving the U.S., Mexico, and Central American countries. Further, the U.S. has held direct discussions with other countries in the region, such as Cuba, with whom it signed an agreement to curb unauthorized migration of its native population.

Despite that program, the need remains for forward looking consultative mechanisms between the U.S. and other countries. These should focus on exploring future policies and their migration implications as well as developing various policy scenarios and options for addressing unauthorized migration. Joint data collection and analysis also would be useful in resolving some of the disagreements surrounding migration, for example joint solutions to address the economic and social costs of the migration.

- **Mechanisms to respond in a timely, effective, and humane manner to migration emergencies.** A credible immigration policy requires the ability to respond effectively and humanely to migration emergencies in which large numbers of people seek entry into the United States. These emergencies generally include *bona fide* refugees, other individuals in need of protection, and persons seeking a better economic life in the U.S. Failure to act appropriately and in a timely manner to determine who should be admitted and who should be returned can have profound humanitarian consequences. Further, an uncontrolled emergency can overwhelm resources and create serious problems that far outlast the emergency.[16]

  Leadership. Past experiences demonstrate that leadership and a chain of command must be established quickly during an unfolding mass migration emergency to ensure an effective response. The proposed National Security Council focal point for refugee issues should assume these responsibilities because of the political nature of the decisions, the need for high Executive Branch access, and the need for credibility that derives from sufficient authority and government experience.

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[16] For a fuller discussion of the Commission's recommendation on mass migration emergencies, see *U.S. Refugee Policy: Taking Leadership*, 1997.

Regional advance preparation. Mass migrations are likely to continue within this hemisphere. To respond effectively and humanely to future crises, the U.S. and its regional partners need a plan for a regional temporary protection system. This plan should identify sites, prepare protection guidelines and processing procedures at the primary protection sites and other locations, and create a funding proposal that clarifies financial responsibilities and accounts for marginal additional costs. It also should include measures to avert and resolve crises and develop plans for implementing durable solutions.

Domestic advance preparation. The U.S. must also finalize its own federal contingency planning for migration emergencies that has been under development during the past decade (with review and revision as needed). The presence of a such a contingency plan identifying various scenarios, policy responses, and appropriate steps for implementing them can help avoid both dangerous and costly *ad hoc* decisionmaking and disruption of normal operations. An effective and viable emergency response, however, requires that the agencies have sufficient resources and authorities to carry out their responsibilities. Thus, as part of this process, the U.S. must develop a realistic financing strategy and mechanisms to trigger allocation of funds.

Increased coordination among federal agencies involved in emergency responses—as well as with state and local agencies—also is necessary to ensure that the appropriate participants are identified and involved in the discussions and that as many decisions and responsibilities as possible are agreed upon prior to emergency situations. This would facilitate emergency responses by reducing the reluctance of state and local government to be involved, by clarifying lines of authority, and by increasing trust between the par-

ties. If they had the statutory authority to allow them to respond rapidly and efficiently, agencies with operational responsibility for mass migration emergencies could be more effective. This operational responsibility must include the authority to assign tasks to other agencies as needed.

Removals

A credible immigration system requires the effective and timely removal of aliens determined through constitutionally-sound procedures to have no right to remain in the United States. As the Commission stated in its 1994 Report, if unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally.

Our current removal system does not work. Hundreds of thousands of aliens with final removal orders remain in the U.S. The system's ineffectiveness results from a fragmented, uncoordinated approach, rather than flawed legal procedures. The Executive Branch does not have the capacity, resources, or strategy to detain aliens likely to abscond, to monitor the whereabouts of released aliens, or to remove them.

A large number of aliens—more than 250,000 in the past eight years—have been issued removal orders but have never been removed.[17] [See chart: Comparison of Removal Orders and Actual Removals.] In studying how the current system produces such a large number of unexecuted final removal orders, the Commission finds that the removal process is neither conceived of nor managed as an integrated system.

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[17] Prior to IIRIRA, such orders were referred to as "deportation" and "exclusion" orders.

Comparison of Removal Orders and Actual Removals

YEAR	1989	1990	1991	1992	1993	1994	1995	1996	1997 (1st half)
ORDERS	48,000	52,000	60,000	65,000	70,000	84,000	105,000	131,000	64,000
REMOVALS	34,000	30,000	33,000	43,000	43,000	45,000	51,000	69,000	42,000
UNEXECUTED ORDERS	14,000	22,000	27,000	22,000	27,000	39,000	54,000	62,000	22,000
CRIMINAL REMOVALS	8,000	12,000	17,000	24,000	28,000	31,000	33,000	37,000	23,000
NONCRIMINAL ALIEN REMOVALS	26,000	18,000	16,000	19,000	15,000	14,000	18,000	32,000	19,000
INS DISTRICT IN SAN DIEGO REMOVALS	—	7,000	8,000	8,000	8,000	9,000	12,000	23,000	13,000

Sources: INS, EOIR, Administratively Final Removal Order by Month: Summary, July 24, 1997

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In its 1994 report, the Commission recommended that the top enforcement priority should be the removal of criminal aliens from the U.S. in such a way that their potential return to the U.S. will be minimized. The INS has made considerable progress recently in removing larger numbers of criminal aliens. This year, INS is on track to remove 70 percent more criminal aliens than were removed in FY 1993. Despite these advances, the actual number of criminal alien removals still lags behind the total number who should be deported from this country.[18]

INS has been able to increase the number of criminal alien removals by detaining previously incarcerated aliens after they complete serving their sentences, through conclusion of their proceedings, and removal can be effected. More significantly, INS and the Executive Office for Immigration Review developed the Institutional Hearing Program [IHP] through which removal hearings are held in the prisons. When final orders are issued in this setting, criminal aliens can be deported directly from state or federal prisons, alleviating INS' need to detain them during deportation proceedings. The Commission recommended enhanced use of the IHP in its 1994 report. As the recent GAO testimony cited above indicates, improvements are still needed to ensure that INS identifies and deports all removable criminal aliens.

Further, while the INS has increased criminal alien removals over the last several years, noncriminal alien removals remained static

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[18] See, e.g., GAO Testimony, "Criminal Aliens: INS' Efforts to Identify and Remove Imprisoned Aliens Need to Be Improved," before the Immigration and Claims Subcommittee, Committee on the Judiciary, House of Representatives, July 15, 1997.

until 1996, as the chart comparing removal orders and actual orders indicates. The recent increase in noncriminal removals may be somewhat related to increased detention space and resources authorized by Congress. However, much of the increase appears localized, suggesting that other forces are at work. As the chart further shows, removals from the San Diego District represent much of the increase and are related directly to the establishment of a Port Court in 1995.[19]

Even with these increased removals, the system needs significant improvements before it can be regarded as credible, that is able to deport most of the aliens with final orders of removal. To achieve this goal will require a new approach to correct a fundamental flaw—the fragmentation in the current conception and management of the removal system. Each part of the system—Investigations, Trial Attorneys, and Detention and Deportation—acts independently, impeding the total system's efficiency and leaving no one accountable for growing numbers of unexecuted final orders of removal.

The system starts with INS investigations of potential immigration law violations. When investigators find such violations, they issue notices placing aliens in removal proceedings. At that point, the investigators are finished with their assigned tasks; they are never connected to the results of their work—whether the alien was ultimately ordered removed and actually deported. Nor is their performance evaluated in connection with actual removals or with the priority that policymakers place on the removal of particular catego-

[19] When "Operation Gatekeeper" changed the patterns of how aliens attempted to enter the U.S. illegally and resulted in a significant increase in the number of aliens trying to cross with false documents at the port of entry, the U.S. Attorney worked with INS and EOIR to establish a more expeditious removal process for aliens apprehended at ports of entry. Previously, such aliens were simply turned back to Mexico; under the new system, they were placed in exclusion proceedings at the newly created Port Court. The aliens were detained for a few days, and the exclusion proceedings were expeditious because they were uncontested.

ries of aliens. Investigators do not, as a matter of practice, distinguish among priorities when initiating the formal removal process; both the worst violators and those who may have good claims for relief are placed in the same costly and time-consuming proceedings.

Once the proceedings have commenced, the INS Trial Attorney is responsible for the case. The volume of cases for each Trial Attorney is very large; yet, again there is no considered prioritization about which cases to proceed against and which not. Key policymakers do not provide guidance to Trial Attorneys about prioritizing cases, and, even if such guidance were provided, Trial Attorneys say that they are not given sufficient time to review cases to determine whether a case is worth pursuing. Again, there is no connection to the ultimate aim of the system—removing those who should be deported.

The system suffers further because many aliens are unrepresented and thus do not receive advice on whether to go forward because they have a chance of being granted relief. As the Commission learned in studying the results of the Florence Representation Project [see below], the removal process works much more efficiently when aliens receive advice of counsel. Those with weak cases generally do not pursue relief through proceedings if they understand from counsel that they will be wasting their time. As the late Chief Immigration Judge Robie pointed out, representation generally makes the court system work more efficiently. For example, Immigration Judges often grant continuances to unrepresented aliens to give them time to obtain counsel. In certain types of cases (particularly asylum claims), some judges are hesitant to proceed in the absence of representation. When a final order of removal is issued, another INS office, Detention and Deportation, takes responsibility for the case. This office is charged with managing detention space and effecting removal. The reality is that there will never be enough

space to detain everyone who should be removed. Nonetheless, no plan has been devised to pursue alternatives. The only experiment the INS has launched is the Vera Appearance Assistance Program that plans to test the utility of supervised release on various limited populations [as discussed below]. Unfortunately, due to internal INS problems, that pilot may not gain access to one of the main groups it should test—asylum seekers who meet the credible fear standard. No strategy has been devised for determining when, after the first hearing on the merits, detention is advisable because the likelihood of absconding is higher. Notices ordering removable aliens to report for deportation, known as "run" letters, continue to be issued at a 90+ percent no-show rate. No strategy has been developed for picking up aliens with final orders even when there is a recent address.

Establishing a more effective removal system requires changes in the management of the removal process. More specifically, the Commission recommends:

- **Establishing priorities and numerical targets for the removal of criminal *and* noncriminal aliens.** The Commission encourages headquarters, regional, and local immigration enforcement officials to set these priorities and numerical goals. Based on the above analysis of removal orders and actual removals, it appears that beyond the very highest removal priority—convicted criminals—targeted priorities of particular categories generally have not been developed at the national and local levels. Nor has INS developed numerical targets for the removal of specific categories of noncriminal aliens. This absence of prioritization and performance measures generally precludes serious consideration of what strategies, resources, and training will be needed to effect the desired removals.

Establishing removal of criminal aliens as a priority and setting numerical targets helped identify such new strategies as the IHP. The same process can work with regard to other categories of aliens, as can be seen in San Diego. Aliens who attempted to enter there with fraudulent documents were singled out as a priority for removal with an exclusion order. Formerly, those presenting fraudulent documents were permitted simply to withdraw their application for admission with no penalty. Setting the priority to remove aliens attempting reentry led to the decision to increase Inspection staff, establish a Port Court, identify additional detention space, and gain a commitment from the U.S. Attorney to prosecute those who attempted reentry after exclusion.

Failed asylum seekers [as the Commission recommended in our June 1997 Refugee Report], visa overstayers, unauthorized workers in targeted industries, and those who use false documents are categories that require attention if our removal system is to become credible and deter abuse. Setting priorities and numerical targets will help the government manage what is potentially a huge caseload of removable aliens.

- **Local oversight and accountability for the development and implementation of plans to coordinate apprehensions, detention, hearings, removal, and the prevention of reentry.** With guidance on priorities, local managers in charge of the removal system would be responsible for allocation of resources to ensure that aliens in the prioritized categories are placed in the process and ultimately removed. Local managers also would be responsible and accountable for identifying effective deterrents to reduce the likelihood that removed aliens would attempt to reenter the U.S. Managers need to redesign the system so that resources are balanced from beginning to end. Right now, the system is lopsided

and disconnected. The front end (Investigations) drives the system, and the back end (actual removals) is neglected. That imbalance can be corrected if the local offices develop plans to coordinate apprehensions, detention, hearings, and the removal process in ways that target the particular priorities in different districts. As discussed above, the San Diego district has had some success in focusing on aliens trying to enter with false documents. After identifying this priority, the U.S. Attorney coordinated the key federal government actors to ensure that these aliens were placed into proceedings, either returned to Mexico or detained for several days awaiting the hearing, promptly removed after the issuance of a final order, and prosecuted if they reentered.

As discussed above, the local INS Trial Attorneys, who are part of the General Counsel's Office, currently do not play a significant role in driving the removal system. The Commission believes Trial Attorney offices should function in the same manner that U.S. and District Attorney Offices do. Those offices determine which cases they will prosecute; and these determinations guide detectives as to which cases they bring to the U.S. or District Attorney for prosecution. Congress should provide sufficient resources to support such initiatives. Based on the policy guidance and plans developed by headquarters, regional and local offices, the chief Trial Attorneys [now called District Counsel] should make it clear to investigators which cases they will pursue in proceedings and which cases they will not. Investigators should then target these priority cases. Local heads of Immigration Enforcement Offices should be held accountable for the planning and implementation of this reconceived removal system. To ensure such accountability, these local officials should have authority over both the prosecutorial and police functions.

- **Continued attention to improved means for identifying and removing criminal aliens with a final order of deportation.** The Commission reiterates the importance of removing criminal aliens as a top priority. Our recommendation regarding the importance of removing noncriminal aliens with final orders is not intended to shift the attention of the removal system away from this priority. Rather, both criminal and noncriminal aliens must be removed to protect public safety (in the case of criminals) and to send a deterrent message to *all* who have no permission to be here.

  To improve the effectiveness of the criminal removal system, criminal aliens must be identified as early in the process as possible. The local jail pilot project mandated by § 329 of IIRIRA should be used to help determine how early in the criminal process identification should occur. The Department of Justice and the state and local criminal justice agencies should develop uniform means of identification, and the data systems of these agencies should be linked to identify more effectively criminal aliens who should be removed.

  With respect to the Institutional Hearing Program, the GAO found that the INS (1) failed to identify many removable criminal aliens and initiate IHP proceedings for them before they were released from prison, and (2) did not complete the IHP by the time of prison release for the majority of criminal aliens it did identify. GAO recommended improved data systems to track the IHP status of each foreign-born inmate and the development of a workload analysis model to identify the IHP resources needed in any period to achieve overall program goals. The Commission believes that the development of uniform means of such identification and linked data also will help the program achieve its goals.

The Commission urges the Department of Justice to attend carefully to actual removals in two additional ways. First, we have heard serious complaints from foreign authorities that they are not being notified that the U.S. is returning a criminal alien. DOJ must develop an improved notification process so that appropriate authorities in the countries to which criminal aliens are being returned can plan for such returns and take these individuals into custody if necessary. Second, we also have learned that many criminal aliens are being returned unescorted. For public safety reasons, criminal aliens should be returned by escort.

- **Legal rights and representation.** The Executive Branch should be authorized to develop, provide, and fund programs and services to educate aliens about their legal rights and immigration proceedings. Such programs also should encourage and facilitate legal representation where to do so would be beneficial to the system and the administration of justice. Particular attention should be focused on aliens in detention where release or removal can be expedited through such representation. The alien would not have a right to appointed counsel, but the government could fund services to address some of the barriers to representation.

  Under the provisions of § 292 of the Immigration and Nationality Act, an alien placed in proceedings is guaranteed the privilege of being represented by an attorney or other qualified legal representative, but at no expense to the government. Under this system, the alien is provided with a list of local attorneys and accredited organizations practicing immigration law who might be able to provide legal representation. Studies have shown that the vast majority of aliens in proceedings before Immigration Judges are not represented by counsel. This is accounted for by several

factors including the lack of English proficiency on the part of aliens, a lack of understanding of the legal process and of their legal rights, the lack of funds to hire an attorney, and an inability to find someone available and willing to represent them. Securing the services of an attorney or otherwise qualified legal representative presents a particular challenge for detained aliens whose freedom is constrained, who have limited phone privileges, and who find themselves situated in locales not readily served by or accessible to the legal community.

Experience demonstrates that when aliens are represented in proceedings, cases move more efficiently, economically, and expeditiously through the system. Indeed, represented aliens with little or no chance of prevailing can be more readily weeded out of the system. Aliens who have legal representation are much more likely to appear at their hearings than unrepresented aliens. Fewer continuances are needed or granted in the case of represented aliens. Hearings take less time. Issues presented for decision by the immigration courts and on appeal are more readily narrowed. Applications for relief are better prepared and presented in immigration court. Appeals are more cogently presented and are supported by legal briefs. Simply put, when aliens in proceedings or on appeal have legal representation, the system works better.

The Commission visited the Florence Immigration and Refugee Rights Project in Florence, Arizona, a project that demonstrates the advantages of programs designed to educate aliens about their rights and that provides a triage system to secure representation for those with a likely avenue for relief. The Project screens detainees for eligibility for immigration benefits and relief from deportation, exclusion, or removal, informs aliens about their rights, and directly rep-

resents as many as it can handle, with the overflow referred out to *pro bono* attorneys. The Project has been recognized for its success and assistance in moving cases through the system while affording due process. An evaluation of the Project found that aliens with representation had a better opportunity to become aware of their rights and legal options. Many inside and out of government believe that the Florence Project reduces alien detention time, expedites removal by decreasing necessary immigration court time, and increases court efficiency. Representation also decreases anxiety and behavioral problems among detainees.

The Commission believes that programs like the Florence Project should be facilitated and encouraged. Moreover, the Commission believes that the Executive Branch should be granted the authority to develop, provide, and fund other programs and services that inform aliens about their rights and the proceedings in which they are placed and to otherwise facilitate legal representation where to do so is a benefit to the system. Under this approach, the alien would not have a right to appointed counsel, but the government could fund ancillary services, such as rights presentations, interpreters, transportation, attorney/client meeting places, and training to address some of the barriers to increased legal representation.

- **Prosecutorial discretion to determine whether to proceed with cases.** Guidelines on the use of prosecutorial discretion should be developed; local Trial Attorneys should be trained to exercise discretion and support staff should be provided to ensure that Trial Attorneys have the time needed to screen cases prior to hearings. Discretion should be exercised with the goal of establishing a more efficient and rational hearing system.

In addition to targeting priority cases, the District and U.S. Attorneys decide which of those cases to prosecute based on an assessment of the strength of each case. In contrast, by and large, the INS prosecutes all cases that appear to involve violations of law. The Commission is concerned about the cost of litigating every case, both in terms of the credibility of the system and expenditure of public funds. We have recommended setting priorities as a strategy to establish credibility and to send a deterrent message. Here we urge the development of a system based on a sensible goal: prosecution of those who actually will be removed.

To establish a removal system that operates efficiently by prosecuting appropriate cases and settling those, for example, where relief is likely to be established, guidelines should be developed and issued by the General Counsel. Trial Attorneys should be trained to create and apply these guidelines nationwide. Finally, Trial Attorneys need time to screen cases prior to a removal hearing and to determine whether the alien has a strong claim for relief. To free up their time, support staff should be provided to handle the clerical work that currently burdens the Trial Attorneys. By wisely applying their discretion, the Trial Attorneys could then focus their attention on immigration court cases that are likely to result in the removal of the alien upon completion of the proceedings. This "out-of-court" approach also would assist the Immigration Judges and the private immigration bar by reducing the amount of time all parties spend in immigration court.

- **Strategic use of detention and release decisions.** Detention space, always in limited supply, is in greater demand as the government has focused more on the removal of criminal aliens and as Congress mandates more categories to be detained. IIRIRA requires the Attorney General to detain all

aliens found inadmissible or deportable on criminal or terrorist grounds. The criminal grounds include convictions for certain crimes now categorized as "aggravated felonies" for which a sentence of one year imprisonment or more may be imposed. Congress enacted these changes knowing that current detention space and personnel were insufficient to execute such expanded detention requirements and allowed the Attorney General to waive these requirements for two one-year periods while developing the capacity to handle these developments. The Attorney General notified the Judiciary Committees of the insufficiencies for the first year. IIRIRA also requires the detention of asylum seekers during the credible fear determination process.

Detention needs to be used more strategically if the government is going to target and remove designated categories of aliens determined to be priorities in particular locales. If it appears that asylum abuse is getting out of hand in one locality, for example, detention space would be needed to ensure that failed asylum seekers are removed.

Alternatives to detention should be developed so that detention space is used efficiently and effectively. In 1997, INS initiated a three-year pilot program, created with and implemented by the Vera Institute of Justice, that may help define effective alternatives to detention for specific populations. The Vera Assistance Appearance Program aims to develop and validate with formal research a supervision program that will increase both appearances at immigration court proceedings and compliance with the legal process among those not detained, while ensuring efficient use of detention space. The program thus aims to address important removal problems: The Executive Branch can detain only a fraction of individuals in removal proceedings; those who are not detained often do not appear in court and rarely

comply with removal orders. The pilot will free up valuable detention space by keeping out of detention aliens who may eventually be granted relief. If the Vera pilot demonstrates the utility of supervised release, an assessment of chances for relief and community ties or supervision would assist the Department of Justice in determining more precisely when detention is needed in each case to ensure that aliens who ultimately receive no relief do not abscond. It is hoped that the pilot will provide insight into the use of reporting mechanisms as well as the role of community organizations who take responsibility for maintaining contact with and reminding those released of their responsibilities to the immigration court.

The Commission considers the Vera pilot of great importance to the development of an effective removal system. INS officials at headquarters and in the local offices should work together to see that this pilot serves as a valid test of detention alternatives. In particular, the pilot should be permitted access to those asylum seekers who meet the "credible fear" test for two reasons. First, detaining individuals who have met an initial threshold demonstrating their likelihood of obtaining asylum is not a good use of scarce detention resources. As the Commission stated in its Refugee Report, "credible fear" is an appropriate standard for determining who will be released from detention; it is not appropriate for determining who will gain access to an asylum hearing, except under exceptional circumstances. Second, asylum seekers who have met the credible fear test will enable the pilot to test the utility of supervised release and make recommendations on the role of community ties and sponsors.

Additional alternatives should be developed to address local situations. For example, in border communities, aliens with pending cases could be permitted to return to Mexico and come to Port Court for their hearing in lieu of detention, as occurs in San Diego. The aliens in such proceedings are told the consequence of their failure to appear—that they will be found excludable in absentia and criminally prosecuted if they attempt to reenter.

- **Improved detention conditions and monitoring.** Over the past two decades, INS has taken on significant responsibilities in detaining aliens. INS detains a broad range of aliens of both genders, from criminals to asylum seekers. While short detention periods typically are contemplated for those awaiting removal hearings, the results often are otherwise. The INS has also become the long-term jailer for a significant number of removable aliens from Cuba, Vietnam, and other nations. INS currently operates nine Service Processing Centers and, like the U.S. Marshals, contracts bed space with many state and local jails. In recent years, Congress has increased significantly resources for detention space: total available beds per day totaled 8,600 in 1996; INS is close to reaching its goal of 12,000 by October 1997.

  Serious problems have occurred, the most prominent in 1995 when the ESMOR Contract Facility in Elizabeth, New Jersey, was shut down following an incident in which detainees voiced complaints of physical abuse, stealing, and harassment by guards. INS' own investigation of the facility uncovered serious management problems. More regularly, complaints regarding local jails have included human rights abuses, overcrowding, poor nourishment, mixing of women

and juveniles with men and of asylum seekers with criminals, and lack of access to health care, counsel, family, and recreation.

Detention cannot be used effectively unless and until the conditions of detention are humane and detainees are free from physical abuse and harassment by guards. We have no doubt that appropriate criteria for all facilities can be promulgated, based on sound governmental judgment and consultation with concerned nongovernmental organizations. But most importantly, a system to monitor facilities and publish findings on a regular basis must be developed. Inspections must occur more than once annually.

Further, the Commission recommends that the Department of Justice consider placing administrative responsibility for operating detention centers with the Bureau of Prisons or U.S. Marshals Service. An immigration enforcement agency should not be shouldered with such a significant responsibility that is not part of its mission or expertise.

- **Improved data systems.** The Commission recommends that data systems link apprehensions and removals. Current data systems are unable to link an apprehension to its final disposition (e.g., removal, adjustment of status). In addition, INS statistics relate to events, not individuals. This significantly limits the use of apprehension and removal data for analytical purposes. The Commission urges development of data systems that link apprehensions and removals and provide statistics on individuals. This would foster a better understanding of apprehension as a removal tool and provide better information on recidivism.

- **The redesigned removal system should be managed initially by a Last-In-First-Out [LIFO] strategy to demonstrate**

the credibility of the system. Once a coherent system is organized and appropriate resources are assigned to removing deportable aliens—not simply to put aliens through proceedings—removals should proceed in a Last-In-First-Out mode. In this way, the government can send a credible deterrent message to failed asylum seekers, visa overstayers, users of counterfeit documents, and unauthorized workers, that their presence in the United States will not be tolerated. The LIFO model has worked successfully in the affirmative asylum system, allowing the government to demonstrate control over the current caseload and to quickly establish priorities for dealing with the backlog for enforcement purposes. It can provide both the measure of success for the removal system as well as convey the proper deterrent message.

The Commission urges Congress to clarify that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Antiterrorism and Effective Death Penalty Act of 1996 do not apply retroactively to cases pending when the new policies and procedures went into effect. As a matter of policy, the Commission believes that retroactive application of new immigration laws undermines the effectiveness and credibility of the immigration system. Applying newly-enacted laws or rules in an immigration proceeding that is pending results in inefficiency in the administration of the immigration laws. It also can raise troubling issues of fairness.

The Commission urges Congress to clarify that IIRIRA and AEDPA do not apply retroactively to cases pending when the new policies and procedures went into effect.

There is no uniform effective date for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 in its entirety. Instead, and to the extent it has spoken on the matter, Congress has imposed several different effective dates depending on the provisions involved. Most of the new removal provisions became effective on April 1, 1997. The fact that a statutory provision takes effect upon enactment or upon a future date certain, does not re-

solve the issue of whether the provision applies to cases already pending. When new statutory provisions are applied to such categories of cases, it is generically considered a "retroactive" application of the law.[20]

Although retroactive application of new statutory requirements by Congress is legally permissible (subject to certain constitutional constraints), it does not constitute sound public policy. Ours is a system governed by the rule of law. In our view, retroactively changing the applicable rules once a legal proceeding has commenced not only is manifestly unfair, but also invites confusion, adds uncertainty, and fosters a lack of trust and confidence in the rule of law.

We are concerned as well that retroactively applying new statutory provisions results in inefficiency and simply does not make good sense given the current realities of administering the immigration laws. As fully discussed earlier in this report, hundreds of thousands of outstanding administratively final orders of deportation remained unexecuted long before the enactment of either IIRIRA or

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[20] The analytical model for determining statutory retroactivity, set forth by the Supreme Court of the United States in *Langraf v. U.S.I. Film Products, Inc.*, 511 U.S. 244 (1994), is aptly encapsulated in the following excerpt from *Immigration Law and Procedure*, Gordon and Mailman, Chapter 61, Special Alert, SPA61-1, 2 (1997):

> [T]he first step is to determine whether Congress expressly defined the statute's proper reach. The language of the statute must be examined to determine whether it manifests an intent to apply to cases or conduct that arose before the law's enactment. For the statute to apply retroactively, there must be an "unambiguous directive" or an "express command" from Congress that it intended such application. In the absence of such an unambiguous directive, it must be determined whether the new statute "attaches new legal consequences to events completed before its enactment" or "would impair rights a party possessed when he acted, increase a party's liability for past conduct or impose new duties with respect to transactions already completed." If the statute has this effect, it should not apply retroactively.

AEDPA. Clearly, the system has had little problem in establishing sufficient grounds for deportation and exclusion under prior law. Moreover, although relief from deportation and exclusion under prior law was available, the number of granted applications was proportionally very small compared to the number of aliens in proceedings. The problem, then, has not been in ordering the deportation or exclusion of immigration violators, or in granting relief in a relatively small percentage of cases. The problem has been in actually removing aliens who have been found to be deportable, excludable, or removable following the conclusion of their proceedings.

As noted above, the system is not yet removing anything approaching 100 percent of the existing detained or nondetained criminal alien population for whom an administratively final order of deportation or exclusion already has been entered or who are otherwise deportable or excludable under prior law based on their criminal conduct. Moreover, the system has failed to remove significant numbers of noncriminal aliens against whom orders of deportation or exclusion have been outstanding for several years. Although retroactive application of the 1996 legislation will both significantly increase the numbers of removable aliens and decrease the numbers of aliens who might have otherwise qualified for existing relief, the system does not have the capacity actually to remove these added numbers of individuals. The resulting situation serves only to further erode the effectiveness and credibility of the immigration system as a whole.

ACHIEVING IMMIGRATION POLICY GOALS

INTRODUCTION

Restoring credibility and setting priorities—themes at the center of the Commission's policy recommendations on illegal and legal immigration, respectively—will not come to pass unless the government is structured to deliver on these policies. An effective immigration system requires both credible policy and sound management. Good management cannot overcome bad policy. Poor structures, lack of professionalism, poor planning, and failure to set priorities will foil even the best policies.

Until relatively recently, the agencies responsible for implementing immigration policy were underfunded, understaffed, and neglected. During the past few years, however, massive increases in resources and personnel, combined with significant political attention to immigration issues, have provided new opportunities to address long-standing problems. A recent General Accounting Office report documented improvements—including, for example, a more strategic approach to the formulation of immigration enforcement programs—but concluded that management problems remain. Further change is required if the overall U.S. immigration system is to function smoothly and effectively, anticipating and addressing, rather than reacting to, problems.

STRUCTURAL REFORM

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement;

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement, enforcement of immigration-related employment standards, adjudication of immigration and naturalization applications, and appeals of administrative decisions.

*enforcement of immigration-related employment standards; adjudication of immigration and naturalization applications; and appeals of administrative decisions***.** The immigration system is one of the most complicated in the federal government bureaucracy. In some cases, one agency has multiple, and sometimes conflicting, operational responsibilities. In other cases, multiple agencies have responsibility for elements of the same functions. Both situations create problems.

Mission overload. Some of the agencies that implement the immigration laws have so many responsibilities that they have proved unable to manage all of them effectively. Between congressional mandates and administrative determinations, these agencies must give equal weight to more priorities than any one agency can handle. Such a system is set up for failure, and, with such failure, further loss of public confidence in the immigration system.

No one agency is likely to have the capacity to accomplish all of the goals of immigration policy equally well. Immigration law enforcement requires staffing, training, resources, and a work culture that differs from what is required for effective adjudication of benefits or labor standards regulation of U.S. businesses. While some argue that enforcement and benefits are complementary functions, we agree with the Commission for the Study of International Migration and Cooperative Economic Development [Asencio Commission, after its Chair] that placing incompatible service and enforcement functions within one agency creates problems: competition for resources; lack of coordination and cooperation; and personnel practices that both encourage transfer between enforcement and service positions and create confusion regarding mission and responsibilities. Combining responsibility for enforcement and benefits also blurs the distinction between illegal migration and legal admissions. As a matter of public policy, it is important to maintain a bright line between these two forms of entry. We believe the Asencio Commission was correct in contending that separating enforcement and benefits functions

will lead to cost efficiencies, more effective enforcement, and improved service to the public.

Diffusion of responsibilities among agencies. Responsibility for many immigration functions are spread across numerous agencies within single departments or between departments. This fragmentation of responsibility is most clear in relationship to the adjudication of applications for admission as a legal permanent resident: responsibility for making decisions on skill-based immigrant and LDA applications is dispersed among the Department of Labor, the Department of Justice's Immigration and Naturalization Service and the Department of State. Responsibility for investigating employer compliance with immigration-related labor standards is shared by INS and DOL. Additionally, the United States Information Agency has responsibility for determining who will enter with a J visa, under which some exchange visitors work in this country. USIA also must sign off on requests for waivers of the two-year home residency required of some J visa holders before they can adjust their status to other nonimmigrant or immigrant categories.

A second area in which responsibility is diffused and activities are redundant is worksite enforcement. Both INS and DOL conduct investigations to determine if employers have violated the employment eligibility verification requirement. Sanctions may be imposed by INS against employers who knowingly hire unauthorized workers. The DOJ Office of Special Counsel has related responsibilities in determining if employers are engaging in immigration-related unfair employment practices.

Fragmentation of responsibility leads to conflicting messages from the various agencies, unnecessary delays in adjudication, and, when more than one agency must adjudicate the same request, redundancies in actual implementation.

Current U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE				
Immigration & Naturalization Service	✓	✓	✓	✓
Executive Office for Immigration Review				✓
DEPARTMENT OF STATE				
Consular Affairs		✓		
Bureau for Population, Refugees & Migration		✓		
Board of Appellate Review*				✓
DEPARTMENT OF LABOR				
Employment Standards Administration			✓	
Employment Training Administration		✓		
Board of Alien Labor Certification Appeals				✓

*For a limited set of nationality- and citizenship-related matters.

The Commission considered a range of ways to reorganize roles and responsibilities, including proposals to establish a Cabinet-level Department of Immigration Affairs or an independent agency along the lines of the Environmental Protection Agency. We believe a new department or independent agency is neither practical nor desirable, particularly in the context of current interest in streamlining government operations, not creating sizeable, new entities.

After examining the full range of options, the Commission con-

Proposed
U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE Bureau for Immigration Enforcement	✓			
DEPARTMENT OF STATE Undersecretary for Citizenship, Immigration, and Refugee Admissions		✓		
DEPARTMENT OF LABOR Employment Standards Administration			✓	
AGENCY FOR IMMIGRATION REVIEW				✓

cludes that a clear division of responsibility among existing federal agencies, with appropriate consolidation of functions, will improve management of the federal immigration system. As discussed below, *the Commission recommends a restructuring of the immigration's four principal operations as follows:*[1]

1. ***Immigration enforcement at the border and in the interior of the U.S in a new Bureau for Immigration Enforcement at the Department of Justice;***

2. ***Adjudication of eligibility for immigration-related applications (immigrant, limited duration admission, asylum, refugee, and naturalization) in the Department of State under the jurisdiction of a new Undersecretary for Citizenship, Immigration, and Refugee Admissions;***

The Commission recommends a restructuring of the immigration system: 1. Immigration enforcement at the border and in the interior of the U.S at the Department of Justice; 2. Adjudication of eligibility for immigration-related applications in the Department of State; 3. Enforcement of immigration-related employment standards in the Department of Labor; and 4. Appeals of administrative decisions in an independent review agency.

Proposed Restructuring of the Immigration System

DEPARTMENT OF JUSTICE	DEPARTMENT OF STATE	DEPARTMENT OF LABOR	INDEPEN DENT AGENCY
BUREAU FOR IMMIGRATION ENFORCEMENT	UNDERSECRETARY FOR CITIZENSHIP, IMMIGRATION, AND REFUGEE ADMISSIONS	EMPLOYMENT STANDARDS ADMINISTRATION	AGENCY FOR IMMIGRATION REVIEW
Immigration enforcement at the border and in the interior of the United States	Adjudication of eligibility for immigration-related applications	Enforcement of immigration-related employment standards	Administrative review of all authorized immigration-related appeals

3. ***Enforcement of immigration-related employment standards in the Department of Labor; and***

4. ***Appeals of administrative decisions, including exclusion, deportation, and removal hearings, in an independent agency, the Agency for Immigration Review.***

The Commission believes this streamlining and reconfiguring of responsibilities will help ensure: coherence and consistency in immigration-related law enforcement; a supportive environment for adjudication of applications for immigration, refugee, and citizenship services; rigorous enforcement of immigration-related labor standards to protect U.S. workers; and fair and impartial review of immigration decisions.

Bureau for Immigration Enforcement (DOJ)

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and ***remove illegal aliens in a Bureau for Immigration Enforcement in the Department of Justice.*** The Commission believes that the importance and complexity of the enforcement function within the U.S. immigration system necessitate the establishment of a higher-level, single-focus agency within the DOJ. The Commission further recommends that the newly configured agency have the prominence and visibility that the Federal Bureau of Investigation [FBI] currently enjoys within the DOJ structure. The Director of the Bureau for Immigration Enforcement would be appointed for a set term (e.g., five years). The agency would be responsible for planning, implementing, managing and evaluating all U.S. immigration enforcement activities both within the United States and overseas.

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and remove illegal aliens in a Bureau for Immigration Enforcement in the Department of Justice.

[1] See Appendix for Commissioner Leiden's concurring statement.

The new agency's responsibilities would include many functions currently performed by the INS: inspections and admissions at air, land, and sea ports of entry and at pre-inspection facilities overseas; border management and control between ports of entry; apprehension and prosecution and removal of illegal residents and workers; oversight of pre- and post-trial/hearing release; identification and prosecution of document fraud; identification, deterrence, and prosecution of alien smuggling gangs; and other domestic and overseas deterrence activities.

The Commission believes that the current U.S. immigration system structure diffuses and confuses potential for a more concerted focus on central functions and activities. Enforcement objectives sometimes conflict with service goals and *vice versa*. Often, both compete for limited operational resources and for the time and attention of those responsible for planning, administering, and managing these programs.

The Commission is particularly concerned that although the current removal system produces more than 100,000 final removal orders each year, the system does not have the corresponding capability to remove the individuals subject to those orders. The Commission believes that it is critical to the credibility of the removal sector of the enforcement system that the agency be held accountable for setting realistic numerical priorities and producing specific outcomes. Upper-level management must be responsible for effecting an integrated system such that the agency apprehends, detains, and proceeds against those aliens it prioritizes for removal, and ultimately removes all those being issued final orders of removal.

To establish such an integrated system, the Commission recommends that the new enforcement agency have a more traditional law enforcement model structure and that it focus on police activities, pre- and post-trial probation services, and prosecution. Agency person-

nel should be upgraded to receive pay and benefits commensurate with those provided to other Department of Justice law enforcement agents. At present INS personnel performing the same functions as FBI or Drug Enforcement Agency [DEA] personnel are often at a lower-pay grade.

The police function would be carried out by *uniformed services,* such as Inspectors and Border Patrol Agents, and *investigators* who would conduct investigations and collect intelligence at the border and in the interior to deter smuggling, facilitate removals, and accomplish other similar goals. The Commission suggests turning over most detention responsibility to the U.S. Marshals Service and/or the Bureau of Prisons.

As in other law enforcement operations, particularly those in which more people are put into proceedings than can either be accommodated in detention or actually removed, there is a need for *pre- and post-trial/hearing screening* and/or *supervised release* on probation or bond. In the immigration context, these could be available, for example, to asylum-seekers who are deemed by an Asylum Officer to have demonstrated a credible fear of persecution, to those who have accepted voluntary departure and posted bond, or to those unlikely (because of close family members or other strong community ties) to abscond pending completion of their hearings or sentences.

To ensure a high expectation of individuals actually being removed from the U.S. within a certain time, the Commission believes that Trial Attorneys should have greater discretion to set priorities for apprehension and prosecution and to determine which cases are pursued for removal proceedings.

The Commission recommends the following distribution of responsibilities within the Bureau for Immigration Enforcement.

Uniformed enforcement officers. The Commission recommends merger of the INS Inspectors, Border Patrol, and detention officers into one unit, the Immigration Uniformed Service Branch. Its officers would be trained for duties at land, sea, and air ports of entry, between land ports on the border, and in the interior where uniformed officers are needed for enforcement. The unit would be accountable for both the facilitation of legal traffic at the ports of entry and the enforcement against illegal entry. It also would be responsible for moving detainees from apprehension sites to detention facilities and to hearing sites, as well as for escort duty during removals. After appropriate training, most of the officers performing these various functions could be transferred interchangeably, and opportunity for job mobility would exist across lines not now possible. As stated above, grade level and pay should be upgraded as needed to be commensurate with the law enforcement activities the officers will perform.

Unlike the current practice in which the Border Patrol reports to Sector Chiefs and Inspectors report to District Directors, all uniformed officers within a particular geographic area would be under the authority of a single, integrated immigration enforcement manager.

Investigators. The Commission believes investigations will be a key part of the new agency's responsibility. Investigators are the main agents responsible for identifying and apprehending people who are illegally residing or working in the United States, for deterring smuggling operations, for building a case against those who are not deterred, and for identifying, apprehending, and carrying out the removal of aliens with final orders of removal.

Only some 2,900 employees, out of an INS staff of more than 25,000, work on these many investigative tasks. A similar number work in INS Detention and Deportation. Most of these Deportation Officers

could—given additional on-the-job training and supervision conduct investigations. Deportation Officers now deal almost exclusively with docket control and management paperwork that could be done by lower level support staff, freeing the Deportation Officers for field work.

INS Investigators primarily work the front end of the removals process: identifying and arresting those who are illegally residing or working in the U.S. Little attention is given to the removal process as a whole, for ensuring availability of adequate detention space, allocating ample Trial Attorney and Immigration Judge time, effecting transfer to airports, and achieving physical removal. The system is bogged down with increasing numbers of aliens who are apprehended, charged with an immigration violation, put into proceedings, released due to lack of detention space or other prerequisites for effective timely processing, never appear at their hearings, or are never deported after a final order of removal is issued. The failure of careful planning and integration of the process means many of those who are apprehended are never removed. According to some observers, the INS' compartmentalized program planning, budgeting, and implementation procedures blunt attempts to integrate these functions more fully into a seamless and effective process.

"Removal Officers" in the new Bureau for Immigration Enforcement, who would integrate the functions of Investigators and Deportation Officers in apprehensions and removals, would enable the immigration system to deliver better on its commitment to actually remove those who are issued final orders. Managers would then have the flexibility to shift resources among various investigations activities as needed to produce a smooth-flowing process that ensures timely removal. As dsicussed above, grade and pay should be commensurate with the often dangerous law enforcement duties performed by investigators.

Intelligence. The Bureau for Immigration Enforcement will require an Intelligence Division to provide strategic assessments, training and expertise on fraud, information about smuggling networks, and tactical support to uniformed officers or investigators. It would act as a liaison with other federal law enforcement agencies and share information and intelligence. The Intelligence division would be one of the smallest in the agency with an anticipated staff of about 100 employees.

Assets Forfeiture Unit. As with the other DOJ enforcement agencies, the Bureau would have an Assets Forfeiture Unit. Statutory authority for Assets Forfeiture activities is a useful addition to the range of strategies and sanctions available to the U.S. law enforcement community. Augmented authorities in the 1996 immigration legislation increased both its usefulness and the potential for misuse or abuse. In order to be aggressive in using these new authorities and equally aggressive and proactive in ensuring against misuse/abuse, DOJ agencies established assets forfeiture units under the general guidance of the DOJ Assets Forfeiture Unit. Each agency, including FBI, DEA, and INS, has its own unit. These units, usually highly-placed within the agency, are the focal points for agency-wide asset-related policy implementation, field staff training, and field operations monitoring. They assist the agency's field staff in case development, monitor use of assets forfeiture funds, and oversee use of these sanctions to guard against abuse.

Pre- and post-trial "Probation" Officers. "Probation" functions are not now performed consistently or effectively in the immigration system, but the Commission believes these functions are essential to more strategic use of detention space. District Directors and Immigration Judges determine the release (either on personal recognizance or on bond) of apprehended aliens from detention. Often, release relates more to lack of detention space than to the likelihood that aliens will appear at their proceedings or assessment of aliens' danger to the community. Some aliens are given the option to

depart voluntarily, but there is little tracking of whether they actually leave the country. As it is unlikely that all potentially deportable aliens could or should be detained awaiting removal, the Commission believes more attention should be given to supervised release programs and to sophisticated methods for tracking the whereabouts of those not detained.

Pilot programs, such as the Vera Institute Appearance Assistance Program discussed above, could be expanded into more areas if successful. INS requested this three-year project in the New York area. It studies reporting requirements and the effectiveness of community sponsors in supervising the release of aliens who meet certain criteria regarding community ties, relief from removal, and public safety. The program aims to free up valuable detention space for aliens without legal remedies who are likely to abscond, while keeping those who might receive relief out of detention.

Trial Attorneys/Prosecutors. INS has nearly 800 staff involved in immigration-related legal proceedings, such as offering legalopinions and advice and representing the government's interests in proceedings before Immigration Judges and on appeal.

The Commission believes that the Trial Attorneys, who, in effect, are the Government's immigration prosecutors, should be vested with, *and should utilize*, an important tool possessed by their criminal counterparts: prosecutorial discretion. Under the current system, the Trial Attorneys do not as a practice use discretion in determining which cases to pursue. The INS does not sufficiently prioritize or target cases; instead it acts as if it had the means to prosecute each and every case effectively. Cases go forward, even when an alien will, or is likely to, prevail on an application for relief or when there is no realistic belief that the alien will ever be removed from the country. Discretion exercised at the beginning of the process and at every step would target the use of scarce resources better and contribute to a more effective and credible system. Central office lead-

ership would be required to set appropriate priorities and provide guidance to the Trial Attorneys as to the proper use of discretion.

Greater sharing of information between the Trial Attorneys, aliens, and their counsels would facilitate smoother and more expeditious movement through the system and fewer Freedom of Information Act requests. Greater use of stipulations and pretrial conferences (with sanctions resulting when attorneys are not prepared), would narrow the disputed issues needing court resolution and time.

Field Offices. The new enforcement agency would implement its programs through a series of field offices structured to address comprehensively the immigration enforcement challenges of the particular locality As the location of these offices should be driven by enforcement priorities, they would likely be located in different places than current district offices. Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices. The field office inspections officers at ports of entry would both facilitate the admission of legal limited duration admissions and immigrants and the identification of illegal entrants. Border Patrol stations along the border and at checkpoints along major interior transportation corridors would facilitate enforcement activities. Appropriate field offices also would investigate and prosecute cases and contribute to detection and destruction of smuggling rings.

Current INS Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices. Most existing district offices and suboffices could be incorporated into the new agency; they also could supervise and administer the Border Patrol. [Until the mid-1950s, Border Patrol units worked out of and reported to INS District Offices.] The INS overseas enforcement presence could be retained and expanded by the new enforcement agency.

Citizenship, Immigration, and Refugee Admissions (DOS)

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage these activities. At present, three separate agencies—the INS, the Department of State, and the Department of Labor—play broad roles adjudicating applications for legal immigration, limited duration admission, refugee admission, asylum, and/or citizenship. In addition, the Department of Health and Human Services plays an ancillary role in setting requirements regarding health standards for new arrivals, and the United States Information Agency has a major role in exchange visitor programs.

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage *these activities.*

The Commission believes a more streamlined and accountable adjudication process, involving fewer agencies but greater safeguards, would result in faster and better determinations of these benefits. Consolidation of responsibility in one department would permit a reengineering of the adjudication process to make it more efficient and timely.

In considering which department should be responsible for adjudicating citizenship and immigration benefits, the Commission considered each agency's current role and overall mission. Immigration has been a stepchild in each of the major departments with current responsibilities. The Department of State's primary role is the conduct of foreign relations, and immigration issues have been subsumed within its consular functions of protection and welfare of American citizens abroad. The Department of Justice tends to view immigration as an enforcement matter, and it is not well suited to oversee an agency that also adjudicates applications for benefits. The Department of Labor is concerned primarily with the labor market impact of immigration. The Department of Health and

Human Services plays an important role in setting and implementing domestic refugee policy, but it has a very narrow, largely health-related involvement in overall immigration policy.

Recognizing the drawbacks inherent in choosing any of these locations, the Commission nevertheless concluded that the Department of State has the greatest capacity to undertake the additional work entailed in a consolidated system.

Taking responsibility for immigration and citizenship services out of the Department of Justice sends the right message, that legal immigration and naturalization are not principally law enforcement problems; they are opportunities for the nation as long as the services are properly regulated. Further, the Department of Justice does not have the capacity internationally to take on the many duties of the Department of State. The Department of State, however, already has a domestic presence and an adjudicatory capability. It issues one-half million immigrant visas and six million nonimmigrant visas each year. DOS also provides a full range of citizenship services both domestically (issuance of almost six million passports annually) and abroad (e.g., citizenship determinations and registration of births of U.S. citizens overseas). Indeed, DOS has devoted a major share of its personnel and its capital and operating resources to these adjudicatory functions at embassies and consulates in more than two hundred countries and in passport offices in fifteen U.S. cities. In addition, the National Visa Center in New Hampshire processes and forwards to overseas posts three-quarters of a million immigrant cases.

Consolidating responsibility requires some changes in the way the Department of State administers its immigration responsibilities, which we believe would strengthen the adjudication function. This increase in domestic responsibilities may raise concern over possible decrease in attention and focus on the Department of State's tradi-

tional mandate in foreign affairs, as well as more practical caution regarding the well-known difficulties in managing the domestic aspects of immigration. Some observers also may be concerned that DOS might not give sufficient consideration to the domestic impact of immigration. To counter this perception (and some underlying reality), the Department of State would need to develop mechanisms for consultation with domestic groups representing a broad range of views and interests regarding immigration.

The Department of State also will need to change its historic position on review of consular decisions. At present, decisions made at INS and the Department of Labor on many immigrant and LDA applications may be appealed, but no appeal is available on consular decisions. The Commission believes that immigrant and certain limited duration admission visas with a U.S. petitioner should be subject to independent administrative review [see below]. The Department of State also would have to prepare its own bureaucracy to take on these new functions. A need for a renewed emphasis on training for the management of large and interrelated offices and processes will be matched by the need for superior personnel management and leadership. These highly-regarded management skills would be an ideal attraction for those Foreign Service officers who shy away from consular assignments abroad, perceiving them as unwanted digressions from the classic diplomatic career path.

The new organization would be responsible for naturalization and determination of citizenship, adjudication of all immigrant and limited duration admission petitions, work authorizations and other related permits, and adjustments of status. It also would have responsibility for refugee status determinations abroad and asylum claims at home. Overseas citizenship services would continue to be provided by consular officers abroad and in Washington. Policy and program development for all immigration activities would be incorporated into the new organization, which also would have

enhanced capacity to detect, deter, and combat fraud and abuse among those applying for benefits.

With consolidation, the Department of State would have sole responsibility for processing immigrants—from the filing of the petition in the United States and subsequent visa issuance abroad, to the production of the green card and work authorization in the U.S., and ultimately, to naturalization. Issuance of a passport to the newly-naturalized citizen would complete this almost seamless process of immigration benefits adjudications. Consolidation of these steps would permit greater operational flexibility (e.g., one-stop adjudication of petitions and forwarding to posts abroad, streamlined processing for work-related visas), greater flexibility in use of personnel (e.g., the examination function could span visa petitions and passports), and, as discussed below, greatly enhanced antifraud capabilities.

The consolidation of these functions in DOS would, of course, be a major undertaking for a relatively small department already charged with absorbing the United States Information Agency and the Arms Control and Disarmament Agency. The Department of State must be given the resources to fulfill such new responsibilities. The approximately five thousand INS and Department of Labor staff currently involved in immigration applications adjudications would likely be transferred to DOS. Many employees would remain in or near their present locations and their functions would not appreciably change.

This recommendation envisions creation of an Undersecretary who would have direct access to the Secretary of State and who would be responsible for domestic and overseas immigration, citizenship, and refugee functions.

Within the Office of the Undersecretary would be a unit responsible both for formulating and assessing immigration policy as well as

reviewing and commenting on the immigration-related effects of foreign policy decisions. This policy capacity would be new for the Department of State, but it is in keeping with the important role that migration now plays in international relations.

The Undersecretary would have three principal operating bureaus:

A Bureau of Immigration Affairs [IA] would focus on the immigration process, as noted above, as well as on LDA processing. IA's expanded responsibilities would be based on those currently assigned to the Visa Office and the National Visa Center. In addition to its existing overseas work, the Bureau of Immigration Affairs would be responsible for domestic adjudication/examination functions, including work authorization, adjustment of status, domestic interviewing, and the issuance of appropriate documentation (e.g., green cards). The Bureau of Immigration Affairs also would staff immigration information and adjudication offices in areas with immigrant concentrations. Related INS legal and regulatory staffs in Washington also would transfer to the IA Bureau, as would DOL functions regarding employment-based entry. In short, the IA Bureau would assess—in the U.S. and abroad—applications for all immigration-related benefits now performed by INS, DOL, DOS, and USIA.

Importantly, the employment verification system outlined in previous Commission recommendations also would be under the Department of State's control, although it would likely contract out the actual operation of that system. Another important part of its domestic presence would be the staffing of immigration information offices in areas of major immigrant concentrations.

A Bureau of Refugee Admissions and Asylum Affairs would assure an appropriate level of independence from routine immigration issues and processes. It would combine the present Bureau for Population, Refugees and Migration [PRM] responsibilities for over-

seas refugee admissions, the refugee and asylum offices of the INS, and the DOS asylum office in the Bureau of Democracy, Human Rights and Labor.[2] This would integrate the key governmental players in one of our most important and historic international activities. In this vein, the direct line of authority to the Secretary of State through the new Undersecretary underlines the key policy advantage for global refugee issues.

A Bureau of Citizenship and Passport Affairs would be responsible for naturalization, other determinations of citizenship, and issuance of passports. Local offices performing some citizenship functions, such as overseas travel information, passport and naturalization applications, testing and interviews, could be located at the new or expanded immigration offices noted below.

Overseas citizen services would continue to be handled within the new consolidated organization, utilizing the DOS substantial domestic and overseas staff. These services include: responding to inquiries as to the welfare or whereabouts of U.S. citizens; assisting when U.S. citizens die, are arrested, or experience other emergencies abroad; providing notarial services; and making citizenship determinations and issuing passports abroad. In some countries experiencing instability, an increasingly important activity is organizing Americans living or working in those areas into networks for efficient communication of information and warnings.

Quality Assurance Offices would oversee records management, monitoring procedures, fraud investigations, and internal review. At present, monitoring of the quality of decisions made on applica-

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[2] The Commission makes no recommendation regarding the management or organization of the overseas refugee and humanitarian assistance programs operated by PRM and the USAID Bureau for Humanitarian Response. These functions could remain within the Undersecretary for Global Affairs or be brought under the new Undersecretary for Citizenship, Immigration, and Refugee Admissions.

tions for immigration and citizenship benefits receives insufficient attention. INS enforcement officials now have the responsibility to investigate allegations of fraud in immigration and naturalization benefits programs, but monitoring the adjudications process is a low priority in an office that is also responsible for identifying and removing criminal aliens, breaking up smuggling and counterfeiting rings, and performing similar police work. A staff responsible for and dedicated to ensuring the quality of decisions taken on applications for immigration and citizenship should address some of the weaknesses, such as those recently identified in the naturalization process.

Some adjudication decisions now are reviewed by a separate administrative unit within the agency conferring benefits; others are not. The Commission believes that quality decisions require some form of supervisory review for applicants who believe their cases have been wrongly decided. This type of review helps an agency monitor consistency and identify problems in adjudication and offers a means of correcting errors. At present, DOS has procedures for some internal supervisory review of consular decisions, but it has had no need for procedures to review refusals of applications at earlier stages of adjudication. With expanded responsibilities, DOS will need to develop a comprehensive internal review process that ensures that errors are corrected with minimal disruption to the applicant and the agency.

Quality assurance requires good records. The accrued personal records of each immigrant must be accurate, up-to-date, and retrievable at each adjudicative stage: (1) petition/immigrant visa; (2) alien resident/green card; (3) naturalization; and (4) passport. The creation and maintenance of the alien filing system ("A" files) should be reviewed to assure its maximum utility in the adjudicative flow noted above. The absolute need for good immigration records cannot be overstated.

Standardized and flexible records management and the consolidation of domestic and overseas adjudication functions will greatly enhance antifraud capabilities. At present, fraud often is not discovered until after a government agency has given the case one or more approvals and the alien appears for his or her visa. The resources are not now in place for adequate review of questionable petitions, and communications between overseas posts and domestic agencies are not adequate. Even when they receive information from overseas posts about likely fraud, the domestic agencies generally do not follow up with further investigation. Consolidation within the Department of State would overcome poor coordination and communication and permit more antifraud efforts at the beginning of the process, where they are most effective. A fraudulent entry prevented, a work permit not issued to an unauthorized person, or an ineligible alien prevented from naturalization—these are far more preferable to trying to rescind a benefit granted in error.

With respect to the domestic field structure for implementing these programs, The Regional Service Centers and National Visa Center would continue to be the location of most adjudication. The physical plants are excellent and the locally-hired staffs are trained and in place. At this time, information is passed from the RSCs to the NVC when the applicant for admission is overseas. Eventually, however, the functions of the Service Centers and the Visa Center might be consolidated. Overseas interviews would continue to take place at embassies and consulates.

A range of other interviews would take place domestically. The Department of State already operates fifteen passport offices throughout the United States, many in areas of high immigrant settlement. These offices, however, are not set up for high volume interviewing. New offices, designed specifically with immigrant services in mind, would be needed. Ideally, to avoid long lines and waits for service, there would be smaller offices in more locations than the current INS district offices. The Commission recommends against locating

these offices with the enforcement offices discussed above. Asking individuals requesting benefits or information to go to an enforcement agency sends the wrong message about the U.S. view of legal immigration.

Immigration-Related Employment Standards (DOL)

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor. These activities include enforcing compliance with requirements to verify work authorization and attestations made regarding conditions for legal hire of temporary and permanent foreign workers. The Commission believes that as this is an issue of labor standards, the Department of Labor is the best equipped federal agency to regulate and investigate *employer compliance* with standards intended to protect U.S. workers. The hiring of unauthorized workers and the failure of employers to comply with the commitments they make (e.g., to pay prevailing wages, to have recruited U.S. workers) in obtaining legal permission to hire temporary and permanent foreign workers are violations of such labor standards. Responsibility for enforcing compliance with these requirements currently lies within both INS and DOL. Under consolidation, the DOL Employment Standards Administration's [ESA], Wage and Hour Division [WH] and Office of Federal Contract Compliance Programs [OFCCP] would perform these functions in conjunction with their other worksite labor standards activities.

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor.

These increased immigration-related responsibilities would require increased DOL staff and resources. In addition to performing all worksite inspections, DOL would assume new employer sanctions responsibilities. Specifically, the Commission makes the following recommendations regarding the DOL role in regulating the worksite to ensure the protection of U.S. workers.

Sanctions against employers who fail to verify work authorization. Among its provisions that address the problem of unauthorized immigration, the Immigration Reform and Control Act of 1986 made it unlawful for an employer knowingly to hire any alien not authorized to work in the U.S. IRCA requires all employers to check the identity and work eligibility documents of all workers hired. Upon hiring, employees must sign an I-9 Form certifying eligibility to work and that the documents they present to the employer are genuine. The employer then signs the form, indicates which documents were presented, and attests that they appear to be genuine and to relate to the individual who was hired. IRCA established penalties both for employers failing to comply with this process and for employers knowingly hiring unauthorized aliens. Pilot testing of a more rigorous verification process recommended in the Commission's 1994 report and adopted in large part in the immigrant legislation passed in 1996 addresses verification problems arising from the widespread use of fraudulent documents by illegal aliens.

The Commission believes all worksite investigations to ascertain employers' compliance with employment eligibility verification requirements should be conducted by the Department of Labor. Although DOL already conducts many of these investigations, under this recommendation, DOL also would assess penalties if employers fail to verify the employment eligibility of persons being hired. DOL would not be required to prove that an employer knowingly hired an illegal worker, just that the employer hired a worker without verification of his or her authorization to work. With implementation of the Commission's proposal for a more effective verification process, this function will be critical to deterring the employment of unauthorized workers.

At present, INS has the principal responsibility for employers sanctions enforcement, including: investigations and prosecution of "knowing hires" of illegal aliens and paperwork violations; worksite

raids that apprehend and remove illegal aliens; and development and maintenance of employee eligibility verification programs designed to help employers determine which individuals are authorized to work in the United States. DOL also reviews employer compliance with the employer sanctions verification processes in the course of its on-site visits to workplaces and as part of regular labor standards enforcement activities. DOL Wage and Hour and OFCCP personnel inspect the I-9 Forms on file and notify INS of the results of such inspections. DOL also is authorized to issue warning notices to employers when deficiencies are found in an employer's verification process. In practice, however, DOL has rarely issued such warnings.

Although INS and DOL jointly enforce the employer sanctions provisions, INS has the primary responsibility, including assessing civil penalties and initiating legal action. A Memorandum of Understanding between DOL and INS retains for INS the responsibility for promulgating employer sanctions program policy.

Consolidating verification enforcement at DOL gives responsibility to an agency with extensive experience regulating business compliance with labor standards, an expertise largely lacking at INS. It also permits a relatively high level of enforcement activity, as DOL completes far more employer visits than INS. The number of employer sanctions cases completed by INS has decreased sharply from 14,311 in 1990 to 5,211 in FY 1996, of which 90 percent were cases in which the agency had some reason to believe a violation occurred.[3] Over the past several years, the number of Wage and Hour on-site investigations also has decreased substantially but is still well above the INS level. The DOL reduction results largely from

[3] The lowered activity, nevertheless, represents more targeted and effective enforcement. The number of arrests during this same period increased more than 50 percent. In 1,024 cases the employers were fined; warnings were issued in 669 cases; $4,853,288 was collected in fines; and 13,848 undocumented workers were arrested.

a greatly expanded use of expedited investigations in the form of employer self-audits and conciliations in place of on-site investigations. For example, Wage and Hour conducted more than 42,000 on-site investigations and corresponding I-9 inspections in FY 1990, but less than 23,000 in FY 1996. OFCCP conducts some 4,000 on-site inspections each year. In FY 1996, approximately 70 percent of Wage and Hour investigations were complaint-driven; the remaining 30 percent were directed or targeted. Wage and Hour devotes the equivalent of twenty-one full-time employees to I-9 inspections, OFCCP the equivalent of eight.

The Commission recognizes DOL concern that from the begining its assumption of an employer sanctions enforcement role created a potential conflict with its broader mission of protecting the wages and working conditions of workers. Its inspectors worry that workers' fears that such employer sanction actions might result in INS apprehension and deportation could have a "chilling effect" on those workers who might—and should—come forward to report workplace abuses. For this reason, DOL has been extremely wary of crossing the hard-to-distinguish line where sanctions-related activities might effectively frustrate its ability to protect deserving workers.

The Commission believes that DOL participation in verifying that only authorized workers are hired should be seen as integral to its mission of protecting U.S. workers. DOL has an essential interest in reducing illegal migration as those employers who hire illegal aliens are more likely to violate the minimum labor standards that DOL is charged with enforcing. A reduction in levels of illegal migration could well be the most effective tool available to enhance protections for legally authorized workers. The primary responsibility of DOL is protecting American workers, and transfer of employer sanctions enforcement to DOL represents the best option for raising the level of enforcement to a point that presents a real deterrent to the employment of undocumented workers.

Enforcement of skill-based immigrant and limited duration **admissions requirements.** In our 1995 report to Congress, the Commission urged adoption of streamlined procedures for the admission of skilled foreign workers whom U.S. businesses wish to hire. We continue to believe that an expedited process is needed for the admission of both temporary and permanent foreign workers, as discussed earlier in this report, as long as adequate safeguards are in place to protect the wages and working conditions of U.S. workers. To prevent abuse of an expedited system, an effective postadmissions enforcement scheme is necessary.

Upon adoption of an expedited process for the admission of both immigrant and temporary workers, DOL should be given responsibility and resources for enhanced monitoring of employers' fulfillment of the attestation terms they filed to bring in workers. As discussed above, decisions on who will be admitted under the various skill-based admission categories would be made by the Department of State.

DOL's other worksite enforcement responsibilities place it in the best position to monitor employers' compliance with the attestations submitted in the admissions process. DOL investigators are experienced in examining employment records and interviewing employees. Penalties should be established for violations of the conditions to which the employer has attested, including payment of the appropriate wages and benefits, terms and conditions of employment, or any misrepresentation or material omissions in the attestation. Such penalties should include both the assessment of administrative fines as well as barring egregious or repeat violators from petitioning for the admission of permanent or temporary workers.

When DOL has concluded that an employer is an egregious or repeat violator, and any subsequent administrative appeal has been decided, it would notify the DOS Bureau of Immigration Affairs of such findings, with a recommendation about barring the employer

from petitioning for the admission of foreign workers for temporary or permanent employment. The Bureau of Immigration Affairs would then determine if such a debarment is to be made and would notify the employer of its decision. The employer would have the option of appealing such a decision.

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive Branch.

Agency for Immigration Review

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive Branch.

The Commission believes that a system of formal administrative review of immigration-related decisions—following internal supervisory review within the initial adjudicating agency—is indispensable to the integrity and operation of the immigration system. Such review guards against incorrect and arbitrary decisions and promotes fairness, accountability, legal integrity, uniform legal interpretations, and consistency in the application of the law in individual cases and across the system as a whole.

Experience teaches that the review function works best when it is well insulated from the initial adjudicatory function and when it is conducted by decisionmakers entrusted with the highest degree of independence. Not only is independence in decisionmaking the hallmark of meaningful and effective review, it is also critical to the reality and the perception of fair and impartial review.

To the extent that administrative review of immigration-related decisions is authorized under current law, such review is conducted by several Boards and units located in the Departments of Justice, Labor, and State. For example, within the Department of Justice, the Executive Office for Immigration Review, a separate agency es-

tablished by regulation in 1983, oversees the system of immigration courts, as well as the Board of Immigration Appeals [BIA]. The BIA, a fifteen-member panel appointed by the Attorney General, has nationwide jurisdiction over a wide range of cases, including decisions of Immigration Judges in exclusion, deportation, and removal proceedings, and requests for relief made in those proceedings. In addition, the BIA adjudicates appeals in several other categories of cases, such as bond determinations, fines, rescission of adjustment of status, and certain family-based visa petitions.

Supplementing their normal hearing docket, Immigration Judges now conduct the final review of the "credible fear" of persecution determinations made in the admission/inspection process, as well as determinations that an alien seeking admission is not currently a lawful permanent resident, refugee, or asylee as he or she claims.

The Office of the Chief Administrative Hearing Officer [OCAHO] also is housed in EOIR and is responsible for administering the hearing process issues arising under the employer sanctions, anti-discrimination, and document fraud provisions of the Immigration and Nationality Act.

Within the Immigration and Naturalization Service there is an Administrative Appeals Office [AAO], whose component parts include the Administrative Appeals Unit [AAU] and the Legalization Appeals Unit [LAU]. Unlike the BIA, the AAO does not have a decisionmaking board. Rather, the Chief of the Unit reviews and signs off on decisions prepared by individual examiners. AAO has appellate jurisdiction over petitions and applications in no fewer than thirty-nine subject areas, among which are decisions relating to the breaching of bonds, employment-based visa petitions, adjustment of status for Indochinese refugees, petitions for Amerasian children, fiancé(e)s, orphans, temporary workers, permission to reapply for admission after deportation or exclusion, reentry permit waivers for certain grounds of excludability, certification of schools

for acceptance of foreign students, applications for refugee travel documents, claims to acquisition of citizenship abroad, applications to preserve residence abroad for naturalization purposes, various applications for certain certificates of naturalization, and applications for temporary or permanent resident status under the regular legalization, Special Agricultural Worker or Replenishment Agricultural Worker programs, and corresponding waivers of inadmissibility.

Appeals of denials of naturalization applications, however, are not considered by the AAO. Instead, review of such decisions occurs at the INS district office level and is conducted by an officer of equal or higher grade as the initial adjudicator. (If the initial decision denying the naturalization application is sustained, the alien may challenge the decision in federal district court, the court having jurisdiction over the ultimate swearing-in of successful naturalization applicants.)

In the Office of the Legal Adviser in the Department of State, there is a Board of Appellate Review [BAR] vested with jurisdiction to hear, in part, appeals of determinations of loss of nationality or expatriation, and denials, revocations, restrictions, or invalidations of passports.

In the Department of Labor, the Board of Alien Labor Certification Appeals [BALCA], created by regulation in 1987, hears appeals of denials of applications for labor certification.

When considering the appellate review function in its totality, it becomes apparent that responsibility for reviewing enforcement-related decisions rests primarily with the individual components of EOIR, while responsibility for reviewing benefit adjudication decisions is spread across several offices and agencies including the BIA, AAO, INS district offices, BALCA, and, for a more limited set of

nationality- and citizenship-related issues, the BAR at DOS. Further, Immigration Judges and the BIA have the authority to provide certain forms of relief during deportation, exclusion, and removal hearings that can result in lawful permanent resident status for aliens.

Inasmuch as the underlying benefits and enforcement functions performed by the immigration system are themselves dispersed among several Departments, it is not surprising to find that formal administrative review of decisions made in the context of performing those functions is likewise dispersed. However, in light of our recommendations that responsibility for the enforcement of the immigration laws be placed with a new Bureau for Immigration Enforcement in the Department of Justice and that all citizenship and immigration benefits adjudications be removed from the Department of Justice and instead be consolidated in the Department of State, we find that a corresponding change in the placement of responsibility for the review function is in order.

Even with the assignment of the benefits adjudication function to DOS and the enforcement function to DOJ, interrelationships will exist between eligibility for benefits and enforcement actions. Indeed, eligibility for an immigration benefit may be an avenue to relief from deportation, exclusion, or removal while certain immigration violations may present barriers to attaining legal status. For example, favorable disposition of a petition or application by the benefits agency may collaterally resolve a deportation or removal issue. Aliens in enforcement proceedings may be eligible for certain forms of relief involving the same types of legal questions arising in the context of benefits adjudication outside of proceedings—or aliens in proceedings may be foreclosed from eligibility for a benefit applied for outside of proceedings. Ultimately, however, there is a need for a uniform administrative interpretation of what the law is and how it should be applied, regardless of whether the questions arise when adjudicating an application for a benefit or resolving an

enforcement action. These considerations lead us to conclude that administrative review of all presently reviewable immigration-related decisions should be consolidated.

In deciding where the review function could best be performed, the Commission considered a number of options, including separate reviewing bodies for enforcement actions within DOJ and forbenefit determinations within DOS, placing responsibility for review entirely with EOIR, and creation of an Article I Immigration Court.

Placing the review function in its entirety with EOIR was an attractive option, particularly given EOIR's success in both insulating the review function and achieving independence of decisionmaking since its inception in 1983. At the same time, EOIR remains located in the Department of Justice, ultimately and predominantly a law enforcement agency. Further, existing procedures permit the Attorney General to reverse or modify any decision reached by the BIA. The Commission, as well as other commentators, find this practice troubling because, at a minimum, it compromises the appearance of independent decisionmaking, injects into a quasi-judicial appellate process the possibility of intervention by the highest ranking law enforcement official in the land, and, generally, can undermine the BIA's autonomy and stature. In the end, the Commission decided the EOIR option was unworkable because of the inherent difficulty of a reviewing agency in one Department rendering decisions in cases initially decided by another Department.

Instead, the Commission was persuaded by the arguments that the review function should be completely independent of the underlying enforcement and benefits adjudication functions and that the reviewing officials should not be beholden to the head of any Department. Although the desired independence could be attained by establishing an Article I Immigration Court, such a court would be part of the Judicial, rather than the Executive Branch. The overall operation of the immigration system requires flexibility and coordi-

nation of function, including the review function, by the various agencies in the Executive Branch. Given this reality, the Commission concluded that the review function should be conducted by a newly-created independent reviewing agency in the Executive Branch. To ensure that the new reviewing agency is independent and will exist permanently across Administrations, we believe it should be statutorily created. It would incorporate the activities now performed by several existing review bodies and offices, including the DOJ Executive Office for Immigration Review, the INS Administrative Appeals Office and district offices (naturalization), the DOL Board of Alien Labor Certification Appeals, and the limited set of nationality and citizenship-related matters presently considered by the DOS Board of Appellate Review. The Agency for Immigration Review also would have additional responsibilities.

Creating any decisional system or tribunal requires attention to several guiding principles. First, no system can work effectively if the personnel who form the base of the decisional pyramid are insufficient in number or deficient in skills and integrity to do the job. Second, the base of any such structure cannot be expanded either in number of its personnel or in extent of its jurisdiction beyond the capacity of the next level above to review and decide the outcome. This must be achieved within a reasonable period and with a reasonable expenditure of resources. Finally, the apex of any decisional pyramid should be relatively small. With these considerations in mind, the Commission proposes the following organization for the new independent Agency for Immigration Review.

This new reviewing agency would be headed by a Director, a presidential appointee, who would coordinate the overall work of the agency, but who would have no say in the substantive decisions reached on cases considered by any division or component within the agency. There would be a trial division headed by a Chief Immigration Judge, appointed by the Director. The Chief Judge would oversee a corps of Immigration Judges sitting in immigration

courts located around the country.[4] The Immigration Judges would hear every type of case presently falling within the jurisdiction of the now sitting Immigration Judges.

The new reviewing agency also would consider appeals of decisions by the benefits adjudication agency, using staff with legal training. Although the benefits adjudication agency will handle a wide range of applications—from tourist visas to naturalization and the issuance of passports—not all determinations will be appealable, as is the case under current law. We envision that those matters that are appealable under current law would remain appealable. The only difference is that the appeal would be lodged with and considered by the new independent Agency for Immigration Review rather than by the various reviewing offices and Boards presently located among the several Departments.

The administrative appeals division also would consider appeals from certain visa denials and visa revocations by consular officers. Under current law, such decisions are not subject to formal administrative or judicial review.

When a visa is denied, important interests are at stake. To be sure, the visa applicant is adversely affected—but more importantly at stake are the interests of the United States citizens, lawful permanent residents, employers, and businesses who have petitioned the admission of the applicant or who otherwise have an interest in having the applicant present in the United States. Given the lack of formal administrative and judicial review of consular decisions, these individuals are left with little or no recourse.

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[4] Admittedly, currently sitting Immigration Judges perform the classic review function only to a very limited degree—for the most part they serve as initial decisionmakers in cases where aliens are placed in proceedings. Notwithstanding this circumstance, however, experience teaches that Immigration Judges should find their home in the same agency as the appellate reviewing Board, not the enforcement agency that is initiating the proceedings against the alien.

The Commission believes that consular decisions denying or revoking visas in specified visa categories, including, all immigrant visas and those LDA categories where there is a petitioner in the United States who is seeking the admission of the visa applicant, should be subject to formal administrative review. The visa applicant would have no right to appeal an adverse determination. Instead, standing to appeal a visa denial or revocation would lie only with United States petitioners, whether U.S. citizens, lawful permanent residents, or employers.

An appellate Board would sit over the trial and administrative appeals divisions of the new independent Agency for Immigration Review. This appellate Board would be the highest administrative tribunal in the land on questions and interpretations of immigration law. It would designate selected decisions as precedents for publication and distribution to the public at large. Its decisions would be binding on all officers of the Executive Branch. To ensure the greatest degree of independence, decisions by the Board would be subject to reversal or modification only as a result of judicial review by the federal courts or through congressional action. Neither the Director of the reviewing agency nor any other agency or Department head could alter, modify, or reverse a decision by the appellate Board.

The appellate Board would be headed a Chairman. Both the Chair and Vice Chair would be appointed by the President for staggered terms of at least ten years. The appellate Board would have as many Members, who would be appointed by the Chair, as needed to decide appeals in a timely manner. It would consider appeals from the categories of cases presently falling within the BIA's jurisdiction, subject to the above-noted modifications. In addition, the appellate Board could entertain appeals from decisions of the administrative appeals division in cases in which a novel or significant

legal issue were presented, or in any other case in which it was deemed necessary or appropriate.

The Office of the Chief Administrative Hearing Officer, presently housed in EOIR, would operate as a separate component in the Agency for Immigration Review and would perform the same work as is presently being conducted. Of course, the precise organizational arrangements and divisional jurisdictions could be subject to future modification following a comprehensive review by the Agency for Immigration Review of the types and volume of cases received. However, to meet the challenges presented by consolidation of all immigration-related appeals in one place, and to perform its critical mission of correctly and expeditiously resolving appeals, the new reviewing agency must be given sufficient resources and staffing.

The Commission urges the federal government to make needed reforms to improve management of the immigration system.

MANAGEMENT REFORM

The Commission urges the federal government to make needed reforms to improve management of the immigration system. While the Commission-recommended structural changes will help improve implementation of U.S. policy, certain management reforms must also be adopted if the agencies responsible for immigration matters are to be effective in performing their functions. Structural reforms will not by themselves solve some of the management problems that have persisted across Administrations in the immigration agencies.

More specifically, the Commission recommends:

- **Setting more manageable and fully-funded priorities**. The Commission urges Congress and the Executive Branch to establish and then appropriately fund a more manageable set of immigration-related priorities. By this we mean establishing fewer objectives, but also setting more integrated

priorities, more realistically-achievable short-term and long-term goals, and greater numerical specificity on expected annual outcomes to which agencies should be held accountable.

The processes by which both Congress and the Executive Branch plan and allocate resources constrain the development of a more manageable set of priorities. Currently, most immigration priorities result from Legislative/Executive interaction through a multiyear budget process. Government budgeting cycles are lengthy and complex. Agencies must work simultaneously with the budgets and reporting cycles of four fiscal years.[5] Congressional action, meanwhile, consists of the doubly bifurcated processes of authorization, followed by separate appropriations in the House of Representatives and the Senate, and then by resolution in conference.

Executive Branch departments seldom identify adequately how much money they need to accomplish the entirety of a specified goal. Nor do they do a good job of scaling back or increasing objectives depending on the resources appropriated. Within the Legislative Branch, there is little coordination among congressional committees to ensure a congruence of agreed-upon priority expectations and resources actually allocated to do the job. Consequently, transparency and accountability are not built into the system. For example, Congress is not held accountable for adding new priorities without appropriating resources to accomplish all of the specified tasks. Federal agencies are neither directly nor easily held accountable for their performance in achieving or not achieving agreed-upon results.

The Commission urges Congress and the Executive Branch to refrain from overpromising what the federal government

can accomplish in implementing immigration policy. For example, rather than defining the removal of all deportable and inadmissible aliens as the priority for removal, a goal that is presently not achievable, the federal government could define removal priorities in terms of specified numbers and categories of aliens (e.g., criminal aliens) and in terms of certain strategies. For example, a "last in, first out" strategy would remove everyone who newly enters the removal system before removing persons whose cases have been pending in backlogs for some time. This priority-setting process worked well in reforming the asylum process and could be replicated in other areas.

Priority setting must be accompanied by sufficient resources to undertake the top objectives. In the case of removals, it should include resources for Investigations, Trial Attorneys, Immigration Judges, the BIA Detention and Deportation Officers, Department of State liaisons with host countries, and such needs as vehicles, equipment, training, and support. The priority should identify the problem completely and clearly and map out which part of that problem will be solved in which of several years of the priority. And then Congress should agree and the Executive Branch should be held accountable.

- **Developing more fully the capacity for policy development, planning, monitoring, and evaluation.** In general,

[5] For example, for the second quarter [January-March] of FY 1997, federal agencies were:
- For FY 1996, completing '96 year-end statistics and reports;
- For FY 1997, continuing work on implementing '97 goals and priorities;
- For FY 1998, finalizing the President's February FY 1998 Budget Submission to the Congress and explaining/defending it at congressional committee hearings;
- For FY 1999, developing the '99 budget initiatives, priorities, and strategies to be submitted to OMB under the "Spring Plan" planning process.

the current immigration system suffers from an inability to develop, sustain, and clearly articulate long-term and short-term policymaking except in times of crisis. Often this has led to bad policymaking, poorly developed programs, inadequate policy coordination across departmental lines, and almost nonexistent program assessment and evaluation of outcomes. None of the main Executive Branch departments has developed a broad-based immigration policymaking capacity.

The most developed policymaking and coordination unit in the immigration system exists in the INS Office of Policy and Planning [OPP]. However, a majority of its eighty-five people and its $5 million personnel budget are related to statistics and other nonpolicymaking activities. Moreover, while it is important for the principal agency responsible for immigration enforcement to have its own policy and planning capability, OPP is not necessarily well positioned to advise the Department of Justice about immigration-related policy issues affecting other DOJ agencies. Further, under the Commission's proposed restructuring, it would make no sense for the agency responsible for enforcement to have lead responsibility for formulating policies related to legal immigration and naturalization or enforcement of immigration-related labor standards.

Each department with immigration-related responsibilities needs to perform a wide range of policy functions, including, but not limited to, long-range and strategic policy planning, interagency policy integration, policy review, policy coordination, priority setting, data collection and analysis, budget formulation, decisionmaking, and accountability. The Domestic Policy Council and the National Security Council, both situated in the White House can also play an important role in coordinating policy development across departments.

Informed policymaking requires systematic review of current policies and programs (which themselves should be informed by reliable and timely statistical information), development of a range of options, and analysis of the advantages and disadvantages (including costs and timeframes) of each. Further, immigration policy affects, and is affected by, a wide range of other issues of interest to the departments. For example, the DOL overall labor policy is affected by immigration as the foreign-born represent a large proportion of the growth in the labor force. As a proportion of the unskilled workforce, immigrants represent an even larger proportion and potential impact. Similarly, international migration and the foreign policy and national security interests of the United States are strongly connected.

The immigration-related policymaking capacities at the departmental level in Justice, State, and Labor tend to be *ad hoc* and understaffed. For example, the Office of the Deputy Attorney General [DAG] has two and one-half to three attorneys working on immigration-related policy and program coordination. These staff serve as a clearinghouse through which immigration-related concerns and policy matters pass from the responsible agencies (e.g., INS, EOIR, Office of Special Counsel for Immigration-Related Unfair Employment Practices, Office of Immigration Litigation) through the DAG to the Attorney General. Given the wide range of policy issues requiring department-level attention, these staff have an all but unmanageable policy portfolio. Much of their time is spent on routine oversight punctuated by crisis management, with little time left for long-range policy development or planning. The Commission believes more sustained and timely attention to immigration policy issues within and across departments will help improve both the formulation and implementation of programs.

Interagency coordination of immigration policymaking also is particularly important. The Domestic Policy Council [DPC] already plays such a role. The Commission recommends strengthening the DPC's capacity to provide policy guidance, particularly when immigration matters affect or are affected by other domestic interests. Designation of a senior focal point for immigration policy in the DPC would enhance its ability to coordinate policy development. This role would be complementary to the enhanced role the Commission recommended for the National Security Council with regard to refugee issues. The DPC and the NSC would coordinate closely when migration issues relate to U.S. foreign policy and national security interests.

More specifically, the DPC should be mandated and staffed to: oversee federal immigration policy development across departmental and agency lines; monitor the execution and impact of new legislation, policies and programs; resolve differences within the Executive Branch, focusing on those that impede the capacity of the federal government to deliver a single, coherent message about immigration policy and priorities; serve as a forum for discussion of new ideas; coordinate liaison with and the input of advocates and other nongovernmental agencies concerned with federal immigration decisionmaking; and relay the resulting recommendations to Congress and the President.

- **Improving systems of accountability.** The Commission believes strongly that staff who are responsible for immigration programs should be held accountable for the results of their activities. Systems should be developed to reward or sanction managers and staff on the basis of their performance. This requires the development of performance measures that relate to expected outcomes. For example, the Commission earlier recommended rewarding Border Pa-

trol staff for their effectiveness in deterring illegal migration rather than their prowess at apprehending illegal aliens. Similarly, managers responsible for adjudication of benefits should be rewarded if they lessen processing time for the approval of applications and, simultaneously, improve their detection of fraudulent cases. By contrast, managers who fail to meet recognized operating standards should be held accountable and be sanctioned for their noncompliance. Systems to reward innovation or sanction managers and staff on the basis of their performance also need to be developed. Too often, staff who try new approaches not only are not rewarded for their initiative, they are sanctioned by their colleagues and supervisors.

- **Recruiting and training managers.** The Commission believes improvements must be made in the recruitment and training of managers. As immigration-related agencies grow and mandated responsibilities increase or evolve, closer attention should be paid to improving the skills and managerial capacity of immigration staff at all levels to ensure more efficient and effective use of resources allocated.

  Since 1993, the immigration system has been undergoing a tremendous infusion of new resources and, since 1996, significantly augmented statutory mandates. Either change would seriously burden even the best-run agencies of the federal government. Such infusions of new resources to INS and to several other agencies burden agency administrative and management systems. INS has not added a sufficient number of experienced, proven managers to help the agency address the many challenges it faces.

  Agencies must be able to rapidly recruit, select, train, deploy, and then support new staff—and they must sustain

this expansionist capacity over several fiscal years. Most of the new staff added are entry-level, necessitating on-the-job training, mentoring, and close supervision before they can be considered fully functional in their jobs.

As new staff are added, new supervisors are needed—and they too need supervisory and management training to be successful. Supervisors usually are drawn from the ranks of the operational staff, and with increased operational responsibilities, they often are unable to be freed soon enough or long enough to attend supervisory training in a timely fashion.

In addition, major changes in the immigration statutes passed in 1996 necessitate the redrafting and repromulgation of hundreds of sections of law and regulations, hundreds of new or revised forms, and training and retraining of staff just to implement these profound changes. Agencies should consider new ways in which staff are trained to do their work: e.g., training in management by objectives, in accountability, in managerial and supervisory skills. For some agencies, the skill levels—and agency cultures—are not yet adequate to be successful in fulfilling present and expected future increased managerial and supervisory responsibilities. Both additional supervisors and new skills are urgently needed.

The infusion of new skills and culture can come from two sources: (1) in-house training and retraining of existing staff; and (2) the addition—from outside the agencies themselves—of new middle- and upper-level management staff possessing those skills and the ability to apply them quickly to the immigration settings. These two sources need not be mutually exclusive; some of both may be required.

One promising recent development is the INS' new "competency-based" assessment process for Border Patrol officer promotions to supervisor. The Border Patrol is the single immigration agency receiving the greatest number of new staff over the coming next several years. The objective is to test Border Patrol officers to predict more accurately their potential for success as future supervisors. According to INS, the main focus of the system is assessment of "thinking skills . . . the way supervisors and managers must think and react on a daily basis."[6] More than 1,000 Border Patrol officers have been tested, another 1,000 will be by the end of summer 1997, and testing of all remaining eligible Border Patrol Officers will be completed by the end of 1997.

- **Strengthening customer service orientation.** The Commission urges increased attention to instilling a customer-service ethic in staff, particularly those responsible for adjudication of applications for benefits. Repeatedly, but most recurringly regarding INS, the public complains of a lack of service from both their dollar and from the personnel charged with serving them. The horror stories are too common. Most individuals coming into contact with the immigration system have paid a fee—whether indirectly (such as at airports and the inspections users fees tacked onto their ticket prices) or directly (such as through the submission of a fee with their application for a benefit). They expect and should receive service that is customer-friendly and timely. Appli-

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[6] The system is based on four assessments:
1. *Decisionmaking Situational Assessment*, measures thinking skills such as reasoning, decisionmaking, and problemsolving;
2. *In-basket Job Simulation*, measures administrative skills, such as planning/organizing and managing/organizing information;
3. *Managerial Writing Skills Exercise*, measures written communication skills; and
4. *Past Achievement Record*, measures personal qualities, such as leadership and flexibility.

cants should be treated courteously, records should be located with ease, and accurate information should be provided in a professional manner.

The absence of a separate career track for benefits adjudicators hampers efforts to attract and retain the best federal employees to these tasks. The structural reforms we recommend should help address this problem. Currently, many of those promoted into management positions within INS moved along the enforcement career track. Its higher-paid designations frequently make them eligible for such promotions before those who spend their careers in benefits adjudication. Benefits adjudication personnel should have a career track that promotes the best performers into positions of management and leadership and provides all employees with appropriate incentives as well as models worth emulating.

The primary currency of service is information—information that should be both accurate and timely. Daily, in many locations throughout the U.S., people seeking forms, information, status checks, and interview appointments, and reporting a change of address, requesting a copy of a form in their file, or requesting or extending employment authorization create long lines around local INS offices.

Immigration customers should not have to stand hours in a line to get information. Immigration processes should be reengineered to ensure that information is easily available at several locations and through several electronic means and, when given, is accurate. Several ways to improve access to forms and information, many electronic, already are in development. Forms increasingly are available on Information Kiosks located in high volume immigration centers; soon they will be available over the Internet. The website devel-

oped by the Department of State's Bureau of Consular Affairs makes available pertinent information on conditions throughout the world.

Customer-service personnel should be both initially well-trained and periodically tested to ensure they remain current with the latest changes and interpretations of policy. In addition, there should be a formal quality assurance program. For customer service representatives working on the lines at district field offices or answering questions on the telephone, quality assurance of their work should include the possibility for supervisors to monitor the correctness and manner of delivery of the service given.

- **Using fees for immigration services more effectively.** The Commission supports the imposition of users fees, but emphasizes that: (1) the fees should reflect true costs; (2) the agencies collecting the fees should retain and use them to cover the costs of those services for which the fees are levied; (3) those paying fees should expect timely and courteous service; and (4) agencies should have maximum flexibility to expand or contract their response expeditiously as applications increase or decrease.

  The current situation has a number of weaknesses. First, some programs are now undercharging (or not charging) fees while others reportedly are overcharging. INS is now reviewing its fees to determine where adjustments should be made. Second, some fees go into the General Treasury while others are held by the agencies collecting them and used for the function for which they were collected. Third, agencies do not have effective systems for accurately anticipating the volume of applications, forecasting their fee receipts, and requesting appropriate levels of funding from fee accounts to meet demand. Fourth, when there is an

unforeseeable increase in the number of applications, there is a significant lag time before an agency is able to use the increased fee revenue to expand its service capacity. For example, it took several months to develop a reprogramming request and then obtain permission for a reprogramming of funds when naturalization and section 245(i) adjustment applications increased significantly. This delay resulted in a growing backlog of persons awaiting service. Providing more flexibility would require agreement from the congressional appropriations committees that they need not approve the reprogramming of fees when the need for additional resources is related solely to an increase in the volume of applications.

IMPROVED DATA AND ANALYSIS

The Commission reiterates its 1994 recommendations[7] regarding the need for improvements in immigration data collection, coordination, analysis, and dissemination. Although progress has been made, much more needs to be done. Reliable and timely data are crucial to the effective enforcement of immigration law. They are the basis for the effective implementation of ongoing and new programs. And, ultimately, they are the only means of assessing results achieved and reaching the conclusions necessary for responsible policymaking.

The Commission reiterates its 1994 recommendations regarding the need for improvments in immigration data collection, coordination, analysis, and dissemination.

Data problems throughout the immigration system have long been evident. The Panel on Immigration Statistics of the National Research Council concluded in 1985 that the "story" about immigrant data was "one of neglect."[8] Despite increases in congressional funding and some notable improvements at the INS, the available data remain incomplete—a problem that exists to some degree in each agency involved in the immigration system.

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[7] U.S. Commission on Immigration Reform. 1994. *U.S. Immigration Policy: Restoring Credibility.* Washington, DC. 179-86.

The Commission believes there is a pressing need for improvements in immigration data collection, standardization, intra- and inter-agency linkages, timely dissemination, rigorous analysis, and use in policymaking. The Commission urges the federal government to support continuing research and evaluation on all aspects of immigration. Further, the Commission urges the Congress to insist upon the organizational structures needed to create and maintain high-quality statistical data.

The statistical function must be given high priority and sufficient institutional control and authority. Quality data do not evolve as a by-product of disjointed administrative data-gathering responsibilities. Quality data ultimately require a statistical system that can satisfy policy-relevant and management information needs through an integrated, centrally-coordinated approach.[9]

In recent years Congress has addressed the statistical problem by requiring improvements in specific arenas—primarily through automation—and by appropriating increased funding. These steps are encouraging and the Administration appears to have embarked successfully on some programs for automated data collection. The INS already has established separate systems for data collection and retrieval for its core enforcement and benefits functions.[10] Under the Commission's proposals it is essential that the statistical systems under DOJ enforcement and DOS benefits retain an automated and integrated design. However, statistical systems cannot be improved simply by automating data collection.

As the Panel on Immigrant Statistics concluded, it would be naive

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[8] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press.

[9] Norwood, J. L. 1995. *Organizing to Count: Change in the Federal Statistical System*. Washington, DC: The Urban Institute Press.

[10] However, there still remain more than one dozen separate data collection systems that often suffer from various internal deficiencies and remain to be integrated into larger core systems.

to assume that automation will solve the problems that have been evident for too long a time in statistical operations.[11] The Panel cited an agency-wide lack of understanding and commitment to high-quality data and the need for the development and acceptance of appropriate standards as the primary causes of today's inadequate state of affairs. It is necessary to change priorities from data collection solely for individual division administrative purposes to the production of data for integrated enforcement, benefits, quality control, and analytic uses.

Congress also has been critical of the way in which data has been disseminated. In the context of congressional debate, sporadic release of data has the potential for politicizing statistics. Regular and scheduled release of statistics, preferably monthly, can go a long way toward depoliticizing data and focusing attention on unbiased analysis. The Department of Labor's Bureau of Labor Statistics, with an autonomous and scheduled release of data, offers one model for the dissemination of data with no relation to the policy calendar.

The Commission believes each agency with immigration responsibilities should have a statistical office charged with final authority over data coordination, agency-wide definitions and systems integration, quality monitoring, research and analysis, and regular dissemination. Data collection and analysis must be a priority and be reflected in the statistical branch's organizational placement. Only sufficiently high placement and authority can ensure that its mission is successfully discharged.

Interagency cooperation and coordination of agencies that produce or use immigration data can enhance the data's timeliness and value significantly. Cooperation also can lead to significant gains in the

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[11] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press. See also: Morris, M.D. 1985. *Immigration—The Beleaguered Bureaucracy*. Washington, DC: Brookings Institution.

use of scarce resources—be they funding, staff, time, or public tolerance. Such coordination must insure monitoring of progress, adherence to standards, common definitions, timeliness in publication, and full disclosure of methods, methodology, procedures, and problems. Only then will significant improvements occur.

Consideration should be given to the creation of a *permanen*t taskforce on immigration statistics that would coordinate interagency efforts to improve all aspects of the statistical system. Various *ad hoc* and temporary governmental working groups have tackled a part of, or the whole of, the data collection system.[12] A formally-charged taskforce would craft the basis for interagency agreements and possible statutory and regulatory changes. To be effective, the taskforce would require appropriate institutional support. It would marshal interagency collaboration on data whenever feasible, especially on definitional issues and on what information is collected. The taskforce should conduct an exhaustive review of the data collected in each agency, identify overlap or potential interagency data linkages, evaluate technical and computer needs, propose standard definitions, and make recommendations.

Information Needs

Little can be done to make significant advances in our understanding of immigration without improvements in data and targeted research. Policymaking is particularly hampered by lack of knowledge from detailed surveys and longitudinal studies in three areas: the experiences and impacts of immigrants; the experiences and impacts of foreign students and foreign workers admitted for limited duration stays; and the patterns and impacts of unlawful mi-

[12] The INS has convened an Interagency Working Group on Immigration Statistics that has reviewed various data problems. It has had a significant impact on Administration funding for an immigration component in the Current Population Survey, the preeminent U.S. source of data on national trends and on the U.S. labor force. It also made significant contributions to ultimate Administration support for the New Immigrant Survey.

gration. There is a seemingly inexhaustible range of options for collecting data and, especially, topic areas needing research.[13] Examples of pressing analytic data needs are discussed below.

Legal Permanent Admissions

The gap between questions about legal immigration and the data needed for answers is greater than in almost any other area of public policy. It is not now possible to address fully pressing policy questions about the changing skill makeup of newly admitted immigrants over time, the transitions between temporary and permanent residence status, the effects of today's immigration on future demand through family reunification, and the success and impact of immigrants in the U.S. economy.

To answer such questions, policymakers have a crucial need for both data on detailed classes of admission and the capacity to track changes over time. Recently, the Administration funded the collection of data on immigrants in the monthly Current Population Survey. However, these and other survey data neither collect detailed information about status nor distinguish between legal and illegal foreign residents, much less between the various temporary or permanent admission statuses.

The INS yearly admissions data are the most immediate source of information on immigrant entry class. Yet, the data serve primarily as a minimalist administrative count of individuals. Identifying family units would make it possible to evaluate admissions as they really are: the immigration not of individuals but of families. The quality and type of data gathered on labor force status depends on definitions that do not conform with modern concepts. Including information about immigrant sponsors would go far to increase our

[13] Edmonston, B. (ed.). 1996. *Statistics on U.S. Immigration: An Assessment of Data Needs for Future Research*. Washington, DC: National Academy Press.

ability to make reliable forecasts about the numbers and skill composition of tomorrow's immigrants.

The New Immigrant Survey discussed in the introduction to this report demonstrates the policy value of expanded data on new admissions. For the first time we have an accurate picture of education and English ability, as well as the capability for studying transitions from temporary to permanent status, the characteristics of sponsors, and the financial well-being of new entrants. Designed as a pilot, the NIS should be seriously evaluated for its costs and for its value as a model for a longitudinal survey.[14] Experts agree that only a longitudinal survey ultimately can answer Congress' most pressing questions.[15]

Finally, it is essential to improve our knowledge of newly naturalizing citizens. In the past few years there have been dramatic increases in the numbers of persons naturalizing, but little is known about the individual circumstances under which residents choose to naturalize. Only more detailed knowledge about such things as eligibility and motivations will yield indicators to forecast the number of future applications. Accurate forecasts are needed to meet demand and to organize processing integrity.

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[14] A longitudinal survey would, among other things, help address serious deficiencies due to "lost data sources." In the 1950s, the U.S. discontinued collecting data on persons leaving permanently. Without accurate emigration data, demographic estimates of the size and growth of the foreign population are imprecise exercises. In the 1980s, the "Alien Address" database was discontinued. Knowing the size of the legal population makes it possible to get significantly more precise estimates of the size and location of illegal residents.

[15] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press. Edmonston, B. (ed.). 1996. *Statistics on U.S. Immigration: An Assessment of Data Needs for Future Research*. Washington, DC: National Academy Press**.** National Research Council. (J.P. Smith, B. Edmonston, eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

Limited Duration Admissions

There exists remarkably little comprehensive or policy-relevant knowledge or research on the administration of the LDA system or its impact on the U.S. economy.[16] Problems in the LDA data system are even more pervasive than in the legal permanent system.

The Commission believes that improvements in data collection and analysis of LDAs and the impact of these admissions should be considered an urgent priority. The INS has made significant efforts to improve its data and has directed funds toward new computer systems. The Commission urges the Congress to support continued innovation in data collection and storage retrieval. As in our last report, the Commission suggests that building upon existing administrative recordkeeping will be most cost-effective.

Improved data and new research efforts are especially critical as there is remarkably little known about the number, characteristics, and impact of LDA workers and foreign students. For example, important basic information is lacking on LDA workers—their geographic location in the U.S., occupations, or labor-market effects. Longitudinal data and analysis are needed regarding the transition of LDA workers to immigrant status—directly or through other temporary categories. Likewise, little is known about the total population and characteristics of foreign students, their geographic distribution, academic status, duration of stay, employment activities, or change and adjustment of legal status.

There is a critical need to continue and extend improvements in departure data—one of the more crucial components of the entire immigrant information system. Precise exit information is necessary to track duration of stay, compliance with visa regulations, and overstays. Further, the utility of current data could be meaningfully

[16] Lowell, B.L. (ed.). 1996. *Temporary Migrants in the United States.* Washington, DC: U.S. Commission on Immigration Reform.

extended, for example, by collecting accurate information on intended destination. The Commission endorses continued emphasis on the improvement and introduction of electronic/paperless mechanisms for the collection of departure data.

Unauthorized Migration

The measurement and study of illegal aliens—a clandestine population—always has been fraught with difficulties. Ironically, a focus on estimates of this population may well have produced more accurate numbers than official figures on legal residents. Yet, if our research knowledge of legal immigrants is circumscribed, and research on LDAs nearly nonexistent, the analysis of the illegal population, while extensive, suffers from combinations of problems.

At a rudimentary level, there is a need to know more about the number of illegal aliens who entered without inspection [EWI] in contrast to temporary admittees who overstay the time permitted on their LDA visa.[17] In terms of enforcement efforts the distinction is important, but there is an unknown range of error in current estimates. What proportion fall into each type? Improvements in existing databases are sorely needed along with research into innovative and reliable means of estimating each population.

Much could be gained from knowing about the varied means by which EWIs and LDA overstayers come to the United States and the length of their stay. If, for example, LDA overstayers had shorter durations of residence in illegal status, then their proportion of the total illegal population is, in a sense, more "fluid." At a more critical extreme, subpopulations of highly mobile and circular mi-

[17] U.S. General Accounting Office. 1995. *Illegal Immigration: INS Overstay Estimation Methods Need Improvement.* GAO/PEMD-95-20. Washington, DC: U.S. Government Printing Office.

grants may stay for only short periods in the United States. These highly mobile individuals would not be fully captured in standard estimates of the illegal population.[18]

[18] There are few reliable estimates of the highly-mobile, illegal subpopulation, nevertheless, *ad hoc* estimates increasingly are heard. A correct estimate of this population should adjust for its average, or "person year," size. For example, if 100 illegal workers spent one-half year working in the United States, they would earn the yearly wages of 50 workers. See Heer, D.M. 1990. *Undocumented Mexicans in the United States*. Cambridge: Cambridge University Press.

CONCLUSION

This report concludes the work of the U.S. Commission on Immigration Reform. Together with our three interim reports, this final set of recommendations provides a framework for immigration and immigrant policy to serve our national interests today and in the years to come. The report outlines reforms that will enhance the benefits of legal immigration while mitigating potential harms, curb unlawful migration to this country, and structure and manage our immigration system to achieve all these goals. Most importantly, this report renews our call for a strong commitment to Americanization, the process by which immigrants become part of our community and we learn and adapt to their presence. Becoming an American is the theme of this report. Living up to American values and ideals is the challenge for us all.

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February 1993	Consultation: Home and Family Care (Washington, DC)

April 1993	Public Hearing: Immigration and the Economy (Washington, DC)
September 1993	Roundtable: Worksite Enforcement (Washington, DC)
October 1993	Public Hearing: Immigration and Community Relations (Washington, DC)
December 1993	Roundtable: Impact of Immigration on San Diego (San Diego, CA)
	Public Hearing: Impact of Immigration on the Los Angeles Metropolitan Area (Los Angeles, CA)
	Roundtable: Local Impacts of Immigration (Los Angeles, CA)
February 1994	Roundtable: Immigration Emergencies (Miami, FL)
	Public Hearing: Impact of Immigration on South Florida (Miami, FL)
March 1994	Roundtable: Immigrant Utilization of Public Benefits Programs (Washington, DC)
	Roundtable: Border Management Strategies (El Paso, TX)
	Public Hearing: Impact of Immigration on El Paso (El Paso, TX)
May 1994	Consultation: Source Country for Legal and Ille-

	gal Immigration (Mexico City, Mexico)
	Public Hearing: Impact of Immigration on Chicago (Chicago, IL)
August 1994	Public Hearing: Impact of Immigration on Lowell (Lowell, MA)
November 1994	Roundtable: Impact of Immigration on New York (New York, NY)
December 1994	Roundtable: Mass Migration Movements (Washington, DC)
	Roundtable: Detention and Removal (Washington,DC)
January 1995	Roundtable: Economic and Labor Impact of Immigration on Austin (Austin, TX)
February 1995	Consultation: Source Country for Legal and Illegal Immigration (Santo Domingo, Dominican Republic)
	Roundtable: Local Impacts of Immigration (San Juan, Puerto Rico)
	Roundtable: Illegal Movements into and through Puerto Rico (San Juan, Aguadilla, Puerto Rico)
	Consultation: Legal Immigration (Washington, DC)
March 1995	Roundtable: Population/Environmental Effects (Phoenix, AZ)

	Roundtable: Regional/Border Impacts (Phoenix, AZ)
April 1995	Consultation: Refugee and Humanitarian Admissions (Washington, DC)
August 1995	Consultation: Source Country for Legal and Illegal Immigration (Havana, Cuba)
September 1995	Consultation: Impact and Integration (Vancouver, Canada)
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	Roundtables: Local Effects, Labor Impacts, Housing, Absorption and Nonimmigrant Issues (San Francisco, CA)
	Consultations: Absorption and Nonimmigrant Issues (San Francisco, CA)
April 1996	Consultation/Site Visits: Detention (Washington, DC)
	Site Visit: Source Country for Emergency Migration (Port au Prince and Petit Goave, Haiti)

May 1996	Public Hearing / Site Visit: Local Effects of Immigration; Integration of Immigrants; Detention (Houston, TX)
June 1996	Work Groups / Site Visit: J Visas (Washington, DC and Rockville, MD)
	Consultations: Domestic Refugee Resettlement; The Asylum System (Washington, DC)
September 1996	Public Hearing / Consultations / Site Visits: Immigrant Integration and Impact on the Metropolitan Area: Temporary Protection and Repatriation; Prosecutorial Discretion; English Language Acquisition in the Schools (Metropolitan Washington, DC)
October 1996	Site Visits: Overseas Refugee Admission and Assistance (Geneva, Bonn, Frankfurt, Zagreb, Sarajevo, Nairobi, Mombasa)
December 1996	Site Visits: Immigrant Entrepreneurship and Employment; Worksite Enforcement; Labor Market Issues; Management of the Immigration System (Laguna Niguel, Orange County, Los Angeles, CA)
January 1997	Site Visit: Management of the Immigration System (Dallas, TX).
March 1997	Consultation: K-12 English Acquisition Pedagogy and Program Implementation, Core Civic Curriculum, and Adult Education (Boston, MA).
	Site Visit: Management of the Immigration Sys-

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August 9, 1994. B. Jordan. House of Representatives, Committee on Ways and Means, Subcommittee on Human Resources.

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January 27, 1995. L.H. Fuchs. House of Representatives, Committee on Ways and Means, Subcommittee on Human Resources.

February 24, 1995. B. Jordan. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims.

March 3, 1995. R. Hill. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims.

March 7, 1995. R. Hill. House of Representatives, Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology.

March 14, 1995. S. Martin. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims.

March 27, 1995. S. Martin. Senate, Committee on Finance.

March 29, 1995. B. Jordan. House of Representatives, Committee on Appropriations, Subcommittee on Appropriations for the Departments of Commerce, Justice, State, the Judiciary and Related Agencies.

March 30, 1995. B. Jordan. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims.

May 17, 1995. S. Martin. House of Representatives, Committee on the Judiciary, Subcommittee on Immigration and Claims.

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February 6, 1996. S. Martin. Senate, Committee on the Judiciary, Subcommittee on Immigration.

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APPENDIX A

IMMACT: PROVISIONS AND EFFECTS

The Immigration Act of 1990 [IMMACT] attempted to balance a number of competing interests. First, it established annual overall limits on total legal immigration, but allowed those limits to be "pierced" in response to changing levels of nuclear family applications and humanitarian admissions. Second, it created a guaranteed minimum number of visas for close family members if there are increases in the number of immediate relatives of U.S. citizens seeking entry. Third, it increased the number of persons admitted for employment reasons, with higher priority given to professionals and highly-skilled persons. Fourth, it created a diversity class of admissions for persons from nations that have not recently sent many immigrants to the United States.

IMMACT legislated a worldwide level of 675,000 family-based, employment-based, and diversity immigration admissions per year.[1] This ceiling may be pierced if immediate relative applications exceed expectations and does not include refugee, asylum, or other humanitarian admissions. The worldwide pierceable ceiling represented an increase of about 40 percent in the permitted number of admissions compared to previously legislated levels. Prior to IMMACT, immediate relatives (who entered without regard to numerical limits) averaged about 210,000 per year, and numerically-limited categories were set at 270,000. Humanitarian-based admissions were set outside of regular immigration ceilings, as they con-

[1] A transition worldwide level of 700,000 admissions was in effect during FY 1992-1994. Many admissions during the first two years were from the pre-IMMACT backlog and do not necessarily reflect the aims of the new legislation.

tinue to be under IMMACT. Most of IMMACT's legal immigration provisions went into effect in FY 1992, with the permanent diversity program beginning in FY 1995.

More specifically, IMMACT contained the following provisions affecting immigration numbers and immigrant characteristics.

Family-based admissions. IMMACT established a worldwide limit of 480,000 family-based admissions. Immediate relatives—including spouses, minor children, and parents of U.S. citizens—continue to enter without regard to numerical limits. Their actual admission numbers are subtracted from the worldwide limit to determine how many other family members (i.e., adult unmarried children of U.S. citizens, spouses and minor children of legal permanent residents, married children of U.S. citizens, and siblings of adult U.S. citizens) will be permitted to enter the following year. IMMACT set a minimum floor of 226,000 numerically-limited family immigrants. In addition, unused employment visas are transferred to the next year's family admissions.

The actual number of admission slots available and used each year varies. During the past five years, annual family admissions have been as low as 460,653 in FY 1995 and as high as 595,540 in FY 1996.[2] Variation can be seen in both the immediate relative and the numerically-limited categories.

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[2] Processing problems explain some of the below average numbers for FY 1995 and above average ones for FY 1996. Higher demand for adjustment of status within the United States followed enactment of § 245(i) that permits those not in lawful status to pay a penalty to obtain their legal immigration status in the U.S. INS was not prepared for the large increase in applications, resulting in an adjustment backlog. Some of those who normally would have received their green card in FY 1995 had to wait until FY 1996. In the meantime, the large number of unused FY 1995 employment-based admissions were transferred to the family categories for FY 1996.

One goal of IMMACT was to reduce waiting times, particularly for the spouses and minor children of legal permanent residents (FB-2A Preference). Recognizing that the 2.7 million aliens who were given LPR status by the Immigration Reform and Control Act would petition for their immediate families, IMMACT provided three years of additional visas for spouses and minor children of legalized aliens. Because per-country limits sometimes create admission backlogs for affected nationalities, it also required that 75 percent of the FB-2A numbers would be exempt from per-country limits.

The family categories have attracted far more applicants than there are admission visas and, hence, large backlogs have developed. The total backlog of family applicants stood at 3.5 million at the start of FY 1997, essentially unchanged from FY 1996. About one million individuals are awaiting legal admission under FB-2A. As projected by the Commission in its 1995 report, the numbers on the FB-2A waiting list have declined slightly from the prior year.[3] However, the waiting time until admission has continued to grow since IMMACT. From an already long wait of just less than two and one-half years in FY 1992, the waiting time in the backlog has continued to increase each year until, at the time of this report, it is almost four and one-half years. The priority date for admission advances little each month, meaning longer and longer waits for new applicants. Anticipation of such trends led the Commission to recommend in its 1995 report a series of changes to the numerically-limited family categories, but no congressional action was taken. The Commission

[3] Much of the initial rapid increase in the spouse and children of the LPR backlog was due to IRCA legalization. Now most of those family members already have made their applications and, indeed, new applicant numbers have declined steadily since 1992. Even so, there were still 82,521 new applicants entering the backlog in 1996. In most years, about 90,000 admission slots are available for FB-2A, meaning that the waiting list will experience only modest decreases in the future.

has projected that waiting times could reach as long as ten years for applicants at the end of the waiting line.[4]

Employment-based admissions. IMMACT extensively revised the employment-based categories and numbers. The legislation emphasized the admission of high-skilled persons and added a new category for investors. IMMACT allows up to 140,000 employment-based admissions each year, up from an annual limit of 54,000 under previous statute. Covered under these numbers are the principal applicants, as well as their spouses and minor children (both referred to as beneficiaries). The numbers are distributed over several categories, generally reflecting educational and skill level. IMMACT also placed a cap of 10,000 admissions on lesser-skilled admissions.

Employment-based admissions increased significantly under IMMACT, but they have not approached the annual ceiling of 140,000 (except when the Chinese Student Protection Act of 1992 [CSPA] permitted Chinese who had entered the U.S. before Tiananmen Square to become permanent residents under the employment category). Subtracting out the onetime admissions under CSPA, skilled and unskilled employment-based admissions have gone from about 100,000 in FY 1994 to 81,000 in FY 1995 and back up to 117,000 in FY 1996. The increase in FY 1996 appears to reflect a catchup from

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[4] In principle, the recent surge in the naturalization of potential sponsors could reduce the backlog and waiting time of spouses and children of LPRs. Sponsors who have naturalized can petition for the admission of their spouses and minor children under the unlimited citizen reunification category, thus effectively moving them out of the queue. However, this process will not decrease the backlog in an expeditious fashion. Even assuming rather high rates of naturalization, the Commission projections also show that it will take at least another decade before today's backlog can be reduced to acceptable numbers. Surprisingly, early indications are that the large volume of naturalizations since 1995 have not resulted in increases of relatives of U.S. citizens in the family preference total. (DOS Bureau of Consular Affairs. 1997. *Visa Bulletin* 73:7 A7.)

administrative processing delays in the previous year. The most notable increase through this period has been in the first preference, particularly in the subcategory for executives and managers of multinational corporations.[5] The first preference had fewer than 5,500 admissions in IMMACT's first year of implementation but now has more than 25,000 admissions.

In terms of the backlog of employment-based visas, the category of unskilled workers (EB-3B preference) remains heavily oversubscribed as of FY 1997, with nearly a seven-year wait for admission for all nations. Otherwise, only India is oversubscribed with nearly a two-year wait for admission for employment professionals with advanced degrees (EB-2) and skilled workers (EB-3A). Employment-based admissions must be closely monitored to know whether or not they reach their limit in the future and whether per-country limits impede timely entry of the highly-specialized workers who are genuinely needed by U.S. business.

Diversity admissions. The diversity immigrant provisions in IMMACT seek to increase national diversity in the immigrant population by widening access for immigrants from underrepresented countries whose citizens have neither strong family nor job ties to the United States. The permanent program began in October 1994. It provides 55,000 admission slots per year to nationals of countries that have sent fewer than 50,000 legal immigrants to this country over the previous five years. Each applicant must have a high school education or its equivalent or two years of work experience in an occupation requiring at least two years of training or experience. Persons eligible to enter are chosen by lottery. In FY 1996, some eight million applications were received by the Department of State.

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[5] Multinational corporations include U.S.-based companies with overseas operations and large and small foreign businesses that establish U.S. offices, subsidiaries, or affiliates.

About 40,000 diversity immigrants entered in FY 1995 and 58,000 in FY 1996. As with other admission categories, the FY 1995 numbers are misleading because of the delays in processing adjustments of status. Unlike other categories, however, the diversity program does not permit a waiting list of unprocessed applicants who will be interviewed the following year.

Refugee and other humanitarian admissions. Various categories of people may obtain LPR status outside of the worldwide pierceable ceiling. The largest groups are refugees admitted from overseas as part of the refugee resettlement program and asylees granted asylum domestically. After one year, refugees and asylees become eligible to adjust to LPR status. They are counted when the adjustment occurs. Other humanitarian-based admissions include Amerasians, parolees permitted to adjust status under special legislation, and individuals granted suspension of deportation. The total numbers admitted under these categories vary depending largely on the annual refugee admission levels determined through Presidential-Congressional consultation. All humanitarian admissions reached a high in FY 1994 of 160,000 and dropped modestly to 123,000 and 138,000 in FYs 1995 and 1996, respectively.

Future trends. As indicated, the year-to-year admissions under IMMACT have followed an up-and-down course. Future trends are difficult to project. A number of factors may increase future admission levels. Given the pace with which immigrants are naturalizing, growth in the number of immediate relatives may occur as newly naturalized citizens petition for their families. While LPRs may petition for spouses and minor children, until naturalization, they may not petition for the admission of a parent. It is also unlikely that the numerically-limited family preferences will be undersubscribed in the foreseeable future. Continuing backlogs ensure that available family quotas, as well as any unused employment numbers transferred to the family categories, will be filled.

At the same time, new provisions adopted in the recent welfare reform (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 may dampen future admissions despite the lengthy waiting lists. In particular, IIRIRA requires all family members to be sponsored by a U.S. petitioner whose income meets at least 125 percent of the poverty level. Sponsors must sign legally-binding affidavits under which they pledge to provide any financial support needed by the new immigrants. In addition, the welfare reform legislation bars noncitizens from most income transfer programs. Some U.S. family members may be unwilling or unable to take on these new financial responsibilities for new immigrants.

APPENDIX B

STATEMENT OF COMMISSIONER WARREN R. LEIDEN

While I agree with most of the findings and recommendations of the Commission majority, there are two subjects of major recommendations on which I am moved to make separate statements —one in dissent (Legal Permanent Admissions) and one in concurrence (Structural Reform).

Legal Permanent Admissions

Legal immigration needs reform of priorities and allocations, but current levels of legal immigration are in the national interest. Virtually all the research and analysis received by the Commission indicated that the current levels of legal immigration continue to provide a net positive benefit to America in a multitude of ways. Whatever interest is examined—economic, social, political, scientific, or cultural—the current levels of legal immigration are found to benefit each of these aspects of American life. The current levels of legal immigration that were established by the Immigration Act of 1990 have served this country well. And, after the current one-time increase that is the result of the 1986 legalization program, the overall number of legal immigrant admissions can be expected to moderate and decrease.

The current overall levels of legal immigration should be maintained until there is another opportunity for review in three to five years.

The majority recommends a one-quarter reduction in legal immigration from current levels, but not now, rather in five to eight years.

This reduction comes at the expense of thousands of American families who have been patiently waiting for legal reunification with their close relatives overseas. It is accomplished by eliminating three of four family preference categories and simply shutting the door on thousands of sons, daughters, and siblings of U.S. citizens.

There is no convincing argument for this drastic reduction in legal immigration now or years from now. Current levels of legal immigration clearly serve the national interest and can better do so if priorities and allocations are reformed.

Prioritize family-based admissions without eliminating family **reunification.** Spouses and minor children of U.S. citizens and lawful permanent residents [LPRs] and parents of U.S. citizens should receive the highest priority for immigration, but this can be accomplished without eliminating the immigrant categories for adult sons and daughters or siblings of U.S. citizens.

The family preference categories should be reordered, placing the spouses and minor children of LPRs at the top, with a "spilldown" of unused visas going to the remaining family categories. This approach would ensure the quickest reduction in the shameful backlog of spouses and minor children of LPRs, without sacrificing the family unification of those sons and daughters who simply turned 21 years old. The majority, by its determination to reduce legal immigration, is forced to call for the elimination of sons and daughters preference categories. It is wholly unnecessary to impose this hardship when simple priority setting can accomplish the same end.

The backlog of spouses and children of LPRs has already begun to decrease, and there are fewer new applicants than there are individuals being accorded immigrant status under the "second preference category." This indicates, as predicted, that the current backlogs can be reduced and that a new stable level of family immigration can be achieved once the one-time "echo" of the legalization

program has been processed. The small increases in the family preference categories for sons and daughters can be quickly made up once the top preference category is current.

Preserve employment-based immigration levels and reform labor market tests without penalizing employers. I dissent from the majority's recommendation to reduce employment-based immigration by almost 30 percent to only 100,000 admissions per year (including spouses and children). This level was already exceeded in FY 1996, when employment based legal immigration reached 117,000. Moreover, the continued growth of the international economy promises to increase employment-based legal immigration up to at least the current level of 140,000 admissions per year. The majority's recommendation to cut annual employment based admissions down to 100,000 per year would result in immediate backlogs, which would recreate precisely the situation that the Immigration Act of 1990 was enacted to cure.

Proposals that would result in the immediate creation of new backlogs are clearly wrong. The employment-based immigration ceiling should be kept at the current level, with review in three to five years.

New requirements and procedures need to be developed to replace the labor certification process to test the *bona fides* of the petitioning employer's need and to avoid adverse effect on similar U.S. workers. I dissent from the majority's recommendation that the solution is that such employers be required to pay a "substantial fee" or tax for the privilege of sponsoring international personnel.

The "substantial fee" approach simply does not address the real issues. It substitutes a penalty on certain employers for an honest assessment of what is beneficial to the national interest and what is practical in an environment of heightened international competition. The majority wants to label the imposition of fees to be a use of

"market forces," but it is obvious that government-imposed tariffs and fees are the complete opposite of market forces. For the government to charge a substantial, arbitrarily-set fee that will be used for purposes other than expense of adjudication and processing the application would be more like a tax, the antithesis of market forces. The majority would not only impose a penalty fee but would also require such employers to meet subjective tests of eligibility, such as whether it took "appropriate steps to recruit U.S. workers." It is hard to imagine that this proposal would not result in a new bureaucracy sitting in judgment on employers' compliance with new regulations and requirements.

The majority's proposal will serve more to penalize U.S. employers who petition for international personnel than to prevent adverse effect. Unfortunately, a proper analysis of these issues and more thoughtful recommendations remain to be done.

Structural Reform

Restructure the federal immigration responsibilities to separate the adjudications function from the enforcement function but keep them in the Department of Justice along with the appeals function. The federal responsibilities to conduct immigration enforcement, both at the border and inside the U.S., and to adjudicate immigration and naturalization applications and petitions have not been managed adequately.

Although it has received substantial increases in appropriations for staff, equipment, and other resources, the enforcement function continues to suffer from a lack of strategic coordination. While important improvements have been made in enforcement at the border, coordination with interior enforcement is tactical at best and often exists in form only. Interior enforcement is led and managed by officials who have been charged with too many other responsibilities.

At most levels of the INS, inadequate attention is given to the glaring imbalances in staff and resource allocations to the sequential steps of the enforcement process so that the consequences of apprehension are neither swift nor certain. Distracted and overloaded management also increases the risk of error and misconduct by its subordinate staff. Simply put, there is not a single, focused, national chain of command to pursue an integrated national enforcement strategy, and the immigration function and the nation suffer as a result.

Similarly on the adjudications side, huge increases in fee account receipts have not resulted in proportional improvements in accuracy or efficiency. Managers at the local, regional, and national levels have not been adequately concentrated on their adjudications responsibilities in immigration and naturalization. The economies of scale and additional resources provided by the substantial caseload (and therefore revenue) increases have not been converted into improvements, rather there is the appearance that there is just too much to do.

The lack of success in enforcement and adjudications is not simply for want of trying. The immigration agencies are served by many talented and determined staff and managers. The current administration of the Immigration and Naturalization Service has made impressive strides forward on a number of fronts and its accomplishments are historic.

If, despite huge increases in funding and dedicated staff and leadership, the federal government still has not achieved adequate management of its immigration responsibilities, it is inescapable that something else must be done in order to arrive at a successful equation. Based on the information, interviews, and analyses the commission has reviewed over the past several years, it becomes an inescapable conclusion that the primary immigration functions need to be separated and restructured.

Separation of the enforcement and adjudications functions is the only solution to the current overload of responsibilities competing for attention that is obvious at every level of the INS. Separation of the functions would permit the establishment of unified, focused chains of command and operations at every level. Separation of enforcement from adjudications would allow each function to have a clear mission and to set clear goals on by which performance could be judged and accountability enforced. Separate functions would benefit greatly from the ability to gear hiring, training, promotions, and discipline to a clear mission.

At present, with its combined missions, the INS is often in internal contradiction, and its personnel, trained primarily in one mission or the other, are asked to crisscross from positions calling for one type of expertise and then the other. The most telling evidence of the value of separating the enforcement and adjudications functions comes the recent history of INS itself. The two most successful examples of INS adjudications programs, the 1986 Legalization program and the creation of an independent corps of asylum officers in 1990, are both instances where adjudications programs were consciously and deliberately kept separate and insulated from the enforcement mission of the INS. These practical, real world examples conclusively make the case for separation of enforcement from adjudications.

Of course, separation and restructuring of the immigration functions is not a panacea in and of itself. The combined missions are far from the only problem confronting the agencies, and the separation of the functions should be seen only as providing a necessary foundation from which real, lasting solutions can be hammered out to the many substantive challenges confronting the government. The substantive problems of operations and policy remain the fundamental issues of concern; structural changes provide means to better accomplishing these ends.

The benefits of restructuring can be gained with far less disruption, at less cost, and with greater chance of success if it is accomplished within the Department of Justice. The two main functions of the INS—enforcement and adjudications—should be separated into two different agencies within the Department of Justice, with separate leadership. This would also permit the insertion of a senior level office in the Department of Justice to coordinate and lead the separate functional agencies.

The creation of the Executive Office for Immigration Review [EOIR], which separated the immigration hearings and appeals function from the rest of INS in 1983, is a good model for this restructuring. Like the EOIR, each agency should have its separate mission, career paths, training, and management, while still benefiting from policy and strategic coordination at senior department level.

The Department of Justice is the proper place for the immigration enforcement function and it is the proper place for the adjudications function. The Department of Justice has long experience with and is the preeminent repository of expertise in both the immigration enforcement and adjudications functions. The Department of Justice epitomizes the values of due process and the rule of law, which are especially important in achieving effective enforcement and fair, accurate adjudications for a well-regulated, highly-selective legal immigration system. The division of these two immigration functions, within the Department of Justice, would be far less disruptive to either responsibility at a time when both adjudications workloads and the need for enforcement activities are at record levels.

In contrast, transferring the adjudications function to the Department of State would require it to integrate into its organization large operations programs with which it has little familiarity. Any department other than Justice would have to undertake the absorption of new missions, expertise, and institutional values with which it has little experience.

Keeping both functions within the Department of Justice would be far less costly than the transfer of all adjudications activities to the Department of State or another department. The personnel, training, facilities, and management are already fully part of and integrated into Department of Justice. Separation of enforcement and adjudications within the Department of Justice raises mostly issues of management and structure, rather the basic re-creation of a substantial institution in an entirely new setting.

Moreover, keeping adjudications within Justice would not require the proposed creation of an entirely new independent agency for immigration review in place of EOIR. There are substantive arguments on both sides of this issue, and it is one that should be decided on the basis of merit, not mandated simply due to interdepartmental restructuring.

As in all cases of organizational change, some predictable disruption and added expense are justifiable if the outcome is most likely to be an improvement. However, the consequences of the proposed transfer of all adjudications functions to the Department of State are far from certain. Unlike the Department of Justice, the Department of State would be undertaking a entirely different mission with which it has had little experience or interest. Historically, immigration and consular matters have received tertiary attention and status at the Department of State. It is a gamble to think that these longstanding attitudes will change for the better. While some argue that the Department of State could and should adopt an entirely new mission in the post-Cold War era, beginning this debate by making the massive implantation of the entire federal immigration adjudications function puts the horse before the cart and is a great risk to take.

The Department of State has not had experience with the large volume of substantive adjudications that heretofore have been done by the Department of Justice. Moreover, elementary concepts of

legal process, including administrative and judicial review, precedent decisions, and the right to counsel, have been vigorously resisted by the Department of State throughout its history of consular affairs. The Department of State has energetically fought all attempts in litigation and in legislation to make individual consular decisions subject to any review within the Department of State itself or by the federal courts. It is difficult for anyone familiar with this history to conceive that these Department of State traditions would soon give way to modern legal concepts and the consistency and accuracy that is their goal.

In contrast, the Department of Justice has the experience and the expertise. It needs only the restructuring and separation of enforcement from adjudications, with dedicated leadership and management for each, to have the best chance of success, at less cost and with less disruption of the fundamental immigration responsibilities.

1997
REPORT TO
CONGRESS

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U.S. COMMISSION ON IMMIGRATION REFORM

1 9 9 7
REPORT TO CONGRESS

Becoming an American: Immigration and Immigrant Policy

U.S. COMMISSION ON IMMIGRATION REFORM

COVER ART: THE *STATUE OF LIBERTY* (*LIBERTY ENLIGHTENING THE WORLD*), A GIFT FROM FRANCE THAT WAS INTENDED AS A REPRESENTATION OF REPUBLICAN IDEALS, HAS FOR MORE THAN A CENTURY BEEN THE PREEMINENT SYMBOL OF IMMIGRATION TO THE U.S. THE BLINDFOLDED STATUE OF *JUSTICE*, DERIVED FROM THE GREEK GODDESS, THEMIS, REPRESENTS THE ORDER OF SOCIETY ESTABLISHED BY LAW, CUSTOM, AND EQUITY. THESE TWO SYMBOLS HIGHLIGHT THE COMMISSION'S VIEW THAT A CREDIBLE IMMIGRATION POLICY MUST UPHOLD BOTH OUR IMMIGRATION TRADITION AND OUR COMMITMENT TO THE RULE OF LAW.

1997
REPORT TO CONGRESS
EXECUTIVE SUMMARY

Becoming an American:
Immigration & Immigrant Policy

SEPTEMBER 1997

U.S. COMMISSION ON IMMIGRATION REFORM

EXECUTIVE SUMMARY

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INTRODUCTION

Immigration and immigrant policy is about immigrants, their families and the rest of us. It is about the meaning of American nationality and the foundation of national unity. It is about uniting persons from all over the world in a common civic culture.

The process of becoming an American is most simply called "Americanization," which must always be a two-way street. All Americans, not just immigrants, should understand the importance of our shared civic culture to our national community. This final report of the U.S. Commission on Immigration Reform makes recommendations to further the goals of Americanization by setting out *immigrant* policies to help orient immigrants and their new communities, to improve educational programs that help immigrants and their children learn English and civics, and to reinforce the integrity of the naturalization process through which immigrants become U.S. citizens.

This report also makes recommendations regarding *immigration* policy. It reiterates the conclusions we reached in three interim reports—on unlawful migration, legal immigration, and refugee and asylum policy—and makes additional recommendations for reforming immigration policies. Further, in this report, the Commission recommends ways to improve the structure and management of the federal agencies responsible for achieving the goals of immigration policy. It is our hope that this final report *Becoming An American: Immigration and Immigrant Policy,* along with our three interim reports, constitutes a full response to the work assigned the Commission by Congress: to assess the national interest in immigration and report how it can best be achieved.

MANDATE AND METHODS

Public Law 101-649, the Immigration Act of 1990, established this Commission to review and evaluate the impact of immigration policy. More specifically, the Commission must report on the impact of immigration on: the need for labor and skills; employment and other economic conditions; social, demographic, and environmental impact of immigration; and impact of immigrants on the foreign policy and national security interests of the United States. The Commission engaged in a wide variety of fact-finding activities to fulfill this mandate. Site visits were conducted throughout the United States. Commission members visited immigrant and refugee communities in California, Texas, Florida, New York, Massachusetts, Illinois, Arizona, Washington, Kansas, Virginia, Washington, DC, Puerto Rico and the Commonwealth of the Northern Mariana Islands. We also visited such major source countries as Mexico, the Dominican Republic, Cuba, Haiti, and the Philippines. To increase our understanding of international refugee policy issues, we visited Bosnia, Croatia, Germany, and Kenya, and we consulted with Geneva-based officials from the U.N. High Commission for Refugees and the International Organization for Migration. We held more than forty public hearings, consultations with government and private sector officials, and expert roundtable discussions.

IMMIGRATION TODAY

The effects of immigration are numerous, complex, and varied.[1] Immigrants contribute in many ways to the United States: to its vibrant and diverse communities; to its lively and participatory democracy; to its vital intellectual and cultural life, to its renowned

[1] Please see the full report for a more detailed discussion of the economic, social, demographic, foreign policy, and national security implications for U.S. immigration.

Immigrant Admissions by Major Category: FYs 1992-1996

Category of Admission	1992	1993	1994	1995	1996
TOTAL	**810,635**	**880,014**	**798,394**	**716,194**	**909,959**
SUBJECT TO THE NUMERICAL CAP	**655,541**	**719,701**	**662,029**	**593,234**	**771,604**
FAMILY-BASED IMMIGRANTS	**502,995**	**539,209**	**497,682**	**460,653**	**595,540**
Immediate Relatives of U.S. citizens	235,484	255,059	249,764	220,360	350,192
Spouses and children	170,720	192,631	193,394	171,978	283,592
Parents	64,764	62,428	56,370	48,382	66,600
Children born abroad to alien residents	2,116	2,030	1,883	1,894	1,658
Family-sponsored immigrants	213,123	226,776	211,961	238,122	293,751
Unmarried sons/daughters of U.S. citizens	12,486	12,819	13,181	15,182	20,885
Spouses and children of LPRs	90,486	98,604	88,673	110,960	145,990
Sons and daughters of LPRs	27,761	29,704	26,327	33,575	36,559
Married sons/daughters of U.S. citizens	22,195	23,385	22,191	20,876	25,420
Siblings of U.S. citizens	60,195	62,264	61,589	57,529	64,897
Legalization dependents	52,272	55,344	34,074	277	184
EMPLOYMENT-BASED IMMIGRANTS	**116,198**	**147,012**	**123,291**	**85,336**	**117,346**
Priority workers	5,456	21,114	21,053	17,339	27,469
Professionals w/ adv. deg. or of advanced ability	58,401	29,468	14,432	10,475	18,436
Skilled, professionals, other workers, (CSPA)	47,568	87,689	76,956	50,245	62,674
Skilled, professionals, other workers	47,568	60,774	55,659	46,032	62,273
Chinese Student Protection Act (CSPA)	X	26,915	21,297	4,213	401
Special immigrants	4,063	8,158	10,406	6,737	7,831
Investors	59	583	444	540	936
Professionals or highly skilled (Old 3rd)	340	X	X	X	X
Needed skilled or unskilled workers (Old 6th)	311	X	X	X	X
DIVERSITY PROGRAMS	**36,348**	**33,480**	**41,056**	**47,245**	**58,718**
Diversity permanent	X	X	X	40,301	58,174
Diversity transition	33,911	33,468	41,056	6,994	544
Nationals of adversely affected countries	1,557	10	X	X	X
Natives of underrepresented countries	880	2	X	X	X
NOT SUBJECT TO THE NUMERICAL CAP	**155,094**	**160,313**	**136,365**	**122,960**	**138,323**
Amerasians	17,253	11,116	2,822	939	954
Cuban/Haitian Entrants	99	62	47	42	29
Parolees, Soviet and Indochinese	13,661	15,772	8,253	3,120	2,283
Refugees and Asylees	117,037	127,343	121,434	114,632	128,367
Refugee adjustments	106,379	115,539	115,451	106,795	118,345
Asylee adjustments	10,658	11,804	5,983	7,837	10,022
Registered Nurses and their families	3,572	2,178	304	69	16
Registry, entered prior to 1/1/72	1,293	938	667	466	356
Other	2,179	2,904	2,838	3,692	6,318

Note: X = Not Applicable. Excludes persons granted LPR status under the provisions of the Immigration Reform and Control Act of 1986.
Source: Immigration and Naturalization Service, Statistics Division.

job-creating entrepreneurship and marketplaces; and to its family values and hard-work ethic. However, there are costs as well as benefits from today's immigration. Those workers most at risk in our restructuring economy—low-skilled workers in production and service jobs—are those who directly compete with today's low-skilled immigrants. Further, immigration presents special challenges to certain states and local communities that disproportionately bear the fiscal and other costs of incorporating newcomers.

Properly-regulated immigration and immigrant policy serves the national interest by ensuring the entry of those who will contribute most to our society and helping lawful newcomers adjust to life in the United States. It must give due consideration to shifting economic realities. A well-regulated system sets priorities for admission; facilitates nuclear family reunification; gives U.S. employers access to a global labor market while ensuring that U.S. workers are not displaced or otherwise adversely affected; and fulfills our commitment to resettle refugees as one of several elements of humanitarian protection of the persecuted.

AMERICANIZATION AND INTEGRATION OF IMMIGRANTS

A DECLARATION OF PRINCIPLES AND VALUES

Immigration to the United States has created one of the world's most successful multiethnic nations. We believe these truths constitute the distinctive characteristics of American nationality:

- American unity depends upon a widely-held belief in the principles and values embodied in the American Constitution and their fulfillment in practice: equal protection and

justice under the law; freedom of speech and religion; and representative government;

- Lawfully admitted newcomers of any ancestral nationality—without regard to race, ethnicity, or religion—truly become Americans when they give allegiance to these principles and values;

- Ethnic and religious diversity based on personal freedom is compatible with national unity; and

- The nation is strengthened when those who live in it communicate effectively with each other in English, even as many persons retain or acquire the ability to communicate in other languages.

As long as we live by these principles and help newcomers to learn and practice them, we will continue to be a nation that benefits from substantial but well-regulated immigration. We must pay attention to our core values, as we have tried to do in our recommendations throughout this report. Then, we will continue to realize the lofty goal of *E Pluribus Unum*.[2]

AMERICANIZATION

The Commission reiterates its call for the Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity. The United States has fought for the principles of individual rights and

[2] Our national motto, *E Pluribus Unum*, "from many, one," was originally conceived to denote the union of the thirteen states into one nation. Throughout our history, *E Pluribus Unum* has also come to mean the vital unity of our national community founded on individual freedom and the diversity that flows from it.

equal protection under the law, notions that now apply to all our residents. We have long recognized that immigrants are entitled to the full protection of our Constitution and laws. And, the U.S. has the sovereign right to impose obligations on immigrants.

Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence.

In our 1995 report to Congress, the Commission called for a new commitment to Americanization. In a public speech that same year, Barbara Jordan, our late chair, noted: "That word earned a bad reputation when it was stolen by racists and xenophobes in the 1920s. But it is our word, and we are taking it back." Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence. Americanization means the civic incorporation of immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity.

The Commission proposes that the principles of Americanization be made more explicit through the covenant between immigrant and nation. Immigrants become part of us, and we grow and become all the stronger for having embraced them. In this spirit, the Commission sees the covenant as:

Voluntary. Immigration to the United States—a benefit to both citizens and immigrants—is not an entitlement and Americanization cannot be forced.

Mutual and Reciprocal. Immigration presents mutual obligations. Immigrants must accept the obligations we impose—to obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society.

Individual, Not Collective. The United States is a nation

founded on the proposition that each individual is born with certain rights and that the purpose of government is to secure these rights. The United States admits immigrants as individuals (or individual members of families). As long as the United States continues to emphasize the rights of individuals over those of groups, we need not fear that the diversity brought by immigration will lead to ethnic division or disunity.

To help achieve full integration of newcomers, the Commission calls upon federal, state, and local governments to provide renewed leadership and resources to a program to promote Americanization that requires:

- Developing capacities to orient both newcomers and receiving communities;
- Educating newcomers in English language skills and our core civic values; and
- Revisiting the meaning and conferral of citizenship to ensure the integrity of the naturalization process.

ORIENTATION

The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups. Information and orientation should be provided both to immigrants and to their receiving communities.

Information and orientation should be provided both to immigrants and to their receiving communities.

The Commission believes the federal government should help immigrants and local communities by:

- **Giving orientation materials to legal immigrants upon admission** that include, but are not limited to: a welcoming greeting; a brief discussion of U.S. history, law, and principles of U.S. democracy; tools to help the immigrant locate and use services for which they are eligible; and other immigration-related information and documents. All immigrants would receive the same materials. The packets would be available in English and other dominant immigrant languages.

- **Encouraging state governments to establish information clearinghouses in major immigrant receiving communities.** The Commission recommends that the federal government provide modest incentive grants to states to encourage them to establish and maintain local resources that would provide information to immigrants and local communities.

- **Promoting public/private partnerships to orient and assist immigrants in adapting to life in the United States.** While the federal government makes the decisions about how many and which immigrants will be admitted to the United States, the actual process of integration takes place in local communities. Local government, schools, businesses, charities, foundations, religious institutions, ethnic associations, and other groups play important roles in the Americanization process.

TOP TEN COUNTRIES OF ORIGIN OF LEGAL IMMIGRANTS 1996

Mexico 159,731
Philippines 55,778
India 44,781
Vietnam 42,006
Mainland China 41,662
Dominican Republic 39,516
Cuba 26,415
Ukraine 21,051
Russia 19,646
Jamaica 19,029

Source: INS FY 1996 Public Use Admissions Data.

EDUCATION

Education is the principal tool of Americanization. Local educational institutions have the primary responsibility for educating im-

migrants. However, there is a federal role in promoting and funding English language acquisition and other academic and civic orientation for both immigrant children and adults.

The Commission urges a renewed commitment to the education of immigrant children. The number of school-aged children of immigrants is growing and expected to increase dramatically. These children, mostly young, speak more than 150 different languages; many have difficulty communicating in English. They are enrolled in public schools as well as in secular and religious private schools throughout the country. And, in addition to the problems other students have, they face particular problems in gaining an education— often because of language difficulties.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program. English is the most critical of basic skills for successful integration. English can be taught to children in many ways. Effective programs share certain common characteristics. Based on a review of these programs, the Commission emphasizes the need for public and private educational programs to:

- **Conduct regular evaluations of students' English competence and their ability to apply it to academic subjects.** Such evaluations will ensure placement of immigrant children into regular English-speaking classes as soon as they are prepared. Regular evaluation also will highlight strengths and weaknesses in educational programs and provide insight on improvements that are needed to ensure timely English acquisition.

- **Collect and analyze data** on immigrant students, including their linguistic and academic performance and the efficacy of the instructional methods used in programs for immigrant children.

TOP TEN INTENDED STATES OF RESIDENCE OF LEGAL IMMIGRANTS: 1996

California 199,221

New York 153,731

Texas 82,229

Florida 79,067

New Jersey 63,162

Illinois 42,154

Massachusetts 23,017

Virginia 21,329

Maryland 20,683

Washington 18,718

Source: INS FY 1996 Public Use Admissions Data.

English is the most critical of basic skills for successful integration.

- **Include appropriate grade-level instruction in other academic disciplines.** Coordination with teachers, curricula, and instruction outside of English acquisition will promote students' mastery of regular subject matter while they expeditiously learn English.

- **Involve parents of immigrant students in their schooling.** A characteristic of many of the most successful language acquisition programs is the active involvement of parents in the education of their children.

The Commission encourages programs that are responsive to the needs of immigrant children and an orientation to United States school systems and the community**,** such as we have seen in "newcomer schools." Newcomer schools must not isolate immigrant newcomers. Instead, they must be transitional and actively promote the timely integration of students into mainstream schools.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship. An understanding of the history of the United States and the principles and practices of our government are an essential for all students, immigrants and natives alike. Americanization requires a renewed emphasis on the common core of civic culture that unites individuals from many ethnic and racial groups.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students. There is a disturbing shortage of qualified teachers for children with limited English proficiency, of teacher training programs for producing such teachers, and of other support for effective English acquisition instruction.

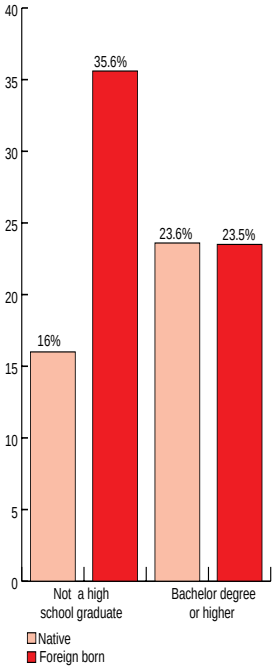
The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts. There are costs and responsibilities for language acquisition and immigrant education programs that are not now being met. We urge the federal government to do its fair share in meeting this challenge. The long-term costs of failure in terms of dropouts and poorly educated adults will be far larger for the nation and local communities than the costs of such programs. More specifically, we urge the federal government to:

- **Provide flexibility in federal funding for the teaching of English to immigrant students to achieve maximum local choice of instructional model.** The federal government should not mandate any one mode of instruction (e.g., bilingual education, English as a second language programs, immersion).

- **Make funding contingent on performance outcomes—that is, English language acquisition and mastery of regular academic subject matter by students served in these programs.** School systems receiving funds because of large numbers of children with limited English proficiency and immigrant children should be held to rigorous performance standards. Federal and state funding incentives should promote—not impede—expeditious placement in regular, English-speaking classes.

The Commission urges the federal, state, and local governments and private institutions to enhance educational opportunities for adult immigrants. Education for basic skills and literacy in English is the major vehicle that integrates adult immigrants into American society and participation in its civic activities. Literate adults are more

EDUCATIONAL ATTAINMENT NATIVE AND FOREIGN-BORN RESIDENTS: 1996



Source: U.S. Bureau of the Census, *Current Population Survey*, March 1996.

likely to participate in the workforce and twice as likely to participate in our democracy. Literate adults foster literacy in their children, and parents' educational levels positively affect their children's academic performance.

Adult education is severely underfunded. Available resources are inadequate to meet the demand for adult immigrant education, particularly for English proficiency and job skills. In recognition of the benefits they receive from immigration, the Commission urges leaders from businesses and corporations to participate in skills training, English instruction, and civics education programs for immigrants. Religious schools and institutions, charities, foundations, community organizations, public and private schools, colleges and universities also can contribute resources, facilities, and expertise.

NATURALIZATION

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer (except to become President). The naturalization process must be credible, and it must be accorded the formality and ceremony appropriate to its importance.

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The Commission believes that the current legal requirements for naturalization are appropriate, but improvements are needed in the means used to measure whether an applicant meets these requirements. With regard to the specific legal requirements, the Commission supports:

- **Maintaining requirements that legal immigrants must reside in the United States for five years (three years for spouses of U.S. citizens and Lawful Permanent Residents**

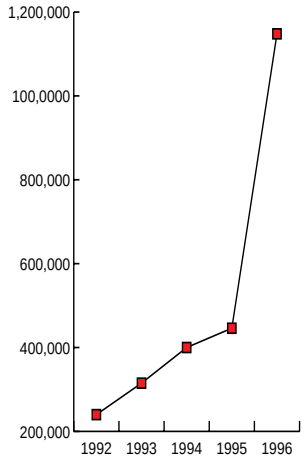
[LPRs] who serve in the military) before naturalizing. We believe five years is adequate for immigrants to embrace, understand, and demonstrate their knowledge of the principles of American democracy.

- **Improving the mechanisms used to demonstrate knowledge of U.S. history, civics, and English competence.** The Commission believes that the tests used in naturalization should seek to determine if applicants have a meaningful knowledge of U.S. history and civics and are able to communicate in English. The tests should be standardized and aim to evaluate a common core of information to be understood by all new citizens.

- **Expediting swearing-in ceremonies while maintaining their solemnity and dignity.** In districts where the federal court has exercised sole jurisdiction to conduct the swearing-in ceremonies, long delays often result from crowded court calendars. The Commission recommends that Congress restore the Executive Branch's sole jurisdiction for naturalization to reduce this waiting time. The Executive Branch should continue to work with federal judges as well as other qualified institutions, such as state courts and Immigration Judges, to ensure that swearing-in ceremonies are consistently conducted in a timely, efficient, and dignified manner.

- **Revising the naturalization oath to make it comprehensible, solemn, and meaningful.** The current oath is not easy to comprehend. We believe it is not widely understood by new citizens. Its wording includes dated language, archaic form, and convoluted grammar. The Commission proposes the following revision of the oath as capturing the essence of naturalization.

NATURALIZATION APPROVALS 1992-1996



Source: INS Statistical Office

Solemnly, freely, and
without any mental reservation,
I, [name] hereby renounce under oath
[or upon affirmation]
all former political allegiances.
My sole political fidelity
and allegiance from this day forward
is to the United States of America.
I pledge to support and respect
its Constitution and laws.
Where and if lawfully required,
I further commit myself to defend them against all enemies,
foreign and domestic, either by military or civilian service.
This I do solemnly swear [or affirm].

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process. The vast majority of applicants for naturalization are law-abiding immigrants who contribute to our society. The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens. Its value also is undermined when the process permits the abuse of our laws by naturalizing applicants who are not entitled to citizenship.

Recognizing steps already are underway to reengineer the naturalization process, the Commission supports the following approaches:

- **Instituting efficiencies without sacrificing quality controls.** In the Commission's 1995 report to Congress, we recommended that the Immigration and Naturalization Service [INS] and the Congress take steps to expedite the processing of naturalization applications while maintaining

As under current regulations, new citizens will conclude the oath with the words "so help me God" unless, because of religious beliefs or by other reasons of conscience they choose to affirm their allegiance.

rigorous standards. Two years later, the naturalization process still takes too long, and previous efforts to expedite processing resulted in serious violations of the integrity of the system. Instituting a system that is both credible and efficient remains a pressing need.

- **Improving the integrity and processing of fingerprints.** The Commission believes that only service providers under direct control of the federal government should be authorized to take fingerprints. If the federal government does not take fingerprints itself but instead contracts with service providers, it must screen and monitor such providers rigorously for their capacity, capability, and integrity. Failure to meet standards would mean the contract would be terminated.

- **Contracting with a single English and civics testing service.** The Commission recommends that the federal government contract with one national and respected testing service to develop and administer the English and civics tests to naturalization applicants. Having one organization under contract should help the government substantially improve its oversight. Moreover, contracting with a highly-respected and nationally-recognized testing service will help ensure a high-quality product.

- **Increasing professionalism**. While many naturalization staff are highly professional in carrying out their duties, reports from district offices, congressional hearings, and complaints from naturalization applicants demonstrate continued dissatisfaction with the quality of naturalization services. Recruitment and training of longer-term staff assigned to adjudicating applications and overseeing quality control would help overcome some of these problems.

- **Improving automation.** The Commission is encouraged by

The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens.

plans to develop linkages among data sources related to naturalization. The Commission recommends continued funding for an up-to-date, advanced, electronic automation system for information entry and recordkeeping.

- **Establishing clear fee-waiver guidelines and implementing them consistently.** Under current law, the Attorney General is authorized to grant fee waivers to naturalization applicants. The Commission has received accounts of legitimate requests being denied. Clear guidelines and consistent implementation are needed to ensure that *bona fide* requests are granted, while guarding against abuse.

A CREDIBLE FRAMEWORK FOR IMMIGRATION POLICY

In our previous reports, the Commission defined a credible immigration policy "by a simple yardstick: people who should get in do get in, people who should not get in are kept out; and people who are judged deportable are required to leave." By these measures, we have made substantial, but incomplete, progress. What follows are the Commission's recommendations for comprehensive reform to achieve more fully a credible framework for immigration policy.

LEGAL PERMANENT ADMISSIONS

The Commission reiterates its support for a properly-regulated system for admitting lawful permanent residents.[3] Research and analyses conducted since the issuance of the Commission's report

[3] For a full explanation of the Commission's recommendations see *Legal Immigration: Setting Priorities*, 1995. See Appendix for summary of Commissioner Leiden's dissenting statement.

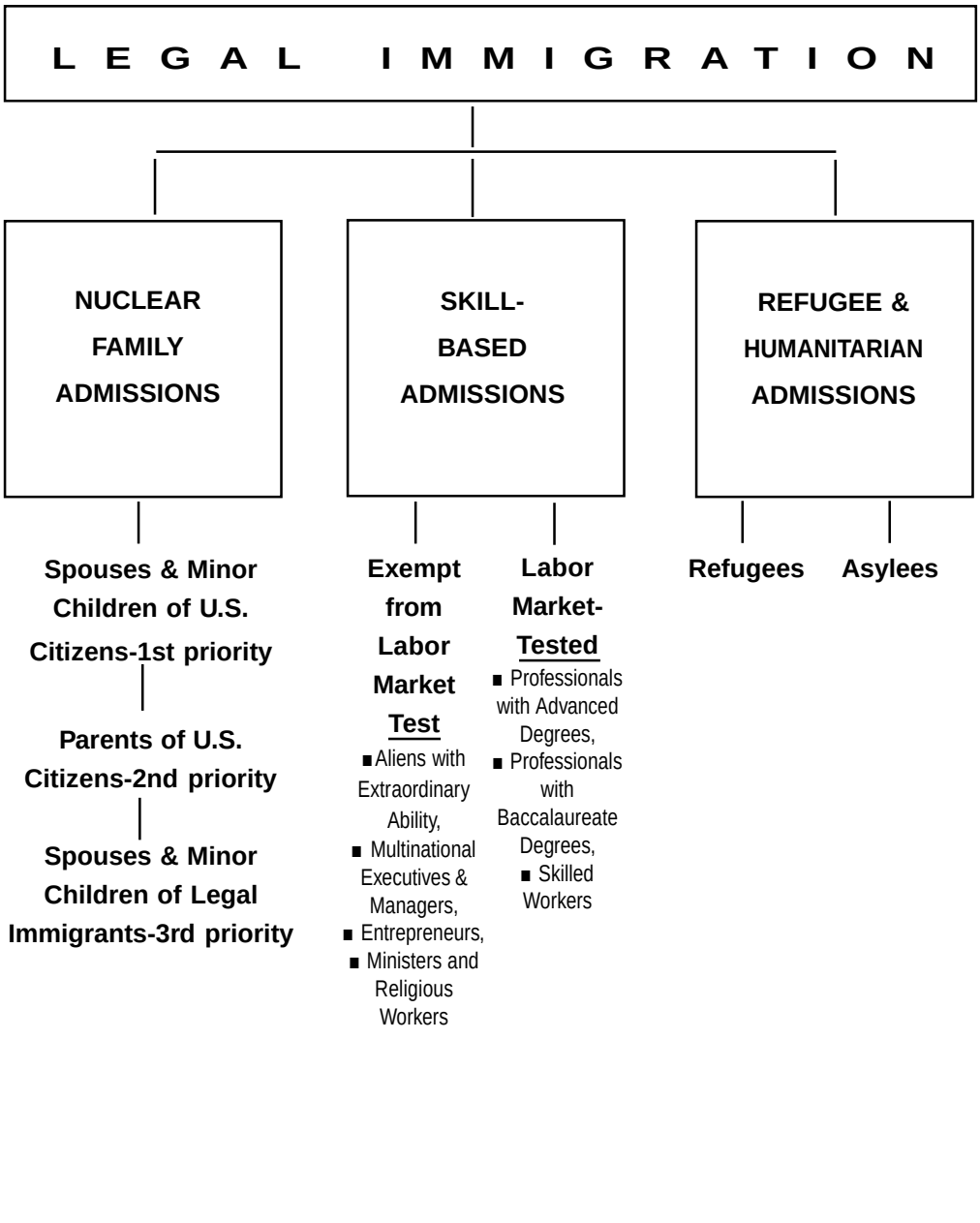
on legal immigration support our view that a properly-regulated system of legal permanent admissions serves the national interest. The Commission urges reforms in our legal immigration system to enhance the benefits accruing from the entry of newcomers while guarding against harms, particularly to the most vulnerable of U.S. residents—those who are themselves unskilled and living in poverty. More specifically, the Commission reiterates its support for:

A properly-regulated system of legal permanent admissions serves the national interest.

- **A significant redefinition of priorities and reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.** The current framework for legal immigration—family, skills, and humanitarian admissions—makes sense. However, the statutory and regulatory priorities and procedures for admissions do not adequately support the stated intentions of legal immigration—to reunify families, to provide employers an opportunity to recruit foreign workers to meet labor needs, and to respond to humanitarian crises around the world. During the two years since our report on legal immigration, the problems in the legal admission system have not been solved. Indeed, some of them have worsened.

  Current immigration levels should be sustained for the next several years while the U.S. revamps its legal immigration system and shifts the priorities for admission away from the extended family and toward the nuclear family and away from the unskilled and toward the higher-skilled immigrant. Thereafter, modest reductions in levels of immigration —to about 550,000 per year, comparable to those of the 1980s—will result from the changed priority system. The Commission continues to believe that legal admission numbers should be authorized by Congress for a specified time (e.g., three to five years) to ensure regular, periodic review and, if needed, change by Congress. This review should consider the ad-

Proposed Tripartite Immigration System



equacy of admission numbers for accomplishing priorities.

- **Family-based admissions that give priority to nuclear family members—spouses and minor children of U.S. citizens, parents of U.S. citizens, and spouses and minor children of lawful permanent residents—and include a backlog clearance program to permit the most expeditious entry of the spouses and minor children of LPRs.** The Commission recommends allocation of 550,000 family-based admission numbers each year until the large backlog of spouses and minor children is cleared. Numbers going to lower priority categories (e.g., adult children, siblings, and diversity immigrants), should be transferred to the nuclear family categories. Thereafter Congress should set sufficient admission numbers to permit all spouses and minor children to enter expeditiously.

  Since the Commission first reported its findings on legal admission, the problems associated with family-based admissions have grown. In 1995, the wait between application and admission of the spouses and minor children of LPRs was approximately three years. It is now more than four and one-half years and still growing. Moreover, various statutory changes made in 1996 make it all the more important that Congress take specific action to clear the backlog quickly to regularize the status of the spouses and minor children of legal permanent residents in the United States. In an effort to deter illegal migration, Congress expanded the bases and number of grounds upon which persons may be denied legal status because of a previous illegal entry or overstay of a visa. An unknown, but believed to be large, number of spouses and minor children of LPRs awaiting legal status are unlawfully present in the United States. While the Commission does not condone their illegal presence, we

are cognizant of the great difficulties posed by the long waiting period for a family second preference visa.

- **Skill-based admissions policies that enhance opportunities for the entry of highly-skilled immigrants, particularly those with advanced degrees, and eliminate the category for admission of unskilled workers.** The Commission continues to recommend that immigrants be chosen on the basis of the skills they contribute to the U.S. economy. Only if there is a compelling national interest—such as nuclear family reunification or humanitarian admissions—should immigrants be admitted without regard to the economic contributions they can make.

  Research shows that education plays a major role in determining the impacts of immigration. Immigration of unskilled immigrants comes at a cost to unskilled U.S. workers, particularly established immigrants for whom new immigrants are economic substitutes. Further, the difference in estimated lifetime fiscal effects of immigrants by education is striking: using the same methodology to estimate net costs and benefits, immigrants with a high school education or more are found to be net contributors while those without a high school degree continue to be net costs to taxpayers throughout their lifetime.[4]

  The Commission also continues to recommend changes in the procedures used in testing the labor market impact of employment-based admissions. Rather than use the lengthy, costly, and bureaucratic labor certification system, the Commission recommends using market forces as a labor market test. To ensure a level playing field for U.S. workers, em-

[4] National Research Council. 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

ployers would attest to having taken appropriate steps to recruit U.S. workers, paying the prevailing wage, and complying with other labor standards. Businesses recruiting foreign workers also would be required to make significant financial investments in certified private sector initiatives dedicated to improving the competitiveness of U.S. workers. These payments should be set at a per worker amount sufficient to ensure there is no financial incentive to hire a foreign worker over a qualified U.S. worker.

- **Refugee admissions based on human rights and humanitarian considerations, as one of several elements of U.S. leadership in assisting and protecting the world's persecuted.**[5] Since its very beginnings, the United States has been a place of refuge. The Commission believes continued admission of refugees sustains our humanitarian commitment to provide safety to the persecuted, enables the U.S. to pursue foreign policy interests in promoting human rights, and encourages international efforts to resettle persons requiring rescue or durable solutions. The Commission also urges the federal government to continue to support international assistance and protection for the majority of the world's refugees for whom resettlement is neither appropriate nor practical.

The Commission continues to recommend against denying benefits to legal immigrants solely because they are noncitizens. The Commission believes that the denial of safety net programs to immigrants solely because they are noncitizens is not in the national interest. In our 1994 and 1995 reports, the Commission argued that Congress should address the most significant uses of public benefit programs —particularly, elderly immigrants using Supplementary

[5] For a full explanation of the Commission's refugee-related recommendations, see *U.S. Refugee Policy: Taking Leadership*, 1997.

Security Income— by requiring sponsors to assume full financial responsibility for newly-arriving immigrants who otherwise would be excluded on public charge grounds. In particular, the Commission argued that sponsors of parents who would likely become public charges assume the responsibility for the lifetimes of the immigrants (or until they became eligible for Social Security on the basis of work quarters). We also argued that sponsors of spouses and children should assume responsibility for the duration of the familial relationship or a time-specified period. We continue to believe that this targeted approach makes greater sense than a blanket denial of eligibility for public services based solely on a person's alienage.

Persons admitted for limited duration stays help to enhance our scientific, cultural, educational, and economic strength.

LIMITED DURATION ADMISSIONS

Persons come to the United States for limited duration stays for several principal purposes: representation of a foreign government or other foreign entities; work; study; and short-term visits for commercial or personal purposes, such as tourism and family visits. These individuals are statutorily referred to as "nonimmigrants." In this report, however, we refer to "limited duration admissions [LDAs]," a term that better captures the nature of their admission: When the original admission expires, the alien must either leave the country or meet the criteria for a new LDA or permanent residence.

For the most part LDAs help enhance our scientific, cultural, educational, and economic strength. However, the admission of LDAs is not without costs and, as explained below, certain reforms are needed to make the system even more advantageous for the United States than it now is.

The Commission believes LDA policy should rest on the following principles:

- Clear goals and priorities;

Limited Duration Admissions and Visa Issuances

Class of Admission	Admissions (Entries) 1996	Visa Issuances 1996
All classes*	24,842,503	6,237,870
Foreign government officials (& families) (A)	118,157	78,078
Temporary visitors for business and pleasure (B1,B2)	22,880,270	4,947,899
Transit aliens (C)	325,538	186,556
Treaty traders and investors (& families) (E)	138,568	29,909
Students (F1, M1)	426,903	247,432
Students' spouses/children (F2, M2)	32,485	21,518
Representatives (& families) to international organizations (G)	79,528	30,258
Temporary workers and trainees	227,440	81,531
Specialty occupations (H-1B)	144,458	58,327
Performing services unavailable (H2)	23,980	23,204
Agricultural workers (H-2A)	9,635	11,004
Unskilled workers (H-2B)	14,345	12,200
Workers with extraordinary ability (O1, O2)	9,289	4,359
Internationally recognized athletes or entertainers (P1, P2, P3)	33,633	23,885
Exchange & religious workers (Q1, R1)	11,048	5,946
Spouses/children of temporary workers and trainees (H4, O3, P4, R2)	53,572	38,496
Exchange visitors (J1)	215,475	171,164
Spouses/children of exchange visitors (J2)	41,250	33,068
Intracompany transferees (L1)	140,457	32,098
Spouses/children of transferees (L2)	73,305	37,617

Sources: Admissions: U.S. Immigration and Naturalization Service statistical division. Visa Issuances: U.S. Department of State. 1996. *Report of the Visa Office, 1996.* Washington, DC: DOS, Bureau of Consular Affairs.

*Categories may not equal total because of omitted categories (e.g., fiancé(e)s of U.S. citizens, overlapping Canadian Free Trade Agreement professionals, unknown, NATO officials and professionals, and foreign media).

- Systematic and comprehensible organization of LDA categories;

- Timeliness, efficiency, and flexibility in its implementation;

- Compliance with the conditions for entry and exit (and effective mechanisms to monitor and enforce this compliance);

- Credible and realistic policies governing transition from LDA to permanent immigration status;

- Protection of U.S. workers from unfair competition and of foreign workers from exploitation and abuse; and

- Appropriate attention to LDA provisions in trade negotiations to ensure future immigration reforms are not unknowingly foreclosed.

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable. The Commission recommends that the current proliferation of visa categories be restructured into five broad groups: official representatives; foreign workers; students; short-term visitors; and transitional family members. This reorganization reflects such shared characteristics of different visa categories as entry for like reasons, similarity in testing for eligibility, and similar duration of stay in the United States.

The definitions and objectives of the five limited duration visa classifications would be:[6]

- **Official representatives** are diplomats, representatives of or to international organizations, representatives of NATO or NATO forces, and their accompanying family members. The

objective of this category is to permit the United States to admit temporarily individuals who represent their governments or international organizations.

- **Short-term visitors** come to the United States for commercial or personal purposes. In 1995 alone, millions of inbound visitors from other countries spent $76 billion on travel to and in the United States (on U.S. flag carriers, lodging, food, gifts, and entertainment).

- **Foreign workers** are those who are coming to perform necessary services for prescribed periods of time, at the expiration of which they must either return to their home countries or, if an employer or family member petitions successfully, adjust to permanent residence. This category would serve the labor needs demonstrated by U.S. businesses, with appropriate provisions to protect U.S. workers from unfair competition.

- **Students** are persons who are in the United States for the purpose of acquiring either academic or practical knowledge of a subject matter. This category has four major goals: to provide foreign nationals with opportunities to obtain knowledge they can take back to their home countries; to give U.S. schools access to a global pool of talented stu-

[6] The current system includes the J visa for cultural exchange, which is used for a variety of purposes, ranging from short-term visits to study and work. The workers include scholars and researchers, camp counselors, *au pairs*, and various others. Some work activities under the J visa demonstrate a clear cultural or education exchange; other work activities appear only tangentially related to the program's original purposes. Protection of U.S. workers by labor market tests and standards should apply to the latter group in the same manner as similarly situated temporary workers in other LDA categories. The Department of State should assess how better to fulfill the purpose of the Mutual Educational and Cultural Exchange Act of 1961 [Fulbright-Hays Act]. Such an analysis is particularly timely in light of the merger now being implemented between the Department of State and the United States Information Agency, which is responsible for administering the J visa.

dents; to permit the sharing of U.S. values and institutions with individuals from other countries; and to enhance the education of U.S. students by exposing them to foreign students and their cultures.

- **Transitional family members** include fiancé(e)s of U.S. citizens. These individuals differ from other LDAs because they are processed for immigrant status, although they do not receive such status until they marry in the U.S. and adjust. The Commission believes another category of transitional family members should be added: spouses of U.S. citizens whose weddings occur overseas but who subsequently come to the U.S. to reside.

Short-term Visitors

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstay rates. A permanent visa waiver system requires appropriate provisions to expand the number of participating countries and clear and timely means for removing those countries that fail to meet the high standards reserved for this privilege. Congress should extend the pilot three years while the control system is implemented.

Foreign Workers

Each year, more foreign workers enter the United States as LDAs for temporary work than enter as skill-based immigrants. In FY 1996, the Department of State issued almost 278,000 limited duration worker visas, including those for spouses and children. By contrast, only 118,000 immigrant visa issuances and domestic ad-

justments of status in worker categories were recorded in FY 1996, far less than the legislated limit of 140,000.

The Commission recommends that the limited duration admission classification for foreign workers include three principal categories: those who, for significant and specific policy reasons, should be exempt by law from labor market protection standards; those whose admission is governed by treaty obligations; and those whose admission must adhere to specified labor market protection ***standards.*** Under this recommendation, LDA worker categories are organized around the same principles that guide permanent worker categories. Accordingly, the Commission proposes different subcategories with labor market protection standards commensurate with the risks to U.S. workers we believe are posed by the foreign workers.

- **Those exempt by law from labor market protection standards** because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers. These include:

  Individuals of extraordinary ability in the sciences, arts, education, business, or athletics, demonstrated through sustained national or international acclaim and recognized for extraordinary achievements in their field of expertise.

  Managers and executives of international businesses. The global competitiveness of U.S. businesses is enhanced by the capacity of multinational corporations to move their senior staff around the world as needed.

  Professors, researchers and scholars whose salary or other compensation is paid by their home government, home institu-

tion, or the U.S. government in a special program for foreign professors, researchers, and scholars.

Religious workers, including ministers of religion and professionals and other workers employed by religious nonprofit organizations in the U.S. to perform religious vocations and religious occupations.

Members of the foreign media admitted under reciprocal agreements. The U.S. benefits from the presence of members of the foreign media who help people in their countries understand events in the United States. Just as we would not want our media to be overly regulated by labor policies of foreign governments, the United States extends the same courtesy to foreign journalists working in the U.S.

- **Foreign workers whose admission is subject to treaty obligations.** This includes treaty traders, treaty investors, and other workers entering under specific treaties between the U.S. and the foreign nation of which the alien is a citizen or national. Under the provisions of NAFTA, for example, Canadian professionals are not subject to numerical limits or labor market testing; Mexican professionals continue to be subject to labor market tests, but will be exempt from numerical limits in 2003.

- **Foreign workers subject by law to labor market protection standards**. These are principally:

  Professionals and other workers who are sought by employers because of their highly-specialized skills or knowledge and/or extensive experience. Included in this category are employees of international businesses who have specialized knowledge but are not managers or executives.

Trainees admitted to the United States for practical, on-the-job training in a variety of occupations. Trainees work in U.S. institutions as an integral part of their training program.

Artists, musicians, entertainers, athletes, fashion models, and participants in international cultural groups that share the history, culture, and traditions of their country.

Lesser-skilled and unskilled workers coming for seasonal or other short-term employment. Such worker programs warrant strict review, as described below. The Commission remains opposed to implementation of a large-scale program for temporary admission of lesser-skilled and unskilled workers.

The Commission recommends that the labor market tests used in admitting temporary workers in this category be commensurate with the skill level and experience of the worker.

- **Employers requesting the admission of temporary workers with highly-specialized skills or extensive experience should meet specific requirements**. Admission should be contingent on an attestation that:

  The employer will pay the greater of actual or prevailing wage and fringe benefits paid to other employees with similar experience and qualifications for the specific employment in question. Actual wage rates should be defined in a simple and straightforward manner.

  The employer has posted notice of the hire, informed coworkers at the principal place of business at which the LDA worker is employed, and provided a copy of the attestation to the LDA worker.

The employer has paid a reasonable user fee that will be dedicated to facilitating the processing of applications and the costs of auditing compliance with all requirements.

There is no strike or lockout in the course of a labor dispute involving the occupational classification at the place of employment.

The employer has not dismissed, except for cause, or otherwise displaced workers in the specific job for which the alien worker is hired during the previous six months. Further, the employer will not displace or lay off, except for cause, U.S. workers in the specific job during the ninety-day period following the filing of an application or the ninety-day periods preceding or following the filing of any visa petition supported by the application.

The employer will provide working conditions for such temporary workers that are comparable to those provided to similarly situated U.S. workers.

- **Certain at-risk employers of skilled workers (described** below) should be required to attest to having taken significant steps—for example, recruitment or training—to **employ U.S. workers in the jobs for which they are recruiting foreign workers.** We do not recommend, however, that current labor certification processes be used to document significant efforts to recruit. These procedures are costly, time consuming, and ultimately ineffective in protecting highly-skilled U.S. workers.

- **Employers requesting the admission of lesser-skilled workers should be required to meet a stricter labor market protection test.** Such employers should continue to be required to demonstrate that they have sought, but were unable to

find, sufficient American workers prepared to work under favorable wages, benefits, and working conditions. They also should be required to specify the plans they are taking to recruit and retain U.S. workers, as well as their plans to reduce dependence on foreign labor through hiring of U.S. workers or other means. Employers should continue to be required to pay the highest of prevailing, minimum, or adverse wage rates, provide return transportation, and offer decent housing, health care, and other benefits appropriate for seasonal employees.

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards —regardless of the education, skill, or experience level of its employees—be required to obtain regular, independently-conducted audits of their compliance with the attestations made about labor market protection standards, with the results of such audit being submitted for Department of Labor review. Certain businesses, as described below, pose greater risk than others of displacing U.S. workers and/or exploiting foreign workers. The risk factors that should be considered in determining whether regular audit requirements must apply include:

- **The employer's extensive use of temporary foreign workers.** Extensive use can be defined by the percentage of the employer's workforce that is comprised of LDA workers. It also can be measured by the duration and frequency of the employer's use of temporary foreign workers.

- **The employer's history of employing temporary foreign workers.** Those employers with a history of serious violations of regular labor market protection standards or of specific labor standards related to the employment of LDA workers should be considered as at risk for future violations.

- **The employer's status as a job contracting or employment agency providing temporary foreign labor to other employers.** Risk of labor violations increases as responsibility is divided between a primary and secondary employer.

To ensure adequate protection of labor market standards, such employers should be required to submit an independent audit of their compliance with all statements attested to in their application. The independent audits should be done by recognized accounting firms that have the demonstrated capacity to determine, for example, that wages and fringe benefits were provided as promised in the attestation and conformed to the actual or prevailing wages and fringe benefits provided to similarly situated U.S. workers.

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards. To function effectively, both the exempt and nonexempt temporary worker programs must provide expeditious access to needed labor. The Commission's recommendations build on the current system of employer attestations that receive expeditious preapproval review but are subject to postapproval enforcement actions against violators. More specifically, the Commission recommends:

- **Allocating increased staff and resources to the agencies responsible for adjudicating applications for admission and monitoring and taking appropriate enforcement action against fraudulent applications and violations of labor market protection standards.** Increased costs required for more efficient adjudication of applications can be covered by applicant fees. However, additional costs incurred for more effective investigations of compliance with labor market standards will require appropriated funds.

- **Barring the use of LDA workers by any employer who has been found to have committed willful and serious labor**

standards violations with respect to the employment of LDA workers. Further, upon the recommendation of any federal, state, or local tax agency, barring the use of LDA workers by any employer who has been found to have committed willful and serious payroll tax violations with respect to LDA workers. The law currently provides for such debarment for failure to meet labor condition attestation provisions or misrepresentation of material facts on the application. Implementation of this recommendation would enable penalties to be assessed for serious labor standards violations that are not also violations of the attestations.

- **Developing an enforcement strategy to reduce evasion of the LDA labor market protection standards through contractors.** U.S. businesses' growth in contracting-out functions has raised questions of employment relationships and ultimate liability for employment-related violations, including those related to temporary foreign workers. A uniform policy for dealing with these situations is desirable for the enforcement agencies involved, as well as for employers, contractors, and workers.

CURBING UNLAWFUL MIGRATION

In its first interim report to Congress , the Commission recommended a comprehensive strategy to curb unlawful migration into the United States through prevention and removal.[7] Despite the additional resources, new policies, and often innovative strategies adopted during the past few years, illegal migration continues to be a problem. The Commission continues to believe that unlawful immigration can be curtailed consistent with our traditions, civil rights, and civil liberties. As a nation committed to the rule of law, our immi-

[7] For a full explanation of the Commission's recommendations see: *U.S. Immigration Policy: Restoring Credibility*, 1994.

Unlawful immigration can be controlled consistent with our traditions, civil rights, and civil liberties.

gration policies must conform to the highest standards of integrity and efficiency in the enforcement of the law. We must also respect due process.

Deterrence Strategies

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration. More specifically, the Commission continues to support implementation of the following deterrence strategies:

- **An effective border management policy that accomplishes the twin goals of preventing illegal entries and facilitating legal ones.** New resources for additional Border Patrol officers, inspectors, and operational support, combined with such new strategies as operations "Hold the Line," "Gatekeeper," and "Safeguard," have improved significantly the management of the border where they are deployed. The very success of these new efforts demonstrates that to gain full control, the same level of resources and prevention strategies must be deployed at all points on the border where significant violations of U.S. immigration law are likely to occur.

- **Reducing the employment magnet is the linchpin of a comprehensive strategy to deter unlawful migration.** Economic opportunity and the prospect of employment remain the most important draw for illegal migration to this country. Strategies to deter unlawful entries and visa overstays require both a reliable process for verifying authorization to work and an enforcement capacity to ensure that employers

TOP TEN COUNTRIES OF ORIGIN OF UNLAWFUL MIGRANTS*

Mexico 2,700,000
El Salvador 335,000
Guatemala 165,000
Canada 120,000
Haiti 105,000
Philippines 95,000
Honduras 90,000
Poland 70,000
Nicaragua 70,000
Bahamas 70,000

* 1996 estimates; Source: INS. 1997. *1995 Statistical Yearbook of Immigration and Naturalization Service.* Washington, DC: Government Printing Office.

[8] The Concurring Statement of Commissioners Leiden and Merced can be found in the Commission's 1994 report.

adhere to all immigration-related labor standards. The Commission supports implementation of pilot programs to test what we believe is the most promising option for verifying work authorization: a computerized registry based on the social security number.[8]

- **Restricting eligibility of illegal aliens for publicly-funded services or assistance, except those made available on an emergency basis or for similar compelling reasons to protect public health and safety or to conform to constitutional requirements.** Although public benefit programs do not appear to be a major magnet for illegal migrants, it is important that U.S. benefit eligibility policies send the same message as immigration policy: Illegal aliens should not be here and, therefore, should not receive assistance, except in unusual circumstances. The Commission recommended drawing a line between illegal aliens and lawfully resident legal immigrants with regard to benefits eligibility, in part to reinforce this message. We continue to believe that this demarcation between legal and illegal aliens makes sense. The Commission urges the Congress to reconsider the changes in welfare policy enacted in 1996 that blur the distinctions between legal and illegal aliens by treating them similarly for the purposes of many public benefit programs.

- **Strategies for addressing the causes of unlawful migration in source countries.** An effective strategy to curb unauthorized movements includes cooperative efforts with source countries to address the push factors that cause people to seek new lives in the United States. The Commission continues to urge the United States government to give priority in its foreign policy and international economic policy to

TOP TEN STATES OF RESIDENCE OF UNLAWFUL MIGRANTS*

California 2,000,000

Texas 700,000

New York 540,000

Florida 350,000

Illinois 290,000

New Jersey 135,000

Arizona 115,000

Massachusetts 85,000

Virginia 55,000

Washington 52,000

* 1996 estimates; Source: INS. 1997. *1995 Statistical Yearbook of Immigration and Naturalization Service*. Washington, DC: Government Printing Office.

[9] For a fuller discussion of the Commission's recommendation on mass migration emergencies, see *U.S. Refugee Policy: Taking Leadership*, 1997.

long-term reduction in the causes of unauthorized migration.

- **Mechanisms to respond in a timely, effective, and humane manner to migration emergencies.** A credible immigration policy requires the ability to respond effectively and humanely to migration emergencies in which large numbers of people seek entry into the United States. These emergencies generally include *bona fide* refugees, other individuals with need for protection, and persons seeking a better economic life in the U.S. Failure to act appropriately and in a timely manner to determine who should be admitted and who should be returned can have profound humanitarian consequences. Further, an uncontrolled emergency can overwhelm resources and create serious problems that far outlast the emergency.[9]

Removals

A credible immigration system requires the effective and timely removal of aliens who can be determined through constitutionally-sound procedures to have no right to remain in the United States. If unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally.

Our current removal system does not work. Hundreds of thousands of aliens with final removal orders remain in the U.S. The system's ineffectiveness results from a fragmented, uncoordinated approach, rather than flawed legal procedures. The Executive Branch does not have the capacity, resources, or strategy to detain aliens likely to abscond, to monitor the whereabouts of released aliens, or to remove them.

The Commission urges immediate reforms to improve management of the removal system and ensure that aliens with final orders of deportation, exclusion, or removal are indeed removed from the United States. Establishing a more effective removal system requires changes in the management of the removal process. More specifically, the Commission recommends:

- **Establishing priorities and numerical targets for the removal of criminal *and* noncriminal aliens.** The Commission encourages headquarters, regional, and local immigration enforcement officials to set these priorities and numerical goals.

- **Local oversight and accountability for the development and implementation of plans to coordinate apprehensions, detention, hearings, removal, and the prevention of reentry.** With guidance on priorities, local managers in charge of the removal system would be responsible for allocation of resources to ensure that aliens in the prioritized categories are placed in the system and ultimately removed. Local managers also would be responsible and accountable for identifying effective deterrents that reduce the likelihood that removed aliens would attempt to reenter the U.S.

- **Continued attention to improved means for identifying and removing criminal aliens with a final order of deportation.** The Commission reiterates the importance of removing criminal aliens as a top priority. Our recommendation regarding the importance of removing noncriminal aliens with final orders is not intended to shift the attention of the removal system away from this priority. Rather, both criminal and noncriminal aliens must be removed to protect public safety (in the case of criminals) and to send a deterrent message (to *all* who have no permission to be here).

- **Legal rights and representation.** The Executive Branch should be authorized to develop, provide, and fund programs and services that educate aliens about their legal rights and immigration proceedings. Such programs also should encourage and facilitate legal representation where to do so would be beneficial to the system and the administration of justice. Particular attention should be focused on aliens in detention where release or removal can be expedited through such representation. Under this approach, the alien would not have a right to appointed counsel, but the government could fund services to address some of the barriers to representation.

- **Prosecutorial discretion to determine whether to proceed with cases.** Guidelines on the use of prosecutorial discretion should be developed, local Trial Attorneys trained, support staff provided, and discretion exercised with the goal of establishing a more efficient and rational hearing system. Trial attorneys should focus their efforts on trying cases that are likely to result in the removal of the alien upon completion of the proceedings.

- **Strategic use of detention and release decisions.** Detention space, always in limited supply, is in greater demand as the government has focused more on the removal of criminal aliens and as Congress mandates more categories to be detained. Detention needs to be used more strategically if removals are to be accomplished. Alternatives to detention should be developed so that detention space is used efficiently and effectively. The Commission fully supports the three-year pilot program, created with and implemented by the Vera Institute, to help define effective alternatives to detention for specific populations.

- **Improved detention conditions and monitoring.** Detention cannot be used effectively unless the conditions of detention are humane and detainees are free from physical abuse and harassment by guards. We have no doubt that appropriate criteria for all facilities can be promulgated, based on sound governmental judgment and consultation with concerned nongovernmental organizations. But most importantly, a system to monitor facilities on a regular basis must be developed. Inspections must occur more than once annually.

  Further, the Commission recommends that the Department of Justice consider placing administrative responsibility for operating detention centers with the Bureau of Prisons or U.S. Marshals Service. An immigration enforcement agency should not be shouldered with such a significant responsibility that is not part of its fundamental mission or expertise.

- **Improved data systems.** Current data systems are unable to link an apprehension to its final disposition (e.g., removal, adjustment of status). This significantly limits the use of apprehension and removal data for analytical purposes. The Commission urges development of data systems that link apprehensions and removals and provide statistics on individuals.

- **The redesigned removal system should be managed initially by a Last-In-First-Out [LIFO] strategy to demonstrate the credibility of the system.** Once a coherent system is organized and appropriate resources are assigned to removing deportable aliens—not simply to put aliens through proceedings—removals should proceed in a Last-In-First-Out mode. In this way, the government can send a credible

deterrent message to failed asylum seekers, visa overstayers, users of counterfeit documents, and unauthorized workers, that their presence in the United States will not be tolerated. Such a well-organized system can establish control over the current caseload and quickly prioritize the backlog for enforcement purposes. The deterrent effect of LIFO has been shown in the asylum system where new procedures were adopted in a LIFO mode.

The Commission urges Congress to clarify that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA] and the Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA] do not apply retroactively to cases pending when the new policies and procedures went into effect. As a matter of policy, the Commission believes that retroactive application of new immigration laws undermines the effectiveness and credibility of the immigration system. Applying newly-enacted laws or rules in an immigration proceeding that has already commenced results in inefficiency in the administration of the immigration laws. It also can raise troubling issues of fairness. Finally, it invites confusion, adds uncertainty, and fosters a lack of trust and confidence in the rule of law.

ACHIEVING IMMIGRATION POLICY GOALS

INTRODUCTION

Restoring credibility and setting priorities—themes at the center of the Commission's policy recommendations on illegal and legal immigration, respectively—will not come to pass unless the government is structured to deliver on these policies. An effective immi-

gration system requires both credible policy and sound management. Good management cannot overcome bad policy. Poor structures, lack of professionalism, poor planning, and failure to set priorities will foil even the best policies.

Until relatively recently, the agencies responsible for implementing immigration policy were underfunded, understaffed, and neglected. During the past few years, however, massive increases in resources and personnel, combined with significant political attention to immigration issues, have provided new opportunities to address long-standing problems. A recent General Accounting Office [GAO] report documented improvements—including, for example, a more strategic approach to the formulation of immigration enforcement programs. The Commission has seen progress in many management areas—for example, more effective border management, increased numbers of criminal alien removals, and asylum reform that has deterred abusive claims while protecting *bona fide* refugees. Nevertheless, problems remain in the operation of the U.S. immigration and naturalization system. Further improvements must be made if it is to function smoothly and effectively, anticipating and addressing, rather than reacting to, problems.

An effective immigration system requires both credible policy and sound management.

STRUCTURAL REFORM

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement; enforcement of immigration-related employment standards; adjudication of ***immigration and naturalization applications; and consolidation of administrative appeals***. The immigration system is one of the most complicated in the federal government bureaucracy. In some cases, one agency has mul-

[10] See Appendix for Commissioner Leiden's concurring statement.

Current U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE				
Immigration & Naturalization Service	✓	✓	✓	✓
Executive Office for Immigration Review				✓
DEPARTMENT OF STATE				
Consular Affairs		✓		
Bureau for Population, Refugees & Migration		✓		
Board of Appellate Review*				✓
DEPARTMENT OF LABOR				
Employment Standards Administration			✓	
Employment Training Administration		✓		
Board of Alien Labor Certification Appeals				✓

*For a limited set of nationality- and citizenship-related matters.

tiple, and sometimes conflicting, operational responsibilities. In other cases, multiple agencies have responsibility for elements of the same functions. Both situations create problems.

Mission Overload. Some of the agencies that implement the immigration laws have so many responsibilities that they have proved unable to manage all of them effectively. Between Congressional mandates and administrative determinations, these agencies must give equal weight to more priorities than any one agency can handle.

Proposed
U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE Bureau for Immigration Enforcement	✓			
DEPARTMENT OF STATE Undersecretary for Citizenship, Immigration, and Refugee Admissions		✓		
DEPARTMENT OF LABOR Employment Standards Administration			✓	
AGENCY FOR IMMIGRATION REVIEW				✓

Such a system is set up for failure and, with such failure, further loss of public confidence in the immigration system.

No one agency is likely to have the capacity to accomplish all of the goals of immigration policy equally well. Immigration law enforcement requires staffing, training, resources, and a work culture that differs from what is required for effective adjudication of benefits or labor standards regulation of U.S. businesses.

Diffusion of Responsibilities Among Agencies. Responsibility for many immigration functions are spread across numerous agencies within single departments or between departments. For example, responsibility for making decisions on skill-based immigrant and LDA applications is dispersed among the Department of Labor [DOL], the Department of Justice's [DOJ] Immigration and Naturalization Service [INS], and the Department of State [DOS]. Responsibility for

Proposed Restructuring of the Immigration System

DEPARTMENT OF JUSTICE	DEPARTMENT OF STATE	DEPARTMENT OF LABOR	INDEPENDENT AGENCY
BUREAU FOR IMMIGRATION ENFORCEMENT	UNDERSECRETARY FOR CITIZENSHIP, IMMIGRATION, AND REFUGEE ADMISSIONS	EMPLOYMENT STANDARDS ADMINISTRATION	AGENCY FOR IMMIGRATION REVIEW
Immigration enforcement at the border and in the interior of the United States	Adjudication of eligibility for immigration, refugee and naturalization applications	Enforcement of immigration-related employment standards	Administrative review of all authorized immigration-related appeals

investigating employer compliance with immigration-related labor standards is shared by INS and DOL.

The Commission considered a range of ways to reorganize roles and responsibilities, including proposals to establish a Cabinet-level Department of Immigration Affairs. After examining the full range of options, the Commission concludes that a clear division of responsibility among existing federal agencies, with appropriate consolidation of functions, will improve management of the federal immigration system. As discussed below, ***the Commission recommends a restructuring of the immigration system's four principal operations as follows:***[10]

1. ***Immigration enforcement at the border and in the interior of the United States in a Bureau for Immigration Enforcement at the Department of Justice;***

2. ***Adjudication of eligibility for immigration-related applications (immigrant, limited duration admission, asylum, refugee, and naturalization) in the Department of State under the jurisdiction of an Undersecretary for Citizenship, Immigration, and Refugee Admissions;***

3. ***Enforcement of immigration-related employment standards in the Department of Labor; and***

4. ***Appeals of administrative decisions including hearings on removal, in an independent body, the Agency for Immigration Review.***

The Commission believes this streamlining and reconfiguring of responsibilities will help ensure: coherence and consistency in immigration-related law enforcement; a supportive environment for adjudication of applications for immigration, refugee, and citizenship services; rigorous enforcement of immigration-related labor stan-

dards to protect U.S. workers; and fair and impartial review of immigration decisions.

Bureau For Immigration Enforcement (DOJ)

The importance and complexity of the enforcement function within the U.S. immigration system necessitate the establishment of a higher-level, single-focus agency within the Department of Justice.

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and remove illegal aliens in a Bureau for Immigration Enforcement at the Department of Justice. The Commission believes that the importance and complexity of the enforcement function within the U.S. immigration system necessitate the establishment of a higher-level, single-focus agency within the DOJ. The Commission further recommends that the newly configured agency have the prominence and visibility that the Federal Bureau of Investigation [FBI] currently enjoys within the DOJ structure. The Director of the Bureau would be appointed for a set term (e.g., five years). The agency would be responsible for planning, implementing, managing, and evaluating all U.S. immigration enforcement activities both within the United States and overseas.

The Commission recommends the following distribution of responsibilities within the Bureau for Immigration Enforcement.

Uniformed Enforcement Officers. The Commission recommends merger of the INS Inspectors, Border Patrol, and detention officers into one unit, the Immigration Uniformed Service Branch. Its officers would be trained for duties at land, sea, and air ports of entry, between land ports on the border, and in the interior where uniformed officers are needed for enforcement.

Investigators. The Commission believes investigations will be a key part of the new agency's responsibility. Investigators are the main agents responsible for identifying and apprehending people who are

illegally residing or working in the United States, for deterring smuggling operations, for building a case against those who are not deterred, and for identifying, apprehending, and carrying out the removal of aliens with final enforceable orders of removal.

Intelligence. The Bureau will require an Intelligence Division to provide strategic assessments, training and expertise on fraud, information about smuggling networks, and tactical support to uniformed officers or investigators.

Assets Forfeiture Unit. As with the other DOJ enforcement agencies, the Bureau will have an Assets Forfeiture unit.

Pre- and Post-Trial "Probation" Officers. "Probation" functions are not now performed consistently or effectively, but the Commission believes this function is essential to more strategic use of detention space. As it is unlikely that all potentially deportable aliens could or should be detained awaiting removal, the Commission believes more attention should be given to supervised release programs and to sophisticated methods for tracking the whereabouts of those not detained.

Trial Attorneys/Prosecutors. The Commission believes that the Trial Attorneys, who in effect are the Government's immigration prosecutors, should be vested with, *and should utilize,* an important tool possessed by their criminal counterparts: prosecutorial discretion.

Field Offices. The new agency would implement its programs through a series of field offices that are structured to address comprehensively the immigration enforcement challenges of the particular locality. As the location of these offices should be driven by enforcement priorities, they are likely to be in different places than current district offices. Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices.

Citizenship, Immigration, And Refugee Admissions (DOS)

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage these activities. At present, three separate agencies—the INS, the Department of State, and the Department of Labor—play broad roles in adjudicating applications for legal immigration, limited duration admissions, refugee admissions, asylum, and/or citizenship. The Commission believes a more streamlined and accountable adjudication process, involving fewer agencies but greater safeguards, will result in faster and better determinations of these benefits. As in the current system, these services would be funded through fees paid by applicants and retained by the benefits offices for delivery of the services.

A more streamlined and accountable adjudication process, involving fewer agencies but greater safeguards, will result in faster and better determinations of immigration and citizenship benefits.

The Commission considered the advantages and disadvantages of consolidating responsibility in the Department of Justice and in the Department of State, the two agencies that already have the most significant immigration, refugee, and citizenship duties. Bearing in mind the dual problems the Commission identified in the current structures—mission overload and fragmentation of responsibility, we concluded that consolidation in the Department of State makes greater sense than creation of a new, separate benefits agency within the Department of Justice.

Taking responsibility for immigration and citizenship services out of the Department of Justice sends the right message, that legal immigration and naturalization are not principally law enforcement problems; they are opportunities for the nation as long as the services are properly regulated. Further, the Department of Justice does not have the capacity internationally to take on the many duties of the Department of State. The Department of State, however, already has a domestic presence and an adjudication capability. It issues one-

half million immigrant visas and six million nonimmigrant visas each year. DOS also provides a full range of citizenship services both domestically (issuance of almost 6 million passports annually) and abroad (e.g., citizenship determinations and registration of births of U.S. citizens overseas). Indeed, DOS has devoted a major share of its personnel and its capital and operating resources to these adjudicatory functions at embassies and consulates in more than two hundred countries and in passport offices in fifteen U.S. cities.

Consolidating responsibility requires some changes in the way the Department of State administers its immigration responsibilities, which we believe will strengthen the adjudication function. Because immigration has both foreign and domestic policy import, the Department of State will need to develop mechanisms for consultation with groups representing a broad range of views and interests regarding immigration. Such consultations already occur in the refugee program. The Department of State also will need to change its historic position on review of consular decisions. At present, decisions made at INS and the Department of Labor on many immigrant and LDA applications may be appealed, but no appeal is available on consular decisions. The Commission believes that immigrant and certain limited duration admission visas with a U.S. petitioner should be subject to independent administrative appeal (see below).

The Undersecretary, who would have direct access to the Secretary of State, would be responsible for domestic and overseas immigration, citizenship, and refugee functions. These include adjudication of applications for naturalization, determinations of citizenship overseas, all immigrant and limited duration admission petitions, work authorizations and other related permits, and adjustments of status. It also would have responsibility for refugee status determinations abroad and asylum claims at home. Overseas citizenship services would continue to be provided by consular officers abroad. The

agency would have enhanced capacity to detect, deter, and combat fraud and abuse among those applying for benefits.

Within the Office of the Undersecretary would be a unit responsible both for formulating and assessing immigration policy as well as reviewing and commenting on the immigration-related effects of foreign policy decisions. This policy capacity would be new for the Department of State, but it is in keeping with the important role that migration now plays in international relations.

The Undersecretary would have three principal operating bureaus:

A Bureau of Immigration Affairs would focus on the immigration process, as noted above, as well as on LDA processing. In addition to its existing overseas work, the Immigration Affairs Bureau would be responsible for domestic adjudication/examination functions, including work authorization, adjustment of status, domestic interviewing, and the issuance of appropriate documentation (e.g., green cards). The Immigration Affairs Bureau also would staff immigration information and adjudication offices in areas with immigrant concentrations.

A Bureau of Refugee Admissions and Asylum Affairs would assure an appropriate level of independence from routine immigration issues and processes. It would combine the present Bureau for Population, Refugees and Migration [PRM] responsibilities for overseas refugee admissions, the refugee and asylum offices of the INS, and the DOS asylum office in the Bureau of Democracy, Human Rights and Labor. This would integrate the key governmental offices in one of our most important and historic international activities.

A Bureau of Citizenship and Passport Affairs would be responsible for naturalization, other determinations of citizenship, and issuance of passports. Local offices performing some citizenship func-

tions, such as overseas travel information, passport and naturalization applications, testing and interviews, could be located with local immigration services.

Overseas citizen services would continue to be handled within the newly consolidated organization. These services include: responding to inquiries as to the welfare or whereabouts of U.S. citizens; assisting when U.S. citizens die, are arrested, or experience other emergencies abroad; providing notarial services; and making citizenship determinations and issuing passports abroad.

Quality Assurance Offices would oversee records management, monitoring procedures, fraud investigations, and internal review. At present, monitoring of the quality of decisions made on applications for immigration and citizenship benefits receives insufficient attention. The Commission believes that quality decisions require some form of internal supervisory review for applicants who believe their cases have been wrongly decided. This type of review helps an agency monitor consistency and identify problems in adjudication and offers a means of correcting errors. A staff responsible for and dedicated to ensuring the quality of decisions taken on applications for immigration and citizenship should address some of the weaknesses in the current system, such as those recently identified in the naturalization process.

With respect to the domestic field structure for implementing these programs, the Regional Service Centers [RSCs] and National Visa Center [NVC] would continue to be the locus of most adjudication. The physical plants are excellent and the locally-hired staffs are trained and in place. At this time, information is passed from the

[11] At present, DOL investigates employer compliance with the requirement to check documentation and fill out the I-9 form, while INS does this paperwork review and investigations of knowing hire of illegal aliens. The latter investigations are hampered, however, by the absence of an effective verification process and proliferation of fraudulent documents.

RSCs to the NVC when the applicant for admission is overseas. Overseas interviews would continue to take place at embassies and consulates.

A range of other interviews would take place domestically. Ideally, to avoid long lines and waits for service, there would be smaller offices in more locations that the current INS district offices. The Commission recommends against locating these offices with the enforcement offices discussed above. Asking individuals requesting benefits or information to go to an enforcement agency sends the wrong message about the U.S. view of legal immigration.

Immigration-related Employment Standards (DOL)

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor. These activities include enforcing compliance with requirements to verify work authorization and attestations made regarding conditions for the legal hire of temporary and permanent foreign workers. The Commission believes that as this is an issue of labor standards, the Department of Labor is the best equipped federal agency to regulate and investigate *employer compliance* with standards intended to protect U.S. workers. The hiring of unauthorized workers and the failure of employers to comply with the commitments they make (e.g., to pay prevailing wages, to have recruited U.S. workers) in obtaining legal permission to hire temporary and permanent foreign workers are violations of such labor standards. Enforcement of compliance with these requirements currently lies within the responsibility of both INS and DOL. Under consolidation, the DOL Employment Standards Administration's [ESA] Wage and Hour Division [WH] and Office of Federal Contract Compliance Programs [OFCCP] would perform these func-

The Department of Labor is the best equipped federal agency to regulate and investigate employer compliance with standards intended to protect U.S. workers.

tions in conjunction with their other worksite labor standards activities.

Sanctions Against Employers Who Fail to Verify Work Authorization. The Commission believes all worksite investigations to ascertain employers' compliance with employment eligibility verification requirements should be conducted by DOL. DOL already conducts many of these investigations. However, under this recommendation, DOL also would assess penalties if employers fail to verify the employment eligibility of persons being hired. DOL would not be required to prove that an employer knowingly hired an illegal worker, just that the employer hired a worker without verification of his or her authorization to work. With implementation of the Commission's proposal for a more effective verification process, this function will be critical to deterring the employment of unauthorized workers.[11]

Enforcement of Skill-Based Immigrant and Limited Duration Admissions Requirements. The Commission believes an expedited process is needed for the admission of both temporary and permanent foreign workers, as discussed earlier in this report, as long as adequate safeguards are in place to protect the wages and working conditions of U.S. workers. To prevent abuse of an expedited system, an effective postadmission enforcement scheme is necessary.

DOL's other worksite enforcement responsibilities place it in the best position to monitor employers' compliance with the attestations submitted in the admissions process. DOL investigators are experienced in examining employment records and interviewing employees. Penalties should be established for violations of the conditions to which the employer has attested, including payment of the appropriate wages and benefits, terms and conditions of employment, or any misrepresentation or material omissions in the attestation. Such penalties should include both the assessment of significant administrative fines as well as barring egregious or repeat vio-

lators from petitioning for the admission of permanent or temporary workers.

Agency For Immigration Review

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive Branch. The Commission believes that a system of formal administrative review of immigration-related decisions—following internal supervisory review within the initial adjudicating body—is indispensable to the integrity and operation of the immigration system. Such review guards against incorrect and arbitrary decisions and promotes fairness, accountability, legal integrity, uniform legal interpretations, and consistency in the application of the law both in individual cases and across the system as a whole.

Not only is independence in decisionmaking the hallmark of meaningful and effective review, it is also critical to the reality and the perception of fair and impartial review.

The review function works best when it is well insulated from the initial adjudicatory function and when it is conducted by decisionmakers entrusted with the highest degree of independence. Not only is independence in decisionmaking the hallmark of meaningful and effective review, it is also critical to the reality and the perception of fair and impartial review.

Hence, the Commission recommends that the review function be conducted by a newly-created independent reviewing agency in the Executive Branch. To ensure that the new reviewing agency is independent and will exist permanently across Administrations, we believe it should be statutorily created. It would incorporate the activities now performed by several existing review bodies, including the DOJ Executive Office for Immigration Review, the INS Administrative Appeals Office, the DOL Board of Alien Labor Cer-

tification Appeals, and the DOS Board of Appellate Review. It also would have some new responsibilities.

This reviewing agency would be headed by a Director, a presidential appointee, who would coordinate the overall work of the agency, but would have no say in the substantive decisions reached on cases considered by any division or component within the agency.

There would be a trial division headed by a Chief Immigration Judge, appointed by the Director. The Chief Judge would oversee a corps of Immigration Judges sitting in immigration courts located around the country. The Immigration Judges would hear every type of case presently falling within the jurisdiction of the now-sitting Immigration Judges.

The reviewing agency also would consider appeals of decisions by the benefits adjudication agency, using staff with legal training. Although the benefits adjudication agency will handle a wide range of applications—from tourist visas to naturalization and the issuance of passports—not all determinations will be appealable, as is the case under current law. We envision that those matters that are appealable under current law would remain appealable. The only difference is that the appeal would be lodged with and considered by the new independent Agency for Immigration Review rather than by the various reviewing offices and Boards presently located among the several Departments. The administrative appeals agency also would consider appeals from certain visa denials and visa revocations by consular officers. Under current law, such decisions are not subject to formal administrative or judicial review. The Commission believes that consular decisions denying or revoking visas in specified visa categories—i.e., all immigrant visas and those LDA categories where there is a petitioner in the United States who is seeking the admission of the visa applicant—should be subject to formal administrative review. The visa applicant would have no

right to appeal an adverse determination. Instead, standing to appeal a visa denial or revocation would lie only with United States petitioners, whether U.S. citizens, lawful permanent residents, or employers.

An appellate Board would sit over the trial and administrative appeals divisions of the new independent Agency for Immigration Review. This appellate Board would be the highest administrative tribunal in the land on questions and interpretations of immigration law. It would designate selected decisions as precedents for publication and distribution to the public at large. Its decisions would be binding on all officers of the Executive Branch. To ensure the greatest degree of independence, decisions by the Board would be subject to reversal or modification only as a result of judicial review by the federal courts or through congressional action. Neither the Director of the reviewing agency nor any other agency or Department head could alter, modify, or reverse a decision by the appellate Board.

MANAGEMENT REFORM

The Commission urges the federal government to make needed reforms to improve management of the immigration system. While the Commission-recommended structural changes will help improve implementation of U.S. policy, certain management reforms also must be adopted if the restructured agencies responsible for immigration matters are to be effective in performing their functions. Structural reforms will not by themselves solve some of the management problems that have persisted in the immigration agencies.

More specifically, the Commission recommends:

- **Setting More Manageable and Fully-Funded Priorities**. The

Commission urges Congress and the Executive Branch to establish and then appropriately fund a more manageable set of immigration-related priorities. More manageable means fewer objectives, but also a set of more integrated priorities, more realistically-achievable short-term and long-term goals, and greater numerical specificity on expected annual outcomes to which agencies could be held accountable.

- **Developing More Fully the Capacity for Policy Development, Planning, Monitoring, and Evaluation.** Each department with immigration-related responsibilities needs to perform a wide range of policy functions, including, but not limited to, long-range and strategic policy planning, interagency policy integration, policy review, policy coordination, priority setting, data collection and analysis, budget formulation, decisionmaking, and accountability. The Domestic Policy Council and the National Security Council in the White House can also play an important role in coordinating policy development across departments.

- **Improving Systems of Accountability.** Staff who are responsible for immigration programs should be held accountable for the results of their activities. Systems should be developed to reward or sanction managers and staff on the basis of their performance.

- **Recruiting and Training Managers.** The Commission believes enhancements must be made in the recruitment and training of managers. As immigration-related agencies grow and mandated responsibilities increase or evolve, closer attention should be paid to improving the skills and managerial capacity of immigration staff at all levels to ensure more efficient and effective use of allocated resources.

- **Strengthening Customer Service Orientation.** The Commission urges increased attention to instilling a customer-service ethic in staff, particularly those responsible for adjudication of applications for benefits.

- **Using Fees for Immigration Services More Effectively.** The Commission supports the imposition of user fees, but emphasizes: (1) that the fees should reflect true costs; (2) that the agencies collecting the fees should retain them and use them to cover the costs of those services for which the fees are levied; (3) that those paying fees should expect to be treated to timely and courteous service; and (4) that maximum flexibility should be given to agencies to expand or contract their response expeditiously as applications increase or decrease.

The Commission reiterates its 1994 recommendations concerning the need for improvements in immigration data collection, coordination, analysis, and dissemination. Although some progress has been made, much more needs to be done to collect data that will inform responsible immigration policymaking. The Commission believes that each agency involved in immigration must establish a system and develop a strategy for the collection, interagency coordination, analysis, dissemination, and use of reliable data.

Further, the Commission urges the federal government to support continuing research and analysis on the implementation and impact of immigration policy. In particular, the federal government should support data collection and analysis in the following areas: longitudinal surveys on the experiences and impact of immigrants; on the experiences and impact of foreign students and foreign workers admitted for limited duration stays; and on the patterns and impacts of unlawful migration.

CONCLUSION

This report concludes the work of the U.S. Commission on Immigration Reform. Together with our three interim reports, this final set of recommendations provides a framework for immigration and immigrant policy to serve our national interests today and in the years to come. The report outlines reforms that will enhance the benefits of legal immigration while mitigating potential harms, curb unlawful migration to this country, and structure and manage our immigration system to achieve all these goals. Most importantly, this report renews our call for a strong commitment to Americanization, the process by which immigrants become part of our community and we learn and adapt to their presence. Becoming an American is the theme of this report. Living up to American values and ideals is the challenge for us all.

U.S. COMMISSION ON IMMIGRATION REFORM

1997
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U.S. COMMISSION ON IMMIGRATION REFORM

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EXECUTIVE SUMMARY

Legal Immigration: Setting Priorities

THE NATIONAL INTEREST

A properly regulated system of legal immigration is in the national interest of the United States. Such a system enhances the benefits of immigration while protecting against potential harms.

Immigrants often create new businesses and other employment-generating activities that promote the renewal of city neighborhoods and commercial districts. Immigrants also can strengthen America's economic and political ties with other nations and, thus, enhance our ability to compete in a global economy and provide leadership in international and humanitarian affairs. Properly regulated immigration further strengthens American scientific, literary, artistic and other cultural resources. It promotes family values and ties, important components of good schools and strong communities. At a time of troubling ethnic strife in many parts of the world, an effective American immigration policy can demonstrate to other countries that religious and ethnic diversity are compatible with national civic unity in a democratic and free society.

Legal immigration, however, has costs, as well as benefits. Immigrants with relatively low education and skills may compete for jobs and public services with the most vulnerable of Americans, particularly those who are unemployed or underemployed. Jobs generated by immigrant businesses do not always address this problem. Concentrated and/or rapid entry of immigrants into a locality may impose immediate net costs, particularly in education funding to meet the additional and special needs of newcomers. Concentration of new immigrants can exacerbate tensions among ethnic groups. Certain legal immigrant populations may impose other costs: refugees often need special health and other services, making per capita resettlement more costly than overseas solutions; elderly new immigrants are more likely to draw upon public services than elderly native-born Americans or immigrants who came to the United States at a younger age.

Immigrant Admissions by Major Category: FYs 1990-1994

Category of Admission	1990	1991	1992	1993	1994
SUBJECT TO THE NUMERICAL CAP	535,993	537,010	655,541	719,701	662,029
FAMILY-BASED IMMIGRANTS	448,640	455,415	502,995	539,209	497,682
Immediate Relatives of U.S. citizens	231,680	237,103	235,484	255,059	249,764
--Spouses and children	171,491	173,527	170,720	192,631	193,394
--Parents	60,189	63,576	64,764	62,428	56,370
Children born abroad to alien residents	2,410	2,224	2,116	2,030	1,883

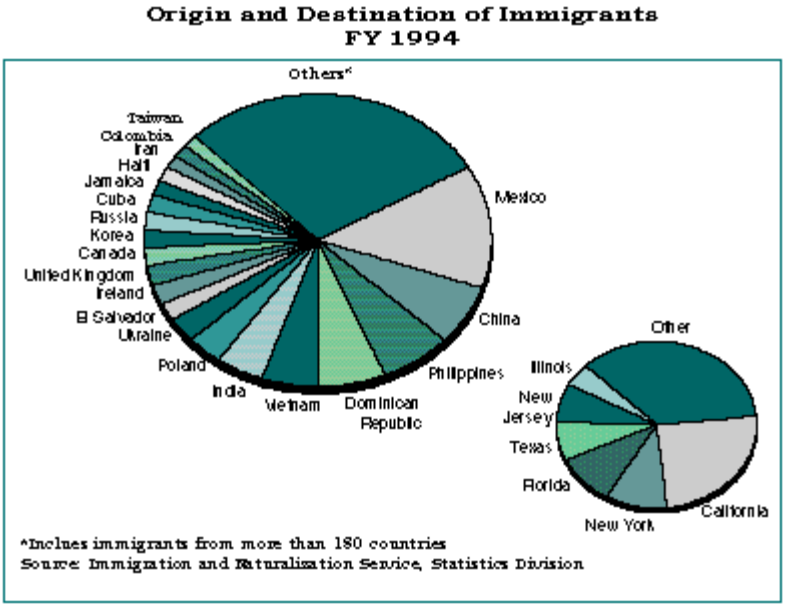
Family-sponsored immigrants	214,550	216,088	213,123	226,776	211,961
--Unmarried sons/daughters of U.S. citizens	15,861	15,385	12,486	12,819	13,181
--Spouses and children of LPRs	X	X	90,486	98,604	88,673
--Sons and daughters of LPRs	X	X	27,761	29,704	26,327
--Married sons/daughters of U.S. citizens	26,751	27,115	22,195	23,385	22,191
--Siblings of U.S. citizens	64,252	63,462	60,195	62,264	61,589
Legalization dependents	X	X	52,272	55,344	34,074
EMPLOYMENT-BASED IMMIGRANTS	58,192	59,525	116,198	147,012	123,291
Priority workers	X	X	5,456	21,114	21,053
Professionals w/ adv. deg. or of advanced ability	X	X	58,401	29,468	14,432
Skilled, professionals, other workers, (CSPA)	X	X	47,568	87,689	76,956
--Skilled, professionals, other workers	X	X	47,568	60,774	55,659
--Chinese Student Protection Act (CSPA)	X	X	X	26,915	21,297
Special immigrants	4,463	4,576	4,063	8,158	10,406
Investors	X	X	59	583	444
Professionals or highly skilled (Old 3rd)	26,546	27,748	340	X	X
Needed skilled or unskilled workers (Old 6th)	27,183	27,201	311	X	X
DIVERSITY PROGRAMS	29,161	22,070	36,348	33,480	41,056
Diversity transition	X	X	33,911	33,468	41,056
Nationals of adversely affected countries	20,371	12,268	1,557	10	X
Natives of underrepresented countries	8,790	9,802	880	2	X
NOT SUBJECT TO THE NUMERICAL CAP	120,118	166,995	155,094	160,313	136,365
Amerasians	13,059	16,010	17,253	11,116	2,822
Cuban/Haitian Entrants	710	213	99	62	47
Parolees, Soviet and Indochineese	X	4,998	13,661	15,772	8,253
Refugees and Asylees	97,364	139,079	117,037	127,343	121,434
--Refugee adjustments	92,427	116,415	106,379	115,539	115,451
-- Asylee adjustments	4,937	22,664	10,658	11,804	5,983
Registered Nurses and their families	2,954	3,069	3,572	2,178	304
Registry, entered prior to	4,633	2,282	1,293	938	667

1/1/72					
Other	1,398	1,344	2,179	2,904	2,838
TOTAL	656,111	704,005	810,635	880,014	798,394

Note: X = Not Applicable. Excludes persons granted LPR status under the provisions of the Immigration Reform and Control Act of 1986.

Source: Immigration and Naturalization Service, Statistics Division

The recommendations in this report strongly affirm the value of a properly regulated immigration system. They seek to maximize the many positive opportunities that legal immigration presents to our nation. At the same time, the recommendations will help mitigate potential negative impacts, particularly on disadvantaged U.S. workers. Finally, the Commission's recommendations support effective Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity. These recommendations should help ensure that our legal immigration system will continue to serve the national interest of the United States.



FRAMEWORK FOR IMMIGRATION REFORM

The Commission supports the basic framework of current policy-family unification, employment-based immigration, and refugee admissions. We considered alternative frameworks, particularly a point system, but rejected these approaches. We believe that a system that relies on formulas and bureaucratic procedures for determining which immigrants meet the ability criteria for admission is not as effective in serving the national interest as one that relies on the judgment of American families and employers within a framework that protects U.S. workers from unfair competition. At the same time, the Commission is convinced that our current immigration system must undergo major reform to ensure that admissions continue to serve our national interests. Hence, the Commission recommends a significant redefinition of priorities and a reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.*

PRINCIPLES FOR A PROPERLY REGULATED IMMIGRATION POLICY

The Commission believes that our immigration system should rest upon certain basic principles.

Clear Goals and Priorities. Sound immigration policy must set out clear goals and give priority to the admission of those immigrants who best meet those goals.

Enforcement of Immigration Limits. An effectively regulated immigration policy establishes limits on the number of immigrants that are consistent with the goals of the various categories under which immigrants enter. Moreover, these limits must be enforceable and enforced. We underscore our commitment to curtailing illegal immigration as embodied in our 1994 recommendations. We will continue to monitor progress toward their implementation until the expiration of our mandate in September 1997.

Regular Periodic Review. An effectively regulated system requires some flexibility with regard to numbers so as to permit adjustment as circumstances in the United States change.

Clarity and Efficiency. Immigration policy should not be overly complex, and the mechanisms used to implement immigration policy should be efficient and comprehensible. The terms used should be as clear and self-explanatory as possible. The number of visas allocated to various immigrant categories should be sufficient to ensure the expeditious entry of those of highest priority. Backlogs in high priority categories undermine the purposes of immigration policy, while backlogs in lower priority categories give false hope to individuals whose admissions are of lesser national interest.

Enforcement of Sponsor Responsibility. A properly regulated immigration policy will hold sponsors accountable for keeping immigrants from becoming burdens on the American taxpayer and enforce that accountability through legally binding obligations.

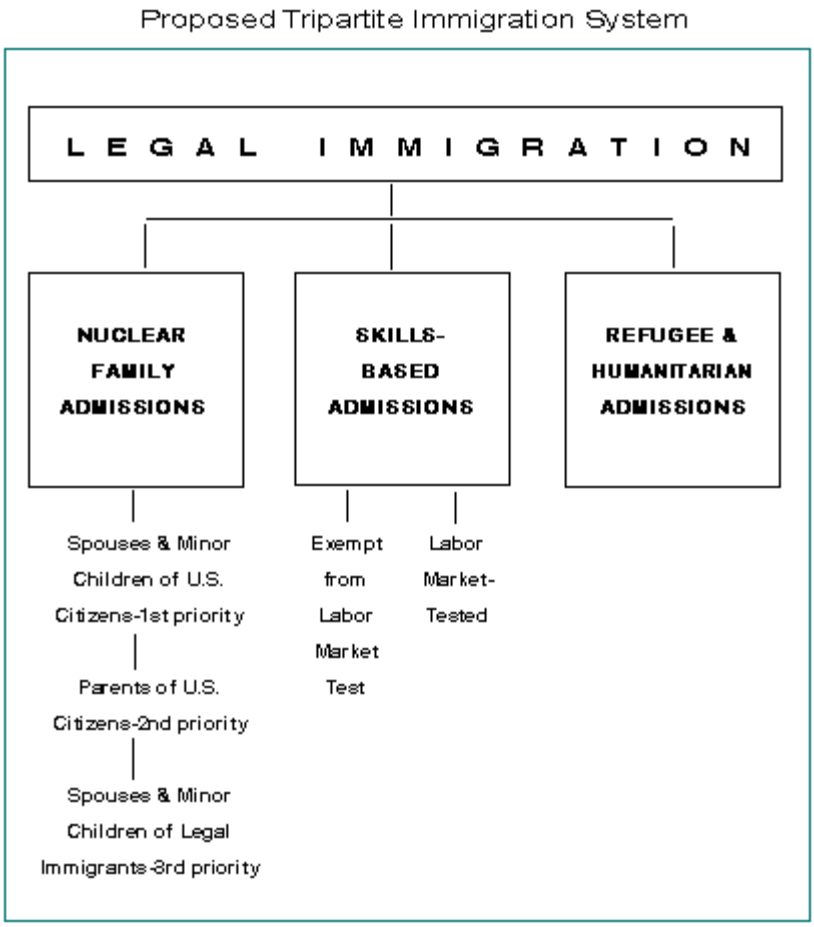
Protection of U.S. Workers. A properly regulated system will also provide protection to American workers against unfair competition arising from immigrant categories that are designed to enhance U.S. economic strength. A higher level of job protection should be made available to the most vulnerable in our society.

Coherence. Both temporary and permanent admissions categories must be seen as integral parts of a coherent legal immigration policy. Temporary student, worker, and humanitarian categories are linked to permanent immigration. Inefficiencies and inconsistencies in the procedures for determining admissibility in permanent categories frequently lead employees, employers, and even family members to use temporary categories to gain entrance when the immigrant's true intention is permanent residence.

Americanization. Immigration policy is not credible without attention to English language training, civic education, and preparation for naturalization and effective citizen participation. Americanization-by which we mean cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity-is desirable and possible regardless of the nationality, native language, or religious background of immigrants and their children.

A Transition Period. Fundamental immigration reform, as proposed by the Commission, requires a period of transition to get from the present system to the new one. We recommend prudent, measured steps to make that transition possible.

RECOMMENDATIONS



The following recommendations will contribute to a more accountable and credible application of our immigration policy:

The Commission supports a tripartite immigration policy that permits the entry of nuclear family members, professional and skilled workers, and refugees and other humanitarian admissions. In addition, the Commission urges Congress to take steps to address the continued aftereffects of the 1986 Immigration Reform and Control Act [IRCA] that provided legal status to formerly illegal aliens.

The Commission proposes a core immigration admissions level of 550,000 per year, to be divided as follows:

- Nuclear family immigration 400,000;
- Skill-based immigration 100,000;
- Refugee resettlement 50,000.*

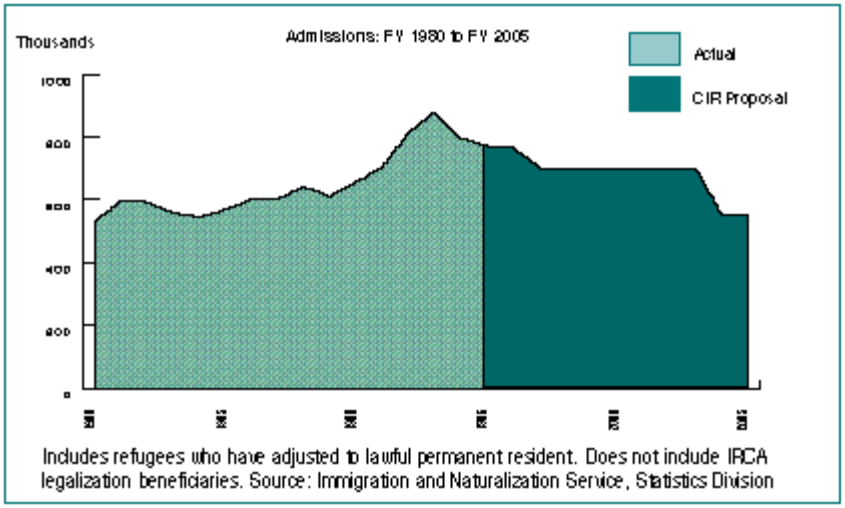
The Commission further recommends that Congress authorize 150,000 visas annually for the admission of the spouses and minor children of legal permanent residents who have been awaiting entry until such time as this backlog is eliminated.
The Commission recommends that admission levels be authorized by Congress for a specified time period (e.g., three to five years) in order to ensure regular periodic review and, if needed, change by Congress.
These recommendations represent fundamental reform of U.S. immigration policy.

Legal Immigration Levels

	Current		Proposed	
Category	Numerical Limits	FY 1996 Projected Use	Transition (5-8 years)	Core
Nuclear Family Admissions	480,000	480,000	550,000	400,000
Skills-based Admissions	140,000	100,000	100,000	100,000
Refugee Resettlement*	Variable	90,000	50,000**	50,000**
Diversity	55,000	55,000	0	0
TOTAL		725,000	700,000	550,000

*Does not include asylum claimants or other humanitarian admissions.
**50,00 is a target that can be exceeded in an emergency or with direct and affirmative participation by Congress.

Legal Immigration Admissions



Nuclear Family Immigration

Immigration supports the national interest by promoting strong and intact nuclear families-that is, the basic social unit consisting of parents and their dependent children living in one household. Immigration contributes to this national interest by permitting the entry of close family members of U.S. citizens and permanent residents who otherwise may be separated for years. Immigration policy also can contribute to the strength of U.S. families by ensuring that immigrants receive any needed financial support from their own relatives and, thus, impose no financial burdens upon the taxpaying public.

The Commission recommends:

A prioritization of family relationships to determine who will be admitted through family-based immigration, with admission numbers going to those who are of the highest priority. Only to the extent that visas are available after the demand in higher priorities is met should visas be made available to lower priority categories. Following this reasoning, the Commission makes further recommendations.

- Spouses and minor children of U.S. citizens should continue to be admitted as the first priority. Also to be admitted under this priority are the small number of adult children dependent on U.S. citizen parents because of a mental or physical disability. This policy permits the expeditious entry of the closest family members while reinforcing the notion that citizenship confers additional benefits on those who become fully participating members of our polity.

- Parents of U.S. citizens should be admitted as the second priority. This permits adult children to sponsor their parents, most of whom are past working age. However, the Commission is mindful of the potential negative impacts that the entry of parents may pose for the U.S. taxpayer if these individuals utilize Supplemental Security Income, Medicaid, and similar programs. Therefore, the Commission believes that continued admission of parents should be contingent on a legally enforceable affidavit of support. The affidavit should ensure that parents who are unable to work enough quarters to become eligible for Social Security or Medicare do not become a burden to taxpayers through use of SSI, Medicaid, or equivalent state and local services. Further, the Commission recommends that affidavit signers (petitioners and, if necessary, coguarantors) should provide:

    Verifiable assurance that they indeed have the capacity to provide what may be a lifetime of financial support to the parent immigrants; and
    Verifiable assurance of the purchase of what may be lifetime health coverage for the parent immigrants (obtained either privately or through buying into Medicare, which the government should make available at an actuarially fair price).

- Third priority should be allocated to spouses, minor children, and adult physically or mentally dependent children of legal permanent residents [LPRs].

The Commission further recommends sufficient additional numbers, on an interim basis, to eliminate the backlog in the category for admission of spouses and minor children of LPRs. We believe that this backlog, which results primarily from the Immigration Reform and Control Act, can be cleared without creating another waiting list. By the end of this fiscal year, 824,000 spouses and minor children of aliens legalized under IRCA will be waiting for visas. The number of new applications has fallen to only a handful for this group. However, since the filing of applications by the legalization beneficiaries, a backlog of 279,000 (or about 80,000 per year) spouses and minor children of other LPRs has developed. Under our current system, it would take more than a decade to clear the backlog, even with substantial naturalization. In the meantime, when an LPR sponsors a spouse and/or minor child, that individual goes to the end of the waiting list of 1.1 million.

We believe that priority for clearance of the backlog should go first to the spouses and minor children of LPRs who entered lawfully under the regular immigration preferences. Only afterwards should expedited admission be offered to the spouses and minor children of LPRs who entered under one of the legalization provisions of the Immigration Reform and Control Act.

The Commission recommends this separate treatment of the family members of those who became permanent residents through regular immigration and those who legalized under IRCA because:

- The circumstances are different for the two sets of spouses and minor children. Many of the families of the immigrants who legalized under IRCA are in the United States and, under the Family Unity provisions of the Immigration Act of 1990, have a quasi-legal status that permits their continued presence and work authorization. Many of the families of the other legal immigrants are separated, with their spouses and/or minor child(ren) living outside the United States.
- The legalized have already received special treatment in obtaining amnesty. To further reward their earlier illegal entry by giving equal or higher priority to the entry of their relatives sends the wrong message at a time in which the U.S. must obtain greater control over unauthorized entry.
- As of December 31, 1995, most legalized aliens will be eligible to naturalize. As citizens, they will be able to expedite the admission of their spouses and minor children without using the additional visas earmarked for LPRs.

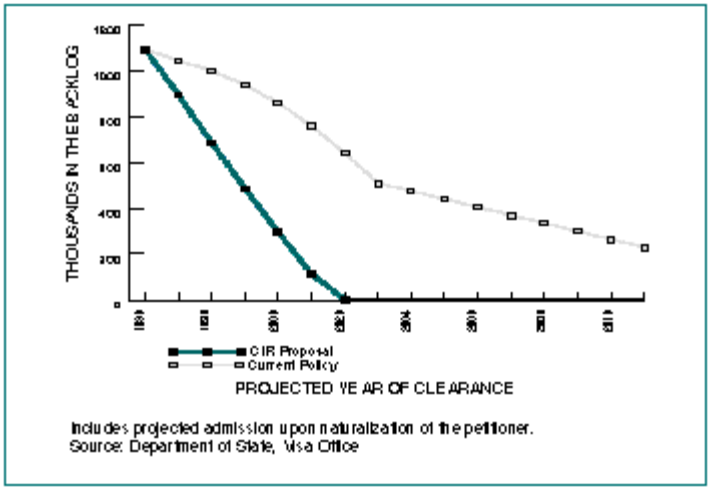
Family-Based Immigration:
Categories and Admission Numbers

CURRENT LAW	
CATEGORIES	USAGE (FY 1994)
Unlimited Spouses/Minor Children of USCs	193,394
Unlimited Parents of USCs	56,370
First Preference Adult Unmarried Sons/ Daughters of USCs	13,181
Second Preference	115,000
2A Spouses/Children of LPRs (88,673)	
2B Adult Unmarried Sons/ Daughters of LPRs (26,327)	
Third Preference Adult Married Sons/ Daughters of USCs	22,191
Fourth Preference Brothers/Sisters of USCs	61,589
TOTAL	461,725

CIR RECOMMENDATIONS		
CATEGORIES	ADMISSIONS (Transition)	ADMISSIONS (Core)
First priority Spouses/Minor Children of USCs	up to 400,000 (current usage about 200,000)	400,000
Second priority Parents of USCs	400,000 less number admitted under first priority (current usage about 55,000)	400,000 less number admitted under first priority
Third priority Spouses/Minor Children of LPRs	400,000 less number admitted under first and second priorities plus 150,000 for backlog clearance	400,000 less number admitted under first and second priorities
TOTAL	550,000	400,000

The Commission believes that the addition of 150,000 visas will permit the elimination of the regular LPR beneficiary backlog within three years and the legalization beneficiary backlog in five to eight years. Thereafter, the entry of all spouses and minor children of LPRs should be possible within a year of application under the proposed 400,000 admissions ceiling on family-based immigration.

Elimination of the Backlog: Spouses and Minor Children of Legal Immigrants



Includes projected admission upon naturalization of the petitioner.
Source: Department of State, Visa Office

The Commission recommends elimination of other family-based admission categories, including:

- Adult, unmarried sons and daughters of U.S. citizens;
- Adult, married sons and daughters of U.S. citizens;
- Adult, unmarried sons and daughters of legal permanent residents; and
- Siblings of U.S. citizens.

The Commission acknowledges that many individuals in these categories have contributed to U.S. society. Nevertheless, it is necessary at this time to emphasize the reunification of nuclear families. The elimination of these categories should take place one year after the date that legislation is enacted to accomplish this purpose. In this way, the plans of U.S. families that are on the verge of reunifying with their foreign siblings and adult children will not be unfairly disrupted.

The Commission recommends elimination of these categories for several reasons.

- The numbers now used to admit these individuals in more extended family relationships could be used instead to reduce the waiting time for closer family members without raising the overall levels of immigration.
- Elimination of these preferences will remove extraordinary backlogs that now undermine the credibility of our policy. Credible immigration policy should not give false hopes to applicants. An individual now applying under the sibling category, for example, could not expect to enter the U.S. legally for more than a decade. Applicants from the Philippines face the longest waiting period-as much as forty years for those applying today.
- Unless there is a compelling national interest to do otherwise, immigrants should be chosen on the basis of the skills they contribute to the U.S. economy. The Commission believes that admission of nuclear family members and refugees provide such a compelling national interest. Reunification of adult children and siblings of adult citizens solely because of their family relationship is not as compelling.

The Commission recommends amendment of Section 201(c) of the Immigration and Nationality Act [INA] to provide that otherwise unused immigrant visa numbers for a fiscal year be made available to people who have a priority date that would entitle them to processing in that year but who were not issued visas.

Given the large backlog of spouses and minor children, all efforts should be made to ensure their expeditious entry by fully utilizing authorized visas. Under current policy visas unused because of administrative delay or personal reasons are lost. Allowing such unused visas to be made available to otherwise eligible immigrants after the end of that fiscal year ensures that all the visas allocated for family-sponsored immigrants would be used and charged to the given fiscal year. The new fiscal year visa numbers would not reflect an increase in visas allocated over the annual worldwide limit for family-based immigration.

For example, if 400,000 visas were allocated for family-sponsored immigrants in FY 1997, and during that year only 390,000 visas were issued because 10,000 immigrants were delayed beyond the end of the fiscal year, the remaining 10,000 visas could be issued to the delayed or other eligible aliens during the next fiscal year but would count toward the original year. Under the proposed amendment, the Department of State could charge to FY 1997 all visas allocated in that year even though the visas themselves might not be issued in FY 1997. As the recommendation affects only aliens already entitled to a visa, annual number limitations would not be exceeded.

The Commission further recommends that the INA be amended to address better the aging-out problem of certain aliens. One unfortunate side effect of waiting lists is the aging-out of minor children who become adults while awaiting their already approved petition. This issue, which arises particularly in the case of the minor children of legal permanent residents, will become even more of a problem with the elimination of admission opportunities for adult children. For example, the minor child of a legalized alien may have been granted Family Unity status with the understanding that eventually a visa would be available. Under current law, a child who has aged-out would rarely be deported but is no longer eligible for permanent residence as a minor child. A provision stating that "a person entitled to status at the time a petition is approved shall continue to be entitled to that status regardless of his or her age" would allow such applicants to retain their eligibility for immigrant visas.

Skill-Based Immigration

Immigration can support the national interest by bringing to the U.S. individuals whose skills would benefit our society. It also can help U.S. businesses compete in the global economy. This national interest in the competitiveness of business must be balanced by an equally compelling national interest in developing a U.S. workforce that has the skills necessary to compete in the global economy. Immigration policy can contribute to this national interest by:

- Focusing on the admission of highly-skilled individuals;
- Giving employers access to a global labor market when they cannot identify U.S. workers with knowledge and expertise required for a specific job or when they demonstrate a labor shortage that cannot be filled through short-term training programs;
- Helping companies conducting business, both in the United States and internationally, to reassign personnel as needed to maintain their competitiveness;
- Encouraging entrepreneurial activities and other investment in the United States aimed at creation of jobs;
- Providing a means of ensuring that U.S. workers are not displaced or otherwise adversely affected by the entry of foreign workers; and
- Providing incentives or penalties to help ensure that employers in the U.S. engage in serious recruitment of American workers (for example, national rather than local recruitment where appropriate) and contribute significantly to the training of the comestic U.S. workforce.

The Commission recommends that the preferences for the admission of skill-based immigrants be reorganized to establish two categories: those subject to a lobor market test, which we would expect to be the norm; and those who, for significant and specific policy reasons, should be exempt from such a labor market test. Labor market testing requires a demonstration that a business has a *bona fide* need for the skills of a foreign worker and cannot find a qualified U.S. worker or one who could be readily trained for the intended job.

Skills-Based Immigration:
Categories and Admission Numbers

CURRENT LAW	
Categories	Usage (FY 1994)
FIRST PREFERENCE Aliens with Extraordinary Ability Outstanding Professors/Researchers Multinational Executives and Managers	21,053
SECOND PREFERENCE Professionals with Advanced Degrees	14,432
THIRD PREFERENCE Skilled Workers (2 years training/experience) Professionals with Baccalaureate Degrees	46,269
FOURTH PREFERENCE Ministers and Religious Workers	7,946
FIFTH PREFERENCE Investors (Entrepreneurs)	444
TOTAL	90,184

CIR RECOMMENDATIONS	
Categories	Admissions (proposed)
LABOR MARKET TEST EXEMPT Aliens with Extraordinary Ability Multinational Executives and Managers Entrepreneurs Ministers and Religious Workers (Limited to current usage, about 8,000)	Up to 100,000 (current usage about 30,000)
LABOR MARKET TESTED Professionals with Advanced Degrees (Including professors and researchers who do not meet the definition of "extraordinary") Professionals with Baccalaureate Degrees Skilled Workers (5 years specialized experience)	100,000 less number admitted in exempt category (current usage about 60,000)
TOTAL	

Exempt workers should include those individuals whose entry will generate economic growth and/or significantly enhance U.S. intellectual and cultural strength without undermining the employment prospects and remuneration of U.S. workers. The following individuals should be exempt:

Individuals at the very top of their chosen field whose extraordinary ability in the sciences, arts, education, business, or athletics is demonstrated by sustained national or international acclaim and whose achievements have been recognized through extensive documentation, or individuals who have demonstrated the potential for extraordinary achievement in their chosen field through extensive documentation, including the receipt of internationally-recognized prizes and the testimony of appropriate experts;

Managers and executives of international businesses whose expertise contributes to U.S. global competitiveness. Greater safeguards must be put in place to ensure that only bona fide international businesses benefit from this policy;

Entrepreneurs whose active investment in new commercial enterprises generate a significant number of jobs for American workers in the United States;

A limited number of individuals ordained by a religious denomination and other religious workers who have carried on the religious vocation abroad during the two years immediately preceding the application for admission and who are members of a religious denomination having a bona fide nonprofit, religious organization in the United States that sponsors them.

Labor market-tested foreign workers permitted to immigrate to the United States under these

categories should include only those who have attained a baccalaureate or higher academic degree or those who are needed to fill jobs that require a high level of specific skills above the entry or journeyman level. Categories that would require a test of the domestic labor market include:

> **Professionals with advanced degrees**, including professors and researchers who do not meet the definition of "extraordinary;"
>
> **Professionals with baccalaureate degrees, and skilled workers with a minimum of five years of specialized work experience**, whose admission should be scrutinized strictly to ensure that they will have no adverse effect on similarly qualified U.S. workers.

The Commission recommends the elimination of the admission of unskilled workers. Unless there is another compelling interest, such as in the entry of nuclear families and refugees, it is not in the national interest to admit unskilled workers. This is especially true when the U.S. economy is showing difficulty in absorbing disadvantaged workers and when efforts towards welfare reform indicate that many unskilled Americans will be entering the labor force.

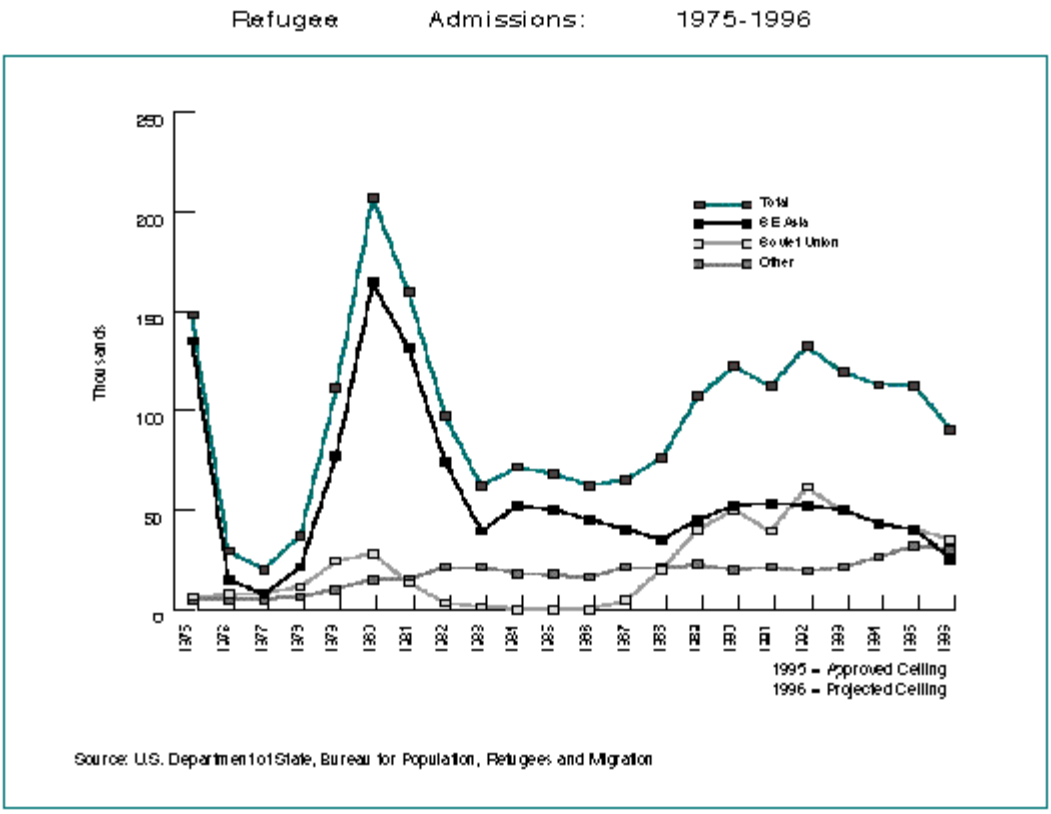
The Commission is not satisfied with current labor certification procedures because they are neither timely enough to meet the needs of employers with a bona fide interest in hiring a foreign worker nor effective in protecting the interests of U.S. workers. We seek to replace a failed and expensive regulatory system with one that is market-driven. (The cost to the federal government was about $70 million in 1992 and is estimated to be about $60 million in 1995.) The Commission recommends replacing the labor certification procedure with a more timely and effective labor market test.

To demonstrate the bona fide need for a foreign worker and to increase the competitiveness of U.S. workers, **an employer should be required to pay a substantial fee, that is, make a substantial financial investment into a certified private sector initiative dedicated to increasing the competitiveness of U.S. workers**, for example through education and training. Employers seeking to hire foreign workers already incur substantial financial costs and face lengthy processing delays. Under the Commission's proposal, the fee would go towards developing a well-trained U.S. workforce rather than supporting costly bureaucratic processes. To ensure that the employer, and not the foreign worker, pays the fee, penalties should be imposed upon violators.

Employers should demonstrate that they have engaged in appropriate attempts to find a qualified U.S. worker using normal company recruitment procedures that meet industry-wide standards and offering wages that are at least 5 percent above the prevailing wage.

The resulting permanent resident status so obtained should be conditional for a two-year period. Conditional status would be removed at the end of that period if the foreign worker is still employed by the same employer at the same or higher level and if the employer demonstrates that the attested wage has been paid. The law should specify conditions under which the foreign worker could obtain a waiver of the two-year requirement. For example, it could be waived in situations where unanticipated circumstances, such as layoffs or business failure, occur or where an employer's unfair labor practices would render the foreign worker subject to abuse. To prevent both fraud and abuse against workers, penalties should be authorized.

To provide greater flexibility and allow for market adjustments, the Commission recommends that skill-based visas not used in a fiscal year be carried over to the next year's skill-based numbers.



Refugee Resettlement

The Commission strongly affirms that the United States should continue its commitment to resettle refugees as one of several elements of humanitarian protection for the persecuted. Refugee admissions fulfill a humanitarian commitment to provide protection and assistance to those who otherwise would be persecuted or endangered. The Commission recommends that, on an interim basis:

> The U.S. should allocate 50,000 admission numbers each year to the entry of refugees from overseas (not including asylum adjustments);
>
> Other than in emergency situations, refugee admissions could exceed the 50,000 admissions level only with more direct and affirmative participation by Congress than occurs in the current consultation process;
>
> In the case of an emergency, the President may authorize the admission of additional refugees upon certification of the emergency circumstances necessitating such action. The Congress may override the emergency admissions only with a two-house veto of the Presidential action.

Allocating a set number of refugee admissions, with provisions to exceed this number in case of an emergency or other changed circumstances, ensures a continued U.S. commitment to resettlement, particularly following the expected closure of the current refugee programs in Southeast Asia and, possibly, the former Soviet Union. These two programs account for almost 80 percent of current resettlement (about 87,000 out of 112,000 admissions in FY 1994).

Reform of the current consultation process is needed to ensure Congressional oversight of decisions made to exceed the 50,000 limit. Current consultations are often pro forma and occur very late in the planning process. As discussed below, the Commission will provide recommendations on mechanisms for decisionmaking on numbers in a forthcoming report.

The U.S. should take leadership in generating international responses to refugee crises, with particular focus on international burdensharing and regional solutions. Future policies also must take into account the relative weight to be given resettlement versus the other avenues open to the United States to help protect and assist refugees worldwide, including support for repatriation of refugees to their homelands when conditions permit.

The Commission recommends a thorough assessment of the criteria used to admit refugees for resettlement and the procedures for their admission. The contexts for making future policy regarding refugee resettlement are in flux. The refugee resettlement program must be revamped to meet the needs of a post-Cold War world. Today extreme nationalism and ethnic conflicts produce massive population displacements while resolution of other conflicts is permitting large-scale voluntary repatriation. Resettlement criteria should take into account the protection of refugees who otherwise would be endangered in a country of origin or asylum and who would have no other alternatives.

The Commission is reviewing a variety of issues related to refugee resettlement, including: the priority system; in-country refugee processing; country-specific legislation; procedural issues; congressional and Executive Branch roles, including the consultation process; the role of international organizations; parole authority; and domestic assistance, including the role of the state and local organizations (e.g., nongovernmental organizations and voluntary agencies).

Specific recommendations on refugee resettlement-which may include modification of the above interim recommendations-will be included in a future Commission report. This report also will include recommendations related to immigration emergencies.

Nonimmigrant Admissions

The Commission believes that both permanent and temporary (nonimmigrant) admissions must be considered as part of an integrated immigration system. Although we are deferring specific recommendations on most nonimmigrant issues until we have completed a comprehensive review, we do note two areas of particular interest.

Temporary Workers and Foreign Students. The Commission intends to examine in depth the nonimmigrant temporary worker and foreign student systems and their relationships to permanent immigration. In particular, we will be looking at ways to simplify and achieve greater coordination in these systems and to make recommendations as a result of this study. A high percentage of applicants for permanent skill-based admission are already in this country on temporary work or student visas. Businesses that intend to petition for permanent visas for new hires frequently obtain temporary visas first because of long delays in processing. In addition, a significant number of individuals admitted for temporary study or work seek permanent jobs during their stay. As noted above, these categories of temporary admission must be seen as integral parts of a coherent legal immigration policy. The Commission will address these specific issues in a later report.

Agriculture Guestworker Program. The Commission believes that an agriculture guestworker program, sometimes referred to as a revisiting of the "bracero agreement," is not in the national interest and unanimously and strongly agrees that such a program would be a grievous mistake.

First, the Commission is highly skeptical of the need for an agricultural guestworker program at this time or in the near future. Proponents of such a program have failed to demonstrate that a labor shortage is about to occur or that there are no means other than a guestworker program available to agricultural producers to obtain sufficient employees in their industry.

Guestworker programs effectively expand rural poverty. Moreover, guestworker programs are predicated on limitations on the freedom of those who are invited to enter and work. Experience has shown that such limitations are incompatible with the values of democratic societies. For that very reason, "temporary" guestworkers tend to become permanent residents, de facto or even de jure. The inconsistency between the stated intent of guestworker programs and their actual consequences cannot be ignored by policymakers who seek credibility in a reformed system.

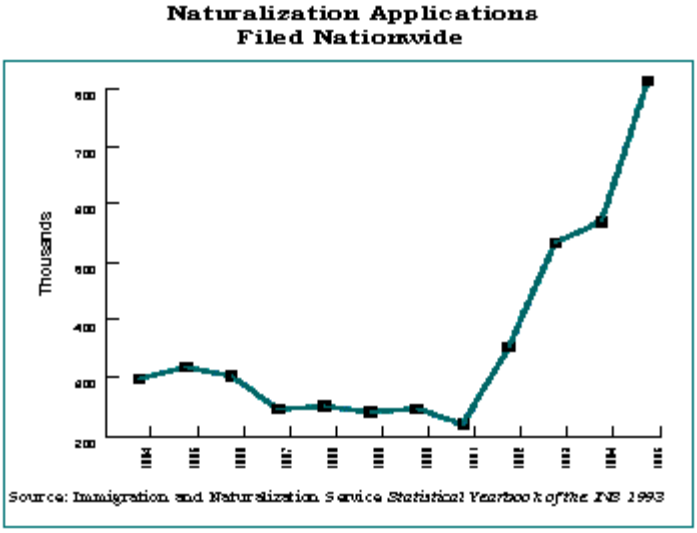
Americanization

The Commission supports effective Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy, and equal opportunity. The United States is one of the most successful multiethnic nations in history. It has united immigrants and their descendants from all over the world around a commitment to democratic ideals and constitutional principles. Those ideals and principles have been embraced by persons from an extraordinary variety of religious and ethnic backgrounds, partly because they permit and protect religious and cultural diversity within a framework of national political unity.

Religious and cultural diversity does not pose a threat to the national interest as long as public policies ensure civic unity. Such policies should help newcomers learn to speak, read, and write English effectively. They should strengthen civic understanding in the teaching of American history for all Americans. They should lead to the vigorous enforcement of laws against hate crimes and of laws to deter and to punish discrimination. Of course, such policies should encourage the naturalization of immigrants as the path to full civic participation.

At the same time, immigration to the United States should be understood as a privilege, not a right. Immigration carries with it obligations to embrace the common core of the American civic culture, to become able to communicate--to the extent possible--in English with other citizens and residents, and to adapt to fundamental constitutional principles and democratic institutions.

In its further deliberations, the Commission will consider other public policies that are believed by some to encourage ethnocentrism in the name of multiculturalism or to promote political separatism in the name of civil rights. For example: Do bilingual education and affirmative action as applied to immigrants and their children promote or diminish civic unity? Now that immigrants come from more than 160 nations and many more ethnic groups, it is extremely important that public policies facilitate, not inhibit, the Americanization of newcomers.



Naturalization is the most visible manifestation of civic incorporation. At present, there is greater interest in naturalization than there is a capacity to act upon this interest. Large backlogs must be overcome so that the nation can benefit from the growing commitment of immigrants to become American citizens.

The Commission strongly recommends that INS adopt and implement as a strategic goal the reduction of processing time and backlogs for naturalization while maintaining rigorous standards in processing applications. The Commission also urges Congress to appropriate sufficient resources to support the implementation of this strategic goal. Applicants for naturalization pay a fee designed to cover the costs of the application process. The fees go into an account dedicated to use for examinations. The Commission believes that naturalization applicants have the right to receive the timely service that their fee represents. Naturalization fees should not subsidize other activities. Nor should an efficient naturalization procedure require a reallocation of resources from other priority functions. If the current fee is not adequate to cover the full costs of timely naturalization, it should be increased appropriately. Further, the Commission urges INS to:

Set a standard reasonable time frame for processing naturalization applications. The time frame should permit timely review of applications without lowering the standards for civics and English language knowledge or compromising the required background checks. The INS also should improve processes and policies, as well as allocation of resources, to establish a level of efficiency that can withstand fluctuations in volume.

Continue to recruit national and community-based organizations, both public and private, as well as employers, to assist in facilitating smooth operation of the processing of naturalization applications. These organizations have proved very helpful in prior partnerships with INS in: overseeing proper completion of applications; taking security check fingerprints; serving as testing sites for the required English and civics examinations; briefing applicants on procedures; providing less intimidating final interview sites; and reviewing files before interviews to make certain that examiners need spend time only on substantive interview issues.

Ensure that there are adequate numbers of personnel to complete naturalization processing efficiently. To reduce waiting periods in districts with backlogs, INS should reassign personnel and, where appropriate, designate examiners who will do naturalization interviews exclusively. In instances where an interview can be waived, INS should permit naturalization applications to be filed, reviewed, and approved at one of its four Regional Service Centers.

Carefully scrutinize the naturalization applications of all Special Agricultural Workers [SAW] to assure that their original SAW status was properly granted. Reports of widespread fraud in this program require such special attention to applications for U.S. citizenship by SAW legalization beneficiaries.

The Commission urges both the public and private sectors to assist legal immigrants in their preparation for naturalization.

The Commission urges private industry, churches, community groups and individual volunteers to redouble their efforts to provide English language instruction and civics education to immigrants. The current increased interest in naturalization presents an opportunity to use instruction in English, U.S. history, and civics to help immigrants participate more fully in the life of the community. Private sector initiatives would fill current gaps in such services. These programs also would benefit the providers, particularly businesses, who would gain from a workforce better able to communicate in English.

The Commission supports targeted outreach programs aimed at informing eligible

immigrants about the requirements for naturalization. Outreach programs are critical to civic ncorporation. They encourage immigrants to want to become citizens and help ensure awareness of opportunity and equitable access to information about naturalization.

CONCLUSION

These interim conclusions and recommendations on legal immigration to the United States are a first step in the Commission's examination of the implementation and impact of our legal immigration system. Together with our earlier recommendations on illegal immigration, they seek to restore credibility to our immigration policies.

This report defines the national interest in immigration. It outlines mechanisms that permit the expeditious entry of those who are of highest priority for admission while mitigating potential harmful effects on U.S. communities and vulnerable populations.

The Commission continues our longer-term investigation of the impact of legal immigration on the United States. Based on the results of these studies, the Commission expects to make further recommendations on legal immigration in our final report to Congress in 1997.

U.S. COMMISSION ON IMMIGRATION REFORM

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executive
summary

U.S. Immigration Policy: Restoring Credibility

EXECUTIVE SUMMARY

Introduction

The U.S. Commission on Immigration Reform was created by Congress to assess U.S. immigration policy and make recommendations regarding its implementation and effects. Mandated in the Immigration Act of 1990 to submit an interim report in 1994 and a final report in 1997, the Commission has undertaken public hearings, fact-finding missions, and expert consultations to identify the major immigration-related issues facing the United States today.

This process has been a complex one. Distinguishing fact from fiction has been difficult, in some cases because of what has become a highly emotional debate on immigration. We have heard contradictory testimony, shaky statistics, and a great deal of honest confusion regarding the impacts of immigration. Nevertheless, we have tried throughout to engage in what we believe is a systematic, non-partisan effort to reach conclusions drawn from analysis of the best data available.

Underlying Principles

Certain basic principles underlie the Commission's work. The Commission decries hostility and discrimination against immigrants as antithetical to the traditions and interests of the country. At the same time, we disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

Challenges Ahead

The Commission believes that legal immigration has strengthened and can continue to strengthen this country. While we will be reporting at a later date on the impacts of our legal immigration system, and while there may even be disagreements among us as to the total number of immigrants that can be absorbed into the United States or the categories that should be given priority for admission, the Commission members agree that immigration presents many

opportunities for this nation. Immigrants can contribute to the building of the country. In most cases, they have been actively sought by family members or businesses in the U.S. The tradition of welcoming newcomers has become an important element of how we define ourselves as a nation.

The Commission is mindful of the problems that also emanate from immigration. In particular, we believe that unlawful immigration is unacceptable. Enforcement efforts have not been effective in deterring unlawful immigration. This failure to develop effective strategies to control unlawful immigration has blurred the public perception of the distinction between legal and illegal immigrants.

For the Commission, the principal issue at present is how to manage immigration so that it will continue to be in the

national interest.

* How do we ensure that immigration is based on and supports broad national economic, social, and humanitarian interests, rather than the interests of those who would abuse our laws?

* How do we gain effective control over our borders while still encouraging international trade, investment, and tourism?

* How do we maintain a civic culture based on shared values while accommodating the large and diverse population admitted through immigration policy?

The credibility of immigration policy can be measured by a simple yardstick: people who should get in, do get in; people who should not get in are kept out; and people who are judged deportable are required to leave.

During the decade from 1980 to 1990, three major pieces of legislation were adopted to govern immigration policy--the Refugee Act of 1980, the Immigration Reform and Control Act of 1986, and the Immigration Act of 1990. The Commission supports the broad framework for immigration policy that these laws represent: a legal immigration system that strives to serve the national interest in helping families to reunify and employers to obtain skills not available in the U.S. labor force; a refugee system that reflects both our humanitarian beliefs and international refugee law; and an enforcement system that seeks to deter unlawful immigration through employer sanctions and tighter border control.

The Commission has concluded, however, that more needs to be done to guarantee that the stated goals of our immigration policy are met. The immediate need is more effective prevention and deterrence of unlawful immigration. This report to Congress outlines the Commission's recommendations in this area.

In the long term, immigration policies for the 1990s and beyond should anticipate the challenges of the next century. These challenges will be substantially influenced by factors such as the restructuring of our own economy, the establishment of such new trade relationships as the North American Free Trade Agreement [NAFTA], and changing geopolitical relations. No less importantly, immigration policy must carefully take into account social concerns,

demographic trends, and the impact of added population on the country's environment.

Finally, current immigration is the first to occur in what economists call a post-industrial economy, just as it is the first to occur after the appearance of the modern welfare state. The Commission's report to Congress in 1997 will cover these issues in assessing the impact of the Immigration Act of 1990. The present report reviews the progress of the beginning implementation of this legislation.

RECOMMENDATIONS

Serious problems undermine present immigration policies, their implementation, and their credibility: people who should get in find a cumbersome process that often impedes their entry; people who should not get in find it all too easy to enter; and people who are here without permission remain with impunity.

The Commission is convinced that unlawful immigration can be controlled consistent with our traditions, civil rights, and civil liberties. As a nation with a long history of immigration and commitment to the rule of law, this country must set limits on who can enter and then must credibly enforce our immigration law. Unfortunately, no quick and easy solutions are available. The United States can do a more effective job, but only with additional financial resources and the political will to take action. Our recommendations for a comprehensive, effective strategy follow.

Border Management

The Commission believes that significant progress has been made during the past several years in identifying and remedying some of the weaknesses in U.S. border management. Nevertheless, we believe that far more can and should

be done to meet the twin goals of border management: preventing illegal entries while facilitating legal ones.

Land Borders

Credibility is a problem at U.S. land borders, given the ease of illegal entry and various obstacles to legal entry. These problems are particularly prevalent at the U.S.-Mexico border, as the Commission's visit to San Diego and El Paso demonstrated. The Commission believes that an underlying principle of border management is that prevention is far more effective and cost-efficient than the apprehension and removal of illegal aliens after entry. At the same time, the Commission believes that legal entry should be facilitated in order for the country to benefit from cross-border trade and tourism.

The Commission supports the strategy, now being tested as "Operation Hold the Line" in El Paso, that emphasizes prevention of illegal entry at the border, rather than apprehension following illegal entry. Prevention holds many advantages: it is more cost-effective than apprehension and removal; it eliminates the cycle of voluntary return and reentry that has characterized unlawful border crossings; and it reduces potentially violent confrontations on the border. The Commission recommends:

* **Increased resources for prevention**, including additional staff, such improved technology as sensors and infrared scopes, data systems that permit expeditious identification of repeat offenders, and such additional equipment as vehicles and radios.

* **Increased training for border control officers** to execute strategies that emphasize prevention of illegal entry.

* **Formation of a mobile, rapid response team to improve Border Patrol anticipation of new smuggling sites and to augment their capacity at these locations.** The Immigration and Naturalization Service [INS] must develop a capacity to respond quickly to changing patterns of unlawful immigration along the land border. Also, contingency plans should be developed to address increased boat arrivals that may arise from improved land border enforcement.

* **Use of fences to reduce border violence and facilitate enforcement. However, the Commission does not support the erection of extraordinary physical barriers, such as unscaleable walls, unless needed as a last resort to stop violence when other means have proved ineffective.** Fences have been used effectively in San Diego to reduce border violence, deter illegal aliens from running across the interstate highway that leads from Mexico, and facilitate enforcement.

* **Systematic evaluation of the effectiveness of any new border strategies by INS.** The typical measurements of Border Patrol effectiveness--apprehension rates--have little meaning in assessing a prevention strategy. INS should develop new evaluation techniques that measure the effects of border management efforts in terms of the flow of unauthorized aliens and their impacts on U.S. communities.

The Commission supports efforts to reduce potentially violent confrontations between Border Patrol officers and those believed to be seeking illegal entry into the U.S. Such confrontations were reduced, for example, during "Operation Hold the Line," in terms of both reported human rights violations against suspected illegal aliens and attacks on Border Patrol officers.

The Commission supports efforts already underway to address complaints about human rights violations, including:

*** Increased training and professionalism of Border Patrol officers to enable them to respond appropriately to potentially violent situations;**

*** Improved procedures for adjudicating complaints of Border Patrol abuses;**

*** Mechanisms to provide redress or relief to those subjected to improper actions;** and

* More effective protection of Border Patrol officers from violence directed at them.

The Commission believes that port of entry operations can be improved. Legal entry at the border should be facilitated as the United States benefits from trade, tourism, family visits and consumer spending. More specifically, the Commission supports:

* **Additional resources for inspections** at land border ports of entry.

* **An expedited adjudication and issuance process for the Border Crossing Card [BCC]**. Mexican nationals are required to have a visa (unlike Canadians). Because of the volume of BCC applications on the Mexican border, the Commission encourages negotiations between the U.S. and Mexico to amend the bilateral treaty to permit collection of fees to be used exclusively to expedite the issuance and adjudication of the card.

* **Further steps to better ensure that the BCC is not misused by legal crossers who engage in unauthorized employment after entry.** Each BCC should contain the legend indicating it is "not for work authorization," as currently appears on INS-issued cards.

* **Development of a land border user fee to pay for needed improvements in the inspection of border crossers,** with fees to be used exclusively to facilitate land border management.

The Commission supports increased coordination on border issues between the governments of the U.S. and Mexico. The Commission views favorably the discussions underway between the U.S. and Mexican governments. These discussions promote greater cooperation between the two governments in solving problems of mutual concern. In particular, the Commission encourages:

* **Continued cooperation in antismuggling efforts** to reduce smuggling of people and goods across the U.S.-Mexico border.

* **Bilateral discussions that take into account both U.S. entry and Mexican exit laws in devising a cooperative approach to regulating the movements of people across the U.S.-Mexican land border.** Mexican law requires that Mexican nationals exit Mexico through official inspection stations. Thus, unauthorized migration into the United States generally violates not only U.S. law, but Mexican law as well.

* **Cross border discussions and cooperative law enforcement efforts** among federal, state, and local officials of both countries to develop cooperative approaches to combat violent crimes and auto and cargo theft along the border.

* **Continued U.S. cooperation and support for Mexican efforts to address the problem of third-country nationals crossing Mexico** to come to the United States.

Airports

Each year about 50 million citizens and aliens enter the country through airports.

The Commission supports a combined facilitation and enforcement strategy that would prevent the entry of unauthorized aliens while facilitating legal admissions at U.S. airports as efficiently as possible, including:

*** The use of new technologies to expedite the inspections process and improve law enforcement, including more efficient processing of travelers with Machine Readable Documents.**

* **Programs that enhance the capacity of airline carriers to identify and refuse travel to aliens seeking to enter the U.S. on fraudulent documents,** including the Carrier Consultant Program and other coordinated efforts to maintain complete, accurate, and reliable Advance Passenger Information System [APIS] data and improved lookout data systems.

* **Continued government-airline industry discussions on improving inspections** that have led to innovative proposals.

* **Development of a system for mitigation of penalties or fines for those carriers that cooperate in screening and other pro-**

grams and demonstrate success in reducing the number of unauthorized aliens they carry.

* **Making INS, not the carrier, responsible for the actual physical custody of inadmissible air passengers.**

Interagency Coordination

The Commission expresses its dissatisfaction with the past lack of coordination between the Customs Service and the INS at ports of entry. This has hampered effective border management by both agencies.

The Commission recommends implementation of initiatives to

improve coordination between INS and Customs, as recommended by the General Accounting Office [GAO] and the National Performance Review. The Commission will monitor these efforts to improve coordination of border management, particularly as they relate to immigration matters.

If these efforts prove ineffective, the Commission will recommend more extensive action, such as creating a new immigration and customs agency or designating one agency as the lead agency on inspections.

Alien Smuggling

Organized smuggling operations undermine the credibility of U.S. enforcement efforts and pose dangers to the smuggled aliens.

The Commission recommends an effective prevention strategy that requires enhanced capacities to combat organized smuggling for commercial gain. Possible enhancements include:

* **Expanded enforcement authorities,** such as Racketeer Influenced and Corrupt Organizations Act [RICO] provisions, wiretap authority, and expanded asset forfeiture for smuggling aliens; and

* **Enhanced intelligence gathering and diplomatic efforts** to deter smuggling.

Worksite Enforcement

The Commission believes that reducing the employment magnet

is the linchpin of a comprehensive strategy to reduce illegal immigration. The ineffectiveness of employer sanctions, prevalence of fraudulent documents, and continued high numbers of unauthorized workers, combined with confusion for employers and reported discrimination against employees, have challenged the credibility of current worksite enforcement efforts.

Verification

A better system for verifying work authorization is central to the effective enforcement of employer sanctions.

The Commission recommends development and implementation of a simpler, more fraud-resistant system for verifying work authorization. The current system is doubly flawed: it is too susceptible to fraud, particularly through the counterfeiting of documents; and it can lead to increased discrimination against foreign-looking or foreign-sounding authorized workers.

In examining the options for improving verification, ***the Commission believes that the most promising option for***

secure, non-discriminatory verification is a computerized registry using data provided by the Social Security Administration [SSA] and the INS.

The key to this process is the social security number. For decades, all workers have been required to provide employers with their social security number. The computer registry would add only one step to this existing requirement: an employer check that the social security number is valid and has been issued to someone authorized to work in the United States.

The Commission believes the computerized system is the most promising option because it holds great potential for accomplishing the following:

* **Reduction in the potential for fraud.** Using a computerized registry, rather than only an identification card, guards against counterfeiting of documents. It provides more reliable information about work authorization.

* **Reduction in the potential for discrimination** based on national origin and citizenship status, as well as inappropriate demands for specific or additional documents, given that employers will not be required to ascertain whether a worker is a citizen or an immigrant and will have no reason to reject documents they believe to be counterfeit. The only relevant question will be: "What is your social security number?"

* **Reduction in the time, resources, and paperwork** spent by employers in complying with the Immigration Reform and Control Act of 1986 [IRCA] and corresponding redirection of enforcement activities from paperwork violations to knowing hire of unauthorized workers.

***The Commission recommends that the President immediately initiate and evaluate pilot programs using the proposed computerized verification system in the five states with the highest levels of illegal immigration as well as several less affected states*.** The President has the authority to do so under Section 274A(d)(4) of the Immigration and Nationality Act. A pilot program will: permit the testing of various approaches to using the proposed verification system; provide needed information about the advantages, disadvantages, and costs of the various approaches; develop and evaluate measures to protect civil rights and civil liberties; and ensure that any potential obstacles, such as the quality of the data used in the registry, are addressed prior to national implementation. Assuming the successful results of the pilot program, Congress should pass the necessary statutory authorities to support more effective verification. Pilot program features should include:

* **A means by which employers will access the verification system to validate the accuracy of information given by workers**. We have received conflicting testimony about the best way to check the applicant's identity. We have heard proposals for a more secure social security card, a counterfeit-resistant driver's license, and a telephone verification system that does not rely on any document. The pilot program presents an opportunity to determine the most cost-effective, fraud-resistant, and nondiscriminatory method available.

* **Measures to ensure the accuracy of and access to the specific data needed** to ensure that employers have timely and reliable information when seeking verification of work authorization. Improvements in the Social Security Administration and INS databases must be made to ensure that these data are available. Procedures must be developed to ensure timely and accurate entry, update, extraction, and correction of data. The Commission strongly urges INS and the Social Security Administration to cooperate in this endeavor, as the proposed registry would be built upon and--once implemented--would support the primary missions of those agencies.

* **Measures to ensure against discrimination and disparate treatment of foreign-looking or -sounding persons.** The Commission believes that the least discriminatory system would have the same requirements for citizens and aliens alike. To reduce the potential for discrimination and increase the security of the system, the Commission also believes that employers should not be required to ascertain immigration status in the process of verifying authorization for employment. Their only requirement should be to check the social security number presented by each employee against the registry and record an authorization number to prove that they have done so.

* **Measures to protect civil liberties.** It is essential that explicit protections be devised against use of the database--and any card or any other means used to gain access to it--for purposes other than those specified in law. The uses to be

made of the verification system must be clearly specified. We believe the worksite verification system could be used, without damage to civil liberties, for verifying eligibility to receive public benefits [see p. 22]. However, it should be stipulated that no one should be required to carry a card, if one is used, or to present it for routine identification purposes. There also should be penalties for inappropriate use of the verification process.

* **Measures to protect the privacy of the information included in the database.** The Commission is aware of the proliferation of databases and the potential for the invasion of privacy by both government and private agencies. There need to be explicit provisions for protecting privacy; the resultant system should incorporate appropriate safeguards regarding authorized users' access to individual information. In establishing privacy safeguards, it is important to take into account that, while access to any one piece of information may not be intrusive, in combination with other information such access may violate privacy.

* **Estimates of the start-up time and financial and other costs** of developing, implementing and maintaining a national system in such a manner that verification is reliable.

* **Specification of the rights, responsibilities, and impact on individual workers and employers,** for example: what individuals must do; how long it will take for newly authorized workers to get on the system and to correct inaccurate data; and what will be required of employers and at what expense. Provisions must also be developed to protect both workers from denial of employment and employers from penalties in cases where the information provided by the computer registry may be missing or inaccurate.

* **A plan for phasing in of the system.** The Commission recognizes that the proposed verification system will result in financial costs. The system should be phased in to lessen the immediate impact. The pilot programs should test various phase-in procedures. Given the required levels of accuracy, reliability, and convenience required, the evaluation should help measure the cost of phasing in the system nationally.

The Commission recommends evaluation of the pilot programs to assess the effectiveness of the verification system. The evaluation should include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

The Commission supports INS efforts to improve its Telephone Verification System/SAVE [TVS/SAVE] database--but only as an interim measure. The improvements are essential for improving the data needed for the new, more effective verification process. The Commission is aware of the inadequacies of the current INS data that would be used in the proposed system. The Commission does not endorse the TVS/SAVE program as a long-term solution to the verification problem because use of TVS/SAVE requires the inadequate mechanism of self-attestation by workers as to their citizenship or alienage, thus making it easy for aliens to fraudulently claim U.S. citizenship. It also imposes requirements on legal immigrants that do not apply to citizens. Nevertheless, improvements in this database, as well as the Social Security Administration database, are essential to the development of a more secure, less potentially discriminatory verification system.

The Commission also recommends action that would reduce the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country, including:

* **Regulation of requests for birth certificates** through standardized application forms;

* **A system of interstate and intrastate matching** of birth and death records;

* **Making certified copies of birth certificates issued by states or state-controlled vital records offices the only forms accepted by federal agencies**;

* **Using a standard design and paperstock for all certified copies** of birth certificates to reduce counterfeiting; and

* **Encouraging states to computerize** birth records repositories.

To address the abuse of fraudulent documents, the Commission recommends imposition of greater penalties on those producing or selling such documents. Document fraud and counterfeiting has become a lucrative and well-organized operation that may involve international networks that conspire to produce and sell the resulting fraudulent products. These documents are used in smuggling and terrorist operations, as well as for work authorization. RICO provisions designed to facilitate racketeering investigations should cover conspiracy to produce and sell fraudulent documents. Criminal penalties should also be increased for large-scale counterfeiting activities

Antidiscrimination Strategies

The Commission is concerned about unfair immigration-related employment practices against both citizens and noncitizens that may occur under the current system of employer sanctions. A more reliable, simpler verification system holds great potential to reduce any such discrimination because employers will no longer have to make any determination as to immigration status. Nevertheless, mechanisms must effectively prevent and redress discrimination.

The Commission recommends that the Office of the Special Counsel [OSC] for Immigration-Related Unfair Employment Practices in the Department of Justice initiate more proactive strategies to identify and combat immigration-related discrimination at the workplace. OSC should target resources on independent investigations and on programs to assess the incidence and prevalence of unfair immigration-related employment practices.

The Commission also recommends a methodologically-sound study to document the nature and extent of unfair immigration-related employment practices that have occurred since GAO's 1990 report. The new study should measure the effects of immigration policy--as distinct from other factors--on discrimination at the worksite. As noted above, the pilot programs should be evaluated to determine if they substantially reduce immigration-related discrimination at the workplace.

Employer Sanctions and Labor Standards Enforcement

The Commission believes that enforcement of employer sanctions, wage/hour, child labor, and other labor standards can be an effective tool in reducing employment of unauthorized workers. The Commission finds, however, that current enforcement efforts are inadequate. In addition, the Commission expresses its concern that current coordination efforts between the Immigration and Naturalization Service and the Department of Labor are insufficient.

The Commission supports vigorous enforcement of labor standards and enforcement against knowing hire of unauthorized workers as an integral part of the strategy to reduce illegal immigration. Labor standards and employer sanctions should be seen as mutually reinforcing. Specifically, the Commission recommends:

* **Allocation of increased staff and resources to the enforcement of labor standards to complement employer sanctions enforcement.**

* **Vigorous enforcement, increased staff and resources, and full use of current penalties against those who knowingly hire unauthorized workers.** If the new verification system proposed by the Commission substantially reduces inadvertent hiring of unauthorized workers--as we believe will occur--Congress should discontinue paperwork pen-alties and evaluate the need for in-creased penalties against violators and businesses that knowingly hire or fail to verify work authorization for all employees.

* **Targeting of investigations to industries that have a history of using illegal alien labor.**

* **Enhanced enforcement efforts targeted at farm labor and other contractors** who hire unauthorized workers on behalf of agricultural growers and other businesses.

* **Application of employer sanctions to the federal government**. At a minimum, the President should issue an Executive Order requiring federal agencies to abide by the procedures required of other employers. Alternatively, legislation should stipulate that federal agencies follow the verification procedures required of other employers and be

subject to penalties if they fail to verify work authorization.

The Commission urges the Attorney General and the Secretary of Labor to review the current division of responsibilities between the Departments of Justice and Labor in the enforcement of employer sanctions and labor standards. INS and the Department of Labor have signed a Memorandum of Understanding [MOU] that spells out each agency's responsibility for enforcing employer sanctions and labor standards. Preliminary evidence indicates that few warnings have been issued to employers under the MOU. The implementation of the MOU should be closely monitored over the next twelve months. Should the monitoring demonstrate that the joint efforts have not resulted in effective enforcement, it may be necessary to designate a single agency to enforce employer sanctions.

The Commission recommends enhanced coordination mechanisms to promote cooperation among all of the agencies responsible for worksite enforcement. Strategies to promote coordination at headquarters and in field operations include:

* **Establishment of a taskforce in Washington, D.C., to review and set policy**;

* **Local taskforces of worksite investigators** to coordinate field operations; and

* **Continued joint training for worksite investigators** from all applicable agencies.

Education

Thousands of new businesses begin operations each year. New workers enter the labor force each year as well.

The Commission recommends coordination and continuance of educational efforts by the Immigration and Naturalization Service, the Office of Special Counsel, and the Department of Labor regarding employer sanctions, antidiscrimination provisions, and labor standards. The Commission calls upon these agencies to develop and communicate a single message to all employers and employees. The Commission also recommends the development of new strategies, including the enhanced use of technology, to inform employers and workers of their rights and responsibilities under the law.

Benefits Eligibility and Fiscal Impact

The Commission believes a clear and consistent policy on immigrant eligibility for public benefits is needed. The Commission also believes that the federal government has a responsibility to mitigate the impacts of unlawful immigration on states and localities, particularly through renewed efforts to reduce illegal entries.

Eligibility

The U.S. has the sovereign authority to make distinctions as to certain rights and responsibilities of various people subject to its jurisdiction--illegal aliens, legal immigrants, and U.S. citizens. Policies regarding the eligibility of aliens for public benefits should be consistent with the objectives of our immigration policy.

The Commission recommends that illegal aliens should not be eligible for any publicly-funded services or assistance except those made available on an emergency basis or for similar compelling reasons to protect public health and safety (e.g., immunizations and school lunch and other child nutrition programs) or to conform to constitutional requirements. Illegal aliens are now eligible for few benefit programs. The Commission firmly believes that benefits policies should continue to send this message: if aliens enter the U.S. unlawfully, they will not receive aid except in limited instances. Federal legislation should permit states and localities to limit eligibility of illegal aliens on this same basis. Should illegal aliens require other forms of assistance, their only recourse should be return to their countries of origin.

* **The pilot programs on work authorization also should test new procedures for verification of benefit eligibility.**

Verification of eligibility for federally-funded benefits is an essential part of the overall strategy for maintaining a credible benefits enforcement policy. Many of the shortcomings of the eligibility verification process are parallel to those for employment. The proposed pilot programs will provide an opportunity to test new approaches to benefit eligibility verification.

* **An equitable policy based on immigration status must be adhered to in cases of mixed households** (households in which some members are legal residents and/or citizens and others are illegal aliens). Regardless of a family's economic situation, only citizen members or those legally authorized to reside and work in the U.S. should receive routine benefits. Some benefits could be prorated in order to provide them only to eligible recipients in a household.

The Commission recommends against any broad, categorical denial of public benefits to legal immigrants. The United States admits legal immigrants with the expectation that they will reside permanently in the United States as productive residents. Therefore, the Commission believes that:

* **The safety net provided by needs-tested programs should continue to be available to those whom we have affirmatively accepted as legal immigrants into our communities.** U.S. immigration law bars the entry of those who are likely to become a public charge [see below]. However, circumstances may arise after entry that create a pressing need for public help--unexpected illness, injuries from a serious accident, loss of employment, a death in the family. Under such circumstances, legal immigrants should be eligible for public benefits if they meet other eligibility requirements.

* **Sponsors should be held financially responsible for the immigrants that they bring to this country.** In particular, the Commission believes that the affidavits of support signed by sponsors should be legally enforceable, with contingencies made if the sponsor's financial circumstances change significantly for reasons that occurred after the immigrant's entry. Mechanisms should be developed that would ensure that sponsors actually provide the support they have promised. This would protect recent immigrants and close a loophole in current policy wherein the sponsor's income is "deemed," or taken into account, in calculating the immigrant's eligibility, regardless of whether such support is actually available to the immigrant.

* **A serious effort to enhance and enforce the public charge provisions** in immigration law is needed to ensure that legal immigrants do not require public assistance within five years of entry for reasons that existed prior to entry. The Commission recommends modification in the procedures for deporting such individuals. The sustained use of public benefits for reasons that existed prior to entry should become the basis for deportation. Current practices are unreasonable: the government is required to show that the benefit program requested repayment of the aid under a specific statute and that the immigrant has refused repayment.

The Commission recommends that comprehensive categories of aliens in the U.S. be defined in the Immigration and Nationality Act to simplify determination of eligibility for public benefits. The Commission believes that benefit eligibility determinations are complicated by the myriad legal statuses now afforded to individuals within this country. While the rights of lawful permanent residents, refugees and asylees have been spelled out in the Immigration and Nationality Act and/or benefit laws, it is also true that the Congress, Executive Branch, and the courts have created various other statuses that may or may not denote benefit eligibility.

The Commission recommends:

* **Establishment of statutory categories of aliens according to their eligibility for work and benefits.** Such categories could include those who are authorized to work and eligible for needs-tested benefits, subject to public charge and sponsorship provisions; authorized to work and eligible only for benefits that accrue from employment; not authorized to work and not eligible for any but a circumscribed list of benefits.

* **Placement of every alien who is permitted to remain in the country on a temporary or permanent basis (whether by legislation, court order, or administrative order) in one of the designated categories.** The categories should reflect whether an alien has been affirmatively admitted to the United States, is awaiting a final decision on deportability, or has already been determined deportable and is awaiting removal.

Impact on States and Localities

Difficulties in enforcing U.S. immigration laws have created fiscal impacts that would not have occurred had enforcement strategies been more effective. The ineffective enforcement has been due, in some measure, to a lack of political will on the part of decisionmakers, including officials and representatives of states now heavily affected by illegal immigration. Nevertheless, the federal government clearly bears a responsibility for alleviating these impacts, particularly through renewed efforts to reduce unlawful immigration.

The Commission supports in principle a short-term authorization of impact aid to offset at least a portion of the fiscal burdens of unlawful immigration until such time as better enforcement measures are in place. Any such aid should be provided contingent on the following conditions:

* **Better data and methods to measure the net fiscal impact of illegal immigration**. The Commission finds that weak data make it difficult to determine the extent of these burdens. The authorization of impact aid should follow a concerted effort to develop better data on such impacts, with impact assistance provided only to the extent that actual net costs are accurately identified.

* **Provision of any impact aid authorized in a manner commensurate with the interim period of regaining control over unauthorized immigration.** Impact aid mechanisms should be temporary and designed to ensure that governments do not become dependent on impact aid as a continuing source of funding.

* **Appropriate cooperation of state and local governments receiving impact aid with federal authorities** to enforce the immigration laws of the United States. The type of cooperation will vary depending on the assistance programs covered by impact aid and should be consistent with the federal laws and regulations that apply to the program in question. For example, law enforcement officers may be asked to provide information to identify convicted or arrested illegal aliens, whereas school officials would not be required to transfer information obtained from their pupils.

The Commission supports an immediate authorization of impact aid aimed specifically at criminal justice costs. The Commission believes impact assistance for criminal justice and law enforcement is justified where there is a high incidence of illegal aliens in the criminal justice system. Specific costs attributable to the incarceration of illegal aliens can be reliably ascertained if state correctional departments cooperate with INS in identifying deportable illegal aliens in prisons. The federal government should assume responsibility for the costs of incarcerating illegal aliens through reimbursement, by incarcerating them in federal facilities, and/or by negotiating with foreign governments to accept and incarcerate their nationals who are criminal illegal aliens.

The Commission recommends further investigation of the costs of education and emergency medical assistance. The data currently available do not provide reliable estimates of the number of illegal alien children and the proportion of emergency medical assistance specifically associated with illegal aliens. While the Commission accepts in principle the need for enhanced federal funding to assist localities with the costs of providing elementary and secondary education to illegal alien children and of emergency medical care under Medicaid to illegal aliens, the Commission does not recommend that such a program be instituted until there is a workable method for accurately establishing actual costs.

Detention and Removal of Criminal Aliens

An effective procedure for prompt removal of aliens ordered deported is an essential part of a credible deterrence policy. If unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally. The Commission is reviewing the full range of issues raised by U.S. exclusion and deportation procedures and plans to issue a separate report on this subject in FY 1995. For the present, the Commission limits its specific recommendations to the removal of criminal aliens who represent the most serious threat to public safety and national security.

The top priority of enforcement strategies should be the removal of criminal aliens from the U.S. in such a way that the potential for their return to the U.S. will be minimized. To help ensure the prompt and effective removal of criminal aliens, the Commission recommends:

* **Increased resources for INS investigations** to identify and initiate deportation of criminal aliens.

* **Enhanced use of the Institutional Hearing Program [IHP] as an effective mechanism to ensure that criminal aliens are identified and receive final orders of deportation while still serving their sentences.** The IHP is cost-effective in that criminal aliens can be deported directly from state and federal prisons, alleviating INS' need to detain them during deportation proceedings. The Commission commends the negotiations taking place between INS, the Executive Office of Immigration Review [EOIR], and state correctional departments to enhance their efficiency.

* **In the case of Mexico, repatriation of deported criminal aliens to the area of Mexico from which they came, rather than simply to the border.** Removals should be done in coordination with Mexican authorities who may then determine if there is a warrant for the arrest of the criminal alien for crimes committed in Mexico.

* **Use of bilateral treaties encouraging the transfer of criminal aliens to serve sentences in their own countries.** The Department of State should monitor these cases to be certain that sentences are served.

Immigration Emergencies

Since 1980, emergency circumstances in their home countries have prompted the migration of large numbers of people to the U.S. Their arrival, in turn, has created emergency circumstances within the United States. The exodus of Haitians and Cubans are only the most

recent examples. An emergency can overwhelm resources and create

massive problems that far outlast the emergency.

The Commission believes that a credible immigration policy requires the ability to respond effectively and humanely to immigration emergencies. Specific recommendations regarding emergencies will be the subject of a separate report in FY 1995 that will include discussion of contingency planning, interdiction, safe havens, refugee processing, asylum procedures, temporary protected status, aid to communities experiencing emergency arrivals of aliens, and other issues.

Curtailing Unlawful Immigration at the Source

Migrants enter and remain unlawfully in the United States for a variety of reasons. Few migrants take the decision to leave their countries lightly. Generally, a combination of "push" and "pull" factors contribute to these movements. Many of the recommendations in this report aim to reduce the pull of both jobs and of ineffective immigration enforcement. On the push side, lack of employment, low wages and poor working conditions, separation from family members, political, social and religious repression, civil conflict, and other problems motivate people to leave their homes. Any effective strategy to prevent unlawful migration must address these causes.

The Commission recommends that the United States give priority in its foreign policy and international economic policy to long-term reduction in the causes of unauthorized migration to the U.S. More specifically, the Commission supports:

* **The recommendations of the Commission for the Study of International Migration and Cooperative Economic Development related to trade with, and investment in, immigrant-sending countries.**

* **Adoption of quick and effective strategies targeted at alleviating migration pressures in communities producing large numbers of illegal aliens.**

* **Strengthening intelligence gathering capacities to improve early warning of unauthorized migration patterns.**

* **Coordinated efforts by the United States and other countries to address pressures for unlawful migration.** The Commission recommends a strengthening of those multilateral coordination efforts that prove effective in averting unauthorized migration, particularly within the Western Hemisphere.

Improving Data

Throughout the Commission's own inquiry, we have found it difficult to assess the effects of immigration policy and of immigration itself because of inadequacies in the data. The Commission commends the work of the InterAgency Working Group on Immigration Statistics that is seeking to reform data collection efforts within the federal government. Reliable data is a necessary ingredient for credible policy and its implementation.

***The Commission supports improved data collection efforts in four major areas*:**

* **Matching administrative data** on immigrants collected by the INS, Social Security Administration, and other agencies to obtain a more accurate profile of their experiences in this country;

* **Developing a methodology for better measuring the size of the illegal alien population and the flow of illegal aliens entering the United States;**

* **Developing new methods for estimating emigration** from the United States; and

* **Improving the estimates of the costs and benefits** associated with people of different immigration status.

THE IMMIGRATION ACT OF 1990 AND LEGAL IMMIGRATION

The Immigration Act of 1990 [IMMACT], which provided for the most comprehensive change in the legal immigration system since 1965, aimed to:

* Establish overall limits on legal immigration through adoption of a flexible cap on total numbers;

* Permit continued reunification of close family members (allowing increases above the cap if higher numbers of immediate relatives of U.S. citizens seek entry);

* Meet labor market needs by

increasing the number of immigrants admitted for employment-based reasons and giving higher priority to the entry of professionals and others who are highly skilled; and

* Provide greater diversity through new opportunities for migration from countries with relatively small numbers of immigrants to the United States.

IMMACT Effects on Migration

The principal provisions of IMMACT were not implemented until 1992, and with only two years worth of data, there is little experience to use in determining its effects. The Diversity Program will not go into effect until FY 1995. The following analysis, therefore, must be considered preliminary at best.

As Table 1 shows, overall levels of legal immigration increased from an average of 640,000 during the five years preceding IMMACT implementation to an average 840,000 for the past three years. The immigrants fall into two major categories: those whose numbers are subject to an annual statutory cap and those whose numerical limits can change each year.

Statutory Cap

IMMACT established a flexible worldwide level of 700,000 family-based, employment-based, and diversity

immigration visas for FYs 1992-1994. This limit can be "pierced" if the number of immediate relatives of U.S. citizens, for whom there are no numerical limits, exceeds 239,000 (FYs 1992-1994) and 254,000 (FY 1995 and after).

* **Family-sponsored immigration** increased modestly since passage of IMMACT, largely because of an increase in the number of immediate relatives of U.S. citizens. Waiting lists that number more than one million persons continue in the categories under which spouses and minor children of permanent residents and siblings of U.S. citizens enter the United States. Much of the growth in the backlog for spouses and children is attributable to the large number of legalized aliens who are now seeking to reunify with their families.

* **Employment-based immigration** represents a sizeable increase over the 58,000 average employment-based immigration pre-IMMACT. Nevertheless, employment-related admissions under the new legislation have been well below the statutory ceiling of 140,000. Many of those who entered, particularly in 1992, were in the backlog of individuals who had applied prior to IMMACT. In addition, Chinese nationals who adjusted status under the provisions of the Chinese Student Protection Act were counted in this category. The economic recession may have led employers to petition for fewer immigrant workers than allowable under the IMMACT ceilings.

* **Diversity immigration** has not yet begun in its permanent form. The diversity transition program averaged 34,000 in FY 1992-93. As of FY 1995, 55,000 visa numbers will be available for the permanent diversity program.

Immigrants outside the Statutory Cap

The number of immigrants considered in the categories outside the statutory cap varies each year, largely depending on the number of refugees admitted in prior years who adjust to permanent resident status. Refugees are initially admitted under conditional status and may adjust to permanent resident status after one year. Because of the increase in refugee admissions from the former Soviet Union that began in 1988, the 1990s have seen an increase in refugee adjustments.

Characteristics of Legal Immigrants

INS maintains data on the countries of origin, age, gender, occupation, and place of intended residence of new immigrants.

* **Places of origin.** IMMACT has not changed the regional origins of immigrants significantly. Asia accounts for more than 40 percent of new admissions, while North America, including Mexico, accounts for another 30 percent. Mexico appears to have almost doubled its number of new arrivals since IMMACT passed, largely because of the legalization dependents program and the elimination of per-country limits for some second preference family visas.

* **Age and gender**. The median age of immigrants admitted in FYs 1992 and 1993 was 28. About 54 percent of the immigrants were female and 46 percent were male. By contrast, during the 1980s, men and women were equally represented. The trend toward more women admitted as legal immigrants began prior to IMMACT. It is likely to be reinforced by the entry of the family members of aliens legalized under IRCA. Very high proportions of young adult legalized aliens were men, many of whom have already petitioned for their wives.

* **Intended residence.** Immigration follows much the same pattern as in the 1980s regarding intended residence. Approximately 70 percent of the immigrants intend to live in the six states of California, New York, Texas, Florida, New Jersey, and Illinois. More than 25 percent of immigrants intend to live either in New York City or Los Angeles. Other metropolitan areas with significant immigrant arrivals are Chicago, Miami, Washington, D.C., and San Francisco.

* **Occupation**. Among those who reported an occupation, the percentage of immigrants of working age who were professionals or executives increased slightly from 15 percent in the two years before IMMACT to 17 percent in fiscal years 1992 and 1993. Every other occupation group declined, except for operators, fabricators, and laborers, which increased from 9.2 to 9.7 percent.

Looking to the Future

Much has changed in the U.S. and the world since passage of IMMACT--for example, the end of the Cold War, cutbacks in many defense industries, and such new trade arrangements as NAFTA and the most recent round of GATT. Commission recommendations must take into account this changing context, along with the changes brought about by IMMACT.

Future Commission activities will include:

* Exercising the Commission's mandate to assess the impact which the establishment of a national level of immigration has upon the availability and priority of family preference visas.

* Developing an understanding of both the long- and short-term interconnections between immigration and the U.S. economy and labor market with an eye toward formulating sound immigration policy.

* Examining the effects of our immigrant population on social and community relations, as well as the effects of American life on immigrants. A further area of interest is the civic integration of immigrants, including participation in local, state, and national political affairs, development of political constituencies, and other manifestations of civic involvement.

* Looking at data and analyses regarding population pursuant to IMMACT's instruction to determine and report on the effects of immigration on demographics and natural resources.

* Analyzing and reporting on the relationship between immigration and the environment as mandated by IMMACT.

* Examining the interconnections between U.S. immigration and international trade and foreign policy.

Plans for FY 1995--FY 1997

The Commission will launch a new research program to gauge the effects of IMMACT upon the size and characteristics of the incoming immigrant population and to evaluate the impacts that legal immigration poses for family reunification, the U.S. economy, social relations, demographics, the environment, foreign policy, and national security.

The Commission will also develop further recommendations to address two of the issues touched on in this report--removal of deportable aliens and handling of immigration emergencies.

The Commission plans to continue its schedule of public hearings, roundtable consultations and fact-finding missions. The Commission's assessments will be discussed and recommendations offered in future reports.

U.S. COMMISSION ON IMMIGRATION REFORM

ACTIVITIES

COMMISSION RESEARCH PAPERS

[redacted]

SORT BY TITLE | SORT BY AUTHOR

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U.S. COMMISSION ON IMMIGRATION REFORM

Last updated on April 20, 1998

RESEARCH PAPER

Averting Immigration Emergencies

Kathryn C. Lawler

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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RESEARCH
PAPER

Averting Immigration Emergencies

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REFUGEE POLICY GROUP
FEBRUARY, 1994

U.S. COMMISSION ON IMMIGRATION REFORM

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INTRODUCTION

In recent years the international community, as well as individual governments, have placed growing emphasis on preventing the movement of people across international borders. This trend is in part a response to new, post-Cold War opportunities to address the political, economic, and environmental problems—often referred to as "root causes"—that potentially could result in large-scale movements of people. The United Nations' efforts to find a political settlement to the conflicts in the former Yugoslavia and Somalia and to provide in-country assistance and protection to victims of those crises are examples of this new emphasis on prevention. In a November 1992 speech before the U.N. General Assembly, Mrs. Sadako Ogata, the U.N. High Commissioner for Refugees, explained that her agency's preventive activities "have taken the form of enhancing legal norms through extending technical advice, training, information and institution building, particularly in countries confronted by actual or potential refugee problems." (Ogata 1992)

Coinciding with these efforts to resolve the root causes of population displacement is a trend toward increasingly restrictive asylum policies in a number of countries. Political and economic pressures in the United States and Germany, for example, have led to proposed legislative and procedural changes aimed at deterring immigration. This restrictionism is also fueled by a perception that these countries are becoming overwhelmed by influxes of asylum seekers. The U.N. General Assembly's 47th Session acknowledged the rise in "persistent problems in countries or regions seriously jeopardizing the security or well-being of refugees, including incidents of refoulement, expulsion, physical attack, and detention under unacceptable conditions," and it called upon member states "to take all measures necessary to ensure respect for the principles of refugee protection."

In some cases, efforts to avert mass migration are motivated by concern that the influx of migrants to an area could overwhelm local services. Even if the migrants are of humanitarian concern, a government may decide that a humanitarian crisis could ensue if receiving communities do not have the capacity to provide migrants with such basic necessities as food, housing, and medical services. In such situations, a favorable—yet often difficult to achieve—alternative is to distribute the burden of receiving the migrants among a number of countries.

When migration emergencies are the result of political repression, a subset of the

population involved may qualify as refugees and their rights to seek asylum and not to be returned forcibly to a country where they face persecution should be protected. At the same time, many of those involved in immigration emergencies are fleeing from difficult economic conditions but have no claim to asylum. Overly generous immigration policies could leave industrialized countries open to unmanageable influxes of people seeking immigration and economic opportunities. Therefore, one of the key issues at hand for the United States in seeking to respond effectively to migration emergencies is to strike an appropriate balance between protecting the rights of refugees and maintaining reasonable control over its borders.

In June of 1980, when faced with mass migration from Cuba and Haiti, Victor Palmieri, the U.S. Coordinator for Refugees at that time, noted the difficulty of making refugee determinations in the face of a large-scale immigration emergency:

> The Refugee Act of 1980 did not contemplate the kind of situation we face now, with a sudden massive influx, without overseas processing and valid documentation. The procedures for dealing with asylum seekers in this country require lengthy examinations on a case-by-case basis that would leave many arrivals in limbo status for long periods, without eligibility for federally funded assistance.

At the same time, he noted, "we cannot stand by in silent witness to the unsafe and uncontrolled exodus" from Cuba (Palmieri 1980).

Fourteen years later, the United States continues to struggle with the challenge of planning for and responding to immigration emergencies in ways that treat migrants humanely and respect the rights of refugees without exceeding the country's capacity to absorb new immigrants. Over the past two decades, the United States has had to respond to a number of immigration emergencies, most notably from Haiti, Cuba, Central America, Eastern Europe, and Indochina. This briefing paper provides background information on the spectrum of options the United States has available to avert immigration emergencies. These options range from responding to the early warnings of an emergency before displacement occurs to redirecting the flow once people leave.

EARLY WARNING AND PREVENTION

Early warnings of large-scale movements of people allow advance time to plan an appropriate response, whether it be alleviating the problems causing the displacement or mounting a humanitarian response for those who choose to flee. The response to early warnings should be determined in a comprehensive framework that takes into consideration conditions in the sending and receiving countries, as well as the situation of those at risk of becoming displaced. In some situations the need for people to flee across international borders can be prevented if the economic and political problems triggering their flight are identified at an early stage and reported to international or local institutions that can resolve them. Early warning depends upon the systematic collection and analysis of field observations in areas of potential displacement. Early warnings of impending population displacements can be detected in such precipitating factors as political instability, human rights violations, or the outbreak of conflict. The response to early warning information depends largely upon the amount of time between the detection of signals and the potential or actual displacement. If detected early enough, these warnings in some cases can lead to prevention. If identified too late to avoid the displacement, they can allow for contingency planning and a more adequate and timely response to the outflow.

When a crisis breaks out and the threat of large-scale displacement is imminent, efforts can be made to provide adequate assistance and protection within the country to avoid the need for people to cross an international border. The growing emphasis that the U.N. High Commissioner for Refugees has placed on internally displaced persons in recent years is aimed at preventing international displacement. On October 4, 1993, the High Commissioner stated: "UNHCR is prepared . . . to intervene on behalf of the internally displaced when our involvement could have a preventive impact on refugee problems. For example, we could provide protection or assistance to displaced people who might otherwise feel compelled to cross the border to become refugees."

One of the most difficult challenges of assisting and protecting people within their countries is gaining access to them. Governments sometimes obstruct relief efforts by outside parties by saying that these activities infringe upon their sovereignty. This is particularly true in situa-

tions where the governments do not want outsiders to interfere with their domestic policies. A major turning point in the international community's ability to gain humanitarian access to persons at risk within their own national borders was U.N. Security Council Resolution 688 (1991) which allowed the Allied Coalition to go into northern Iraq to provide assistance and protection to persons displaced by the civil war in that country.

In addition to the humanitarian intervention in northern Iraq, other innovative approaches have been taken in recent years to provide assistance and protection within countries in the midst of war so that people do not need to flee. In Sri Lanka, for example, the UNHCR has set up Open Relief Centers [ORCs] where people affected by the conflict can obtain essential relief assistance in a safe environment until conditions stabilize.

In Somalia, "preventive zones" were planned to protect displaced victims of civil conflict. Assistance in the form of food, seeds, agricultural equipment, and livestock are brought across the border from Kenya into designated zones in Somalia. The objectives of this program are to improve the living conditions of those remaining in the preventive zones, to deliver essential supplies to people at risk of becoming displaced, and to encourage the return of Somali refugees in Kenya.

The special provisions contained in the Immigration Act of 1990 [IMMACT] for residents of Hong Kong are an example of preventive measures taken far in advance of a potential immigration emergency. Anticipating a possible mass exodus when Hong Kong is incorporated into the People's Republic of China [PRC] in 1997, IMMACT includes provisions aimed at regulating the admission of residents of Hong Kong who may want to immigrate legally to the United States over the next twenty years.

INTERNATIONALIZING IMMIGRATION EMERGENCIES

When an immigration emergency cannot be prevented by resolving the problems causing displacement, strategies must be found that put the least strain on the countries trying to respond to the exodus. The United States' experience with large scale immigration emergencies during the past two decades testifies to the tremendous challenge of providing a humane response that does not exceed the country's capacity to receive immigrants. Ideally the burden of responding to an immigration

emergency should be distributed among a number of countries. Such an arrangement often requires skillful diplomacy and a commitment on the part of governments to the principle of burden-sharing.

International Response to the Indochinese Migration Crisis 1979-1989

The 1975 victories of communist forces in Vietnam, Cambodia, and Laos led to a migration crisis of such urgency and magnitude that in July 1979, the U.N. Secretary-General convened an international conference attended by sixty-five governments to formulate an international emergency response. Neighboring countries agreed to allow temporary refuge to Indochinese asylum seekers, the UNHCR committed resources for their care and maintenance, and third countries pledged to resettle refugees.

While this system was effective in alleviating some of the pressure on neighboring countries, by 1989 such factors as continuing arrivals, high birth rates in the camps, and a decline in admissions to third countries led to considerable concern in the countries of first asylum. Therefore, in June 1989, the Secretary-General convened a second conference, the International Conference on Indo-chinese Refugees. The seventy-four governments that attended the conference adopted the Comprehensive Plan of Action [CPA] that called for: controls on clandestine boat departures from Vietnam; an expanded Orderly Departure Program for legal exit from Vietnam; guarantees of safe arrival and humane treatment for Vietnamese and Laotian asylum seekers by neighboring countries; a region-wide refugee status determination process; continued resettlement abroad; and the eventual return of nonrefugees to their countries of origin (Knowles 1989).

As of August 31, 1993, there were approximately 110,000 Indochinese in UNHCR camps throughout Southeast Asia; 742,000 Vietnamese, 235,000 Cambodians, and 300,000 Laotians had been resettled. Through the CPA approximately 46,000 Vietnamese, 23,000 Cambodians and 14,000 Laotians had repatriated. The CPA is an example of how the international community, working with the countries of a region, can collaborate to distribute the burden of responding to an migration emergency.

Unsuccessful Attempts to Internationalize the Haitian Migration Crisis, 1991-1994

The immigration emergencies from Cuba and Haiti in the past two decades have been viewed by other nations almost exclusively as an United States problem. Efforts to internationalize the migration aspect of the crisis in Haiti since the overthrow of President Aristide demonstrate the tremendous challenge of brokering an international program of burden-sharing. At a meeting held at the Organization of American States [OAS] headquarters in Washington on November 19, 1991, the UNHCR asked Caribbean states to take screened-out Haitians. Venezuela took 100, Suriname 60, and Honduras 250. Without success, the United States also searched for alternative sites for temporary camps in Jamaica, the Bahamas, the Turks and Caicos Islands, and the Dominican Republic. One senior Administration official stated that other countries would not share in the burden without an economic incentive, "Nobody is going to take them off our hands without getting something in return."

With prospects for a political settlement to the Haitian stalemate looking increasingly grim in 1993, the UNHCR renewed its efforts to find an international solution to the plight of those wanting to flee Haiti. UNHCR offered to establish one or more regional processing centers for Haitians in the Caribbean. Modelled on the Comprehensive Plan of Action, this would permit UNHCR to screen Haitians for a fear of persecution in accordance with international standards. Those who were screened in would be resettled, those who were screened out would be given temporary safe haven at the center or elsewhere in the region.

INTERDICTION

In situations where people are fleeing by boat, interdiction allows the U.S. to control the movement of migrants before they reach U.S. shores. In the past twelve years, the United States' policy of interdiction, whereby the Coast Guard intercepts boats on the high seas, has affected nationals from China, Cuba, the Dominican Republic, and Haiti. Between 1981 and 1993, the U.S. Coast Guard interdicted 3,188 Chinese, 7,142 Cubans, 5,256 Dominicans, and 66,122 Haitians. Upon interdicting migrants, the U.S. can (1) bring them to the United States, (2) return them to their country of origin, or (3) bring them to a third location for temporary protection. The fate of those interdicted has

varied depending largely on the country that they have left. The clearest example of this differential treatment is the contrast between the reception of interdicted Haitians and Cubans. Haitians are returned directly to Haiti. Most Cubans are brought to the U.S. and given automatic parole.

As the United States' interdiction policy was first established in response to the threat of massive numbers of Haitians arriving in the United States and continued to evolve as such, this section focuses primarily on the interdiction of Haitians.

History of Interdiction

One of the only early recorded incidents of interdiction was of the *St. Louis* in 1939. The *St. Louis* carried 1,128 German Jews who went to several points in the Western hemisphere, including the United States, seeking asylum. As the ship approached the United States, a Coast Guard cutter patrolled the waters off the Florida coast to prevent any passengers from attempting to come ashore. The passengers wired a plea for admission to President Roosevelt who did not respond. The State Department decided that no one without a visa would be allowed to enter the U.S. As no one on board had a visa, the *St. Louis* returned to Europe where some of its passengers were killed by Hitler (Zucker & Zucker 1987).

In part because of the experience in Nazi Germany during the Holocaust, U.S. policy regarding refugees shifted in the years following World War II. A number of special laws established programs permitting the entry of displaced persons, Hungarians, Cubans, and Indochinese. In 1980, after four decades of *ad hoc* arrangements, the Refugee Act of 1980, which adopted the U.N. definition of refugees and a process for the orderly admission of refugees from abroad, was passed. The law also contained a brief reference to asylum in the United States, a provision tested soon after the law's passage by the Mariel boatlift of Cubans. At the same time, advocates of asylum for Haitians urged that their cases be reviewed under the new legal framework and that Haitians be granted the same special status given to the Cubans. Toward the end of 1980, the flow of Cubans had all but stopped. Haitians continued to arrive by boat, however.

On September 23, 1981, through an exchange of letters between the U.S. government and the Haitian government of President Duvalier, the two countries agreed to the "establishment of a cooperative program of interdiction and selective return to Haiti of certain Haitian

migrants and vessels involved in illegal transport of persons coming from Haiti."[1] On September 29, 1981, President Reagan issued an executive order expressing concern for the "continuing problem of migrants coming to the United States, by sea, without necessary entry documents . . ." and stating that the Secretary of State "shall undertake to enter into, on behalf of the United States, cooperative arrangements with appropriate foreign governments for the purpose of preventing illegal migration to the United States by sea" (Reagan 1981a).

The interdiction agreement stated that the United States "does not intend to return to Haiti any Haitian migrants whom United States authorities determine to qualify for refugee status." Therefore, during the period from 1981 to 1991, interdicted Haitians were brought on board Coast Guard cutters and interviewed by INS officials to determine whether or not they had "a credible fear" of persecution. The "credible fear" standard is more lenient than the "well-founded fear" standard that must be met to qualify for political asylum. According to one INS officer, a more generous standard on the cutters was used as a procedural safeguard to compensate for the difficult conditions under which the applicants were presenting their claims. Of the 24,600 Haitians screened on the cutters during that period, only 28 were allowed to enter the United States to seek asylum (US GAO 1992). Those who did not meet the "credible fear" standard were returned to Haiti.

Following the September 30, 1991 coup that overthrew President Aristide, the number of Haitians fleeing by boat exceeded the capacity of the Coast Guard cutters to accommodate them during the screening process. In November 1991, the U.S. government established an emergency camp at the U.S. naval base on Guantanamo Bay, Cuba, where the INS screened Haitians with the "credible fear" standard that had been used on the cutters since 1981. (A fuller discussion of the reception of Haitians on Guantanamo is provided below.)

On January 19, 1978, the National Security Council issued a Presidential Directive [P.D. 27] calling for interagency discussion and decisionmaking when nonmilitary incidents that could adversely affect foreign relations occur. In the case of interdiction, when a Coast Guard ship interdicts a vessel carrying undocumented migrants, the passengers are held until an interagency decision is made on how to handle the case. The Coast Guard initiates the interagency call, recommending to the other agencies the action that it believes to be appropriate. The discus-

sion involves the Coast Guard, State Department, Justice Department, and, at times, the National Security Council. In arriving upon an interagency decision, the various agencies weigh in with their respective operational, legal, and diplomatic concerns. P.D. 27 is not invoked in the case of interdicted Haitians as that policy is based on the 1981 agreement between the two countries and the foreign policy implications, therefore, do not need to be assessed case-by-case. As the U.S. does not have such an agreement with any other country, the interdiction of nationals of any other country is, therefore, implemented according to P.D. 27.

A major turning point in the U.S. interdiction policy was the May 24, 1992 Executive Order issued by President Bush that revoked the 1981 Executive Order and replaced it with expanded authority to "suspend the entry of aliens coming by sea to the United States without necessary documentation . . ." and "to repatriate aliens interdicted beyond the territorial sea of the United States." A controversial aspect of the implementation of this order is that Haitians no longer were given the opportunity to present their claim to asylum as they had been in the previous eleven years. Instead, those interdicted were returned directly to Haiti. Despite campaign promises to end interdiction, which he characterized as a "callous response to a terrible human tragedy," on January 14, 1993 President-elect Clinton announced that he would continue the policy on a temporary basis. Far from moving away from Bush's interdiction policy, the Clinton Administration has reinforced it with additional ships and resources. In January 1993, the U.S. increased the presence of U.S. Coast Guard cutters, Navy ships, and helicopters to blockade the island and prevent refugee flight (National Coalition 1993). Under Operation Able Manner, as the blockade is named, the Coast Guard deployed as many as twenty-two vessels at one time to surround Haiti and contain anyone trying to leave.

While interdiction has affected Haitians more than any other group, it is increasingly being used to control the movement of other groups of migrants. On July 6, 1993, the Coast Guard intercepted three ships in international waters southwest of San Diego. The vessels were carrying 658 Chinese emigrants. This incident came in the wake of heightened public outcry over alien smuggling, precipitated by the June arrival of the Golden Venture, a ship carrying 300 Chinese immigrants who had paid to be smuggled into the United

States. When the ships arrived off the coast of California, the U.S. asked Mexico to accept the U.S.-bound Chinese for processing. Vice President Gore described this action as a "no nonsense response to this wave of criminal smuggling of illegal immigrants into the US. They will be given careful attention under the law, and those who do not have legitimate requests, and historically that has been the vast majority in these cases, will be returned directly to China." Mexico eventually agreed to accept the Chinese for processing and most of them were returned to China within a week.

Justification and Legality of Interdiction

The U.S. government traditionally has justified interdiction by emphasizing that it is aimed at curbing illegal immigration. In a proclamation issued on the same day as his 1981 executive order on interdiction, President Reagan stated that:

> . . . the ongoing migration of persons to the United States in violation of our laws is a serious national problem detrimental to the interests of the United States. A particularly difficult aspect of the problem is the continuing illegal migration by sea of large numbers of undocumented aliens into the southeastern United States. These arrivals have severely strained the law enforcement resources of the Immigration and Naturalization Service and have threatened the welfare and safety of communities in that region (Reagan 1981b).

The U.S. government also has interdicted Haitians out of concern for the safety of migrants risking their lives in boats. In announcing his decision to continue the interdiction policy in 1993, President Clinton stated that "boat departures will result in further tragic losses of life" (Clinton 1993). The Coast Guard also has noted the danger involved in fleeing Haiti by boat. One Coast Guard lieutenant commander explained that the Caribbean waters are unpredictable and that it is "common to have beautiful sunny weather when you leave and a short distance away localized heavy thunderstorms with forty-mile-per-hour winds and fifteen-foot seas." He explained that many of the Haitians fleeing are from rural areas and have no nautical experience. "They are crammed in horrible conditions with inadequate food, water, and sanitation." In the late 1980s, another Coast Guard official reported that "50 percent of the sail-

boats departing from Haiti never land, capsizing or foundering with total loss of life" (*Refugee Reports* 1987). The U.S. government's concern for the safety of those fleeing Haiti by boat is, therefore, clearly not unfounded.

An internal UNHCR memorandum of October 29, 1981 documents the agency's early concern about interdiction by noting that "whether or not the measures [interdiction] can be challenged from a legal point of view is not certain. The newly introduced interdiction measures, of course, deprive asylum seekers of access to counsel and of the appeal possibilities which they would have had they entered the USA . . . the new interdiction measures could certainly constitute an undesirable precedent for other areas of the world" (Shawcross 19??).

After months of lower court battles over interdiction and forced return, on June 21, 1993, the policy was upheld by the Supreme Court. The eight-to-one decision concluded that the policy was legal under U.S. immigration law and that it did not renege on the U.S.'s obligations as a signatory to the 1967 U.N. Protocol Relating to the Status of Refugees. One of the central points raised by the plaintiff was that the interdiction policy violated Article 33 of the 1951 Refugee Convention and its 1967 Protocol, which states, "No Contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group, or political opinion."

The majority held that protections against forced repatriation of refugees apply "only to aliens who reside in or have arrived at the border of the United States." It, therefore, did not apply when the Coast Guard interdicted vessels outside of U.S. territorial waters. The majority also noted, however, that while repatriation did not violate the letter of the law, it may violate its spirit: "the drafters of the Convention . . . may not have contemplated that any nation would gather fleeing refugees and return them to the one country they had desperately sought to escape."

The lone dissenter, Justice Harry Blackmun argued that:

> . . . the refugees attempting to escape from Haiti do not claim a right of admission to this country. They do not even argue that the Government has no right to intercept their boats. They demand only that the United States, land of refugees and guardian of freedom, cease forcibly driving them

> back to detention, abuse and death. That is a modest plea, vindicated by the Treaty and the statute. We should not close our ears to it.

In response to the decision the UNHCR stated that "This decision is contrary to the views of UNHCR's Executive Committee that refugees should not be refused entry to a country where they are seeking asylum, and that asylum seekers rescued at sea should always be admitted, at least on a temporary basis. . . . UNHCR considers the Court's decision a setback to modern international refugee law" (UNHCR 1993).

IN-COUNTRY PROCESSING

Like interdiction, in-country processing aims to avert a potential immigration crisis by directing the flow of migrants before they reach U.S. shores. In-country processing is similar to overseas resettlement processing in that both of these programs determine whether or not a person is a refugee before he or she enters the United States. This differs from the affirmative asylum process that makes such a determination after a person is already in the United States. Admissions through both in-country and overseas refugee processing fall under the refugee ceilings set annually by Congress in consultation with the Administration. The principal difference between in-country processing and the resettlement program is that in the former, applicants are still within the country where they fear persecution, whereas in the latter, they have already reached the safety of a first country of asylum. The United States has in-country refugee processing programs in the former Soviet Union, Cuba, Vietnam, and Haiti. It also has participated in in-country processing programs run by the International Organization of Migration [IOM] in Chile, Argentina, Nicaragua, El Salvador, and Bolivia.

Critics of in-country processing point out that the people most in fear are the very ones who likely would be too afraid to come forward with a persecution claim. People in fear might mistrust an in-country processing program's intentions, fearing that it could be a device for identifying subversives. After exposing themselves, applicants have no guarantee of escaping from the country. Proponents of in-country processing argue that it allows for the humane and orderly departure of legitimate refugees. They also point out that it avoids the arrival of large numbers of asylum seekers in the United States

where, due to backlogged and protracted asylum procedures, they can remain for years without ever having established their claim to asylum.

Orderly Departure Program for Vietnam

The April 1975 collapse of the Republic of Vietnam uprooted thousands of people. By the end of the 1970s, thousands of Vietnamese boat people were journeying across the South China Sea to find refuge in squalid camps throughout Southeast Asia. It will never be known how many perished at sea during their attempts to escape. It became clear that an alternative to the dangerous and uncontrolled flight of Vietnamese boat people had to be found. The United States worked with the UNHCR—and through the UNHCR with the Government of Vietnam—to establish a ore ordered, legal means of departure. The resulting U.S. Orderly Departure Program [ODP] began operations in December 198-0 (Migration and Refugee Services 1986; aynes 1992). Those wishing to participate in the program first needed to obtain an it permit from the Vietnamese Minist y of Internal Affairs. Applicants w uld then be transported to the U.S. embassy in Bangkok where U.S. consular officers would make the determination as to whether or not to issue a U.S. entry visa.

A few months prior to the inception of the ODP, in May 1980, a U.S. presidential determination (No. 80-17) was issued allowing Vietnamese "with past or present ties to the United States" to be considered "refugees of special humanitarian concern to the United States even though they are still within their country of nationality or habitual residence." (The determination also applied to present and former political prisoners and their families in Argentina and Cuba.) The U.S. established criteria for categories of people eligible for the program: Category 1, family members of persons in the U.S. not currently eligible for immigrant visas; Category 2, former employees of the U.S. government; and Category 3, other persons closely associated or identified with the U.S. presence in Vietnam prior to 1975. Amerasians and their immediate family members fell under this third category. By the end of 1992, more than 300,000 Vietnamese had departed for the United States via the ODP. This included 161,400 family reunification cases, 81,500 Amerasians and their relatives, 61,500 former political prisoners and their families (US Committee for Refugees 1993).

In-Country Processing in Cuba

The U.S.'s in-country processing program in Cuba is based on a 1984 migration agreement between the U.S. and Cuban governments that established procedures for U.S. processing of nonimmigrant and immigrant visas, as well as of refugee applications. Cuba, to show its opposition to Radio Marti, unilaterally suspended the program almost immediately after its inception. The processing program, therefore, did not begin to operate fully until the Cuban suspension was revoked in November 1987. It operates out of the U.S. Interests Section in Havana. Those applying for refugee status must fall into one of the following seven categories: former political prisoners; members of persecuted religious minorities; human rights activists; forced labor conscripts; persons who have lost their professional credentials and are unable to practice their profession because of their political activity; dissidents; or other refugees of compelling concern to the United States.

In-Country Processing in the Former Soviet Union

Under the Lautenberg Amendment to the Foreign Assistance Appropriations Act for FY 1990, selected groups of Indo-chinese and Eastern Europeans with a "credible fear of persecution" can qualify for refugee status. To be eligible for in-country processing in the former Soviet Union, an applicant must fall into one of the categories given special consideration under the Lautenberg Amendment: Soviet Jews; evangelical Christians; members of the Ukrainian Catholics and Ukrainian Orthodox religions. The in-country processing program that the U.S. operates in the former Soviet Union gives priority to those who fall into one of the Lautenberg categories with close family members in the United States. Since the in-country processing program began in 1989, 750,000 preliminary applications have been received. The program has brought approximately 250,000 people to the United States.

In-Country Processing in Haiti

In February 1992, in-country processing began at the consular section of the U.S. embassy in Haiti. The program was established to facilitate the exit of those most likely to face persecution, such as high-ranking officials from the Aristide government, Aristide's bodyguards, and pro-Aristide academics. Since May 1992, when the U.S. government began its policy of interdicting Haitian boats and returning

them directly to Haiti without an opportunity to make a claim to asylum, the in-country processing program has served as the only means by which Haitians can apply for asylum in the United States (unless, they are able to slip through the blockade and arrive on U.S. shores without being interdicted). The critical difference between in-country processing in Haiti and its use in other countries is that, coupled with interdiction, in-country processing in Haiti acts as a deterrent to the immigration emergency that could ensue if departure from the island were unrestricted during this period of political instability. In contrast, the ODP was established under emergency circumstances similar to those in Haiti when thousands of people were risking their lives in boats, but Vietnamese who fled by boat were not turned back because the ODP existed (Frelick 1993).

In October 1992, the IOM, under contract with the State Department, assumed the responsibility of running the in-country processing program from an office outside of the embassy. According to the State Department, one reason for this transfer was that the high security at the embassy did not offer the unintimi- dating atmosphere that would make fearful people feel safe enough to come forward with their refugee claims. An American Immigration Lawyers Association [AILA] delegation that went to Haiti in January 1993, reported that the IOM office was threatening because it is close to the police headquarters and has very intimidating security—applicants must pass through two layers of Haitian guards. The State Department counters that those guards work for the IOM and offer a level of security that is appropriate to the situation.

The in-country processing program operates on a vetting system that determines the level of priority of each application. While the State Department oversees the vetting of applications, the INS makes the final determination as to whether applicants are allowed to go to the United States as refugees. Those determined to have valid claims are admitted to the United States within the refugee ceiling set annually by Congress. Between February 1992 and January 1994, the program's vetting system consisted of three categories. The "A" category was for likely targets of persecution, such as officials in the Aristide government, academics, and journalists. The "C" category was for those who, as one State Department official put it, "want to work in Miami." The "B" category was for those who fell in the middle, such as those who do not appear to fear individual persecution but rather fear generalized violence in their neighborhoods.

In January 1993, the U.S. government resolved to work within Haiti to restore democracy, protect human life, and improve in-country processing. A technical team consisting of representatives from the INS and the State Department, as well Members of Congress, travelled to Haiti to look at ways to improve in-country processing. Their recommendations, which have now been implemented, were:

1. To double the capacity of the in-country processing from 100 to 200 per week (i.e., that IOM would interview enough applicants for the INS to adjudicate 200 per week);

2. To streamline the in-country processing for Category A so that the INS interviews A applicants the very day that they submit their application and they can be fully processed and ready to leave Haiti within seven days;

3. To open regional processing centers in rural areas where people find it difficult to travel to the IOM office in the capital (two such programs were set up in the spring of 1993 in Les Cayes and Cape Haitian and are being run by nongovernmental organizations, World Relief and the U.S. Catholic Conference respectively);

4. To provide additional security to those afraid to go to the processing centers, including IOM hiring of a human rights liaison person to remain in contact with the Haitian human rights community for alerts on cases of people in particular fear or danger;

5. To pass out a preliminary questionnaire to returnees on cutters, and then upon their return, the Refugee Coordinator and his staff go onto the cutters and prioritize the questionnaires, taking those in category A directly to the INS for processing.

The U.S. Government's justification for this program is that it enables legitimate refugees to leave the country without risking their lives in boats. Following a Federal Appeals Court decision in March 1992 to suspend the forced return of Haitians (later overturned by the Supreme Court), one Justice Department official stated, "The Administration remains convinced that in-country processing is the most equitable and humanitarian way to deal with this situation. We are extremely concerned that as a result of today's actions, Haitians may be lured into embarking on dangerous journeys on the high seas in the false hope of reaching the United States" (Washington Post 1992).

The three categories of the vetting system were abolished in January 1994, and they were replaced by a more narrow set of criteria. As of January 31, 1994, to be eligible for in-country processing, a person must fall into one of the following groups: former senior or mid-level members of the Aristide government; close Aristide associates; journalists or educational activists who have experienced significant or persistent persecution; highly visible members of social, political, or development organizations that have experienced persecution or significant harassment by the *de facto* authorities; or others of compelling concern to the U.S. because they are in immediate danger.

Some who criticize the in-country processing program in Haiti hold that in-country processing in itself is not necessarily harmful. It is when it is the only means of protection that it becomes a dangerous tool of containment.

TEMPORARY PROTECTION AT OFFSHORE LOCATIONS

One objective of planning for immigration emergencies is to avoid the economic, political, and social problems that can result when an influx of migrants suddenly arrives, overwhelming the local capacity to absorb them. A middle ground between sending all migrants involved in an immigration emergency back to their country of origin and admitting them all into the United States, is to provide temporary protection and refugee processing at an offshore location. In 1975, the U.S. temporarily housed fleeing Vietnamese on Guam, and at the time of the Mariel boatlift some Cubans were temporarily accommodated in Puerto Rico. The United States' experience of temporarily housing Haitians at the U.S. Naval Base at Guantanamo Bay, Cuba provides insights into how this option may be used in the future.

Within the first few months after the September 1991 coup in Haiti, the Coast Guard cutters being used for INS screening became overwhelmed and an alternative location for conducting the interviews needed to be found. In November 1991, the U.S. government dispatched a military task force to erect an emergency camp at the U.S. Naval Base at Guan-tanamo Bay. Once the Guantanamo site was established, the Coast Guard brought the intercepted Haitians to Guantanamo for screening rather than keeping them on the cutters.

During the course of the next seven months, approximately 12,000 Haitians were picked up by the Coast Guard and brought to Guantanamo. A number of problems developed during this period that led the U.S. government to decide to close the camp in May 1992. First, the U.S. government became concerned that by picking up Haitians at sea and bringing them to Guantanamo, the U.S. was encouraging increasing numbers to flee. One State Department official pointed out that Haitians were beginning to leave Haiti in boats that were not fit to take them to Miami but rather were intended only to take them a few miles off the coast of Haiti where they knew they would be picked up by a Coast Guard ship.

A second problem was that the number of Haitians needing accommodation on Guantanamo soon exceeded the capacity of the facilities that the U.S. had set up to receive them. The Administration explored a number of options to try to alleviate the problem of overcrowding, ranging from expanding the facilities on Guantanamo to accelerating the process of repatriation. The Administration also made diplomatic efforts to persuade other governments to accept some of the overflow. In June 1992, the Administration ultimately decided to close the camp. Between the November 1991 opening of the camp at Guantanamo and its closing, the INS prescreened 36,596 cases there. Approximately 11,000 were screened in and allowed to pursue asylum claims in the United States. With a few exceptions, who were allowed into the U.S. for medical reasons, the remaining screened out Haitians were returned to Haiti.

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RESEARCH
PAPER

U.S. COMMISSION ON IMMIGRATION REFORM
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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

The Challenge of Mass Asylum

Charles B. Keely

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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RESEARCH
PAPER

The Challenge of Mass Asylum

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JANUARY, 1994

U.S. COMMISSION ON IMMIGRATION REFORM

The massive refugee resettlement of Indochinese boat people spurred Congressional action on the Refugee Act of 1980. The Act, however, was rooted in more than the immediate challenge of resettlement resulting from the pledges made by the United States at the Geneva Conference of 1979. The original version of the bill introduced in the Senate by Senator Edward Kennedy of Massachusetts was aimed at addressing the longstanding issue of orderly decision making and Congressional-Executive responsibilities in determining levels of refugee admissions. Federal responsibility for the costs of refugee resettlement in the U.S. were also taken up in detail in House consideration of the bill.

The Refugee Act of 1980 was a major step in codifying the decision-making process about how many refugees to resettle in the U.S. annually and from where they would come. It also spelled out a new framework for federal-state-private voluntary agency cooperation in the reception and settlement process. The implementation of the settlement process has been controversial in many aspects, but the Act provided a working basis to address issues of refugee integration.

The ink was hardly dry on the new law, signed in March of 1980, when the Mariel boat lift crisis began. Mariel was important for many reasons but, for the purposes of this analysis, it was particularly significant as the first experience of the decade (and a searing one, at that) of what was to emerge as the most challenging refugee problem of the 1980s and 1990s for industrial countries, flows of asylum applicants.

The Refugee Act of 1980 had set up a working arrangement to address problems related to choosing refugees from overseas for resettlement in the U.S. Until Mariel, U.S. refugee policy virtually meant how to decide how many and whom, among those given safe haven in countries other than their own, to invite to settle in the United States, as well as whom to allow to come directly to the U.S. as refugees from persecution (as in the case of the former Soviet Union).

The Refugee Act of 1980 solved a past problem but did not address the emerging issue of asylum applications. The Act took some note of asylum, but almost in a passing way. It authorized up to 5,000 persons approved for asylum in a given year to adjust to permanent resident alien status. (The number of asylum applications—some applications include many family members—in 1992 was 103,946.)

The number authorized in the legislation to adjust to immigrant status had no par-

ticular basis, according to recollection of Congressional and Executive staff who worked together on drafting the legislation. It seemed more than sufficient for the trickle of persons who sought asylum, be they defectors of strategic value, prominent athletes and artists, crew members who sought refuge, or others. Others includes those who sought to stay in the United States when, due to their prior political activities, religious beliefs, or ethnicity, political turmoil left them stranded and in danger if they returned to their country. The law took no note of the possibility of acute, mass asylum movements, that is, large numbers coming in a short period with little notice or preparation.

The United States was not alone in facing the challenge of asylum. Other industrial countries, notably in Europe, encountered similar increases in asylum applications in the 1980s. Many of the stronger economies of Western Europe had relied on temporary labor (guest workers in the translation from the German) to help their economies recover from wartime devastation and grow spectacularly in the late 1950s and 1960s. Some hesitations were voiced about the economic wisdom and, especially, the social costs of temporary labor programs. As early as 1968, Switzerland held a referendum about reducing temporary worker reliance due to "over-foreignization."

The oil boycott of 1973 and the subsequent economic downturn found European labor importers ending the practice. Some countries developed programs to encourage the noncitizen labor to return home. Most of these incentive programs, however, were not successful in spurring significant returns. There was reluctance to develop a wholesale deportation policy, due probably to a combination of structural reliance on the "temporary" workers to perform permanent jobs (and so opposition of employers to a wholesale deportation policy) and objections from sectors of the public in these European liberal democracies on equity grounds.

Although the issuance of new work permits virtually halted, in many cases workers in place were permitted to stay and allowed to reunite their families in Europe. Many social problems developed related to citizenship, education, minority group status, employment and training opportunities, housing, and so on. The type and severity of the issues varied by country and the origin of the worker population. Every European country with the remnants of a guest worker program

faced some significant social and political problems related to the sequelae of migrant worker programs.

With the ending of fresh recruitment into the ranks of temporary labor, Europe faced an increase in undocumented or illegal migration. Attempts to reduce or control the level of illegal migration had some, albeit limited, success. In the 1980s asylum seeking became an alternate to illegal migration, which itself had developed as a substitute for temporary labor programs.

Note that the cycle of events in Europe gives support to the hypothesis that, given supply of and effective demand for labor, change in policy to restrict one migration channel will result in pressure for other modes of entry. Ending temporary worker recruitment after 1973 led to increased illegal migration. Crackdowns on illegal migration, including fines for hiring illegal migrants, led to pressure on the asylum system as a means of entry for those who in large part are labor migrants. The logic would lead to the prediction that the current attempts to restrict access to asylum procedures by manifestly unfounded applicants will result in a new round of increased illegal migration in Europe.

Most Western European countries are signatories to the Geneva Convention of 1951 on the status of refugees and the 1967 New York Protocol that removed the temporal and geographic referents in the refugee definition of the 1951 Convention. Western European countries have asylum adjudication systems and a strong commitment to asylum, in no small part in reaction to Nazi-era experiences. The commitment to asylum, like that in the United States to refugee resettlement, primarily was expressed in reception from Communist countries in the East of Europe. Since Communist governments' exit policies were strict, the flow of asylum seekers until the 1980s was generally not great and not perceived to be out of control.

Around 1984, the large movement of Iranian asylum seekers from Turkey, the increase noted in Third World asylum seekers coming through the Warsaw Pact countries, and the threat of terrorism led to initial meetings among Western European states about asylum in Europe.[1] As asylum became a route for entry in Europe, states perceived the flows as increasingly

[1] For a review of events in Europe around multilateral discussions of asylum see: Russell, S.S.; Keely, C.B. Forthcoming. The Diplomacy of Multilateral Efforts to Harmonize Asylum Policy Among Industrial Countries. In *Towards a New Refugee Regime* (R. Rogers, S.S. Russell, eds.).

an abuse of the asylum system. The vast majority of asylum seekers were found not to qualify as refugees under the Convention and Protocol. An asylum system is to provide protection for politically persecuted people, not to be an alternate route to the European labor market.

European governments continue to wrestle with policy and programs related to individuals arriving in Europe and applying for asylum. More recently, acute flows (large numbers in a short time) of European asylum seekers due to war and political turmoil have been added to the more individualistic asylum flow. Italy felt the impact with the boat loads of Albanians seeking asylum during the overthrow of the former, extremely repressive government. Currently, many people from former Yugoslavia find haven within its former components, now new countries (e.g., Bosnians in Croatia). Large numbers have sought and found a temporary haven in Germany, Austria, Switzerland, and Sweden. In both the Bosnian and Albanian cases, calls by the recipient countries for burden sharing in providing a safe haven, especially by other European countries, have fallen on deaf ears. The potential of additional flows from Central Europe and the former Soviet Union continues to worry European capitals.

In short, Europe faces large-scale asylum flows from both individuals (coming to the country and asking for asylum on entry or if detained for migration irregularities) and mass flows in concentrated periods of people escaping violence.

The United States continues to face both sorts of asylum seekers. (The U.S. NAFTA partners share in these pressures to some extent already and perhaps increasingly in the future.) The Mariel flows represented a large inflow in a short time, similar in that respect to the recent Albanian and former Yugoslav cases of Bosnians and Croats. During the 1980s, the U.S. also received an increasing number of asylum applications at ports of entry.

Central Americans, especially from El Salvador and Nicaragua, and more recently from Guatemala, have come in continuous streams of significant size. While many applied for asylum, many did not. The interpretation of their failure to apply varies between their fear of being turned down by an unfair, politically tainted adjudication system and their disinterest because they are economic migrants who know they do not qualify for asylum.

In addition to the individual asylum seekers arriving at points of entry or requesting asylum at time of arrest for immigration offenses, and besides the Central Americans whose entry is related to political events (even if they do not qualify under the Convention definition contained in U.S. law), the U.S. continues to face the threat of large-scale, time-concentrated asylum flows from Cuba and Haiti.

The recent arrival of boats of Chinese asylum seekers raises the additional specter of continuous flows from a distant country where the U.S. desire for normal relations, including trade, and the questionable human rights situation present difficult problems. Even if the boat loads of Chinese are economic migrants caught in a sophisticated international smuggling business, the return of such persons raises human rights issues if their government punishes them for exercising what the Universal Declaration of Human Rights of 1948 declares to be a basic right, to leave and reenter one's own country.

Table 1 indicates the level and sources of asylum applicants to the United States from 1980-1993. The data give an idea of current demands on the asylum adjudication system. Asylum seekers' applications are decided by an asylum officer corps specially trained to judge the *bona fides* of the cases. The 1980 Refugee Act mandated an asylum officer corps, but it took a decade to establish the corps and supporting services to provide political, human rights, and other information necessary to judge the facts presented to adjudicators in specific cases.

Asylum adjudication systems like that in the United States were established in a number of industrial countries in the 1980s. The U.S. system was helped in many ways by the Canadian experience in establishing an asylum system. A goal of these programs is to establish an adjudication process that is and is perceived to be fair, independent of immediate foreign policy interests of the sitting government, and reasonable in the outcome of cases.

These objectives fulfill two desiderata. Democratic governments want to encourage human rights values in other societies as ends in themselves and as a basis for trade, diplomatic, and other state-to-state interaction. Second, public opinion in democratic countries objected to asylum systems perceived as virtual captives of Cold War (especially anti-Communist) policy, with scant attention to persecution by rightist governments. Citizen groups

Table 1.

REFUGEE STATUS APPLICATIONS
FISCAL YEARS 1980-1993

YEAR	Applications pending beginning of year	Applications filed duirng year	Applications approved during year	Applications denied during year	Applications otherwise closed during year	Applications pending end of year
1980 (Apr-Sept)	16,642	95,241	89,580	6,149	1,197	14,957
1981	14,957	178,273	155,291	15,322	3,998	18,619
1982	18,619	76,150	61,527	14,943	6,631	11,668
1983	11,668	92,522	73,645	20,255	2,489	7,801
1984	7,801	99,636	77,932	16,220	604	12,681
1985	12,681	80,734	59,436	18,430	1,842	13,707
1986	13,707	67,310	52,081	9,679	3,362	15,895
1987	15,895	85,823	61,529	13,911	6,126	20,152
1988	20,152	105,024	80,282	11,821	5,632	27,441
1989	27,441	190,597	95,505	33,179	4,005	85,349
1990	39,524	135,251	99,697	29,805	24,904	20,369
1991	20,369	123,492	107,962	12,644	5,700	17,555
1992	18,238	133,786	115,330	14,886	6,780	15,028
1993	15,028	127,676	106,026	20,280	5,107	11,291

Note: The Refugee Act of 1980 went into effect on April 1, 1980. The pending beginning of fiscal year 1990 does not match the pending end of fiscal year 1989 due to changes in the processing of Soviet refugees residing inside the Soviet Union. The figures beginning fiscal year 1990 exclude the initial questionnaires submitted by refugee applicants residing in the former Soviet Union. The number of applications for refugee status pending at the beginning of fiscal year 1992 has been revised upward from the 17,555 reported at the end of fiscal year 1991. The increase of 683 applications is due to revision in the data from one reporting office.

Source: INS. 1994. *1993 Statistical Yearbook*.

in the U.S. and elsewhere pressed governments to develop human rights policies with a single standard for friends and enemies alike.

The U.S. asylum adjudication system has been adjusting to a heavier workload of individual asylum applications at ports of entry or after arrest for immigration violations. The workload of the asylum adjudication corps was impacted tremendously by the addition of Central American asylum seekers as a result of the American Baptist case and by the 1990 Immigration Act's mandating of rehearing of some cases.

It is important not to minimize the caseload problem and the resource requirements needed to avoid incessant "catch-up" (the image of Sisyphus comes to mind). While the problem of resources to dig out from the current backlog and workload needs attention, there is general support for a set of procedures that are fair, independent, and contribute to maintaining a global standard of protection from political persecution.

Two other issues remain. First, is adherence to the Convention definition adequate to meet the needs of those innocently escaping violence, especially the violence of war or civil unrest, even if they are not personally persecuted? Should an asylum option that does not automatically assume permanent settlement be developed for such situations by the U.S. and industrial countries generally? This is the familiar issue of the adequacy of the refugee definition and the accompanying problem of how to accommodate truly temporary asylum with effective return or removal policies when political conditions allow for safe return.

The second issue is what to do in the face of acute, mass asylum flows, like those during Mariel and feared during recent years' events in Haiti?

These two issues are analytically distinct but are related in concrete cases. Each will be addressed in turn, with attention to their intersection in possible mass movements to the U.S. in the foreseeable future.

The Conditions of Asylum

Despite the adoption of the international (Convention- and Protocol-based) definition of a refugee in the Refugee Act of 1980, the U.S. still feels the legacy of anti-Communism in refugee programs. Until the reform of refugee law in 1980, the

definition of a refugee in U.S. statutes referred to persons from a Communist-dominated country and certain areas of the Middle East. Even with the change in definition, inspection of the proposed and actual admissions of refugees under the 1980 Act reveals a dominance of resettlement of citizens from countries with Communist governments.

Currently, the lion's share of proposed admissions to the U.S. are from the former Soviet Union and Vietnam. These figures to a large extent represent redeeming past promises. They are based not only on foreign policy considerations like maintaining trust in the word of the U.S., but also on domestic considerations about constituency support for continued admission of certain groups. The continued salience of the Cold War is also evident in legislation allowing refugee status to people from Cuba, a remnant of U.S. policy preference not accorded citizens of other countries.

On the other hand, the U.S. is quite strong in its policy position that asylum applicants should meet the Convention criteria and that the United States does not support an expansion of the international definition. The U.S. does supply funds to the UN High Commissioner for Refugees [UNHCR] for protection and assistance activities in countries that accept a broader definition of refugee, such as those in the Organization of African Unity Convention and the Cartegena Declaration as it applies to Central America. In both these instances, persons fleeing war or civil disturbance are afforded international protection under UNHCR auspices with U.S. financial support. Policy to help finance international agencies to provide protection and assistance is a different matter than policy to accept persons for permanent residence in the U.S. In Europe, Germany, Austria, and Switzerland receive Bosnian refugees and provide (at least for now) a purported temporary safe haven with an expectation of return. The decision is based on providing safety from war and is provided generally without inquiry into meeting Convention definitions.

During the 1980s, the U.S. policy was to review asylum applications (which would result in permanent settlement in the U.S.) on the basis of meeting the Convention definition. Especially in regard to applications from Central America, this resulted in very low acceptance rates. Low acceptance rates, in turn, provided the basis for the claim that asylum seekers were economic migrants. That they were fleeing devastation of war, massive civil unrest, or gross human rights violations (with or without complicity of parts of the U.S. military, intelligence, or diplomatic agencies) was presented as not relevant to

asylum policy, unless and until the refugee definition of political persecution were altered to extend beyond the individual victim of persecution. The successive administrations of both Democratic and Republican parties opposed extending the refugee definition to include those fleeing the general danger of war or unrest.

An honest analysis of the dynamics of the political differences on Central American policy concludes that to some extent the criticism of asylum policy in the 1980s was a proxy for opposition to U.S. policy in Central America. The U.S. government was accused of double standards on human rights, complicity in human rights violations, and lack of responsibility toward victims of a policy of material, military, and diplomatic support to the governments accused of large-scale human rights violations.

Conversely, discussion of inadequacies of asylum and refugee definitions, policy, or behavior (including an asylum adjudication system reflecting current foreign policy that continued for almost a decade before the development of an independent asylum officer corps) was dismissed by supporters of U.S. Central American policy as nothing but a smoke screen for political opposition to that policy. Opponents of Central American policy carried the burden of being presumed to be naive or fellow travellers for Communist expansionist policies. Discussion of refugee and asylum policy (and Central American policy) was poisoned by these sorts of views.

This state of affairs, in tandem with the logistical problems of providing for reception and maintenance of mass movements like the Mariel experience (to be discussed below), has resulted, since the early 1980s, in an unstated policy that the U.S. is not a country of mass first asylum. The Convention definition has been rigorously applied, in deep contrast to prior mass determinations to accept escapees from Eastern Europe or the Soviet Union (including Hungarians in 1956 and asylum seekers after the Czech Spring), Cubans, and Indochinese. In those cases, to have been in their own countries was considered persecution enough. To escape was to merit asylum and resettlement. The United States as late as 1989, in discussions of the Coordinated Plan of Action [CPA] for Indochina, insisted that those denied asylum under processes monitored by the UNHCR in Hong Kong were not to be returned to Vietnam.

The contention that implicit U.S. policy since Mariel has been that the U.S. is not a country of first asylum is borne out by rejection rates of Central America asylum seekers and by the policies of in-

terdiction and, more recently, return without review of Haitians picked up on the high seas who wish to claim asylum. The reported demarche to Cuba not to interrupt the 1992 U.S. elections lends further support to this thesis. Even in the case of Cuba, the U.S. has not encouraged or given signs of support for large-scale emigration, despite domestic support for accepting escapees as an indication of continued opposition to Castro.

The debates on Central American policy, including the role of asylum decisions, and the desire to avoid being a country of first asylum have created a highly charged atmosphere. No administration since the Mariel incident in the Carter presidency has supported expansion of the refugee (and, by extension, asylee) definition. Even to suggest such discussion carried policy baggage. Reasoned discussion in this atmosphere has hardly been possible. Human rights supporters and those concerned about innocent victims of war and civil unrest welcomed the establishment of the asylum officer corps as a step in support of universally applicable standards of protection from persecution. All victims of war's destruction may not be eligible for asylum, but at least those suffering or realistically fearing persecution as defined by the Convention would be more likely to receive asylum. Further, the establishment of Temporary Protective Status [TPS] in the 1990 Immigration Act moved another step in the direction of providing protection temporarily to a group of people in the United States who would face danger if required to return to their country of citizenship. But the issue of the adequacy of the refugee definition remains.

What should be the policy toward persons (inside or outside the country) seeking a safe haven from the general devastation of war or civil unrest but who are not personally the targets of persecution as specified in the Convention definition contained in U.S. legislation? The definition should not be broadened to make such persons eligible for permanent settlement in the U.S. under asylum law and procedures. It would be impossible to implement fairly or fully because the global probabilities of civil unrest in the wake of post-Cold War realignments is so great. It is logistically not possible for every citizen of any country engaged in civil or international war to become a permanent resident alien (immigrant) in the U.S. through asylum procedures. It would hamper progress in burden-sharing agreements and would be politically insupportable in the U.S. once the general public understood the dimensions of such a policy decision.

Making this recommendation does not end

the matter. Practice around the world has been to offer safe haven to war victims. It has happened in Africa, Asia, and Latin America on numerous occasions. The generosity, even if sometimes reluctant, of very poor countries to citizens of neighboring countries has been striking. In Europe, a safe haven is accorded to Bosnians in large numbers by Germany, Austria, Switzerland, and Sweden. The first three of these countries have offered temporary safe haven and not permanent settlement under their asylum procedures. (Sweden, which offered settlement, now requires a visa for Bosnians, effectively ending asylum, which means settlement or temporary safe haven for Bosnians.)

Following these examples of past and current practice, the U.S. should be open to providing temporary safe haven as necessary to the citizens of *neighboring* countries. This requires either new U.S. legislation to create such a status, including a procedure the President can invoke in consultation with the Congress, or amendment of TPS in current law. Safe haven, especially in the cases of mass movements in short periods (like the Mariel case) should provide shelter in camps for up to one year. After that, protectees should be permitted into the general population with work authorization. Three years after admission, protectees should be permitted to petition for adjustment to permanent resident alien. The three-year period is proposed as a reasonable time to test whether safe return is a plausible possibility.

For those already in the United States and in the general population as nonimmigrants (like students) or even illegally, who are judged to be in danger from war conditions if they return home, safe haven in the general population with work authorization could be provided. (The case of illegal migrants may merit consideration of safe haven in camps. The logistics and incentives inherent in this suggestion require further thought). These cases would be similar to current practice under TPS. Under a safe haven policy, these persons would be given protection for *up to* three years from the start of protection to anyone in their situation. (Thus, if a student is still in studies and on a valid student visa, he or she could be given safe haven after the student visa expired. The three-year clock would run from the date safe haven was given to people from his or her country who did not have any visa to be in the U.S.)

The phrase “up to” is emphasized to make it clear that safe haven is meant to be temporary and provided only for the time needed. The three years of protection is

not a right, regardless of events in the homeland. If events change in six months, then protectees ought to be required to return home. The proposal presumes that the usual opportunities be extended for status adjustment in cases of genuine marriages to U.S. citizens or other immigrant-qualifying circumstances.

The current TPS has been interpreted not to be applicable to persons outside the United States. Thus, it was not used for the Haitians and presumably would not be used for a massive asylum movement that was declared a migration emergency in which migrants would be accepted and even assisted to enter the U.S. by federal authorities (as for example was done in the Mariel case as it unfolded). The proposed safe haven protection could be used in cases of people outside or in the United States.

New legislation may be preferable to amending TPS because TPS carries meaning and interpretations and amendment often leads to more unforeseen consequences than necessary. TPS also is the U.S. version of European policies creating categories like Status B refugees, humanitarian entrants, persons with extraordinary leave to stay, and so on. A major problem in these cases is that there is usually no effective removal policy and little pressure on the government to use whatever good offices or persuasive powers at its disposal to work to change the conditions that led to the humanitarian gesture to offer temporary safe haven. In the U.S. case, if safe haven protectees were in a camp for a year, state authorities would surely keep the issue before the federal government. The need to decide at the end of a year to release the protectees into the general population with work authorization would at least require conscious attention to a "problem," that is, the conditions that led the government to offer safe haven. Again, at the end of two years (or whatever is deemed a reasonable period to test is return is viable), a decision and process must be undertaken to give permanent resident alien status.

The safe haven proposed here, therefore, has three aspects that improve the TPS policy. First, the procedure sends a clearer message that safe haven is meant to be temporary. It will save lives but is not intended or structured to be a route to residence in the United States.

Second, the procedures keep a safe haven population in the consciousness of federal authorities and build in incentives for federal and local authorities to urge action (in so far as is reasonable) to help change conditions in sending countries.

The safe haven procedure is not draconian and it echoes attempts of some countries to move away from immediate work authorization policies (e.g., Canada and Australia). It provides a safe haven, but in a camp. It allows for a reasonable test of whether conditions can change so that return is feasible.

Even safe haven as proposed may develop into a program in which settlement after three years is more the rule than the exception. Perhaps additional incentives need to be built in to encourage the federal government to focus on conditions that lead to giving safe haven instead of seeing safe haven as a convenient way to put an issue on the back burner. Like TPS, safe haven is a step in the direction of recognizing that providing an escape route from death and destruction during war and civil unrest is not the same as providing a new home. Unlike TPS, the safe haven proposal tries to build in criteria about lengths of stay, conditions of stay (one year in camp), and incentives for continued federal attention to do what is possible to change conditions that allow for and underscore the expectation of repatriation.

Third, safe haven is intended either for persons who find their way to the U.S. or for assisted entry.

Invoking safe haven preferably will require consultations on burden sharing with neighboring countries in anticipation of such events and close coordination in the actual event. A decision to provide a temporary safe haven is, by its nature, an *ad hoc* decision and should not be automatically triggered by criteria in a law. But offering safe haven should be clearly separate from asylum leading to permanent residence.

Such a policy would codify what some other countries' and international practice has been in terms of acceptance of victims of war and unrest, while leaving the President flexibility to judge when the safe haven would be offered. It allows for mass determinations to escape war conditions. It recognizes regional responsibilities that are a function of geography. It is not unreasonable for the bulk of safe haven granted to Bosnians to take place in Europe. Likewise, the North American partners in NAFTA can reasonably be expected to do the same for victims of war in a Caribbean or Central American country.

Unlike the European response to burden sharing on Bosnia, this proposal includes prior discussion and agreement of countries in the region about strategy and roles

(burden sharing) in the event of emergencies involving mass movements. It also has built in incentives to underscore the expectation of return. Like disaster preparedness, prior discussions cannot anticipate every detail, but they allow coordinated reaction in actual emergencies based on prior understandings and agreements.

Burden sharing agreements will take time and an emergency can happen in the meantime. That is not a reason to dismiss this recommendation. The recommendation to develop a legislative basis for temporary safe haven in camps for a reasonable period for victims of war and civil strife in this region assumes that preparedness and burden sharing discussions will be pursued with vigor in order to make safe haven a reality if necessary in the region.

Individual asylum procedures also ought to be changed so that a person granted asylum must wait for three years before being permitted to adjust status to permanent resident alien. During this time she or he should have all the rights and resources afforded refugees admitted. The distinction underlying this proposed change is that asylum should be, in the first place, temporary refuge from persecution. If events warrant return because the threat of persecution is past, then an asylee should return or be returned to his or her homeland. If, after three years, the well-founded fear of persecution remains, then a person should be permitted to focus on developing a new life in the United States.

The thrust of these two recommendations is that asylum for those who fit the Convention definition under current U.S. law and the proposed safe haven for victims of war and civil unrest are to provide temporary refuge. If events do not change in a reasonable time (three years), permanent resident status ought to be available. In the cases of acute, mass movements (perhaps literally to save life and limb), no more than a year should be spent in temporary camps and no more than three years in the U.S. before immigrant status is offered.

The hope in all asylum and safe haven situations is that conditions will permit people to resume life in their own country with safety. The proposals made here are meant to engender discussion about a proper balance between safety, incentives for victims to repatriate, incentives for the federal government to press as far as reasonable for changes in conditions leading to exit, and limiting life disruption to a reasonable level.

Acute Mass

Asylum Flows

The second issue is what to do about the possibility of mass asylum flows from Haiti, Cuba, China, or elsewhere.

The last acute asylum flow to the U.S. was Mariel. The U.S. probably did not learn as much as it could from the experience. The following recommendations are based on review of documents, interviews, and an unpublished narrative of Mariel events by Victor Palmieri, who was U.S. Coordinator of Refugees at the time.[2]

At the outset of Mariel, Palmieri was put in the chair of meetings in the White House situation room, a position for which he was unprepared. No one in the room mentioned the prior experience of Camarioca. The political nature of the events (in an election year) meant that this was not just a logistics exercise but carried major political implications. Expectations and mind sets of actors (military, State Department, Coast Guard, INS, etc.) had to be understood generally by the chair to interpret their input and to garner their cooperation. Recall, for example, that at the time of Mariel the U.S. military were dealing with the effects of the failed desert operation undertaken two weeks earlier to rescue the hostages in Iran.

Palmieri needed to know what existing policies, if any, applied. In the face of a mass movement, a preexisting policy about stopping, containing, working with the sending government, etc. makes a significant difference with respect to efficient implementation of policy and coordination of the many agencies involved.

In the Mariel case, policy had to be forged. Whether to try and stop the boats, with what assets (military, Coast Guard, INS), and so on had not been decided or even discussed beforehand. Such policies were made and changed in an *ad hoc* fashion, including President Carter's response to a reporter's question after a speech of welcoming with open hearts and open arms.

A mass asylum movement is a political crisis and should be coordinated at the level of the White House. Whoever is in charge of day-to-day operations should be from the White House staff or assigned to it and have access to the highest levels of the Executive Branch. Given the likelihood of an asylum crisis, someone should

[2] See: Keely, C.B.; Barrett, R.C. 1992. *The Office of the United States Coordinator of Refugee Affairs: An Experiment in Legislating Crisis Management*. Draft report. Washington, DC: Georgetown University, Center for Immigration Policy and Refugee Assistance.

be designated who actively prepares to fill the role and take the lead, whenever needed. Even if that person hands off to Chief of Staff or some higher official, the line that includes political and logistical considerations ought to be in place.

The first order of priority is to develop the capacity to decide the reaction to the flow. How will the decision be made about whether a flow will be designated as an immigration emergency as provided for in the Immigration Act of 1990? The machinery to gather and funnel information and prepare options is as necessary as logistical preparedness. The Immigration Act of 1990 in its provisions about emergencies is properly silent on this issue. The Executive branch should develop the decision-making procedures.

Preparedness for accepting a flow is not the same as assigned roles to attempt to stop or control a flow. Preparedness to stop or contain potential flows also deserves attention. Contingency plans to stop, deter, deflect, etc., a mass migration should complement other contingency plans for various scenarios that assume asylees will be taken in.

The experience and expertise for being prepared is available. The first requirement is the machinery to decide how to respond to a flow. Then government agencies must be prepared either to accommodate or to try to prevent, control, or divert flows. A review of the decisionmaking in the Mariel incident reveals that a basic flaw was the uncoordinated nature of policy development and decisionmaking during the flow. The initial lack of policy on the fundamental reaction to the flow and the subsequent shifting policies about issues of interdiction, impounding of boats, fines for captains, and other matters makes clear that, even if there was a high level of logistical preparedness, much of the chaos still would have taken place.

Recommendations

The foregoing analysis leads to the following recommendations for discussion and consideration by the Commission.

1. The resource needs of the asylum adjudication system, given current caseloads and future caseloads if asylum procedures are legislatively changed, should be projected. A balance should be struck between catching up with current backlogs and possible reduced applications.

2. Reduced access to asylum procedures by screening out manifestly unfounded

cases, to be successful, requires attention to illegal migration pressures as this avenue to entry is narrowed.

3. The refugee definition currently used to decide acceptability of an asylum claim resulting in admission for permanent residence (application permitted after one year presently) ought not to be broadened to include victims of war and civil unrest.

4. A safe haven policy for victims of war and civil unrest ought to be developed. Safe haven ought to be structured as proposed to encourage attempts by the U.S. government to influence events so that those given safe haven can repatriate. Safe haven should be given in camps for one year and then in the general community with work authorization. Safe haven is envisioned as a temporary remedy for mass migration of persons ineligible for Convention refugee status who nonetheless are fleeing danger due to political events. Safe haven ought to replace TPS. Safe haven ought to be developed and legislated as a new procedure incorporating features of TPS that are useful in safe haven/protection situations. Congress should repeal TPS rather than fiddling with it through amendment.

5. Asylees admitted under current procedures (meeting the criteria of persecution in the refugee definition currently used) and those given safe haven as proposed here should be permitted to apply for permanent resident alien status three years after entry to the United States. The presumption should be that the desired outcome in both cases is repatriation to a safe country of origin, free of political persecution. The three-year period provides a reasonable test of whether political changes are likely and whether a person should be allowed to develop a new life in the United States. The three-year period is a suggestion that attempts to balance reasonably and humanely a test of probable political change with the realities of people's tolerance for adjustment and ambiguity in their lives and their dependent children's lives.

6. Negotiations with countries in the region on burden sharing in cases when safe haven is to be provided ought to begin now to ensure a unified response.

7. Mass, acute migration incidents are political crises by definition. They require White House coordination from the beginning because of the political nature of decisions. Immigration emergencies and attempts to stop or control large influxes ought to have political leadership on policy and operations decisions from the start.

8. The fundamental decision in a mass flow of migrants is whether it will be declared an immigration emergency under the IMMACT of 1990. Contingency planning ought to focus on how information and options will be developed and the steps in that decision process.

9. Contingency planning ought to be developed for what to do in the face of a large-scale flow that is not to be accepted as an immigration emergency.

10. Current planning to accept migrants in an immigration emergency ought to continue, even while supplemented with attention to the decision structure to arrive at the immigration emergency declaration and the roles and procedures for attempts to stop or divert migrations that are decided not to be declared immigration emergencies under the IMMACT 1990 provisions.

The Commission's Research Papers, which present the results of Commission-sponsored research, are intended to elicit comment and provoke discussion. The views presented in these papers are those of the authors and do not necessarily reflect those of the commission.

RESEARCH
PAPER

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Desertification and Migration: Mexico and the United States

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U.S. COMMISSION ON IMMIGRATION REFORM

THE U.S. COMMISSION ON IMMIGRATION REFORM IS A BIPARTISAN COMMISSION AUTHORIZED BY THE IMMIGRATION ACT OF 1990 AND CHARGED WITH EXAMINING IMMIGRATION POLICY AND ITS IMPACT ON SOCIAL, ECONOMIC, AND COMMUNITY RELATIONS, ON POPULATION SIZE AND CHARACTERISTICS, AND ON THE ENVIRONMENT.

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RESEARCH
PAPER

Desertification and Migration: Mexico and the United States

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EXECUTIVE SUMMARY

The greatest threat to habitability may be the degradation of agricultural lands in developing countries where many people depend upon farming for their livelihood. Long periods of over-exploitation due to population growth and poverty inevitably result in land degradation, sometimes irreversibly altering the carrying capacity of the land. This phenomenon, known as desertification, currently affects 3.6 billion hectares, the equivalent of one-quarter of the world's total surface.

The Commission on Immigration Reform [CIR] requested this preliminary study of environmental degradation related to unsustainable land and water use as one of the potential root causes of certain migration from Mexico to the United States. Perhaps as with no other country, migration from Mexico raises critical issues within the Commission's mandate. The 2,000 mile border between Mexico and the United States historically has been porous. In the past thirty years the U.S. has deported more than seventeen million illegal Mexican immigrants. The large wage differential between the two countries and extensive migrant networks act as an enormous "pull" in motivating migration. The poverty and economic disparity in Mexico are strong factors which "push" migrants toward the U.S. Trade relations and the exchange of goods and services across the border heighten the need for stable relations with Mexico. Thus, migration from Mexico will continue to be an important focus for foreign policy development and, specifically, of concern to the Commission.

The findings contained in this report suggest that serious impairment of Mexico's agricultural lands may give rise to migration. There is evidence to suggest that a portion of the 900,000 persons who migrate annually from the arid and semi-arid regions of Mexico do so because of the desertification processes which yearly impair 1,000 square miles of surface area and cause the abandonment of another 400 square miles of farmlands.

As environmental degradation can often be addressed through targeted intervention, this report presents recommendations for future action by the Commission and/or Congress that go beyond reform of traditional migration policies and institutions. It identifies specific issues for further study and policy development as a first step in addressing Mexican migration related to desertification.

Findings on Mexico: Preliminary Case Study

Mexico is the third largest and second most populous country in North America. Two-thirds of the country's poor people are farmers and farm workers. Three-quarters of those most impoverished live in rural areas, many as subsistence farmers.

Desertification in Mexico

Most of Mexico's lands are undergoing some process of land degradation. As a result, approximately 2,250 square kilometers of potentially productive farmlands are taken out of production or abandoned each year. Experts estimate that Mexico's desertification problems are caused largely by the excessive clearing and cultivation of land unsuitable for agriculture, overgrazing, the exploitation of forests and vegetation for fuel, the application of inefficient irrigation practices, mining activities, and urban expansion. Climate conditions, particularly periods of prolonged drought, exacerbate these problems.

The environmental and socioeconomic impacts of desertification have become more widespread as people abandon degraded lands and move onto marginal lands that are even less suitable for agriculture. This "push" into marginal lands is attributable to a number of factors, including government policy, monopolization of higher quality land by large-scale farmers, and a high population growth rate.

Historic Migration from Mexico to the United States

Mexican migration to the United States historically has been rooted in economic trends on both sides of the border. Most of this migration has been illegal, despite such government initiatives as the "Bracero Program," that permitted temporary recruitment and employment of Mexicans in the United States. Legislative efforts, including the Immigration Reform and Control Act of 1986 [IRCA], have been unsuccessful in substantially curbing illegal immigration.

Migration Related to Desertification

Mexicans have fled rural poverty for decades to seek better opportunities in Mexican cities and the United States. The reasons for migration are often complex, but relationships between certain environmental conditions and population movements can be identified.

The quality of farmlands, availability and reliability of water supply, and the management of lands play an important role in contributing to migration from rural areas. Specifically, land degradation and desertification frequently lead to migration when people can no longer subsist on the land. The Mexican government has found that approximately 900,000 people now leave arid and semi-arid areas every year. Our investigation, including analysis of geostatistical information and migration data, confirmed that the inability to make a living from the land due to dry conditions and processes of soil erosion contribute to the decision of rural people to migrate. This is supported by studies of other regions in Mexico and Latin America.

No one has attempted to determine how many of these migrants leave the rural areas of Mexico because of serious impairment of farmlands or other desertification processes. The time constraints and scope of our investigation did not permit us to undertake any real quantification analysis. Further investigation and data development is warranted to provide a more accurate basis for determining the scope of the problem.

Conclusions & Recommendations for Future Action

The findings contained in this report support the following preliminary conclusions.

First, there is evidence to suggest that a portion of the migrating population from Mexico to the United States consists of people who are moving because they cannot farm the lands due to ongoing processes of soil desertification. Second, preventing this migration will require addressing the environmental causes of the problem, largely associated with unsustainable land and water use in Mexico. It is likely that specific policies will be necessary to assure the viability of farming and to revitalize degraded lands. Third, while the development of data on migration associated with environmental problems is too premature to recommend specific foreign policies, our preliminary

analysis reveals that the Commission and Congress will need to look beyond traditional immigration policy to address the root causes of the problem. The precise programs and policies will depend upon the results of further field and analytical study described below.

Issues for Further Investigation of the Environment and Migration Phenomenon

The following recommendations are presented for the Commission's future action to improve understanding of immigration and foreign policies that could be formulated to address the problem.

Investigate the relationship between the environment and migration. Reversing the trends of land degradation in Mexico will be critical in stemming the migration related to unsustainable use of agricultural lands in certain regions. Investigating the links between environment, migration, and population, as well as the interrelationship of climatological factors, will provide more definitive analysis of these trends that can form the basis for appropriate policy development. In this context it would be useful to investigate the lands currently undergoing desertification in rural and semi-arid areas of Mexico that foster significant involuntary migration. This information should be analyzed in conjunction with migration and population data and other geostatistical information.

Investigate the development of immigration and other policies that may be responsive to address ecologically-induced migration. Traditional measures, such as tightening border controls and employer sanctions for hiring illegal immigrants, will be insufficient to prevent the migration related to serious environmental deterioration in Mexico. These traditional policy responses may be more effective if coupled with agricultural land remediation, training, and educational programs. If the objective of U.S. immigration policy is to address root causes of migration, then such an objective will need to incorporate broader policies that involve international cooperation, aid, and technical support measures.

Issues for Evaluation in Developing Broader Policy Responses

The United States could play a catalyzing role in the development of such policies, particularly given its expertise in agricultural management. The Commission and /

or Congress should investigate opportunities for policy development in this area.

Distinguish between environmentally-motivated migrants and other economic migrants to address environmental root causes of migration. Adverse environmental conditions can lead to increased poverty when families can no longer subsist on their lands. They may be forced to join the growing numbers of other "economic" migrants. However, it appears useful to distinguish between these "environmental" migrants and other economic migrants for two reasons. First, understanding that some segment of the international migration population is primarily motivated to move because of their inability to farm could foster the development of environmental programs specifically designed to stem *this cause* of migration. Second, because the motivation for leaving their homelands is different from that of other economic migrants, those forced to leave because farming is unsustainable may consider returning home if remediation programs are offered. The Commission should explore this distinction in its further study of migration and environment issues and in developing policy recommendations.

Investigate how policy responses could provide an opportunity for some migrants to return home. The preliminary findings of our investigation suggest that migrants forced to leave because farming is unsustainable may consider returning home if they can successfully farm the land. Further study is needed to determine whether these findings represent the attitudes of a broader base of rural migrants in the United States. If so, the Commission and/or Congress should determine the potential for developing policies to promote the return of rural migrants to participate in agricultural training and development programs in Mexico.

Investigate the opportunity for establishing joint U.S.-Mexico programs to address the migration related to environmental problems. The creation or modification of certain policies in Mexico likely will be needed to redress the growing environmental problems related to harvesting of forests and vegetation. Financial assistance and transfer of technical expertise could play a key role in promoting the implementation of these policies in many parts of Mexico. The Commission and/or Congress should explore the opportunity to develop cooperative programs with Mexico to create, finance, and implement environmental mitigation and prevention programs.

Potential Short- and Long-Term Opportunities for Development of Environmental Solutions

This report identifies specific measures that warrant further consideration in the formulation of environmental programs and policies. These are based upon preliminary investigation of some desertification problems in Mexico and our experience in developing recommended programs to address agricultural management problems in the western United States. We have identified the need to develop such policy goals as: reducing crop cultivation on marginalized lands; instituting controlled grazing practices and promoting alternative sustainable uses of the lands affected; reducing water-intensive crop cultivation in certain areas; substituting drought resistant crops, where appropriate; and implementing efficient agricultural water management practices.

The primary difficulties in translating these objectives into actual practices will be (1) securing the resources and expertise necessary to assist farmers in modifying their behavior and, (2) obtaining the cooperation of the rural workers who traditionally have followed particular cultivation, grazing, harvesting, and irrigation practices.

One way to achieve the necessary participation may be to carry out model programs or pilot projects to test the recommended changes in land management. Rural participants closely involved in the development and application of solutions will ensure that programs are more practical and influential in fostering change by both the immediate participants and outside observers. If there is sufficient financing to reduce the risks, rural communities or *ejidos* may participate voluntarily in these projects.

INTRODUCTION

The scope of the mandate of the Commission on Immigration Reform [CIR], as created by the Immigration Act of 1990, includes examination of the impact of immigration on the foreign policy and national security interests of the United States. Perhaps as with no other country, immigration from Mexico raises critical issues within this mandate. The 2,000-mile border between Mexico and the United States historically has been porous. In the past thirty years, the U.S. has deported more than seventeen million illegal Mexican immigrants. The large wage differential between the two countries and extensive migrant networks act as an enormous "pull" in motivating migration. The poverty and economic disparity in Mexico are strong factors which "push" migrants toward the U.S. Trade relations and the exchange of goods and services across the border heighten the need for stable relations with Mexico. Thus, immigration from Mexico will continue to be an important focus for foreign policy development.

CIR requested this preliminarily study of one of the potential root causes or push factors of migration from Mexico: environmental degradation related to unsustainable land and water use in rural areas. Though this relationship has been little studied, our investigation revealed that there may be a strong link between serious impairment of agricultural lands or "desertification" and increased migration to the U.S. There is evidence to suggest that a portion of the 900,000 persons who migrate annually from the arid and semi-arid regions of Mexico may do so because of the desertification processes that yearly impair 1,000 square miles of surface area and cause the abandonment of another 400 square miles of farmlands.

Perhaps unlike other economic root causes of migration, environmental degradation often can be prevented or remediated with targeted intervention. We have a solid understanding of the management techniques required to address many agricultural land and irrigation problems, but often there is a lack of education, training, and financial resources to undertake the necessary reforms. Such reforms could yield both short- and long-term benefits to Mexico and the United States in addressing the problem.

Our findings suggest that the Commission's further investigation of the environment and migration phenomenon is warranted to increase understanding of the official policies that could be formulated in response. Congress will need to look beyond traditional immigration policies to address the environmental root

causes of migration. In this paper, we present the findings of our preliminary study and recommendations for further action by the Commission and Congress.

BACKGROUND

There are many areas in the world where unsustainable land use practices inevitably result in soil deterioration, sometimes irreversibly altering the carrying capacity of the land. This process of desertification can have profound social and economic impacts, including migration.

The United Nations Conference on Environment and Development [UNCED] concluded that desertification affects 3.6 billion hectares of rain-fed croplands, rangelands, and irrigated lands, the equivalent of one-quarter of the world's total land surface, and 70 percent of all drylands (UNCED 1992a:47). Even more critically, this phenomenon affects one-sixth of the World's population (UNCED 1992a:47). The United Nations Population Fund recently concluded that more than 135 million people may be at risk of being displaced by severe desertification (UNPF 1991:32).[1]

While the causes of environmentally-induced population movements are numerous, the greatest threat to habitability may be the degradation of agricultural lands in countries where most people depend upon farming for their livelihood. Population growth and poverty place additional pressure on scarce land resources, exacerbating desertification (UNPF 1991:32).[1] If growth rates are not reversed, the current, alarming pace of environmental degradation will accelerate: each year, eleven million hectares of tropical rainforests are cut, twenty-six billion tons of topsoil are eroded, and six million hectares of arable land are desertified (UNCED 1992c:para 47, 48, 69, 70, 79, 82, 83, 101). These factors ultimately force people to abandon an agricultural subsistence and relocate to nearby already overpopulated urban centers or to migrate to neighboring states.

We have investigated this issue in various countries and regions of the world. (Maloney 1990/91a, 1990/91b; Sanders 1990/91a, 1990/91b; Tamondong-Helin & Helin 1990/91; Catanese 1990/91). Development in parts of North America and the Caribbean Basin countries has led to substantial rural outmigration over the last

[1]The current trends in population growth exacerbate this threat. The expected increase in the world's population by nearly one billion people will occur in poverty-stricken areas, increasing pressure on lands that already have been marginalized (UNCED 1991; El Hinnawi 1985).

three decades, some to the United States and most to urban centers within the affected countries (Commission for the Study of International Migration and Cooperative Economic Development 1990:101). Little has been documented, however, on the relationship between environmental degradation and migration in this region.[2]

Mexico is one of many countries affected by these problems. Mexico's climate is predominantly arid or semi-arid. Much of its surface area is affected by desertification, caused by a combination of climatological factors and unsustainable land-use practices. Mexico has also been the source of large-scale, cross-border migration for several decades. The findings contained in this report indicate that the increasing impairment of Mexico's agricultural lands is a potentially significant cause of migration to the United States that warrants further study. Preliminary evidence of this relationship suggests further avenues of research, education, and targeted intervention will be necessary to remediate existing or prevent future problems.

Our findings and recommendations presented below are based upon work that we completed for the United Nations Secretariat for the Intergovernmental Negotiating Committee for a Convention to Combat Desertification and Drought [INC-D]. Our analysis was expanded to focus on issues critical to U.S. immigration policy development.

FINDINGS ON MEXICO: PRELIMINARY CASE STUDY

Introduction and Methodology

In investigating the desertification and migration problems in Mexico, we undertook an extensive literature review, conducted sample interviews with migrants living in Northern California[3] and with people in several rural towns and villages in Central Mexico, and discussed the is-

[2]There is an abundance of literature on deforestation and land degradation, with only incidental reference to the resultant migration. While migration experts and academics have undertaken much research on migration patterns in this region, they have not looked deeply into how environmental problems may contribute to these population movements.

[3]California is the primary destination of most undocumented migrants from Mexico. "Approximately two-thirds of undocumented Mexico State migrants in the United States are to be found in California . . . " (Bustamante 1992:10).

sues with migration and environment experts. As we had such a short time to conduct our investigation, the findings presented below can be viewed only as preliminary.

The maps presented in this report were developed for the Natural Heritage Institute in connection with this project and as part of a cooperative program between COLEF [El Colegio de la Frontera Norte in Tijuana directed by Dr. Jorge Bustamante] and ORSTOM [The French Institute of Scientific Research for Cooperative Development], a study financed in part by CONACYT. This is part of a Geographic and Statistical Information System [SIGEF] concerning the North Frontier/Border created by D. Delaunay and J. Santibanez. The maps use the Savane and Rapido parameters developed at the Institute by Marc Souris and Michel Lepage. The census information is taken from CODICE90, CD-ROM edited by INEGI. The information provided on migration was obtained from surveys conducted by Dr. Bustamante, R. Corona, and J. Santibanez of COLEF. The climatic characterization is derived from the National Atlas of Mexico of UNAM, from the National Atlas of the Physical Environment of Mexico and relevant letters published by ENEGI. The authors of the geostatistical information presented are Daniel Delaunay (Demographer), Alain Winckell (Geographer) and Michel Lepage (Data Analyst) of ORSTOM.

Demographic and Geographic Profile

Mexico is the third largest and second most populous country in North America. Its current population of 88 million people has quadrupled since 1940, (Commission for the Study of International Migration and Cooperative Economic Deveopment 1990:11), and is growing by 1.5 million people annually (Commission for the Study of Migration and Cooperative Economic Deveopment 1990:12). Mexico City, the capital of Mexico, is the most populated city in the world, with an expected 25 million people by the year 2000 (UNPF 1991:60).

Mexico's territory extends over 1,958,201 square kilometres, bordering the United States to the north, the Gulf of Mexico and the Caribbean Sea to the east, Belize and Guatemala to the southeast, and the Gulf of California and the Pacific Ocean to the west. Most of the country is highland or mountainous. Approximately 20 percent is forested. Most of the Yucatán Peninsula and the Isthmus of Tehuantepec in the southeast is lowland. There are lowlying strips of land along the Gulf

of Mexico, the Pacific Ocean, and the Gulf of California. The heart of Mexico is the great Mexican Plateau, which is interrupted by mountain ranges and segmented by deep rifts.

The country is divided into thirty-one states and a federal district that includes the capital, Mexico City [**Map 1** p.19]. The government is organized as a federal republic, with the powers of chief executive and head of state vested in a popularly-elected president.

Approximately 55 percent of Mexico's population are Mestizo, 29 percent Amerindian, and 10 percent European, with Spanish the primary language and Roman Catholicism the most-practiced religion. Two-thirds of the country's poor people are farmers and farm workers. Three quarters of those most impoverished live in rural areas (Martin 1993:99). Many in agriculture are *subsistence* farmers who commonly grow corn and beans for their families and depend on low and variable rainfall for the success of their crops (Martin 1993:100).

A unique feature of Mexican agricultural management is its communal land or "*ejido*" system. *Ejidos* are communal farms that were created after the Mexican revolution when the government redistributed land from large landowners to the landless peasants for whom the revolution was fought. *Ejido* members obtain land as a group from the government, but usually farm the land individually. *Ejidos* control about 70 percent of Mexico's croplands and half of its irrigated lands (Martin 1993:101). National policy now allows individual *ejido* members to sell or rent their land.

Desertification in Mexico

There has been much debate about the meaning of the term "desertification." The best explanation of it as *both* a physical state of land degradation and as a process of deterioration may be the following:

> Desertification, revealed by drought, is caused by human activities in which the carrying capacity of the land is exceeded; it proceeds by exacerbated natural or man-induced mechanisms, and is made manifest by intricate steps of vegetation and soil deterioration which result, in human terms, in an irreversible decrease or destruction of the biological potential of the land and its ability to support populations. (Mainguet 1991:4)

The term is technically defined by the recently adopted United Nations Convention to Combat Desertification as, "land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities." (UNGA 1993b)

Most of Mexico's lands are undergoing some process of land degradation. The government of Mexico has concluded that 97 percent of its territory is affected to some degree, and that 60 percent of its territory is extremely or severely degraded.[4] This data is not surprising in light of findings by experts in 1978 that approximately 150 million hectares of land had problems of desertification, representing 80 percent of Mexico's territory (Medellin-Leal 1978:107). These experts estimated that desertification would continue to advance rapidly in Mexico, degrading between 100,000 and 200,000 hectares of land per year. The Mexican government's current findings suggest that this prediction was correct.

As a result of this land degradation, it is now estimated that 1,000 square miles or 2,250 square kilometers of potentially productive farmlands are taken out of production or abandoned each year (Myers 1993:140; UNPF 1991:99). These figures demonstrate the gravity of the desertification problem in Mexico and underlie the need for immediate preventative and remedial measures.

Aridity in Mexico

Much of Mexico is comprised of arid and semi-arid zones, making the lands vulnerable to the processes of desertification, as discussed below. These lands constitute more than 50 percent, and perhaps as much as 80 percent, of Mexico's territory (Myers 1993:139; Ballin-Cortes 1990a:3). [See **Map 2**]. The government of Mexico estimates that they comprise 52.5 percent of Mexico's total land area (Comision Nacional de las Zonas Aridas 1993:sum 1.1).

Approximately eight million hectares of land, constituting approximately 45 percent of all agricultural land, is farmed or used for grazing in the arid and semi-

[4]We were unable to obtain a complete copy of the *Plan de Accion Para Combatir la Desertification en Mexico* before this paper was submitted to the Commission. Where possible, we refer to the portions of the final plan that we obtained (Comision Nacional de las Zonas Aridas 1994). Where we were missing portion of the final plan, we have in a few instances, relied on information contained in a prior version of the plan prepared in October 1993 (Comision Nacional de las Zonas Aridas 1993).

arid regions of Mexico. Of this land, only about 25 percent is irrigated. Seasonal agriculture, or rainfed farmland, in these regions has the highest rate of crop loss in the country. Frost and drought are the principal causes (Comision Nacional de las Zonas Aridas 1993:sum 1.3).

The desert, arid, semi-arid, dry subhumid, and humid regions of Mexico are shown on **Map 2** [p.20], "Index of Aridity." Of Mexico's territory, 23.6 percent is desert, 11.2 percent is arid, 9.9 percent is semi-arid and 25.7 percent is dry sub-humid [**Map 2**]. This indicates that approximately 70 percent of Mexico's lands may be vulnerable to desertification. Levels of precipitation and evaporation in Mexico tend to support this estimate: **Maps 3**, **4**, and **5** [pp.21-23] identify precipitation and evaporation levels in various regions in Mexico and the number of dry months per year experienced in these regions. We determined "aridity" for the purpose of these charts as the ratio of average annual rainfall and average annual evaporation. In developing this working definition of aridity, we incorporated the definition now contained in the U.N. Convention to Combat Desertification (UNCCD 1994).[5]

Processes of Desertification and Regions Most Affected

There are a number of natural mechanisms or phenomena that contribute to the processes of desertification of vulnerable lands (those lands being utilized beyond their carrying capacity). The most significant of these in Mexico are wind and water erosion of soils, affecting between 60 percent and 85 percent of Mexico's territory (Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.3.2, 2.3.3). Experts estimate that at least 70 percent of Mexico's agricultural lands are affected by soil erosion of some type (Myers 1993:140; UNPF 1991:98).

Other significant types of land degradation that form part of the desertification process include salinization, sodification, physical degradation, biological degradation, and chemical degradation. The Mexi-

[5]Article 1 of the text defines arid, semi-arid, and dry sub-humid areas as areas "in which the ratio of average annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65" (UNCCD 1994). While this definition does not provide clear guidance, it does suggest the importance of examining temperatures, precipitation and evaporation or potential evapotranspiration in determining the level of aridity in a particular region.

can government estimates that these processes affect 20 percent, 15 percent, 20 percent, 80 percent and 15 percent of Mexico's territory respectively (Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.3.2-2.3.7).

Salinization and sodification of soils are of particular interest to some because they are caused primarily by irrigation that is otherwise considered to be a beneficial practice. The problems generally stem from poor draining of irrigated lands and the application of poor quality water. An estimated one-fifth of Mexico's cropland is irrigated (Liverman & O'Brien 1991:351), and 10 percent of these lands are now highly salinized (Myers 1993:140; Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.3.4). Our investigations suggest that this problem is particularly notable in such arid states as Sonora where irrigation is relied upon for the production of crops in the absence of significant rainfall (Arguelles 1993).[6]

The government of Mexico has investigated the extent of these processes of land degradation in the states of Mexico (Comision Nacional de las Zonas Aridas 1993:Ch 2). According to this investigation, the Mexican states with the greatest rates of land degradation are:

Water erosion. Aguascalientes, Guanajuato, Coahuila, Michoacan, Zacatecas, Jalisco, Nuevo Leon, and San Luis Potosi, with more than 45 percent of the surface severely affected;

Wind Erosion. San Luis Potosi, Morelos, Hidalgo, Nuevo Leon, Baja California, Queretaro, and Zacatecas, with more than 80 percent of their surface affected;

Salinization. Tamaulipas, Sonora, Baja California, Chihuahua, Coa-huila, and Colima, with more than 2 percent of their surface affected;

Sodification. Campeche, Sonora, Quintana Roo, Morelos, Yucatan, Tabasco, and Mexico, with 13-40 percent of their surface affected;

Physical Degradation. Hidalgo and Veracruz, with 40-90 percent of their surface affected;

Biological Degradation. Colima, Morelos, Tabasco, Chiapas, Veracruz,

[6]Mr. Arguelles is an agrarian lawyer with substantial experience and knowledge of conditions in the Sonora area.

Jalisco, Michoacan, Nayarit, Yucatan, and Sinaloa, with more than 90 percent of their surface affected;

Chemical Degradation. Tabasco, Campeche, Veracruz, Nayarit, and Oaxaca, with 20-67 percent of their surface affected;

States that are experiencing nearly all of these forms of degradation are: Chihuahua, Coahuila, Colima, Jalisco, Mexico, Sinaloa, and Sonora (Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.3.2-2.3.7). Our investigation indicates that there may also be considerable land degradation in Puebla and Guerrero.

Given the extent of arid and semi-arid areas in Mexico, it is likely that a significant portion of the lands in Mexico are vulnerable to, or are presently undergoing, desertification at some level. We were unable to obtain precise information on the areas in which the soil or vegetative deterioration has resulted in an irreversible decrease or destruction of the biological potential of the land and its ability to support people. Further investigation will be needed.

Experts have found that serious desertification usually exists along the borders of deserts, such as Northern Mexico and in the areas of transition between semi-arid and subhumid or tropical zones (Ballin-Cortes 1990b:158) [See **Maps 2** and **6** pp.21,24]. Our observations of the borders of the Chihuahuense Desert in the San Luis Potosi area were consistent with this finding.

Unsustainable Land-Use Practices Causing Desertification

Human activities are generally considered to be the determining factor in all stages of desertification (Mainguet 1991:5). It is estimated that 87 percent of desertification problems are caused by unsustainable land use, with the remaining 13 percent attributable to climate conditions (Ballin-Cortes 1990a:3). The overexploitation of lands can make them vulnerable to the processes of desertification. Lands in arid or semi-arid areas that have been stripped of their vegetative cover are perilously susceptible to erosion from harsh winds or rains. This degradation may irreversibly alter the ability of the soils to sustain crops that may be replanted or vegetation for grazing.

The types of land use practices that can lead to desertification include:

1. Clearing and cultivating lands unsuitable for agriculture or cultivating crops in a manner that overburdens the land without taking adequate precautions against erosion;

2. Overgrazing lands, including placing too many animals on small parcels of land and failing to rotate the lands grazed;

3. Exploiting forests and other vegetation for fuel, consumption, and sale;

4. Adopting poor water management and irrigation practices;

5. Urban expansion, mining, and public works. (Medellin-Leal 1978:63-71; Comision Nacional de las Zonas Aridas 1993:Ch 2, Sect 2.2.1-2.2.4; Ballin-Cortes & Vasquez Rocillo 1993).

Of these activities, the first two may cause the most widespread degradation in Mexico (Ballin-Cortes & Vasquez Rocillo 1993).

Our field investigation confirmed that poor cultivation practices and overgrazing are serious problems. We toured parts of San Luis Potosi in the Desert of Chihuahua reputed to be typical of arid and semi-arid areas with desertification problems. There we observed, and confirmed through interviews, that the majority of the rural population tries to subsist by growing corn and beans, despite the fact that the natural soil base is only marginally productive, even when rainfall is adequate, and is generally exhausted by these crops in a short time (Ballin-Cortes & Vasquez Rocillo 1993; Natural Heritage Institute 1993). When rainfall is inadequate, as is frequently the case, these people find themselves in a desperate situation. We also observed that a substantial portion of the rural population practices grazing as a supplement or alternative to cultivation.

The results of these practices were visible in the land conditions we encountered. Vegetation was extremely sparse in the areas surrounding each village and many dusty fields of little apparent productive value were left exposed to wind and water erosion. The poverty of the people living in these conditions was notable. At the time of our visit, hundreds of women and children from the villages lined the central highway begging for candy, money, or gifts for the upcoming Christmas season.

The environmental and socioeconomic impacts of desertification have grown as

people abandoned the degraded lands and moved onto more marginal lands, less suitable for agriculture (Ballin-Cortes & Vasquez Rocillo 1993). The push into marginal lands is attributable to a number of factors, including official policies. First, as land is exhausted due to unsustainable cultivation and grazing, rural inhabitants seek official authorization to clear more land, which they use and manage in the same way, thereby continuing the pattern of degradation and abandonment of lands. Second, the government has commonly granted permits for this type of clearing in an attempt to placate poor rural farmers and obtain political support (Ballin-Cortes & Vasquez Rocillo 1993). The government generally has promoted the expansion of agriculture and grazing into marginal lands in the wake of the Mexican revolution as part of the effort to provide peasants with promised land. The government has sometimes attempted to satisfy peasant demands by providing them marginal land not previously cultivated, rather than taking land from large landholders.

Third, large-scale farmers have consistently purchased the more marginalized lands of the smaller-scale farmers, causing them to seek new land in even more marginal areas (Myers 1993:141). Many believe that this trend will intensify in the wake of new land reform policies which allow *ejido* members to sell or rent their land (Villarejo 1993; Ballin-Cortes & Vasquez Rocillo 1993). Fourth, high population growth rates increase thedemand for land in Mexico causing both a *push* into marginal lands and an increase in the level of many activities contributing to desertification (Liverman 1992:64; Myers 1993:141-42; Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.1). The government of Mexico has noted that the advance of desertification is particularly rapid in central Mexico where the population density is greatest and the pressures on the land are most severe (Comision Nacional de las Zonas Aridas 1993:Intro). **Map 6** [p.24] illustrates those areas where rural density is the greatest in Mexico and correlates this with data on aridity. As the map indicates, the central plateau is a semi-arid zone with high population density. As discussed below, **Maps 7** and **8** [pp.25,26] also identify significant migration from this region.

Finally, for many years, the National Bank in Mexico has financed the cultivation of such crops as corn and beans, regardless of whether those crops were sustainable by the land under cultivation. This fiscal policy apparently has encouraged rural workers to continue unsus-tainable agricultural practices and created financial difficulties for the National Bank because the lack of productivity resulted in reduced profits and loans were frequently unpaid (Ballin-Cortes & Vasquez Rocillo 1993).

Climate, Drought and Desertification

Periodic droughts and generally dry conditions in the arid, semi-arid, and dry subhumid areas of Mexico have undoubtedly contributed to the advance of desertification. Only about 12 percent of the nation's water is on the central plateau where 60 percent of the population and 51 percent of the cropland are located (Liverman 1992:45). However, some believe that climatic events have played only a small role in this process, noting that to date temperatures have not changed notably and that the low rainfall experienced in dry years in the arid and semi-arid regions has usually been within the expected range of precipitation (Ballin-Cortes & Vasquez Rocillo 1993).

Where climate change has occurred, some experts suggest that it has been caused or exacerbated by human activity. One study examining the differences between Arizona and Sonora along the United States/Mexico border found that variations in temperature could be explained by differences in vegetation and soil moisture on the two sides of the border (Balling 1988:106-07; Bryant, et al. 1990:260-61). On the Mexican side of the border, vegetation and soil moisture were depleted due to heavy overgrazing, resulting in temperatures that were two to four degrees centigrade warmer than on the Arizona side where grazing was practiced in a controlled, sustainable manner (Balling 1988:106-07; Bryant, et al. 1990:260-61). The authors of the study also believe that the conditions on the Mexican side of the border may actually decrease the amount of rainfall, though this postulation has yet to be verified (Balling 1993). Certainly, the degraded condition of land on the Mexican side of the border exacerbates the erosion caused by rainfall.

In addition, the impacts of climate change on the environment often depend more on the characteristics of the region and people affected than on the nature of the climate change itself (Liverman 1992:44, 57). Thus, for example, one study found that the lands vulnerable to drought in two different regions of Mexico corresponded much more closely with mismanagement of *ejido* lands, lack of irrigation, lack of high yielding seed varieties, and lack of fertilizer than with physical climate conditions (Liverman 1992:60).[7]

[7]The correlation with *ejido* land management appeared to be based on the facts that more marginal land was given to *ejidos* in land reform efforts and that *ejidos* are socially more vulnerable because they have less access to irrigation, credit, improved seeds, and other resources (Liverman 1992:61).

Nevertheless, climate clearly plays a role in the processes of desertification and there is widespread concern that the decline in sustainability of Mexico's lands for agriculture will become even more alarming if predicted global warming occurs. The effects of global warming in Mexico, under any model, will create warmer and drier conditions (Liverman & O'Brien 1991:363). Such conditions could increase significantly the severity and effects of drought, exacerbate the processes of desertification, and devastate the majority of Mexican croplands and farmers relying on low and variable rainfall (Liverman & O'Brien 1991:364; Liverman 1992:45, 65; Myers 1993:140).

Migration Related to Desertification

Mexicans have been fleeing rural poverty for decades to seek better opportunities in Mexican cities and the United States (Martin 1993:99). Work shortages are worst in the rural areas of Mexico, where unemployment and underemployment affect two out of three of all potential workers (Myers 1993:142). Such unemployment and underemployment generally create strong currents of migration (Martin 1993:52-53).

It is difficult to determine why migration occurs in any time period or from any particular region. The reasons for migration are often complex. Population movements from rural Mexico depend upon a number of factors, including the extent of familial or other networks already established in the U.S. and potential earnings (Massey, Goldring & Durand 1993; Durand & Massey 1992).[8] Determining, with any precision, the central reason for migration in any particular case or community requires in-depth study and extensive survey or interview of migrants and community members.

[8]"The changing selectivity of migration results from the growth and elaboration of migrant networks, which are composed of ties of kinship, friendship, and paisanaje (shared community origin) between migrants and nonmigrants located in the United States and Mexico. . . . Once the number of network connections in an origin area reaches a critical threshold, migration becomes self perpetuating in creating the social structure needed to sustain it. Every new migrant reduces the costs of subsequent migration for a set of friends and relatives" (Durand & Massey 1992:17).

Age, availability of jobs and wages also play a central role (e.g., Ritchey 1976; see also Azipe 1981).

Notwithstanding the complexity in attempting to determine the *primary* factor motivating migration in a particular circumstance (which may require disaggregating a multiplicity of reasons), we can identify relationships between certain environmental phenomenon and population movements.[9] These are discussed below, after a brief summary of historic migration from Mexico to the United States, and should provide context for the discussion that follows.

Historic Migration from Mexico to the United States

The United States, particularly California, is the primary destination of migrants leaving Mexico (Bustamante 1992:10). The border between Mexico and the United States extends 2,000 miles. Unauthorized migrants cross it daily. Since 1964, seventeen million illegal Mexican migrants have been apprehended and deported (Durand & Massey 1992:6).[10]

Mexican migration to the United States historically has been rooted in economic trends on both sides of the border. Between 1849 and 1900, more than 100,000 Mexican immigrants migrated to the United States (Corwin 1978:31 citing 12th U.S. census), finding employment throughout the American Southwest as ranch hands, agricultural workers, and track workers for the railroads (Corwin 1978:29). Between 1910 and 1935, as a result of the economic turmoil following the Mexican revolution and the fact that the average wage for an agricultural worker in the United States was two to ten times that of the Mexican agricultural worker (Corwin 1978:53), approximately 1.5 million Mexican migrants came to the United States (Commission on Agricultural Workers 1992:42). During this period, large-scale farms, railroads, and mines in the United States soon became dependent on the Mexican workers, who were willing to accept temporary employment for low wages (Martin 1993:57). Out of their desire for a cheap seasonal labor supply, these commercial interests lobbied fiercely to obtain exemptions for Mexican

[9]This has been determined through several other country-specific investigations, some of which are summarized in this report.

[10]For decades there has been significant illegal migration form Mexico to the United States. From 1942-1964, some five million Mexicans were apprehended and deported (Durand & Massey 1992). It is widely believed that the U.S. Bracero programs, granting legal status to thousands of Mexicans and Latin Americans to work the burgeoning U.S. agricultural fields (particularly during World War II), encouraged illegal migration to the U.S.

migrant workers from the then restrictive immigration laws, and were to a great extent successful up until the onset of the Great Depression (Zabin, et al. 1993:19).

After the Crash of 1929, however, as a result of the huge influx of migrant American workers into the farm labor market in California, the Department of State began instituting restrictionist policies that ordered more stringent enforcement of existing immigration laws from which Mexican laborers had previously been exempt (Cardenas 1975:74). From 1929 to 1933, between 300,000 and 450,000 Mexicans were deported or voluntarily departed from the United States (Durand & Massey 1992:5). As the Depression subsided and the United States began preparing for World War II, agricultural employers successfully lobbied for renewed importation of Mexican labor (Martin 1993:60). As a result, the Bracero Program was established in 1942 pursuant to a bilateral agreement between the United States and Mexico (Cardenas 1975:75).

The Bracero Program permitted large-scale recruitment and temporary employment of Mexicans, though it did not provide a mechanism for legal immigration (Cardenas 1975:75). The Bracero Program, as initially passed, lapsed at the end of 1947. During its first five years the program was small, admitting only 62,000 workers at its peak in 1944 (Martin 1993:61). The Program continued, however, under the Ninth Proviso of the Immigration act of 1917, which exempted temporary laborers from alien exclusion laws (Commission on Agricultural Workers 1992:28). During this phase of the Bracero Program, employers directly recruited and contracted with Mexican laborers without government supervision (Cardenas 1975:77). The most common method of recruiting Mexican laborers at this time consisted of finding Mexicans who were illegally in the United States, temporarily deporting them to the border, and then recruiting them as braceros (Cardenas 1975:78). After the onset of the Korean war, Congress enacted the Third phase of the Bracero Program as Public Law 78 (Mexican Farm Labor Program) in 1951. To protect domestic labor, however, Public Law 78 required that, before Mexican laborers could be recruited, the Secretary of Labor had to determine that: no domestic laborers were available to do the work; the employment of Mexican laborers would not adversely affect the wages of similarly situated domestic workers; and reasonable efforts had been made to attract domestic workers to the employment in question (Cardenas 1975:78). Public Law 78 was extended six times by Congressional amendments until the end of 1964 (Cardenas 1975:79).

During the entire span of the program from 1942 to 1964, approximately 4.6 million braceros were admitted into the United States (Durand & Massey 1992:6). At its peak between 1956-1959, more than 400,000 braceros were admitted each year (Martin 1993:63).

Despite the Bracero Program, however, illegal immigration continued to be important source of Mexican labor in the United States (Cardenas 1975:79). The number of apprehensions made by the INS (i.e., 4.87 million) was greater than the total number of workers admitted pursuant to the Program (Martin 199:63). Some authors have argued that the Bracero Program actually stimulated illegal immigration by creating the expectation "that the fastest way to upward mobility was to go north," (Commission on Agricultural Workers 1992:19) and by establishing permanent migratory networks. In contrast to the 4.6 million Mexicans admitted under the Bracero Program and the 1.5 to 5 million workers who immigrated illegally, only 545,000 Mexicans legally immigrated to the United States between 1942 and 1964 (Martin 1993:63).

Illegal immigration grew rapidly after the Bracero Program expired. The number of illegal aliens apprehended climbed steadily from 86 thousand in 1964 to more than 1 million by 1977 (Congressional Research Service 1980:37). Estimates of the total number of illegal aliens in the United States from the mid-sixties to the present vary widely, but there appears to be consensus that there was a steady increase until the enactment of the Immigration Reform and Control Act of 1986 [IRCA] (Commission on Agricultural Workers 1992:4; Durand & Massey 1992:7).[11] IRCA struck a compromise between agricultural interests, who wanted a temporary worker program that would provide an adequate supply of seasonal laborers, and labor interests, who argued that importing more labor was unnecessary and would depress wages and displace domestic labor (Commission on Agricultural Workers 1992:6). IRCA mandated employer sanctions as the "principal tool for reducing illegal immigration to the United States," and provided for legalization of more than 1 million illegal agricultural workers under the Special Agricultural Worker Program (Commission

[11]Durand and Massey suggest that perhaps the most accurate estimate of the number of illegal immigrants in the United States at the time of IRCA is derived from the number of people who applied for general amnesty and legalization through the SAW provisions (2.3 million) plus 25 percent.

on Agricultural Workers 1992:5). Although IRCA was successful in legalizing 2.3 million illegal immigrants, it did not substantially curb illegal immigration (Durand & Massey 1992:10), and, therefore, failed to stabilize the agricultural labor market (Commission on Agricultural Workers 1992:132). The Commission on Agricultural Workers, which was mandated under IRCA to assess it, concluded that, as long as employers continued to hire unauthorized workers and Mexicans lacked economic opportunities at home, illegal migration would continue (Commission on Agricultural Workers 1992:132-33).

Migration from Mexico to the United States Related to Environmental Degradation

The results of our preliminary study of Mexico suggest that the quality of farmlands, availability and reliability of water supply, and the management (or mismanagement) of lands play an important role in contributing to migration from rural areas. The inability to farm because of land degradation or desertification can result in rural unemployment and general poverty and can lead to migration. In 1978, experts examining the desertification problem in Mexico concluded that approximately 600,000 people abandoned the countryside every year as a direct result of their inability to subsist on the land (Medellin-Leal 1978:59, 71). These experts attributed the inability to survive in the countryside in large part to the process of desertification that continually reduced the workable surface areas of the land and impoverished many Mexicans (Medellin-Leal 1978:59, 65, 71). They also noted that arid and semi-arid areas were the principal sources of these rural migrants (Medellin-Leal 1978:73).

In discussing the historical role that land quality and distribution has played in decisions to migrate from rural Mexico, two experts concluded:

> Although the common wisdom is that adopting cash crops and capital intensive production methods led to greater out-migration via displacement of rural workers, comparative studies suggest that the process was more complex. Displacement did occur in communities with poor quality land and in places where land was unequally distributed, but in communities

> where land was of high quality and more evenly distributed among families, the advent of commercialized farming increased rural incomes, lowered risks to farm households, and thereby reduced pressures for migration to the United States. (Durand & Massey 1992:35)

Based on more recent investigations, the Mexican government observed that there is still a strong tendency for people to migrate from arid and semi-arid areas, which contain 20 million inhabitants with scarce possibilities for work (Comision Nacional de las Zonas Aridas 1993:Ch 2,sect 2.1). *The government found that approximately 900,000 people now leave these areas every year* (Comision Nacional de las Zonas Aridas 1993:Ch 2, sect 2.1, 2.5).[12] As suggested in earlier studies, a significant portion of the migration from arid and semi-arid rural areas likely is attributable, at least in part, to the desertification that eliminates approximately 1,000 square miles of land and causes the abandonment of at least 400 square miles of farmland every year (Medellin-Leal 1978:59; see also Myers 1993:140; UNPF 1991:98-99). This explains why some experts have concluded that recent upsurges in migration from Mexico's rural areas are caused by land degradation that, together with rising population levels and the push of small farmers onto marginal lands, has caused an "agricultural squeeze" (Myers 1993P:141; UNPF 1991:99; Bilsborrow & DeLargy 1991:128-29).[13]

Our investigation of the San Luis Potosi area confirmed a strong relationship between the inability to make a living from the land due to dry conditions or land degradation and the decision to migrate, at least temporarily (Natural Heritage Insitute 1993; Ballin-Cortes & Vasquez Rocillo 1993). The people we spoke with stated that when their corn and bean crops were inadequate and grazing was poor, as frequently occurred, one or two family members would be forced to migrate in search of work to supplement the family income. These people generally attributed the failure of crops and grazing to lack of rainfall and the absence of irrigation systems.

Some experts assert that these deficiencies more properly are attributed to the inability of the land to sustain corn and bean crops, the poor management of graz-

[12]In the final version of the National Plan, now being issued, the government notes that the largest part of emigration is from municipalities that are predominantly rural in character.
[13] Population growth is greater in rural than urban areas (Mendez y Mercado 1985:14).

ing, and general land degradation resulting from these practices (Ballin-Cortes & Vasquez Rocillo 1993). Agricultural economist David Runsten finds many problems with existing agricultural practices in Mexico. Soilborne diseases are common and irrigation practices are poorly applied (Runsten 1994). While the government has begun to take steps to address the problem, in some cases providing compensation to landowners to plant trees on their lands, there apparently has been little research, education, or training in Mexico on alternate or supplemental agricultural techniques to remedy this problem (Runsten 1994). Runsten believes that many of the people living on marginal lands in Mexico will continue to migrate as the lands become unsuitable for farming or grazing.

These observations have been confirmed by other studies of Mexico and Latin America (Bilsborrow & DeLargy 1991:128-9). For example, Edward Taylor has indicated that, in his investigation of Michoacan, Mexico, he found a strong link between environmental degradation and migration. He indicated that:

> There is a direct negative relationship between the productivity of family resources in village economic activities and migration. Because crop production is an important activity, declining productivity on the land increases migration pressures. It also encourages a shift towards less land-quality dependent activities, including livestock production, which unless carefully managed may have a further detrimental effect on land quality, especially in fragile environments. (Taylor 1994)

Taylor notes that the relationship between migration and soil degradation is complex and may exacerbate the destruction of fragile ecosystems in Mexico. There also may be an inverse relationship, where the opportunity to migrate is less costly to a family than the environmental investment needed to increase productivity of the farmland.

> The presence of migration opportunities increases the opportunity cost of investing in environmental conservation. In effect, the environment competes with migration for scarce family resources, including time. The basic problem is that migration is an economic activity the returns to which do not depend on land quality. The availability of such activities tends to discourage land conservation. (Taylor 1994)

Notwithstanding this, Taylor further suggests that remittances sent home from those who migrate could provide a source of funds for conservation investment. This is particularly important given that most farmers in Mexico do not have access to credit. Remittances have largely taken the place of the "missing bank" to finance small farm investments (Taylor 1994).

Integration of Geostatistical Data

In completing our investigation, we analyzed geostatistical information concerning various regions of Mexico affected by aridity and likely to be most affected by desertification. We developed a map identifying migration from rural areas, with a cross-comparison to geostatistical data on aridity in Mexico [see **Maps 7**, **8** pp.25,26]. The information on migration used in preparing these maps was gathered in a survey of Mexican migrants living and working in the United States who were returning to Mexico in 1993 for an unspecified period of time.[14] The information collected in this survey included the last place of residence in Mexico by rural locality of the migrants. This data is significant because it tends to indicate the relative number of people who migrate to

[14]The survey did not attempt to determine whether the migrants intended to return permanently or temporarily for such reasons as vacation or family visit. The survey gathering the data was conducted by Dr. Jorge Bustamante and his colleagues at El Colegio de la Frontera Norte as part of an ongoing, large-scale project funded by the World Bank to produce a direct estimate of the variation of undocumented immigrants from Mexico to be found in the U.S. during the time monitored. This estimate is obtained by focusing on patterns of circulatory migration flows as determined through interviews of randomly selected individuals at a number of Mexican border cities. The project, begun in 1993, will be completed in spring 1994. Because not all data from the survey has been collected and analyzed, we developed our estimates by extrapolating six months of the data, providing an estimate of undocumented immigrants from Mexico in the U.S. in 1993.

The foundational work for the survey methodology consisted of a pilot study in which Dr. Bustamante and his colleagues conducted surveys of migrants at various border crossing points over an approximately six-year period. The new survey methodology used in these interviews was developed based on procedures used to sample mobile populations for biological statistics. The successfully completed pilot study produced the only time series database available on the flows of undocumented migration from Mexico other than the statistics on apprehensions produced by the U.S. Immigration and Naturalization Service and provided the information necessary to determine the proper parameters of the survey and sampling design.

the United States from the rural localities of Mexico.

The use of migration and aridity data in determining precise correlations between migration and desertification is limited for two reasons. First, much of Mexico's territory is arid or semi-arid and we cannot assume that all arid or semi-arid areas are desertified (though, as the government of Mexico concludes, 60 percent of all lands are severely degraded). Second, though there is migration from the rural arid and semi-arid areas, we cannot assume, without further investigation, that all migration identified from these areas is a result of desertification. As discussed above, we do know that the central region of Mexico, which is arid or semi-arid and has a high rural density, has widespread desertification problems and significant out-migration. *Our discussion with experts, research, and analysis of the relevant statistical data (some of which is presented in **Maps 7** and **8**) suggests that further investigation will likely confirm that desertification, as well as other environmental factors, contribute to migration from this region.*[15]

Quantifying Migration Flows

There has been considerable debate on the annual flow of migrants from Mexico to the United States (Durand & Massey 1992:4-5).[16] Estimates range from 150,000 persons per year to between 500,000 and 600,000 persons per year (Myers 1993:144; Durand & Massey 1992:6-9; see also Martin 1993:4-6). Approximately 100,000 to 150,000 of these are expected to settle in the United States (Martin 1993:4). An additional 1.5 to 2 million Mexicans who enter the U.S. illegally each year are considered temporary workers or seasonal migrants expected to return to Mexico.[17] The World Bank projects that between 1995 and the year 2000, an additional 750,000 to 900,000 Mexicans will migrate to the U.S (Martin 1993:5).

[15]Martin (1993) also suggests that the allocation of water and development of irrigation supplies can be a powerful force in motivating internal migration; water projects in northern Mexico have led to substantial internal south to north migration to Sinaloa, Baja, and other areas. Martin believes that, if Mexico undertakes more such water projects in the north (such as would be likely to reduce transportation costs of fruit grown in Mexico and exported to the U.S. market), there may be more "stepping-stone" migration to the United States.

[16]Myers (1993:144) suggests that 150,000 to 300,000 illegally migrate to the United States each year to settle.

[17]"Most Mexicans are expected to continue to arrive illegally; there are estimated to be 1.5 to 2.5 million illegal entries each year, and over 90 percent of those apprehended are Mexicans . . ." (Martin 1993:4)

No one has attempted to determine how many of these migrants leave the rural areas of Mexico because of serious impairment of farmlands or other desertification processes. The time constraints and scope of our investigation did not permit us to undertake any real quantification analysis. Further investigation and data development is warranted to provide a more accurate basis for determining the scope of the problem. However, the lack of precise data on the number of migrants should not paralyze the policy development process, particularly as quantification historically has been an area for fervent debate in the migration field and there may be enough qualified data to warrant policy considerations. Recommended issues for further investigation are discussed in *Conclusions and Recommendations*, below.

CONCLUSIONS AND RECOMMENDATIONS FOR FUTURE ACTION

The relationship between ecological destruction and migration is a phenomenon that has been little studied on a global level. Studies of various regions of the world confirm that migration is increasingly a result of serious environmental degradation, particularly desertification processes that impair the viability of soils and agricultural sustainability.

Mexico has significant desertification problems because much of its lands are affected by arid or semi-arid climate. Historically, it has been the source of large-scale migration to the United States. We undertook a preliminary study to understand better the relationship between severe land degradation in Mexico and migration to the U.S. Our preliminary investigation leads to the following conclusions.

First, there is evidence to suggest that a portion of the migrating population from Mexico to the United States are people who are moving, directly or via Mexico's urban centers, because they cannot farm the lands. The deterioration of the soil base is due to ongoing processes of desertification affected by both climate and unsustainable land and water use practices. Those most acutely affected are subsistence farmers who grow corn and beans for their families to survive.

Second, preventing this migration will require addressing the root environmental causes of the problem, largely associated with inefficient agricultural management. National, regional, and local policies, institutions, and practices in

Mexico likely will need to be reformed. A significant barrier to implementing reforms in Mexico is the lack of education, training, and financial programs for affected farming communities. Too, U.S. domestic policies, particularly in the agricultural sector, may be contributing to these problems and warrant further investigation.

The U.S. Commission on International Migration and Cooperative Economic Development concluded that long-term economic development is the most effective means of preventing international migration in this region (Gregory 1989:31). However, this may not prevent the migration associated with severe ecological damage. Economic development will be more effective if coupled with specific environmental policies, including regulations and financial incentives designed to prevent and redress land degradation and drought (e.g., the lack of reliable water supply). Redressing the problem will require programs to assure the viability of farming and to revitalize salinized soils or otherwise degraded natural resources in affected rural communities.[18]

Third, while the development of data on migration associated with environmental problems is too premature to recommend specific foreign policies, our preliminary analysis reveals that the Commission and Congress will need to look beyond traditional immigration policy to address the root causes of the problem. Precise programs and policies will depend upon the results of further field and analytical study, as described below.

Issues for Further Investigation of the Environment and Migration Phenomenon

The environmental phenomena in Mexico that can give rise to migration and the communities most affected should be investigated more comprehensively to un-

[18]The San Joaquin Valley, an historically prosperous region that produces much of California's agricultural revenues of more than $17 billion, may serve as an example. In spite of its prosperity, the region only recently has begun to address the salinization and other desertification problems that have been building for decades because of poor land and water management practices. These now threaten the viability of 750,000 acres of prime farmland. Thousands of acres have been fallowed because of lack of understanding or attention to the problem by both farmers and regulatory agencies. These groups are now beginning programs to arrest the problem.

derstand better the immigration and foreign policies that could be formulated by United States policymakers to address the problem. The Commission may wish to undertake such investigation or to recommend to Congress that it appropriate resources to conduct the necessary research and field study.

The following specific recommendations are proposed to guide the further action of the Commission and/or Congress:

Further Investigate the Relationship Between Environmental Problems and Migration

Reversing the trends of land degradation in Mexico will be critical in stemming the migration related to unsustainable use of agricultural lands in certain regions. Investigating the links between environment, migration, and population will provide more definitive analysis of these trends and suggest appropriate policy development.

Given the dearth of available field-based documentation on which to formulate policies, further study should seek to determine how influential a role environmental problems play in decisions to migrate. Field research should include interviews of migrants in affected rural communities as part of broader field studies.

It will be important to investigate the regions that suffer the most acute environmental problems and that foster significant involuntary migration because this information can provide a basis for the development of prevention and remediation programs that could yield short- and long-term environmental and migration benefits to both Mexico and the United States.

Specifically, we recommend more precise identification and investigation of the lands currently undergoing desertification in rural, arid, and semi-arid areas of Mexico. For example, a detailed inventory of the lands in the Central Plateau region could enable more accurate correlation of migration from this area and land degradation patterns, as well as provide information on the number of people who may be affected. This will be critical to identifying priority areas for policy responses.

The key will be to build upon and bridge the existing efforts of researchers, officials, and nongovernmental organizations to analyze environmental problems and

population movements in an integrated fashion. For example, new migration data (that will be available soon) is currently being produced by the Colegio de la Frontera Norte and ORSTOM. This data can be used to determine more accurately the migration patterns in Mexico. Data on outmigration from an area can be combined with geographical information service statistics [GIS] identifying areas of land impairment. In turn, this data can be compared with other regional migration patterns. The data can provide a beginning point for locating the most critical environment-migration areas and determining the number of migrants affected.

The relationship between population growth, environmental problems, and migration also should be studied. Population growth increases pressure on scarce natural resources in rural areas. In agricultural regions, when the carrying capacity of the lands are exceeded, people are forced to move. Little is understood about the dynamic between population growth in certain agricultural regions in Mexico and the marginalization of agricultural lands that promotes migration. Any future investigation into the links between migration and environment should, therefore, include analysis of how population growth may affect environment and migration problems.

Finally, understanding climate change in this region also will be important. Certain data already has been developed on climate change and global warming and can be evaluated further and integrated with research on migration and environment issues. Some experts are concerned that declining conditions in rural Mexico, unemployment, and migration will become worse in the event of global warming. If dry regions of Mexico become warmer and drier as global warming models suggest, Mexican croplands and the farmers who rely on low and variable rainfall could be severely affected. Many more rural inhabitants could be forced to migrate (Liverman 1992).

Investigate the Development of Immigration and Other Policies that May Be Responsive to Address Ecologically-Induced Migration

In carrying out its mandate to consider ways to increase the effectiveness of U.S. immigration policy, the Commission may consider proposals to tighten border controls and employer sanctions for the hiring of illegal immigrants. Preliminarily, we analyzed some of these policies to de-

termine their potential in addressing migration related to environmental degradation.

As the Commission is aware, policies to increase border controls and punitive sanctions against employers and certain other measures were adopted under IRCA. These were designed to control the flow of immigration from Mexico to the U.S. Some contend that IRCA has had relatively little impact on stemming undocumented immigration from Mexico (e.g., Massey, Durand & Donato 1992:139-40, 155-56). The policies have become somewhat controversial because it is asserted that they can lead to violence against Mexicans and can drive undocumented workers further underground, leaving no recourse to challenge employer abuses (Huerta 1992:150-51). In addition, certain federal studies have found that these policies tend to encourage discrimination against foreign workers, whether here legally or illegally (Huerta 1992:87-88, 150-51; Mahoney 1992:150-53).[19]

These traditional policy responses probably will not be sufficient to diminish the pressures on migration related to serious environmental deterioration in Mexico because they do not address the root of the problem. However, these policies can be more effective in addressing this type of migration if coupled with agricultural land remediation, training, and educational programs. If the objective of U.S. immigration policy is to address root causes of immigration, then such an objective will need to incorporate broader policies that involve international cooperation, aid, and technical support measures.

Issues to Evaluate in Developing Broader Policy Responses

The United States could play a catalyzing role in encouraging the development of such environmental policies in Mexico, particularly as many federal agencies possess unique expertise in developing water and land management programs, largely as a result of the lessons learned from the salinization and water problems that have plagued the western United

[19]The U.S. General Accounting Office concluded in 1990 that federal employer sanctions resulted in widespread employment discrimination against U.S. citizens and other legal residents, indicating that 20 percent of employers had engaged in discrimination in California as a result of this policy (Coalition for Immigrant & Refugee Rights 1990:6).

States farming regions.[20] However, the application of these programs in Mexico is best determined in conjunction with Mexicans most knowledgeable about conditions in their own country. Thus, the Commission and/or Congress should investigate the opportunity for establishing cooperative programs, as discussed below.

Distinguish Between Environmentally-Motivated Migrants and Other Economic Migrants to Address Environmental Root Causes of Migration

A key concern of the Commission is whether these migrants are different from the broader category of "economic" migrants in ways that may warrant consideration of new policies. Our preliminary findings suggest that *migrants unable to farm because of desertification or drought can be distinguished, for purposes of policy development, from other urban or economic migrants who may be primarily motivated to relocate in the United States because of the wage differential.*

Adverse environmental conditions can lead to increased poverty when families can no longer subsist on their lands. They may be forced to join the growing numbers of other "economic" migrants. However, it appears useful to distinguish between these "environmental" migrants and other economic migrants for two reasons. First, understanding that some segment of the international migration population is primarily motivated to move because of their inability to farm could foster the development of programs specifically designed to stem *this cause* of migration. As discussed below, these could include environmental prevention or remedial measures that preserve agricultural land and promote higher agricultural productivity. Second, because the motivation for leaving their homelands is different from that of other economic migrants, migrants forced to leave because farming is unsustainable may consider returning home if remediation programs are offered. [The findings which support this are discussed in more detail below].

It may, therefore, be useful to target this potential group of migrants for policy responses as a means of addressing or preventing one root cause of migration to

[20]The San Joaquin Valley of California is a prime example. We undertook investigation of these problems for federal and state agencies, producing a 1990 report identifying solutions to the legal and institutional barriers that have contributed to agricultural water and drainage management problems in this region.

the United States. However, the environment-migration phenomena still is too little understood to support recommendations on specific immigration policy reforms, such as the expansion of existing categories of refugees to include persons acutely affected by ecological damage. The Commission should study these issues in further detail.

Investigate How Policy Responses Might Provide an Opportunity for Some Migrants to Return Home to their Communities

The Commission should undertake further exploration of whether it would be useful to develop policies or programs that could encourage immigrants in the U.S., to return to their home communities voluntarily to engage in sustainable farming activities. The Commission could explore the potential for a joint program with the Mexican government to undertake land revitalization programs in certain communities, with the view toward allowing migrants who wish to do so to return home to participate in such programs.

Our preliminary findings suggest that migrants forced to leave because the soils are agriculturally unproductive may consider returning home if they can successfully farm the lands. Michael Kearny, Professor at the University of California, Riverside, who has studied land problems and migration in Southern Mexico where many of the people are indigenous, Mixteca, has found support for this view among those in the migrant as- sociations based in California with which he works (Center for U.S. Mexican Studies 1986). These groups desire to improve the situation in their home communities. Many are circular or seasonal migrants who would prefer to remain at home if they could make an adequate living and, similarly, would like to return home if circumstances could be improved in their communities (Center for U.S. Mexican Studies 1986; Kearny 1994). In our interviews conducted with Mexican migrants living in California who migrated from Mexico's agricultural regions, many who identified land degradation or drought as a factor in the decision to migrate expressed a desire to return to Mexico if they could make a living by farming the lands.[21]

[21]We conducted interviews of two groups of Mexican migrants in San Francisco and Oakland, California in December of 1993. During the same month, we also conducted interviews of workers living in villages with problems of desertification in the San Luis Potosi region of Mexico.

Further, certain studies of migration have found that seasonal migrants may own plots of land in their community of origin and may either return to farm or employ others to farm these lands. This is consistent with our findings in interviews of rural workers in Mexico who informed us that families generally wish to remain on their land and only send one or two family members to seek employment in a Mexican city or the United States when necessary to supplement the family income.

Confirming whether these findings represent the attitudes of a broader base of rural migrants in the United States will be important in thinking through policy responses. U.S. immigration policies have focused on apprehension and deportation as a means of returning illegal migrants to Mexico.[22] Some studies have found that these efforts have not deterred immigration because many of those apprehended on the border and returned to Mexico simply repeat their attempts to enter the United States until they are successful.[23] These policies may be more effective in addressing certain rural migration if supplemented by policies that promote *incentives or programs* for migrants to return home to participate in community farming activities.

In some cases, policies adopted in Mexico to revitalize lands or develop reliable supplies of water and to foster equitable distribution among farmers in a community may serve to encourage potential migrants (those who would be forced to migrate in search of employment if they could not farm the lands) to remain in their communities or to encourage migrants in the U.S. to return home. Incentive programs, organized jointly with Mexican officials, could include providing training and education on sustainable farming methods. Community farmers in Mexico and migrants living in the U.S. could be eligible to participate. (These and other possible programs are discussed below).

Further investigation is warranted to determine the potential for developing immigration policies that could promote the return of rural migrants to participate in agricultural training and development

[22]Since 1964, approximately 17 million Mexicans have been apprehended and deported (see e.g., Durand & Massey 1992).

[23]Data collected by Donato, Durand and Massey provided "no support for the view that apprehension deters migration." Every migrant who attempted to enter the United States eventually got in (Massey, Durand & Donato 1992:150).

programs in Mexico. The potential for such programs to yield results in reducing migration pressures will depend upon more comprehensive data than the findings presented here regarding the desire of migrants to return to Mexico. Specifically, it would be useful to determine, through migrant interviews and other means, whether these findings are more broadly applicable to rural migrants in the U.S. and how immigration policies can be formulated to meet this challenge.

Investigate the Opportunity for Establishing Joint U.S.-Mexico Programs to Address the Migration Related to Environmental Problems

As the Commission appreciates, the creation or modification of certain national, regional, and local policies in Mexico likely will be needed to redress the growing environmental problems, particularly to encourage regulations and permitting practices designed to ensure sustainable harvesting of forests and vegetation. Moreover, programs that seek to improve employment opportunities in Mexico could focus on the improvement of agricultural lands, such as those involving expansion of credit to *ejido* farmers to improve irrigation efficiency.[24] The specific programs that should be considered are discussed more fully in the next section of this report.

Recognizing that environmental deterioration in Mexico can contribute to migration to the United States, Mexico and the United States should cooperate in developing solutions. The Commission and Congress should consider how cooperative programs with Mexico could be developed to promote, finance, and implement environmental mitigation and prevention programs, including the development of model techniques and evaluation of successful agricultural methods developed by indigenous groups in Mexico that can be replicated in other

[24]David Runsten, an agricultural economist affiliated with the California Institute for Rural Studies, believes that there is considerable potential in this type of effort. He has worked effectively to promote the production of fruits and vegetables on *ejido* lands in Mexico. Small *ejido* farmers often do not develop their lands or utilize irrigation because of credit difficulties or exclusion from economic opportunities, problems that may be addressed through financial and other policy reforms in Mexico.

regions of the country. Moreover, the U.S. should consider how best to transfer its considerable expertise and technology to prevent or remediate many agricultural problems.

The benefits of such programs to advance U.S. and Mexican interests go beyond the potential for reducing migration to the United States. The U.S. could benefit economically to the extent that private firms may gain opportunities to participate in technology transfer and consultation. Moreover, increasing productivity of agricultural lands in Mexico will be critical to the long-term sustainability and market competitiveness of Mexican agriculture. The North American Free Trade Agreement [NAFTA] may increase rural migration as agricultural exports from the United States to Mexico displace the agricultural produce of small, inefficient farmers (Martin 1993:137).[25] If farmers are not competitive, they may be required to diversify their incomes or be forced to migrate to urban areas, including in the United States, in search of jobs.

One potential framework for cooperation could be the North American Free Trade Agreement, which establishes certain cooperative mechanisms for consideration and transfer of environmental information. In addition, there are several joint border programs that involve the management of lands associated with the shared natural resources of Mexico and the U.S. These and other mechanisms that could facilitate cooperative program development warrant further investigation.

The Commission also should consider the following issues for further research in developing a framework for environmental cooperation with Mexico and in assisting local communities in Mexico.

Potential Short- and Long-Term Opportunities for the Development of Environmental Solutions

Based upon our preliminary investigation of certain desertification problems in Mexico and our experience in addressing these problems in the western United

[25]Interestingly, NAFTA may increase migration in the short term. Martin (1993:47) estimates that approximately 1.4 million workers will be displaced. This push from rural areas also will be fostered by Mexico's new agricultural policy to reduce subsidies for corn and beans. It may be that environmental remediation efforts could help to balance this “hump” in increased migration by increasing the availability of productive agricultural lands.

States, we have identified certain environmental measures that warrant further consideration as part of any further investigation of the migration-environment phenomenon. These may provide both short- and long-term benefits in addressing the problems. The importance of the measures proposed below will depend upon the precise nature of the problem, the lands affected, the climate, and the community practices within each affected region.

Academic institutions in Mexico, such as the Instituto de Investigaciones de Zonas Deserticas (Universidad Autonoma de San Luis Potosi) already have begun to formulate ideas on model programs that could be undertaken in the local communities most seriously threatened by land and water quality deterioration. It may be useful to consider incorporating such programs into a larger Mexico-U.S. cooperative development assistance program, such as discussed in the previous section.

- Poor cultivation practices and overgrazing have been identified as two of the largest contributors to desertification. The economic and environmental feasibility of the following measures should be evaluated as they can produce immediate environmental benefits:

1. Modification of permitting practices concerning wells to ensure that poor quality water is not used for irrigation;

2. Modification of permitting practices concerning clearing of land for crop cultivation to reduce farming on lands unsuitable for such cultivation;

3. Institution of controlled, sustainable grazing in all areas where grazing is practiced (Ballin-Cortes & Vasquez Rosillo 1993).

   Education, training and economic incentives should be provided to growers in affected areas to promote the following policy goals:

4. Reduction of crop cultivation in areas where soil and/or climate are unsuitable for cultivation and institution of controlled grazing practices or other alternative land uses more suitable to these areas (Ballin-Cortes & Vasquez Rosillo 1993);

5. Reduction of water-intensive dry land crop cultivation and substitution of drought-resistant crops in areas where the land and cli-

mate can support some form of cultivation (Mainguet 1991:32, 213);

6. Education and financing to support implementation of rational, water conserving irrigation systems (to replace systems that mobilize salts and waste resources through overapplication of water).

- Other practices contributing to desertification include unsustainable harvesting of forests and vegetation, poorly planned urban expansion, and public works projects. Any investigation should consider the economic and environmental feasibility of the following measures as they can produce immediate benefits:

1. Modification of regulations and permitting practices to ensure sustainable harvesting of forests and vegetation.

   Measures that can address the problems on a long-term basis include:

2. Education that promotes sustainable harvesting practices;

3. Institution of planning mechanisms for urban expansion, public works, and mining projects that will ensure that environmental considerations are properly evaluated and considered and that will promote effective public participation in their development and implementation.

- Drought and other processes leading to desertification often have more severe impacts where lands are more marginal and where farmers lack irrigation, good fertilizer, high yield seeds, and adequate variety in crops. Further investigation should consider ways to reduce these impacts, including by:

1. Providing financing, technology, and education to expand efficient irrigation systems;

2. Providing financing, supplies, and education to promote use of good fertilizers, high yield seeds, and substantial variety in crops (Liverman 1992b:332).

3. Developing policies to address the factors causing the farming of

marginal lands, including government regulation, high population growth, and agricultural financing.

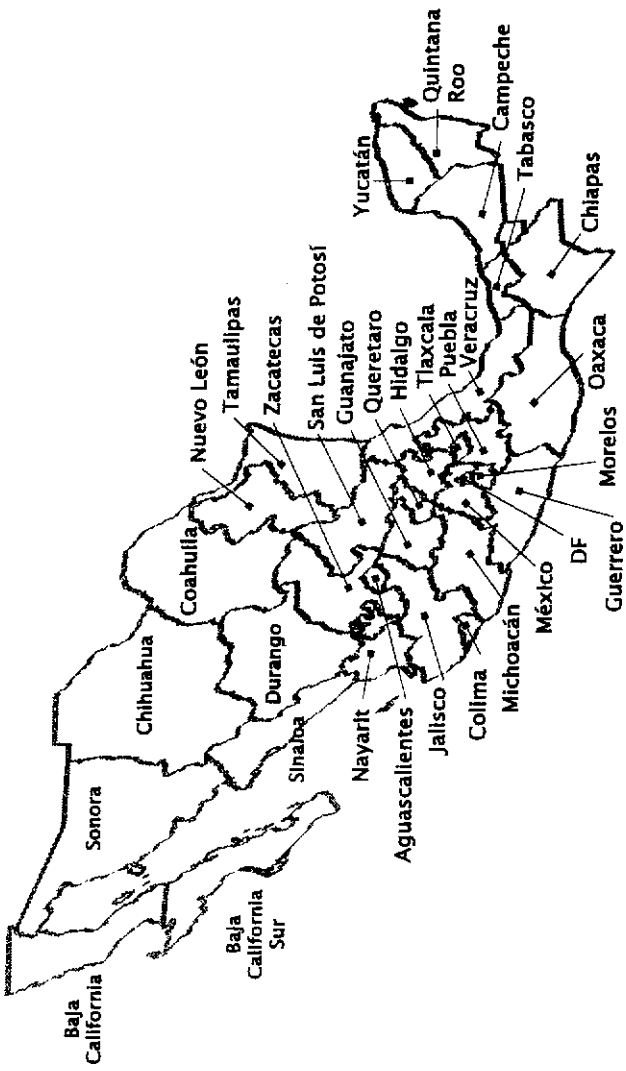
- Pilot programs with local participation can achieve significant results:

1. The primary difficulties in implementing many of these recommended solutions will be obtaining adequate financing and the cooperation of the rural workers who traditionally have followed particular cultivation, grazing, harvesting, and irrigation practices. One way to achieve the necessary participation may be to carry out model programs or pilot projects to test the recommended changes in land management (Ballin-Cortes & Vasquez Rosillo 1993; Ballin-Cortes 1988b:4). With sufficient financing to reduce the risks, rural communities or *ejidos* may voluntarily participate in these projects.

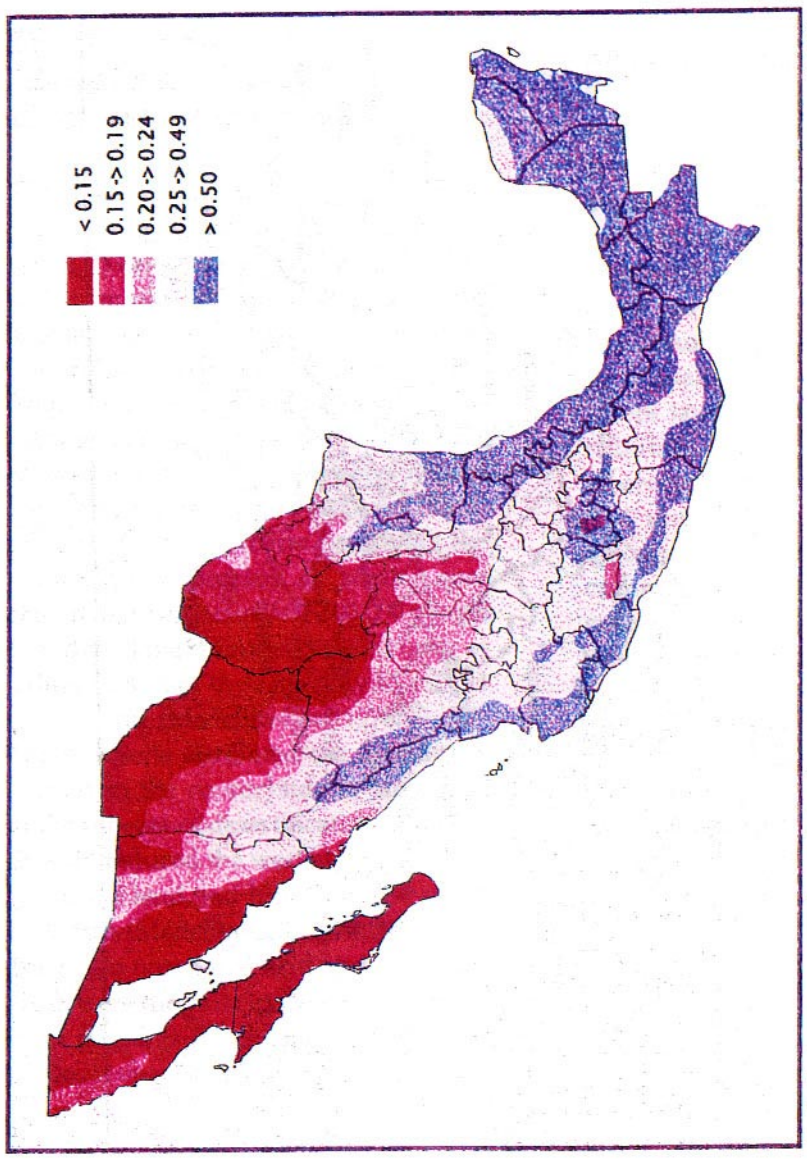
2. Moreover, if rural participants are closely involved in the development and application of the recommended solutions, the actual solutions designed not only may be more practical, but more influential in fostering change by both the immediate participants and outside observers. If successful, such projects should serve both to demonstrate the desirability of the recommended solutions and to educate the community's farmers.

3. Once recommended solutions have been tested and proven successful, further implementation can be encouraged in a number of ways. First, education can serve to spread knowledge and understanding of the techniques followed in the pilot projects. Second, government incentives can reduce the risks and provide the motivation needed to undertake changes. Third, government regulation and permit policies can attempt to halt or diminish practices that are clearly harmful and ensure consideration of environmental effects.

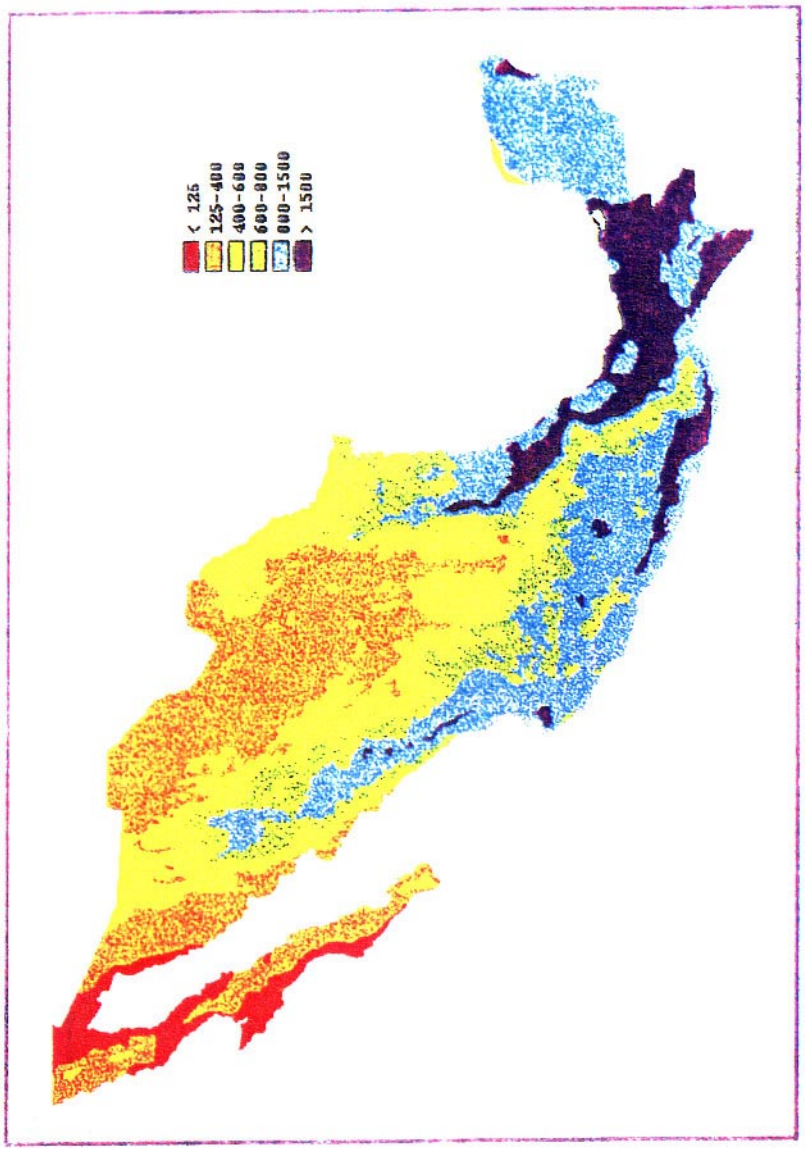
1. The Mexican States



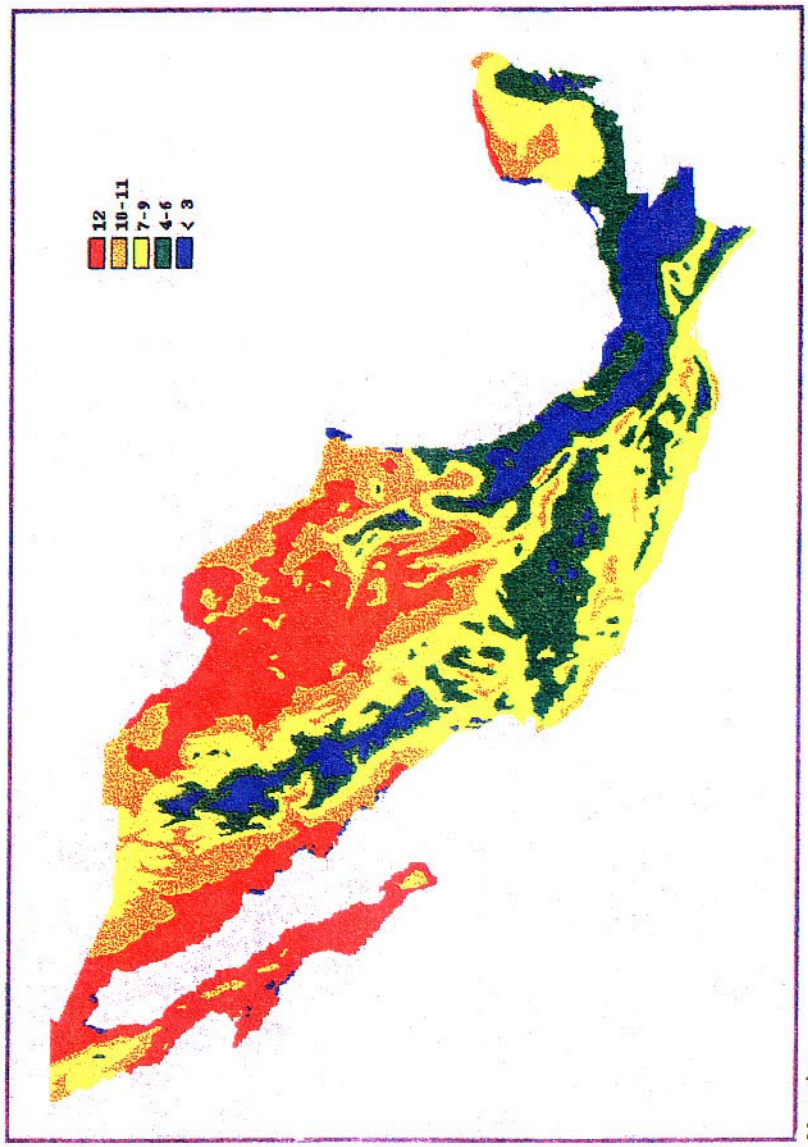
2. Index of Aridity



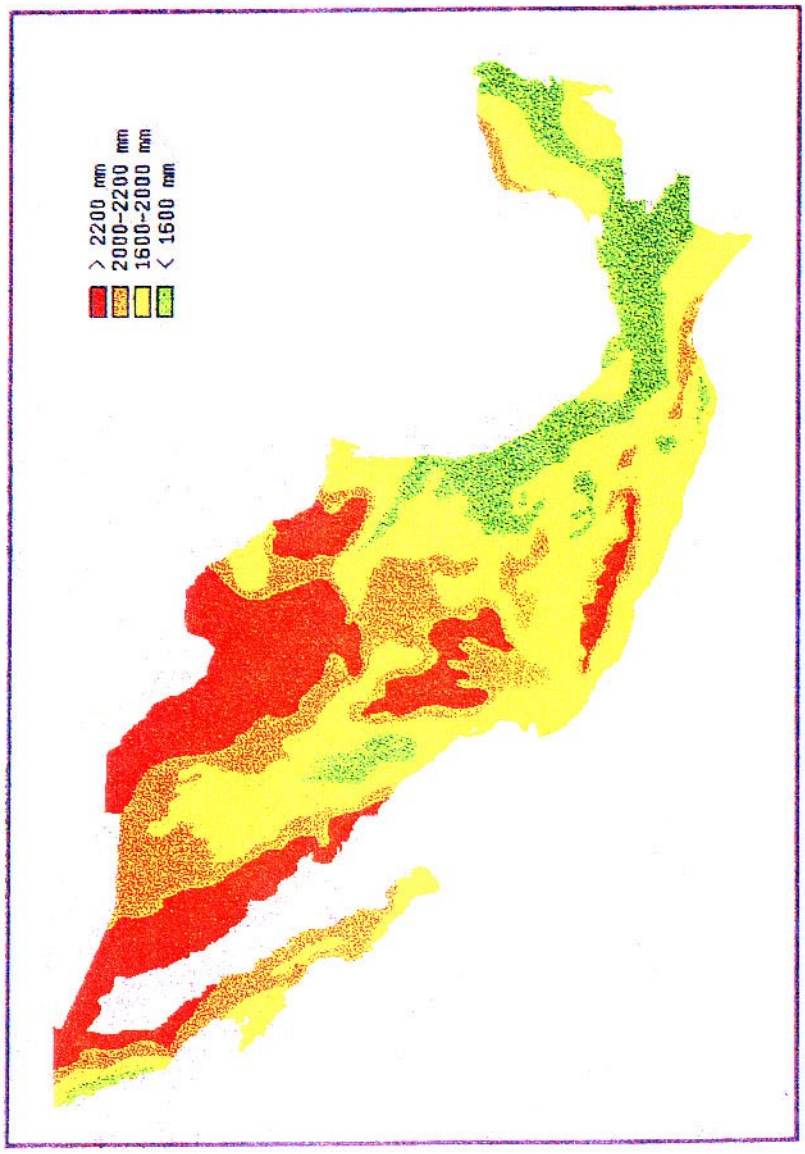
3. Annual Precipitation



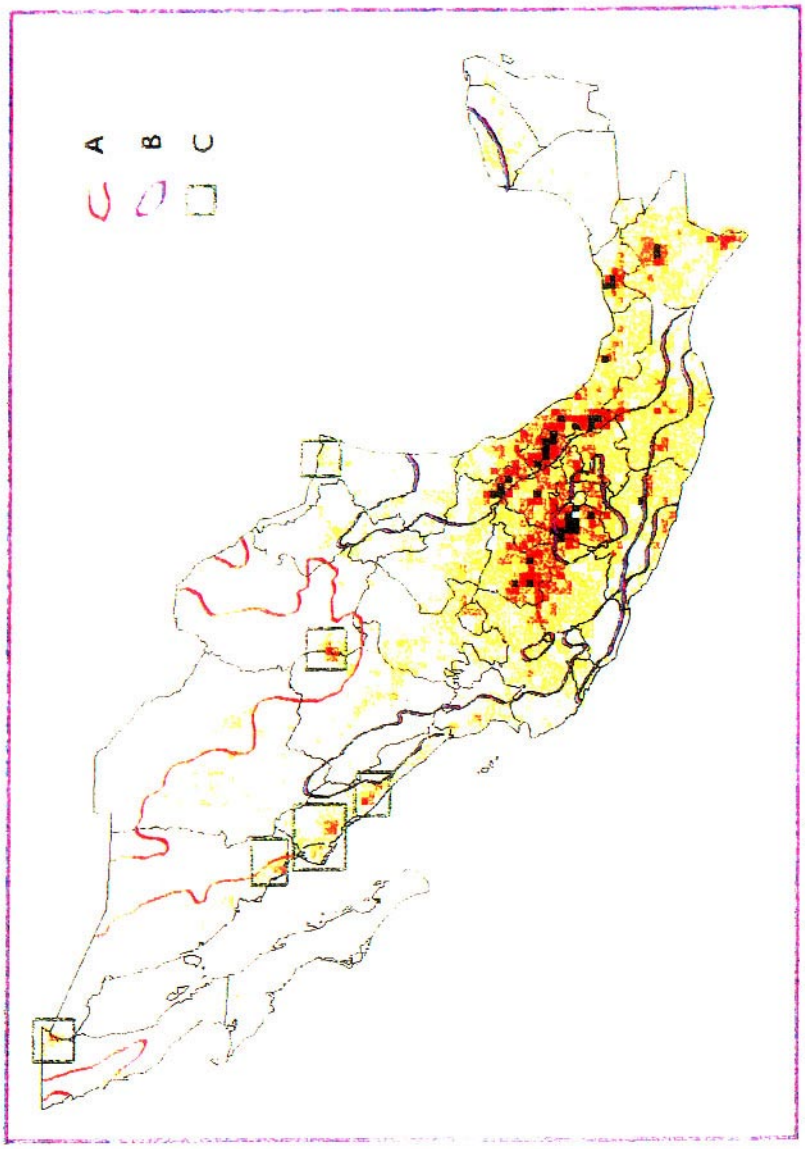
4. Average Number of Dry Months Per Year



5. Average Annual Evaporation



6. Aridity and Density of Rural Population

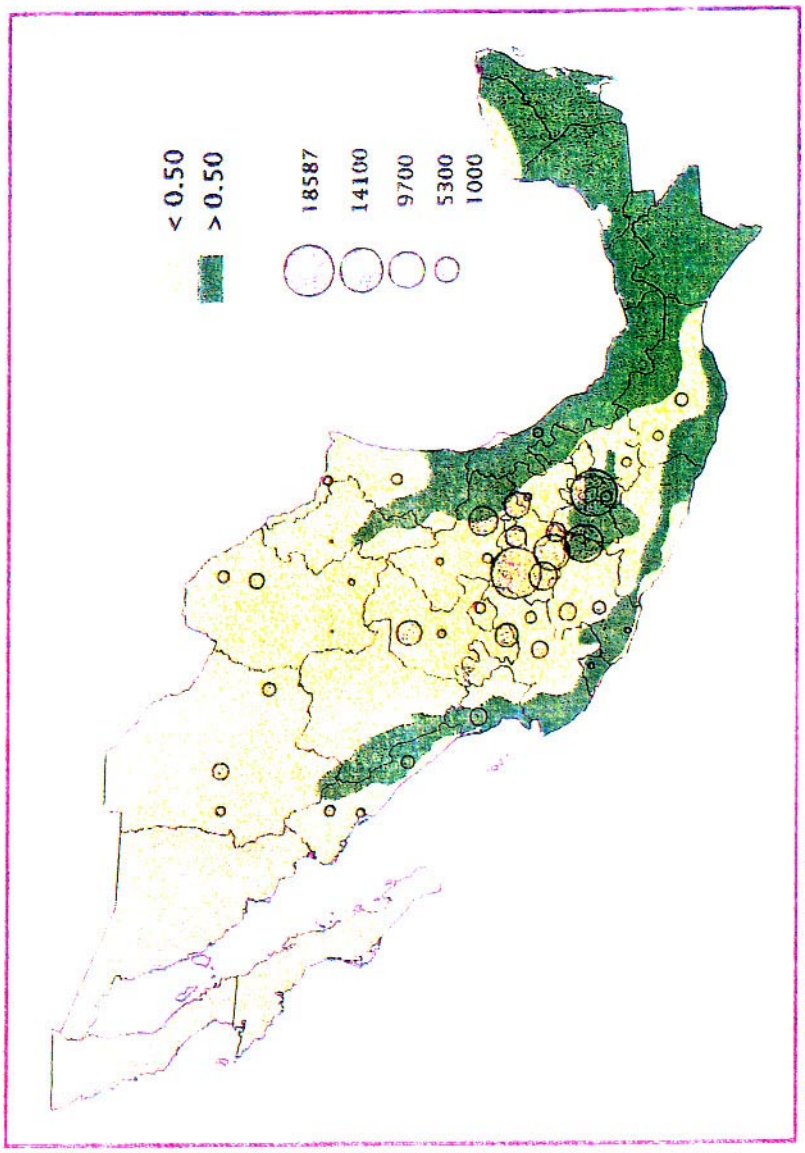


Sources:
X Censo de Población y Vivienda, 1990
INEGI (Codice90)
Atlas Nacional de México de UNAM
Sistema de Información Geográfica y Estadística de la Frontera Norte (COLEF ORSTOM)

A- Transition from arid to dry area
B- Transition from dry to humid area
C- Arid area with irrigation

Density of rural population (living in localities of less than 2500 inhabitants) in 1990 (X Mexican Census).

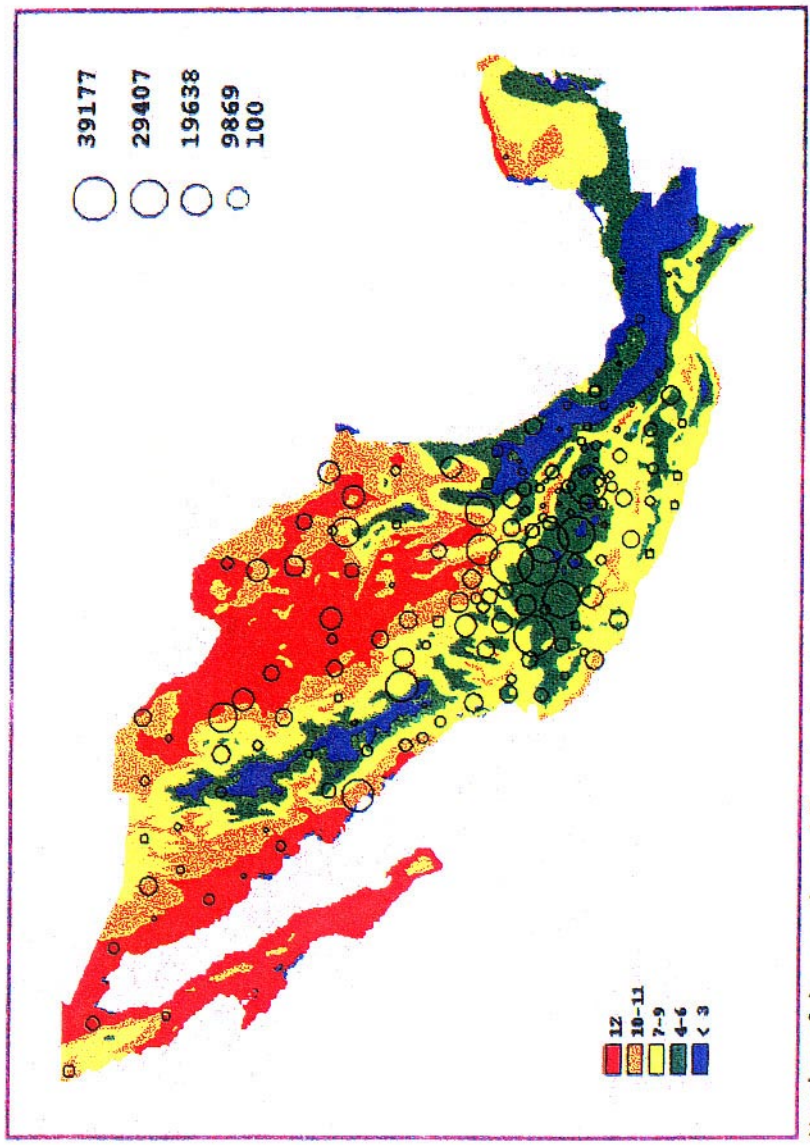
7. Rural Migration and Aridity



Sources
Survey on Mexican US migratory flow (COLEF)
Atlas Nacional de México de UNAM
Sistema de información Geográfica y Estadística de la Frontera Norte (COLEF ORSTOM)

- Arid and dry areas (< 0.50)
- Humid area (> 0.50)
- Flow of Mexican migrants in 1993, living and working in the US, surveyed on the border on their return to Mexico (spatial distribution according to the region of last residence in rural localities of Mexico.

8. Number of Dry Months and Migration



Number of dry months and flow (estimation for 1993) of Mexican migrants living and working in the US, surveyed on the border on their return to Mexico (spatial distribution according to their region of birth in Mexico, rural and urban localities).

Sources :
Survey on Mexican-US migratory flow (COLEF)
Atlas Nacional de México de UNAM
Sistema de Información Geográfica y Estadística de la Frontera Norte (COLEF-ORSTOM)

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Employer Sanctions in France:
From the Campaign Against Illegal Alien Employment to the Campaign Against Illegal Work

Mark J. Miller

U.S. COMMISSION ON IMMIGRATION REFORM

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RESEARCH
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UNIVERSITY OF DELAWARE

1995

U.S. COMMISSION ON IMMIGRATION REFORM

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EXECUTIVE SUMMARY

French enforcement of laws penalizing illegal alien employment is of particular interest to U.S. policymakers. In France, where enforcement of employer sanctions has been less controversial than in the U.S., the major complaint has been that there is too little enforcement. While some French and American scholars have dismissed French enforcement as a serious deterrent to illegal alien employment, the French government steadily has refined and improved its capacity to punish illegal employment of aliens over the last quarter century. It possesses a substantially more credible ability to detect and punish illegal alien employment now than it did in 1968 when such employment was tacitly condoned. However, concommitantly, internal and external developments have rendered France increasingly vulnerable to illegal alien employment. Restructuring of the French economy, for instance, has expanded the role of small employers—more likely to employ aliens illegally—at the expense of large firms.

The French strategy has evolved through time. The effort to curb illegal alien employment has been subsumed under a broader campaign against illegal employment and the underground economy in general. An interagency taskforce charged by the French government with monitoring and facilitating enforcement of laws against illegal migration proposed widening of its mandate. Its studies revealed illegal alien employment to be characteristic of certain industries and of employers typically involved in other forms of illegality in addition to their illegal employment of aliens. The broader focus has served to demystify illegal employment (what the French commonly call clandestine employment) as more French nationals than aliens break laws against illegal employment. However, a disproportionally high number of alien employers employ other aliens illegally and these employers receive more severe punishment than comparable French national offenders.

French enforcement of laws against illegal alien employment has encountered numerous obstacles, ranging from insufficient interagency cooperation in enforcement to legal system unrespon-siveness, to cases brought against employers who hired aliens illegally. In many areas, barriers have been overcome incrementally; in others, they persist. Illegal alien employment continues but would be much greater in the absence of employer sanctions enforcement and related measures. More rigorous enforcement would entail greater commitment of budgetary and enforcement personnel resources, a com-

mitment that has grown incre-mentally over the years.

The French approach to curbing illegal employment could be emulated in the U.S. The first step would be to create an inter-agency taskforce charged with monitoring and facilitating enforcement of laws against illegal employment, most prominently illegal alien employment. Such a step would appear consistent with the commitment made by the U.S. when it signed the agreement creating the World Trade Organization. The entity should be small but endowed with a research staff and budget. It should prepare an annual report on enforcement of laws against illegal employment. Its mission should include training and education of various enforcement services and a mandate to sensitize courts and prosecutors to the harm caused by illegal employment.

Subsequent steps might include: 1) creation of regional, state, and local advisory committees designed to facilitate enforcement of laws against illegal employment; 2) enactment of voluntary agreements amongst employ-ers in heavily-affected sectors designed to promote employment transparency and a level playing field for competition; and 3) implementation of a more secure employee eligibility verification system.

Recent progress in France includes a system in which employers notify authorities of a new employee's identity prior to the onset of employment. The system has secured a high degree of voluntary compliance from employers and promises to make legal punishment of illegal employment more certain. The most recent French enforcement statistics suggest that the effort begun more than one-quarter century ago is bearing fruit.

INTRODUCTION

Continuing controversy in the United States over the wisdom of laws penalizing illegal employment of aliens is unique among Western democracies. Most Western democracies, as seen in **Table 1** [pp.30-33], have adopted and refined employer sanctions over the last twenty years. The issue of enforcement of employer sanctions has been much more controversial. There is less confidence now than there was twenty years ago concerning the efficacy and deterrent potential of employer sanctions. To the extent that they are controversial outside the U.S., the complaint usually is that enforcement is inadequate in light of mounting illegal migration.

Of the universe of Western democratic experiences with employer sanctions en-

forcement, the French case is in many respects the most pertinent to the United States. France has a long immigration tradition with substantial citizen and resident alien minority populations. In 1930, aliens constituted roughly the same percentage of the total population of France, about 7 percent, as they do today. After 1945, France actively pursued demographic goals through immigration policy, but it also massively recruited foreign labor. Technically, illegal immi-gration was commonplace but tolerated. By 1970, the alien population stood at more than four million. One out of every three construction workers and one out of every four auto workers were foreigners. However, mounting eco-nomic and sociopolitical difficulties contributed to a 1974 decision to stop most further foreign worker recruitment.

Since 1975, the French government has allowed family reunification for resident aliens and admission of refugees. But, despite recurrent legalization policy, it has taken an increasingly tough stand against illegal immigration. The laws and regulations summarized in the **Appendix** [p.42] testify to the incremental development of a con-siderable govern-mental capacity to punish illegal alien employment and illegal employment practices in general.

In 1992, France admitted 135,000 aliens to residence (Lebron 1993:3-4). This represented a 10 percent increase over the 1991 total, but a tiny fraction of France's total population of almost 57 million. Of the 135,000 legal admissions, some 56,000 were family members of legally resident aliens or French citizen and 11,000 were refugees. While these numbers seem small in relation to the U.S. admissions, the magnitude of legal immigration to France and the United States is roughly the same, about 0.4 percent of the total population. (This is Jonas Widgren's calculation.)

From 1975 to 1990, the characteristics of the legal resident alien population of France evolved markedly. These changes have been analyzed at length by Claude-Valentin Marie and are summarized here (Marie undated.a.). While the total resident alien population stabilized at about 3.6 million, in part due to liberal naturalization and nationality laws (95,000 aliens became French citizens in 1992), alien employment declined by 14 percent over the period while total French employment increased 8 percent. Foreign workers disproportionally were affected adversely by recession and economic restructuring. Nearly 500,000 foreign workers lost employment in industry over the period, with aliens accounting for nearly one-half of all jobs lost in the auto industry. Unem-

ployment of resident aliens in France today is roughly double that of the French national rate (10.3 percent). Some resident alien groups, such as Algerians, have unemployment rates greater than 25 percent. Many of the unemployed foreigners are older, for example, laid-off auto workers hired in the 1960s, but there is also extremely high youth unemployment. North Africans, in particular, face enormous barriers including educational problems and discrimination.

Resident aliens, like French citizens, increasingly find employment in services. Indeed, in 1975, two-thirds of alien employees worked in the manufacturing and building sectors, whereas only one-quarter were employed in services. Today, those proportions are reversed. A 1991 Ministry of Labor survey estimated that 38.9 percent of alien employees was employed in services and that this constituted the premier employment sector for aliens.

These broad trends have affected illegal immigration and illegal alien employ-ment in France. For instance, aliens in the 1990s are much more likely to be hired by small firms with fewer than ten employees than was the case two decades ago. There was, and is, little illegal alien employment in highly-unionized auto plants. However, most aliens now are hired by small firms that historically have been more prone to hire aliens illegally. The shift from industrial to service employment and trends toward greater labor market flexibility, declining unionization, and growing precarious-ness of employment all have contributed to a flourishing underground economy.

In the quarter century since the May/June events of 1968, which marked a turning point in French policies toward international migration, the government gradually subsumed its campaign against illegal alien employment under a broader campaign against illegal work. This shift reflected a learning process, as well as the influence of public strategies adopted elsewhere in the European Union, particularly in Germany.

SCHOLARLY DISAGREEMENTS OVER EMPLOYER SANCTIONS IN WESTERN EUROPE

In recent years, a number of American and European students of migration have expressed viewpoints on employer sanc-

tions enforcement, but largely in passing. James F. Hollifield (1992) is skeptical of the capacity of Western governments to regulate international migration in general, principally due to the extension of rights to migrants and to the complexity and extensiveness of economic interdependence. He is dismissive of employer sanctions. In an important chapter on illegal migration in Western Europe, Catherine Wihtol de Wenden (1990) found them to be weakly enforced. George Tapinos, Jean-Pierre Garson and Yann Moulier-Boutang similarly have scoffed at the seriousness of employer sanctions enforcement in France.

One of the most detailed and widely available examinations of French efforts to curb illegal alien employment and residency is made by Patrick Weil (1991:223-27). He holds that ". . . the application of repressive laws has revealed itself to be particularly difficult." He regards enforcement of the panoply of French laws designed to curb illegal migration a "failure." At one point, echoing a charge made by the French specialist on foreign seasonal agricultural workers Jean-Pierre Berlan, Weil suggests that there is an understanding between enforcement agents, various ministries, and employers not to apply employer sanctions. Such charges also have been levelled, off the record, by some usually highly knowledgeable officials of international organizations and even by some French government officials. However, the charge also is denied heatedly by many others.

Other experts on immigration to France have been more upbeat in their assessments. Jacqueline Costa-Lascoux (1990) has taken exception to the viewpoint that such laws are merely symbolic by pointing out that laws are supposed to have an educational, symbolic function and that it is a rare law that overnight eradicates the ill that motivated its promulgation. Claude-Valentin Marie, who has been following enforcement of laws against illegal employment, including illegal alien employment, for the French government also has been more generous in his assessment (Marie 1993b, 1994). He points to significant progress in enforcement since 1987 and especially since 1990. In this respect, he echoes earlier optimistic assessments made by experts at the interministerial mission charged with monitoring and facilitating application of laws against illegal employment.

[These viewpoints were reflected in earlier reports and congressional testimony by the author on the subject of employer sanctions enforcement in Western Europe, which is summarized and updated below.]

IMPLEMENTATION AND MAJOR REVISIONS IN FRANCE

By 1976, the Interministry Liaison Mission to Combat Manpower Traffick-ing was formally created, and a law passed in July of that year reinforced penalties against individuals who aided illegal migration and created an administrative penalty for employers of aliens not entitled to work. Employers who hired aliens illegally were required to pay the National Immigration Office a sum equivalent to 500 times the minimum hourly wage for each worker illegally employed. In 1980, the fine was approximately $1,000 per worker. In principle, imposition of the fine was automatic and offending employers also could be imprisoned for one to two months—or longer in the case of recurrent offenders.

A major difference between French and German administration enforcement of employer sanctions was the German inclusion of enforcement of employer sanctions against illegal employment of aliens within the German Ministry for Labor and Social Affairs broad mandate to combat the underground economy in general. The French Interministry Liaison Committee to Combat Manpower Trafficking mandate was far narrower and limited to suppression of illegal alien entry, residency, and employment. This administrative contrast ended in 1989 when the French Interministry Liaison Committee to Combat Manpower Traf-ficking was renamed the Interministry Liaison Ministry to Combat Illegal Work, Undeclared Employment and Manpower Trafficking (Arrete Interministeriel 1989). The scope of its responsibilities was extended, as in the German case, to the entire underground economy. This expanded mandate long had been advocated by officials of the former Interministry Liaison Mission to Combat Manpower Trafficking.

One of the major functions of the Interministry Liaison Mission was to keep track of enforcement of the panoply of laws aimed against illegal immigration and employment. Employer sanctions are only part of an impressive legal arsenal that has built up. **Graph A** [p. 40] presents an overview of overall legal enforcement between 1976 and 1984 as measured by communicated legal complaints (*procès-verbaux*) made by various enforcement agencies (the top line representing the combined total). The graph reveals a 1976 upsurge in enforcement followed by a decline, precipitous in 1977, 1978, and 1981, prior to a resurgence in 1982 and 1983. The graph traces the number of legal complaints communicated by each of the four agencies involved with enforce-

ment of French laws against illegal immigration and employment.

Graph B [p. 41] portrays the number of infractions by employers against section L 341-6 of the Work Code that specifically penalizes employers for hiring irregular-status aliens. Strictly speaking, the level of enforcement of employer sanctions corresponded to the up and downs in overall enforcement of laws aimed against illegal immigration and employment and centrally affected those variations.

The annual report on the year 1979 by the Interministry Liaison Mission summarized the first four years of enforcement of the 1976 law reinforcing employer sanctions (Mission de Liaison 1980:2):

> After four years of functioning, it is necessary to recognize that the objective was not totally attained and that irregular-status alien employment remains an important problem both with regard to the employment situation and on the social and human level of those workers themselves. On the other hand, it is difficult to evaluate the number of clandestine foreign workers thus to know whether it is more important in 1980 than it was in 1976.

Implementation of employer sanctions over the period was complicated by a number of factors. Among those was the continuation of legalization despite the intent announced during the Fontanet-Marcellin Gorse decrees period of the early 1970s to terminate the practice. A number of "exceptional" collective legalizations occurred during this period, particularly in the spring of 1980 when some 4,000 Parisian garment industry workers, primarily Turks, were granted legal status. The legalizations diverted manpower resources, as a good number of labor inspectors—always in short supply—were involved with the legalization efforts.

There was also a notable surge in deportations during this period. A 1975 law made illegal alien employment a deportable offense for aliens. A 1980 law appreciably increased the government's deportation powers. By 1980, depor-tation seems to have become a major sanction to illegal employment. According to Garson and Moulier-Boutang (Unpublished:21-23), "With the law of January 10, 1980, deportation had become simultaneously a priority means of combatting clandestine immigration, but also a means to rendering precarious (the legality) of alien sojourns in France."

The French law of October 17, 1981, made employment of irregular-status aliens a

criminal offense subject to fines of 2,000 to 20,000 francs and imprisonment from two months to a year. For repeat offenders, the prison term could reach two years and the fine 40,000 francs. The fine could be imposed as many times as there were individual aliens involved. However, a legalization program was simultaneously announced and employer sanctions were not to be enforced until after the termination of the legalization period. Contrary to expectations, the legalization period was prolonged as additional categories of aliens, such as seasonal workers, were permitted to apply for legalization. Hence, the marked drop in enforcement of employer sanctions in 1981, as indicated in **Graph B**, was linked directly to French legalization policy.

Enforcement of employer sanctions did not begin again until well into 1982. On August 31, 1983, the French government adopted a series of measures proposed by the Interministry Liaison Mission that simultaneously aimed at reinforcing the effort to curb illegal alien residency and employment while promoting the "insertion" of legally resident alien communities in France. This linkage was made explicit in the 1983 annual report of the Interministry Liaison Mission (Mission de Liaison 1984:21):

> Stopping clandestine immigration, combatting employers of irregular-status aliens and controlling migratory fluxes effectively constitute a priority objective (for the French government). Failure in this case would put in doubt the insertion of legally resident alien communities in France.

The August 31, 1983 measures increased the administrative fine for employers of irregular-status aliens from 500 to 2,000 times the minimum hourly wage for each alien illegally employed. As of January 1, 1985, the administrative fine was 26,340 francs, roughly $3,000. The Interministry Liaison Mission staff was increased, allowing the Mission to open up a regional office in Marseille. An increase to fifty-five in the number of specialized labor inspectors was authorized. In September, the Minister of Justice addressed a memorandum to all public prosecutors which reiterated the government's viewpoint regarding the grave consequences of illegal alien employment and called upon prosecutors to step up enforcement of laws prohibiting illegal alien employment. Prosecutors also were asked to "rigorously apply" the text of the laws concerning penalties.

In June of 1984, the first of twenty-three priority departmental coordinating committees, authorized by a govern-mental memorandum (*circulaire*) of November 21,

1983, came into being. The objective of the coordinating committees was to facilitate the exchange of information to detect and more effectively impose sanctions for violations stemming from illegal alien employment. The Paris-area coordinating committee included representatives from the police, fiscal authorities, the Department of Labor and Employment, the Department of Sanitary and Social Affairs, the National Employment Agency, the National Immigration Office, the enforcement arm for social security and family allowance taxes [URSSAF], and the departmental authority for state finances and economic affairs. Representatives from other public organizations and the prosecutor's office also were invited. The Paris-area coordinating committee has served since as the model for coordinating committees established in other priority areas.

The termination of legalization, com-bined with the measures taken in 1983 and 1984, resulted in an increase, as measured by legal complaints com-municated to the Interministry Liaison Committee, in enforcement of laws against illegal immigration and employment. The total of 2,245 *procès-verbaux* communicated to the Mission in 1983 was the highest ever. The number of *procès-verbaux* for infraction of article L 341-6, which prohibits employment of irregular-status aliens, rose from 549 in 1982 to 947 in 1983. The increase in legal complaints was matched by increased court action, enforcement of the administrative fine, and penalties against employers of irregular-status aliens. About 1,300 court decisions ordering employers to pay fines of at least 2,000 francs were made during 1983. In Paris, the first six months of 1984 witnessed a 50 percent increase, relative to the 1983 period, in the number of persons found guilty of employing illegal aliens. The Director of the Interministry Liaison Mission summed up the judiciary's handling of employer sanctions over the first six months of 1984 (*Le Quotidien de Paris* 1985):

> The sampling of judgements rendered during the first half of 1984 by various courts appears to us as very indicative of the current tendency toward harden-ing of legal counteraction vis-a-vis employers of irregular-status aliens. The great majority of fines are to be found from now on above the minimum provided by the law, which denotes a clear cut understanding by the courts of matters connected to man-power trafficking.

There was clearly an official perception that enforcement of employer sanctions was beginning to bear fruit by 1985. The 1981-1983 period was seen as a stage in which the policy instruments decided

upon in 1981 were "broken in" and in which the policy outlined in 1981 on paper took concrete form. In March of 1985, Georgina Dufoix, Minister of Social Affairs and National Solidarity and the spokesperson for the French government, declared that the results of enforcement of laws against illegal immigration and employment had a ". . . very encouraging balance sheet" (Agence France Press 1985).

The Interministry Liaison Mission report on the 1986-1987 enforcement period included a revised summary of enforce-ment as measured by legal complaints. This statistical series, presented in **Tables 2** and **3** [pp. 34, 35], excludes citations for illegal housing of aliens. **Tables 2** and **3** reveal a dip in infractions communicated, particularly for employment of aliens without permits and illegal (underground) labor in 1985 and 1986. French officials and labor inspectors interviewed in 1987 and 1988 spoke of a "demobilization" over this period linked to the uncertainty created by a decision not to prosecute a large case because of the ambiguity of the law under which the citations had been made (the provision of the Labor Code prohibiting illegal or underground labor, *travail clandestine*) and to the changes in French government.

In an October 1987 address of unusual candor, the new director of the Interministry Liaison Mission maintained (Hue 1987:4) that the level of legal complaints ". . . is of little impact and unrevealing of a mass of legal conten-tions which is *a priori* surprising since illegal employment is a widespread mass phenomenon." She particularly criticized the disjuncture between statistics on condemnations of aliens for illegal entry and/or residency and the number of infractions for manpower trafficking.

	Condemnations for Illegal Entry & Residency	Infractions
1984	15,120	4,131
1985	10,404	3,608
1986	16,506	3,655

Director Hue also was critical of the geographical imbalance in enforcement, noting that more than 84 percent of the legal complaints originated in three regions. Moreover, two-thirds of the legal complaints for illegal alien employ-ment were dismissed by provincial courts as opposed to less than 10 percent in the Paris region. Parisian area courts assessed fines of more than 10,000 francs on 53 percent of the individuals punished and condemned 56 percent of them to a prison term as opposed to only two out of every seven such individuals in the provinces (Hue 1987:4).

The speech concluded with questions on the efficacy of the effort being made to curb illegal employment, of which illegal alien employment was a significant com-

ponent: Were the means utilized appropriate and sufficient? Was an essentially social and repressive approach to the problem a wise choice? Was the oft-affirmed political will to curb illegal employment truly there? Did enforcement services possess sufficient understanding and know-how to implement policy? Overall, Hue's (1987) assessment was that the action under-taken to that date was unsatisfactory as legal complaints were insufficient and negatively perceived by enforcement services. The results were not propor-tional to the effort being made.

The demobilization of the 1986-1987 period seems to have marked a nadir. In 1987, a revised legal text was adopted redefining illegal employment and the period of cohabitation in French government ended. This led to a "remobilization" reflected in an upsurge in citations communicated in 1987, particularly for employment of aliens without permits. A dramatic increase in enforcement, as measured by legal complaints for illegal employment of aliens, continued in 1988 and 1989 (Hue 1990a).

Employers convicted under the panoply of laws aimed at curbing illegal alien employment and residency in France expressly were excluded from the pardons traditionally extended at the onset of a new presidential term. This exclusion was intended by the government to underscore the gravity of the social harm caused by illegal employment of aliens and the seriousness of the government's intent to combat illegal alien employment and residency. Illegal employment of aliens in France had always been viewed as a dimension of a broader problem of illegal employ-ment practices. However, by the late 1980s, what had begun as a campaign against illegal alien employment had been largely subsumed under a cam-paign against illegal employment in general. The focus was less on alienage and immigration policy and more on violation of labor laws. This shift was reflected in the reporting on enforcement of laws as statistics were changed and refined. The data reported here discretely in various tables and graphs cannot be collapsed into one series.

The most recent French governmental statistics are concerned with enforcement of laws against illegal employment practices in general. Punishment of illegal alien employment is one dimen-sion of the broader enforcement effort.

Table 4 [p.35] reveals that the building sector experiences the highest level of delinquency whatever the specific violation. When overall employment in this sector expands, violations of labor laws expand as well in a proportional manner.

Hence, **Table 5** [p.36] is unsurprising. Roughly one-third of all legal complaints and infractions cited concern the building sector alone. Indeed, violations of proscriptions against illegal employment are very concentrated in a few industries. The building industry, agriculture, commerce, hotels, cafes, and restaurants account for seven out of ten cases overall.

Table 6 [p.36] suggests that the intense legislative and regulatory activity chronicled in the **Appendix** was paralleled by non-negligible net results in quantitative terms in enforcement. However, interpretation of the statistics must be guarded. For instance, is the increase in legal complaints against illegal employment of aliens from 1989 to 1990 an indication of improved enforcement or a reflection of growing illegal alien employment? Is the decrease registered from 1990 to 1991 a hopeful, or adverse, indication? One can only report that the best-informed officials felt that progress was being made. There was deterrence. There would be greater deterrence with greater resources.

The principal novelty of the most recent French reporting on enforcement of laws against illegal employment was a finding that three-quarters of all employers sanctioned were French citizens (69 percent of the total) or citizens of the European Union. This fact was widely publicized to correct the commonplace equation of clandestine or illegal employ-ment with immigration. Illegal alien employment, the reporting emphasized, was but one dimension of a much broader socioeconomic problem.

Table 7 [p.37] is based on a Ministry of Justice analysis of legal proceedings for violation of laws against illegal employment in 1988 and 1989. Over those two years, more than 6,131 persons were convicted for a total of 7,244 punished infractions. Convictions for illegal alien employment constituted only one-quarter of total convictions. While three-quarters of the convictions involved French and European Union citizens, non-European Union aliens constituted 21.5 percent of all those convicted—a much higher proportion than the 6.6 percent share of aliens in the total population of France. North African-origin employers predominate among aliens convicted for illegal employment practices that disproportionately involve illegal alien employment. Three-quarters of convic-tions for illegal work involved French citizens, who may or may not be of immigrant origin, while 15 percent of such convictions involved aliens. However, only 52 percent of convictions for illegal alien employment involved French citizens, while 37 percent involved non-European Union aliens (Marie undated.a).

Overall, one-quarter of the convictions for illegal work resulted in incarcerations. The study concluded that the severity of punishment for illegal work was greater than for other comparable offenses. Moreover, illegal alien employment was more severely punished than other illegal work transgressions. This can be seen best by comparing average fines for illegal work and for illegal alien employment in **Table 8** [p.38], which similarly is derived from the Ministry of Justice analysis. According to Claude-Valentin Marie (undated.a:28):

> Three major traits characterize the punishment of unauthorized alien employment as compared to that meted out for clandestine work: it is more severe; it is the object of more extreme views by judges; and fines for it are heavier. Incarcerations are slightly more prevalent in cases of unauthorized alien employ-ment and sentences rarely are partially suspended as judges opt for either incarceration or total suspension of sentence. The level of fines levied for unautho-rized alien employment is superior to that levied in cases of recourse to clandestine workers. Regardless of the type of infraction, aliens from non-European Union countries are punished more severely than are French citizens.

The most recent French reporting on enforcement of laws against illegal work suggests, thus, that progress is being made in making the court system more responsive to violations of laws prohibiting illegal alien employment. Enforcement of employer sanctions in France has a deterrent effect but, in many respects, is insufficient. Nonetheless, considerable progress has been made over the last two decades. Now, the French government has a credible, if limited, capacity to prevent illegal alien employment; one-quarter century ago, it had none. Indeed, back then, illegal alien employment was tolerated and accepted. It is much less so today, although the present global migratory situation contributing to illegal alien employment in France is more alarming than several decades ago. Moreover, deregulation, liberalization, and other changes in the French economy since 1968 have made prevention of illegal alien employment more difficult.

PROBLEMS AND ISSUES IN ENFORCEMENT

Evolution of the Administrative Fine (Special Contribution) for Illegal Employment of Aliens in France 1977-1992

Since 1977, the Office of International Migrations [OMI], formerly the National Immigration Office, which holds a legal monopoly over recruitment and admission of foreign workers in France, has been empowered to recover an administrative fine, called the Special Contribution, from employers who illegally hire aliens. The legal rationale is to heighten punishment of an offending employer because he or she violated the OMI monopoly. Hence, the administrative fine is separate from judicial punishment for illegal employment of an alien. It is also, in principle, separate from complementary fines for nonpayment of social security taxes, etc. The Special Contribution is an automatic fine, subject to admini-strative appeal, that punishes an employer irrespective of the outcome of legal proceedings.

Administratively, a special contribution should result from every infraction for illegal alien employment. However, OMI must be notified by the director of a departmental labor and employment office of an infraction in order for OMI to levy the Special Contribution. Most citations for illegal alien employment are made by labor inspectors, but police, gendarmes, agricultural inspectors, and other corps also can write up violations. The enforcement powers of the various services vary. Labor inspectors, for instance, can inspect any site without prior notification; they cannot verify identities; they call upon the judicial police to do that. The judicial police must have a justifiable motive for entering a business; they cannot conduct random verifications of identities. Enforcement, thus, usually involves interagency cooperation. When a labor inspector writes up a citation for illegal employment of an alien, it has the force of law unless overturned or forgiven during appeal.

According to Bernard Vachette (1990) of OMI and to other sources interviewed over the years, many citations for infractions of the law barring illegal employment of aliens, which arrive in the form of dossiers at OMI, were not transmitted by departmental directors in the late 1970s and early 1980s. Progress in transmission of dossiers was reported in the 1983-1984 period.

By 1990, a debate had developed over the Special Contribution. Many enforce-ment personnel and administrators felt the 32,000 franc fine was too high and was disproportionate relative to punishment for other comparable offenses. Several labor inspectors reported that they hesitated to write up illegal alien employment infractions because of the severity of the admini-strative fine that increasingly was accompanied by other punishments. Writing up an infraction could put small and marginal firms out of business. Sometimes only one violation would be written up when additional aliens were illegally employed and/or additional citations could be made. French labor inspectors are entitled to use their discretion in the public interest. Several inspectors cited aggravation of unemployment, already a major preoccupation in France by 1990, as a reason for not writing up infractions.

This debate contributed to the falloff in Special Contribution notifications in 1990 seen in **Table 9** [p.39]. The decree of November 8, 1990 modified the Special Contri-bution. Three levels of Special Contri-butions, tailored or modulated to the nature of the illegal alien employment offense, were instituted. The normal fine henceforth would be 1,000 times the minimum hourly wage (16,870 francs as of July 1, 1992). An augmented fine would be due from employers who already had been subject to the Special Contribution in the five years prior to the infraction. The augmented fine was 2,000 times the minimum hourly wage (or 33,740 francs as of July 1, 1992). A reduced fine was inaugurated for illegal employment of an alien that was not accompanied by other infractions. Such a reduction was at the discretion of OMI consequent to a recommendation from a department-level director of labor and employment. This same decree instituted a 10 percent surcharge on the Special Contribution if it were not paid within two months of notification of the employer. An interagency directive made application of the November 8, 1990 decree retroactive to cover all dossiers in which there had not been notification of the fine or that were under appeal. This procedure lasted until the end of 1992. During this period, a new computer-assisted procedure for administration of the Special Contri-bution was put into place and became operational as of December, 1991.

Citations for illegal alien employment increased in 1991, but they dipped again in 1992. The primary reason for the decrease was the change in legal status of Portuguese and Spanish nationals in that year. They became European Com-munity workers.

In 1992, 2,498 Special Contributions were assessed—the highest level ever. Between 1977 and 1992, a total of 25,942 infractions for illegal employment of aliens had been transmitted to OMI. The annual average of Special Contribution fines levied between 1977 and 1989 was 1,370. Hence, French officials inter-viewed in 1993 and 1994 spoke of significant progress in enforcement of employer sanctions.

The severity of the Special Contribution fine, in addition to judicial punishments for illegal alien employment and punishments for related offenses like nonpayment of social security taxes, figured in the sharp drop in recovery of Special Contribution fines between 1985 and 1989. OMI received only 11.41 percent of the Special Contributions levied in 1985, 7.79 percent in 1986, 4.28 percent in 1987, and 3.24 percent in 1989. Data for 1990 and 1991 were not comparable. However, by 1992, the recovery rate had increased to 18.64 percent.

OMI reported that "the reform made in 1990 and the amelioration of manage-ment procedures regarding recovery and issues surrounding it have therefore allowed a clear redressing of the situation and even contributed to heightened efficacy of this administrative sanction" (L'Office des Migrations Internationales 1992:77-78). Nevertheless, numerous obstacles to recovery remain. A dispro-portionally high number of illegal alien employment cases involve employers who themselves are aliens. They frequently repatriate and do not pay the fine. Other employers declare insolvency or are imprisoned and cannot pay.

Other Legal Barriers

As already noted,the French government responded incrementally, and ultimately constructively, to the reluctance of public prosecutors to pursue charges against employers by revising legal texts. In one noteworthy case that adversely affected overall enforcement of sanctions in France in 1986, a public prosecutor found the provisions in the Labor Code prohibiting illegal employment (under which charges had been brought against an employer employing some 350 aliens) ambiguous. Therefore, all 350 charges were dropped with a resultant demor-alizing effect upon those charged with enforcement. The dismissal led to redrafting of the legal provision in question and subsequent adoption of the redraft as law. The result was the remo-bilization suggested by the upsurge in citations made by labor inspectors beginning in 1987.

Whatever the shortcomings in the responsiveness of French courts to employer sanctions, it must be recalled that a great deal of enforcement is not recorded in statistics kept on court cases. Administrative and other sanctions, such as fines collected for nonpayment of mandatory health insurance premiums, are not recorded. And many enforcement activities have a deterrent effect even if they do not result in the writing up of complaints and successful prosecution of employers in the courts.

Laws that prohibit illegal employment of aliens seem to be adhered to by many, if not most, employers, a non-negligible deterrent to greater illegal migration. A minority of employers either ignore or consciously violate the prohibition. And there is reason to believe that this minority is growing despite enforcement efforts.

Prosecution of violations of social legislation is always difficult. Agricultural law inspectors, in particular, tell of presumably illegally employed workers running into the fields as they approach. Labor and agricultural inspectors need the cooperation of the police to apprehend the employees in such situations. Prosecution of employers under criminal law, of course, must comply to standard rules of evidence and procedure. Complaints generally are not written up unless, in the opinion of an inspector or other enforcement agent, all the elements of a successful case are there. A number of enforcement agents pointed out that investigations and visits that did not result in the writing up of complaints and prosecution undoubtedly had a deterrent effect upon employers.

Insufficient Enforcement Personnel and Resources?

An upsurge in criminality over the last several decades has fed anti-immigrant sentiment and profoundly affected politics in a number of Western European states. Court systems and law enforcement agents have been sorely tried by the resultant mass of litigation. Enforcement agents have far broader responsibilities above and beyond enforcement of laws prohibiting illegal employment of aliens. For many labor inspectors and police officers, enforcement of employer sanctions is a low priority. Labor inspectors, in particular, often do not write up complaints for infractions that they detect because there are other enforcement priorities in their eyes. This is why the Interministry Liaison Mission in France devotes most of its effort, in addition to studying illegal migration and illegal alien employment, to informing enforce-ment agents about the various laws penalizing

illegal alien employment and the priority attached to their enforcement by the government. Members of the Marseille branch office of the Inter-ministry Liaison Mission have noted an upsurge in citations, particularly by the Gendarmerie or national rural police, in the wake of their visits.

Labor inspection historically has been based on inspections of factories. Most illegal alien employment is not to be found in large factories, which often have a substantial union presence. Illegal alien employment is concentrated in small businesses, in an environment that is different from the classic focus of labor inspector training and service. This disjuncture between the focus of labor inspection and the focus of illegal alien employment adversely affects enforce-ment of laws prohibiting illegal alien employment. By training, labor inspectors look for unsafe working conditions more than for illegal alien employment. Enforcement of laws prohibiting illegal alien employment is largely incidental to routine enforcement of social legislation by enforcement agents. Enforcement agents must have a reason to suspect illegal alien employ-ment, for example, a letter of denun-ciation or a telephone tip, before launching a nonroutine investigation.

Inadequacy of enforcement personnel and resources is the factor most cited by authorities in charge of enforcement of employer sanctions in Western Europe in discussing problems of enforcement. In the key agricultural department of the Vaucluse in May 1990, for example, there were five enforcement personnel with a budget of some 38,000 francs. The agricultural inspector explained that budgetary constraints greatly limited the number of inspections that could be made. While enforcement of employer sanctions was thought to have a deterrent effect, it was clear that budgetary and personnel limitations restricted enforce-ment. The Vaucluse example is illus-trative of a limitation in employer sanctions enforcement across western Europe.

Is there a disjuncture or a gap between laws and governmental policies that call for steadily harsher punishment of illegal alien employment and the reality of limited personnel and other resources allocated to employer sanctions enforcement? To western European critics of the level of employer sanctions enforcement, the answer is clearly, "Yes." But this viewpoint tends to ignore a perceptible, if incremental, increase in personnel and other enforcement resources allocated to enforcement of employer sanctions over the past fifteen years. Director Hue of the Interministry Liaison Mission explained that the mission regularly requested greater resources. Usually most of their requests were denied, as the government

had other priorities, but always there was an incremental increase in the capacity of the French government to punish illegal employment of aliens. For example, it was difficult for the Mission to obtain additional labor inspectors specialized in enforcement of laws pertaining to aliens in a political atmosphere dominated by calls to reduce the presence of state regulation in French business activity. Enforcement of laws prohibiting illegal alien employment clearly is a function of the personnel and other resources allocated to it. It seemed obvious that the level of enforcement could be increased if there were the political will to expand the commitment of enforce-ment personnel and other resources.

Still, the commitment of enforcement personnel in France by 1994 was considerable. According to information supplied by C-V. Marie in March of 1995, the French corps of labor inspectors includes 2,910 agents authorized to make inspections; 32 agents specialize in illegal employment enforcement. All together, the labor inspectorate made 284,921 site inspections in 1992 and witnessed 921,856 violations. Of the 23,345 of these that were written up, 2,270 concerned illegal employment.

Within the Ministry of the Interior, a new agency, known by the acronym DICILEC, was created in late 1994, mainly out of the Air and Frontier Police. It is a specialized agency for control of immigration and illegal employment, although its mission was not entirely clear as late as November of 1994. It has 950 operational agents, of whom about 100 have administrative jobs. Additionally, Officers of the Judicial Police play an important role. Overall, there are about 4,000 police potentially competent to enforce laws against illegal employment.

The number of fiscal agents available to write up citations for infractions related to illegal employment, nonpayment of employment taxes for example, is estimated at 1,100. Agents from the Gendarmerie, customs, maritime affairs, and social security also participate in enforcement, but estimates of their numbers in enforcement of laws against illegal employment are unavailable.

Problems of Proportionality, Employer Adaptation, and Coordination

An additional problem of enforcement is linked to the proportionality concern. Some enforcement agents are reluctant to write up complaints against employers because they feel that the illegal workers are more severely punished than their employers.

Historically, employer sanctions were advocated by trade unions and progressive political parties because they made employers responsible for illegal employment that previously was punished by deportation and other penalties levied against the illegally employed alien alone. Particularly in the Paris area, a number of labor inspectors interviewed in the 1985-1987 period indicated that often they did not write up complaints for fear of putting marginal firms out of business. Or, they might locate four illegal alien employees but only charge the employer with hiring one. French labor inspectors enjoy a great deal of discretion. They need not write up citations if it is not in the public interest, which they are free to interpret.

In the South of France, particularly in the department of the Var, a movement developed in the ranks of labor inspectors against enforcement of employer sanctions. A group calling itself the antiracist collective distributed tracts and essentially argued that enforcement punished alien workers with deportation while their employers escaped punishment. This movement appeared localized. One of the com-plaints frequently heard in the Midi is that deportation of illegal alien workers prevents them from collecting the pay and employment-related benefits due to them under French law. This, coupled with the perception that employers will not be punished, appeared to prompt the protest. The proportionality concern, therefore, paradoxically appeared to affect enforcement in two ways: too heavy a fine against employers was seen by some French labor inspectors as a reason not to write up complaints; other inspectors claimed just the opposite as a reason for not writing up complaints.

A further problem affecting punishment of offending employers arises from their ability to adapt to enforcement strategies. Some employers have thwarted enforcement by going, as it were, deeper underground. This has been the case, for example, in the Paris area garment industry; some employers of aliens ineligible to work have relocated out of the garment industry center to more difficult to detect underground factories in the suburbs.

Another employer strategy has been to utilize subcontractors who hire illegal aliens. French authorities have revised their laws punishing illegal employment of aliens to facilitate punishment of the subcontractors and of firms that knowingly dissimulate illegal alien employment through subcontracting. The problem of subcontractors employ-ing aliens ineligible to work is particularly significant in the construc-tion industry. A number of recent studies of the construction industry in France have found widespread employ-

ment of illegal aliens through the subcontracting mechanism. The phenomenal growth of subcontracting in construction and service industries like cleaning and maintenance mitigates against successful enforcement of laws prohibiting illegal employment of aliens.

As underscored in the 1986-1987 report of the Interministry Liaison Mission to Combat Manpower Trafficking, the trend towards deregulation and greater flexibility in labor markets, as exem-plified by the growth of temporary worker agencies and eased regulations concerning employment of nonper-manent workers, tends to undercut governmental policies aimed at curbing illegal alien entry and employment. Employer sanctions are only one component of broader public policies affecting illegal migration. Labor market trends and developments in the 1980s generally mitigated against successful enforcement of laws prohibiting illegal alien employment.

IMPLICATIONS FOR ENFORCEMENT OF IRCA AND OTHER U.S. LABOR LAWS

The as-yet-unpublished French enforcement statistics for 1992 include 5,133 cases of illegal employment transmitted to prosecutors, with a total of 11,232 infractions; 1,457 or 13 percent of these cases involved illegal employment of aliens. In all, 8,130 persons were indicted, including 5,700 business managers. In 1991, 4,742 persons were convicted for illegal work; 27 percent of the convictions involved illegal alien employment; 25 percent of those convicted in 1991 were aliens from non-European Union countries. In 1993, 100 or so investigations by fiscal agents were conducted on the basis of cases written up in 1992. These investigations recovered 223,942,000 francs (roughly $45 million).

French officials also were upbeat about the implementation of the December 31,1992 law obligating employers to declare their intention to hire an employee prior to the onset of employment. By January 1995, more than 176,000 firms had made 1.2 million prior declarations to social security authorities before actual employment began. From September 1993 to December 1994, there were more than 18 million such prior declarations. These figures suggest that the experiment begun in 1992 conclusively had succeeded and that firms were complying voluntarily. This should further help prosecution of offending employers in court. Already, between 1988 and 1991, convictions for illegal employment progressed 90 percent. Bearing in mind that the appropriateness of governmental regulation of labor mar-

kets and the economy is generally viewed as less problematic in France than in the United States, there would appear to be much to learn from the French experience. Perhaps the most important lesson is that it takes years, even decades, to refine employer sanctions and related laws in order to make them more effective and credible. While there have been ups and downs and setbacks and advances in French enforcement, the French government clearly is doing more to prevent illegal immigration and illegal alien employment than it was one-quarter century ago.

Employer sanctions have not stopped illegal immigration to France and are unlikely to do so in the future. But presumably they do deter some illegal alien employment. They help confine it to certain industries and types of jobs. Many labor market developments in recent years adversely affected enforcement of employer sanctions, but the French government continues to adapt its strategy to changing circumstances.

The United States would do well to adopt the French and German approach of viewing illegal alien employment as but one aspect of a broader problem of illegal employment. This would tend to defuse the intense political opposition to employer sanctions enforcement in the United States that is unique among Western democracies. French enforce-ment history demonstrates that employer sanctions enforcement is not a threat to civil liberties or something that aggra-vates employment discrimination against minorities. To the contrary, legally resident and citizen minorities in particular have a great stake in effective enforcement of laws punishing illegal employment of aliens, as well as of other related labor laws.

France does not have a mandatory national identification document. But most French citizens, probably more than 95 percent, carry a national identity card. All aliens are required to carry appropriate identification. While there is concern over falsification of identify documents and safeguards have been instituted to prevent abuse of identity documents by authorities and others, the availability of more reliable identification in France is critical to French enforcement efforts. Particularly noteworthy is the growing ability of labor inspectors and social security agents to exchange information and coordinate their enforce-ment efforts with the assistance of computer-based research.

The challenge of preventing illegal immigration is long-term. Viewed from the perspective of the Western democracies, there are few hopeful signs on the horizon. Initiatives like NAFTA will produce desired results only over the long term.

Over the short to medium term, there is no alternative to enforce-ment of laws like IRCA. Indeed, it is likely that there will be mounting pressure from electorates for govern-ments to take more effective steps to prevent illegal migration. As Gary Freeman (1994) has suggested, a primary paradox in Western democracies in the late twentieth century is the lag and discrepancy between the average citizen's desire for immigration control and the reality of high levels of immigration, both legal and illegal.

Progress in regulation of international migration will come only incrementally and piecemeal. Employer sanctions were never viewed as a panacea for illegal immigration by French authorities but rather as a useful, indeed key and indispensable, measure in a broader strategy to control immigration.

For all the criticism of the Immigration Reform and Control Act of 1986 [IRCA] and enforcement of its employer sanctions provisions, IRCA made it illegal to hire unauthorized aliens. That was a major accomplishment, albeit one achieved at a high price given the subsequent administration of the Special Agricultural Worker [SAW] program. Now the imperative is to make employer sanctions work, to make them into a credible deterrent.

Ultimately, the battle for immigration control will be won or lost at the local level, in particular in industries and places of employment. The French model of department-level commissions bringing together concerned enforcement services, elected officials, and repre-sentatives of employers and employees is one that the United States could emulate. One of the initial effects of such statewide, countywide, or municipal commissions might be to put an end to blatant defiance and disrespect for the law by a number of municipal county and state authorities. Such commissions would tend to make local representatives more politically accountable for their immigration stands and this would serve American democracy well. Elected repre-sentatives would be less able to undermine and impede immigration control and then turn around and bill the federal government for failing to prevent illegal immigration.

More importantly, the creation of such commissions could be part of a repackaging of the immigration control issue as part of a broader problem—the growth of the underground economy and illegal employment practices in general. Opponents of immigration reform in the 1980s tended to portray enforcement of labor laws and the then hypothetical employer sanctions as a zero-sum game. The real-

ity, of course, is otherwise. Enforcement of employer sanctions complements enforcement of labor laws. Employers who violate immigration laws—whether in France or the United States—also are more prone to violate related labor law.

This reality makes improved interservice enforcement cooperation and coordi-nation a high priority. The recent agreement between the U.S. Department of Labor and The Immigration and Naturalization Service to allow labor inspectors to check I-9 compliance was a step towards the French approach. Much more can, and should, be done in this respect at all levels of government. The French began with local and regional experiments, initially in the Paris area, and then extended the departmental commission idea around the country.

The French government also has experimented with industrywide voluntary agreements. The idea is to get employers and employees in industries heavily affected by illegal alien employment to cooperate voluntarily in levelling the playing field as it were. Uncooperative firms and entrepreneurs might be barred from bidding for public contracts while cooperative firms would be favored. Especially in light of the Clinton administration's request that the newly-created World Trade Organization concern itself with labor conditions and standards, both France and the United States will need to take steps to ensure compliance with labor laws in order to make credible demands of others.

Democratic societies like the United States and France cannot balk before the complexities and cost of regulation of international migration. A great deal is at stake. Increasingly, the idiom of international migration—terms like "boat people," "asylum-seekers," "*non-refoulement*," and "guestworkers" once not in our vocabulary—has become the idiom of diplomacy and international relations. It no longer seems absurd to suggest that regulation of international migration looms as a principal foreign and domestic policy challenge for the twenty-first century.

The time actually is long overdue for scarce resources to be apportioned in a fashion commensurate with perceptions of threats. In the post-Cold War rethinking of foreign and national defense policies, regulation of international migration is assuming greater saliency. This bodes well for France and the United States as international migration policies for too long were not regarded as priorities. Enforcement of laws regulating inter-national migration is contingent upon political will. The capacity is there in France and, thanks to IRCA, increasingly in the United States.

Doubts persist, however, as to the political will to prevent illegal immigration in both countries. The task at hand is to erase those doubts through effective, credible action.

The progress made in France over the last two decades stems in no small part from the charge given to an interagency taskforce to monitor and report on enforcement, to propose reforms to make it more effective, and to facilitate interagency—including local and regional—cooperation. The United States should emulate the French interagency taskforce and mandate it to coordinate enforcement of all laws pertaining to illegal employment, not just illegal alien employment. Perhaps the Commission on Immigration Reform might fulfill this function. Moreover, the charge to this interagency entity should include research on the underground economy in general in order better to curb illegal alien employment in particular.

Table 1.
Employer Sanctions in Western Democracies

COUNTRY	LEGAL BASIS	FINE	IMPRISON-MENT	CANCELLA-TION OF RECRUITMENT	PAYMENT OF DEPORTA-TION TRANSP. COSTS	CLOSURE OF BUSINESS	PENALTIES FOR VIOLA-TION OF SOCIAL LAWS (HEALTH, ACCIDENT, PENSION, INS.)	PENALTIES FOR ILLEGAL ALIEN EMPLOYMENT IN LEASING & TEMP. WORK	OTHER
AUSTRIA	ALIENS POLICE LAW SOCIAL INSURANCE ACT	YES		POSSIBLE			YES		
AUSTRALIA	ILLEGAL ALIEN EMPLOYMENT OFTEN VIOLATES COLLECTIVE BARGAINING AGREEMENTS-AWARDS			POSSIBLE			YES		
BELGIUM	LAW OF JULY 22, 1976	1,000 TO 2,000 BEL. FR. PER WORKER. MAX OF 150,000 BEL. FR.	POSSIBLE 8 DAYS TO 1 MO.	POSSIBLE	YES (INCLUDING FAMILY OF WORKER)	YES	YES		
CANADA	SECT. 96 OF IMMIGRANT ACT	UP TO $5,000	UP TO 2 YRS.				YES		
DENMARK					YES				PROVISION OF FALSE INFO. TO AUTHORITIES PUNISHABLE BY FINE & IMPRISON-MENT UP TO 6 MOS.

Table 1. cont.

COUNTRY	LEGAL BASIS	FINE	IMPRISON-MENT	CANCELLA-TION OF RECRUITMENT	PAYMENT OF DEPORTA-TION TRANSP. COSTS	CLOSURE OF BUSINESS	PENALITIES FOR VIOLA-TION OF SOCIAL LAWS (HEALTH, ACCIDENT, PENSION, INS.)	PENALTIES FOR ILLEGAL ALIEN EMPLOYMENT IN LEASING & TEMP. WORK	OTHER
FRANCE	LABOR CODE LAW OF 10/17/81	2,000-20,000 WORKER COURT FINE 40,000 FR. FOR REPEAT 16,870 FR. ADMIN. FINE PER WORKER , CAN BE DOUBLED OR REDUCED	2 MOS.-1 YR., 3 YRS. FOR REPEAT	POSSIBLE		MATERIALS & GOODS MAY BE SEIZED. CONVICTED ALIEN EMPLOYERS MAY BE BARRED FROM RESIDENCY UP TO 5 YRS.	YES	FINES OF 4,000 TO 20,000 FR. 8,000 TO 40,000 FOR REPEAT OFFENDERS AND/OR 2-6 MOS. IMPRISON-MENT FOR HIRING ILLEGAL ALIEN TEMP. WORKER OR FOR LEASING	2 MOS.-1YR. IMPRISON-MENT & 2,000-20,000 FR. FINE FOR VIOLATION OF OMI RECRUITMENT MONOPOLY, UP TO 3 YRS. IN PRISON 40,000 FOR REPEAT OFFENSE. 4,000-20,000 FR. FINE FOR REIMBURSE-MENT OF RECRUITMENT COSTS, 8,000-40,000 FR. & UP TO 6 MOS. FOR REPEAT
GERMANY	EMPLOYMENT PROMOTION ACT, TEMPORARY EMPLOY. ACT, ACT TO COMBAT ILLEGAL EMPLOYMENT OF 1981	100,000 MARKS/ WORKER FINE MAY BE INCREASED TO DETER EMPLOYERS	FOR EMPLOYMENT IN CONDI-TIONS WORSE THAN GERMAN, 3-5 YRS. (+FINE)	YES			YES	UP TO 3 YRS. & 100,000 FINE, UP TO 5 YRS. IN SERIOUS CASES FOR LEASING ILLEGAL ALIENS. MAX. FINE MAY BE INCREASED	
GREECE	BASIC LAW 1346183	MIN. 30,000 DRACHMAS PER WORKER	MIN. 3 MOS.	YES					

Table 1. cont.

COUNTRY	LEGAL BASIS	FINE	MPRISON-MENT	CANCELLA-TION OF RECRUITMENT	PAYMENT OF DEPORTA-TION TRANSP. COSTS	CLOSURE OF BUSINESS		PENALTIES FOR ILLEGAL ALIEN EMPLOYMENT IN LEASING & TEMP. WORK	OTHER
ITALY	LAW 243 OF 1986 AND 39 OF 1990	732 TO 3,000 US$	3 MOS.-1 YR.					ILLEGAL SUBCON-TRACTING OF ALIEN SUBJECT TO FINE OF 3,000-15,000 US$ AND UP TO 5 YRS.	VIOLATION OF EMPLOYMENT OFFICE MONOPOLY FINE 100,000 TO 1,000,000 LIRA AND IMPRISON-MENT FOR 15 DAYS TO 1 YR.
JAPAN	1989 REVISION OF IMMIGRATON ACT (ART. 73, SECT. 2)	UP TO 19,500 US$	3 YRS. MAX.						
LIECHTEN-STEIN		UP TO 10,000 SW. FR.	UP TO 6 MOS.	YES	YES				
LUXEMBURG	REGULATION OF 5/12/72	2,501 TO 50,00 FL.	8 DAYS TO 1 MO.						
NETHERLANDS	FOREIGN WORKERS EMPLOYMENT ACT OF 1984 & THE ECONOMIC OFFENSES ACT	UP TO 2,000 FL. PER ALIEN	UP TO 6 MOS.			YES			
NORWAY	SEC. 47 OF IMMIGRATION LAW	UP TO 500 US$	UP TO 2 YRS.						
SPAIN		7,000-18,000 US$				YES			
SWEDEN	ALIENS ACT	UP TO 20,000 SEK	YES						

Table 1. cont.

COUNTRY	LEGAL BASIS	FINE	MPRISON-MENT	CANCELLA-TION OF RECRUITMENT	PAYMENT OF DEPORTA-TION TRANSP. COSTS	CLOSURE OF BUSINESS	PENALITIES FOR VIOLA-TION OF SOCIAL LAWS (HEALTH, ACCIDENT, PENSION, INS.)	PENALTIES FOR ILLEGAL ALIEN EMPLOYMENT IN LEASING & TEMP. WORK	OTHER
SWITZERLAND	LAW ON THE SOJURN & ESTABLISH-MENT OF ALIENS OF 1988	UP TO 5,000 SW. FR. FOR INTENTIONAL VIOLATION, UP TO 3,000 SW. FR. FOR NEGLIGENT HIRING, UP TO 10,000 SW. FR. FOR HOUSING ILLEGAL EMPLOYEE	UP TO 6 MOS. FOR HOUSING ILLEGAL EMPLOYEE OR FOR RECIVIDISM WITHIN 5 YRS.	POSSIBLE				YES	
UNITED KINGDOM		NO	NO				YES		EMPLOYER MIGHT BE PROSECUTED FOR HARBORING ALIENS

Sources: Council of Europe; OECD; U.S. Department of State Unclassified Cables.

Table 2.
Infractlons Communicated to Interministry Liaison Mission to Combat Manpower Trafficking

DATE	EMPLOY-MENT OF ALIENS WITHOUT PERMITS	VIOLATION OF ONO RECRUITMENT MONOPOLY	AGAINST REIMBURSE-MENT OF VIOLATION BAN	UNDER-GROUND LABOR	TRAVEL COST FRAUD TO OBTAIN WORK PERMIT	NON-MAINTENANCE OF EMPLOYER REGISTER	LACK OF COLLECTIVE HOUSING DECLARA-TION	ABETTING ILLEGAL IMMIGRA-TION	TOTAL
1981	1,366	25	20	NA	19	205	31	469	2,135
1982	513	NA	NA	NA	69	259	14	253	1,108
1983	1,255	9	4	135	14	207	9	604	2,237
1984	1,538	94	24	214	274	358	128	686	2,953
1985	963	36	4	533	16	185	19	700	2,456
1986	1,397	67	1	141	11	232	100	529	2,478
1987*	1,716	103	5	328	37	290*	9	727	3,215

*Incomplete
Source: Mission de Liaison Interministerielle pour la Lutte contre les Trafics de Main-d'oeuvre 1988:21.

Table 3.
Citations for Infractions Against Panoply of French Laws Against Illegal Alien Employment and Residency 1982-1987 by Enforcement Service

YEAR	POLICE	GENDARMERIE NATIONAL POLICE	LABOR	AG	TRANSPORTATION	TOTAL
1982	199	217	109	62	1	586
1983	398	370	395	104	2	1,266
1984	447	321	649	49	2	1,468
1985	434	166	462	52	1	1,115
1986	409	246	499	55	1	1,213
1987*	432	231	572	64	2	1,301

*Incomplete
Source: Mission de Liaison Interministerrelle pour la Lutte contre les Trafics de Main-d'oeuvre 1988:20.

Table 4.
Total Infractions by Sector and by Principal Offenses, 1989-1991 (Percentage)

	TOTAL	UNAUTHORIZED ALIEN EMPLOYMENT	CLANDESTINE WORK	ILLICIT LENDING OF WORKERS ON LABOR TRAFFICKING
AGRICULTURE	11.16	11.9	10.9	1.4
BUILDING	36.2	42.8	29.1	78.5
GARMET	7.9	10.8	7.2	5.4
COMMERCE	9.5	4.0	15.3	1.7
HOTELS, CAFES, RESTAURANTS	9.1	10.6	10.1	0.1
AUTOMOBILE	3.0	0.7	5.4	—

Source: Marie 1993a.

Table 5.
Evolution of Legal Complaints and Infractions for Illegal Work by Economic Sector, 1989-1991 (Percentage of Annual Total)

SECTOR	LEGAL COMPAINTS			INFRACTIONS		
	1989	1990	1991	1989	1990	1991
AGRICULTURE	9.0	9.0	9.5	10.7	11.5	12.5
BUILDING	31.8	34.5	31.7	31.6	39.8	38.5
COMMERCE	11.2	13.3	14.4	8.6	10.2	10.3
HOTELS, CAFES, RESTAURANTS	11.2	11.9	11.7	9.1	9.2	9.7
AUTOMOBILE	4.8	4.4	4.9	3.2	2.8	3.0

Source: Marie 1993a.

Table 6.
Legal Complaints by Type of Infraction, 1989-1991

TYPE OF INFRACTION	1989	1990	1991	1989-1991
CLANDESTINE WORK	4,426	4,983	5,283	14,692
UNAUTHORIZED ALIEN EMPLOYLMENT	3,107	3,858	3,808	10,773
LABOR TRAFFICKING AND ILLICIT LENDING OF WORKERS	292	763	768	1,823
OTHER INFRACTIONS	1,412	2,083	2,699	6,194
TOTAL	9,237	11,687	12,558	33,482

Source: Marie 1993a.

Table 7.
Totality of Single and Multiple Infractions Sanctioned by Tribunals, by Type of Infraction, 1988-1989 (Absolute Number and Percentage)

	NUMBER OF INFRACTIONS	PERCENTAGE
ILLEGAL WORK		
CLANDESTINE WORK	4,131	57.0
EMPLOYMENT OF ALIENS' (OF WHICH UNAUTHROIZED ALIEN EMPLOYMENT)	1,814 (1,754)	25.0
LABOR TRAFFICKING AND ILLICIT WORKER LENDING	471	6.5
ABSENCE OF REQUIRED PROFESSIONAL PAPERS FOR ALIENS	52	0.7
INFRACTION OF EMPLOYMENT RELATIONS	10	0.1
SUBTOTAL	**6,478**	**89.3**
ASSOCIATED INFRACTIONS		
ALIENS POLICE RELATED TO IMMIGRATION	293	4.0
OTHER ENDANGERMENT OF SOCIOECONOMIC ORDER	230	3.2
FALSE DOCUMENTS	55	
FRAUD	58	3.4
OTHER INFRACTIONS	130	--
SUBTOTAL	**766**	**10.6**
TOTAL	**7,244**	**100.0**

Source: Brizard & Marie 1993.

Table 8.
Convictions and Punishments for Illegal Work in France 1988-1989

NATURE OF CONVICTION (NATIONALITY OF CONVICTED)	TOTAL	IMPRISONMENT			FINES		
		TOTAL	CONFIRMED	AVG. TERM (MOS.)	TOTAL	CONF IRMED	AVG. LEVY (FR. FR.
DOING ILLEGAL WORK							
TOTAL	**2,3456**	**544**	**122**	**4.0**	**1,710**	**1,417**	**3,900**
(FRENCH)	1,769	369	71	3.5	1,221	1,086	3,913
(EC)	131	31	8	--	94	82,	3,961
(NON-EC)	363	133	41	4.9	216	189	3,867
(N. AFRICAN)	199	63	19	4.6	127	113	4,180
(TURK)	32				24	20	3,675
RECOURSE TO ILLEGAL WORK							
TOTAL	**993**	**153**	**20**	**3.2**	**808**	**708**	**4,000**
(FRENCH)	819	121	15	3.0	669	584	4,030
(EC)	41	6	1	--	35	33	3,557
(NON-EC)	90	21	3	--	66	55	4,213
(N. AFRICAN)	58	12	2	--	44	37	4,054
(TURK)	15				10	6	5,333
REGULATIONS CONCERNING ALIEN EMPLOYEES							
TOTAL	**1,329**	**346**	**74**	**4.3**	**954**	**886**	**5,000**
(FRENCH)	713	117	20	4.6	572	526	4,878
(EC)	99	9	1	--	89	83	5,031
(NON-EC)	462	207	51	4.3	252	241	5,333
(N. AFRICAN)	220	77	20	3.1	143	137	5,025
(TURK)	78	47	17	5.7	30	30	4,493

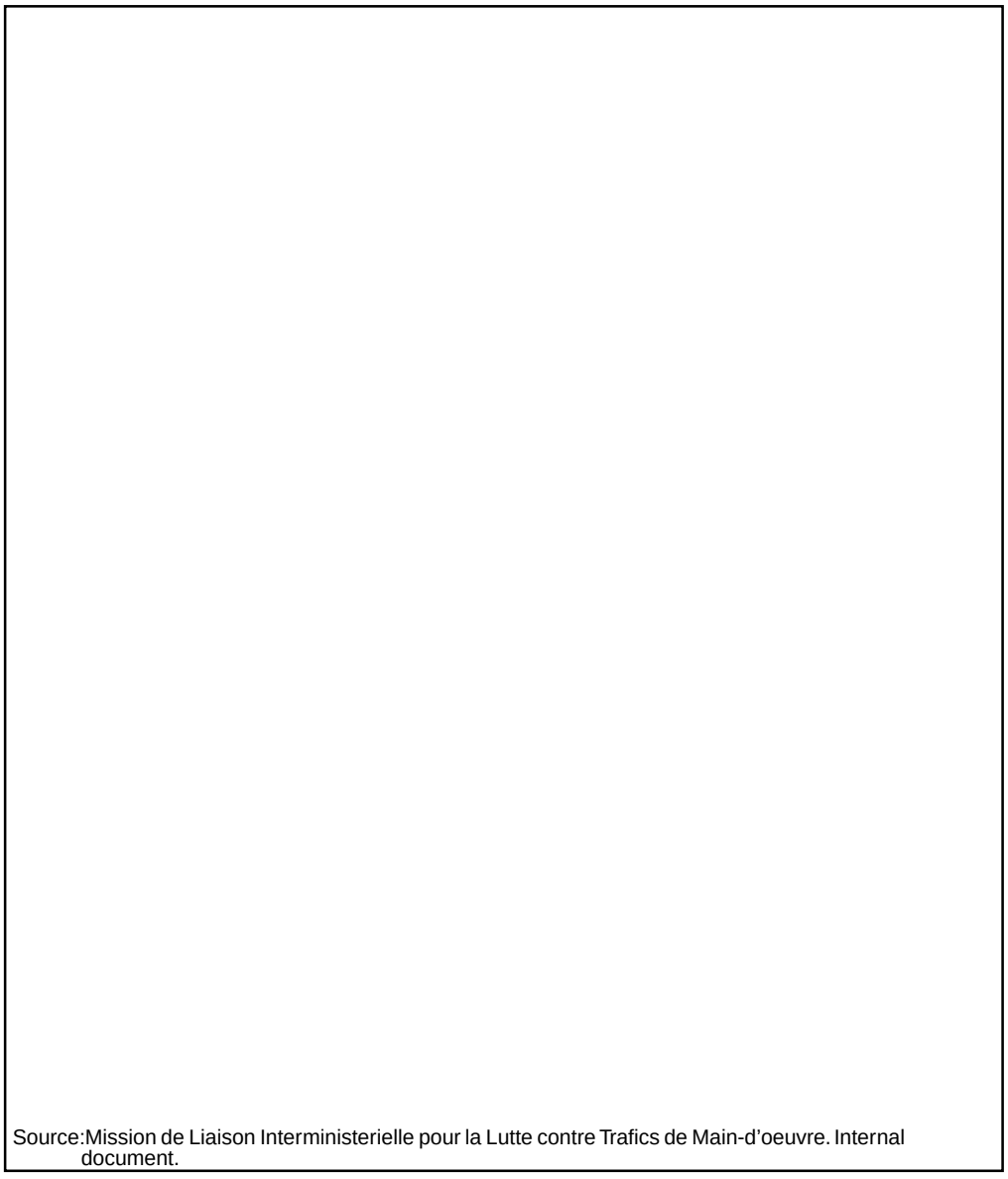
Source: *Infostate Justice* 1992.

Table 9.
Evolutionof Citations for Illegal Employment of Aliens Communicated to OMI and Notifications of the Special Contribution Fine

Year	Citations	Notifications
1977/1978	1,899	1,899
1979	2,151	2,151
1980	1,313	1,313
1981	1,844	1,844
1982	684	684
1983	1,143	1,143
1984	1,268	1,268
1985	1,316	1,316
1986	1,188	1,188
1987	1,547	1,547
1988	1,702	1,702
1989	1,773	1,773
1990	2,508	607
1991	3,250	1,220
1992	2,356	2,498

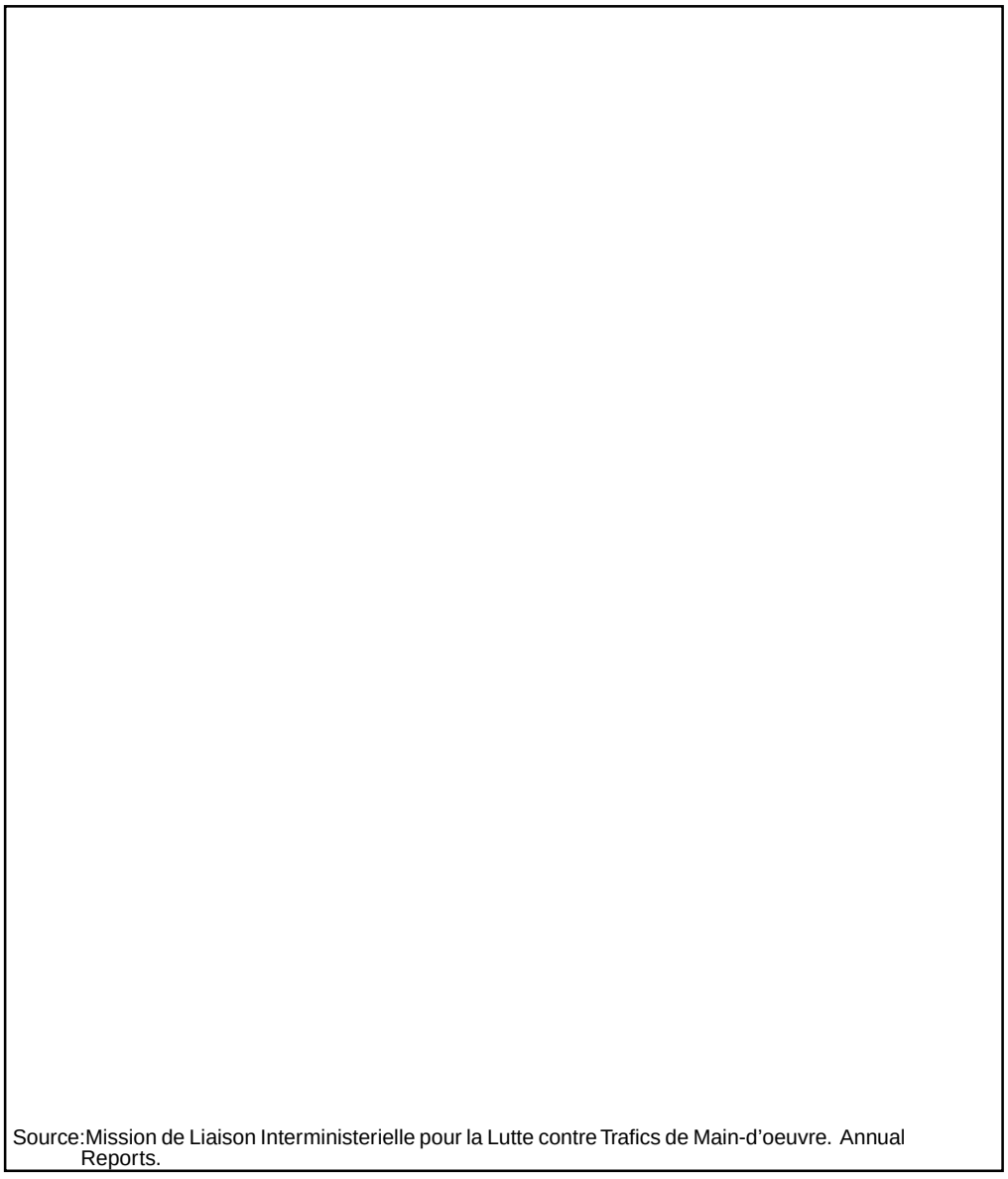
Source: L'Office des Migrations Internationales 1992:70.
Note: Between 1977 and 1989 OMI statistics kept only for notifications.

Graph A.



Source:Mission de Liaison Interministerielle pour la Lutte contre Trafics de Main-d'oeuvre. Internal document.

Graph B.



Source:Mission de Liaison Interministerielle pour la Lutte contre Trafics de Main-d'oeuvre. Annual Reports.

APPENDIX

Principal Steps in the Evolution of French Policy to Curb Illegal Alien Employment and the Underground Economy

DATE	MEASURE
July 11, 1972	Made illegal employment an indictable offense.
1972	Promulgated initial *ordonnances* concerning temporary work, trafficking of labor, and manpower leasing.
July, 1974	Suspended nonseasonal alien worker recruitment.
December 31, 1975	Adopted civil law regulating subcontracting in public and private markets.
1974-1976	Adopted laws that provide for the hiring of labor inspectors specializing in control of foreign labor in twenty-three "priority" departments.
July 10, 1976	Instituted a "special contribution" civil fine payable to the National Immigration Office for illegal employment of alien workers.
August 10, 1976	Created Interministry Mission to Combat Manpower Trafficking.
1980-1983	Completed four governmental studies of illegal work and the underground economy.
October 17/29, 1981	Passed new laws making illegal employment of aliens a more serious offense—a misdemeanor subject to police courts—and increased fines.

February 2, 1982	Institutued new *ordonnances* that reinforce regulation of manpower leasing.
August 31, 1983	Cabinet acted to reinforce policy against illegal alien migration and employment by: • Creation of fifty-five new positions for labor inspectors specializing in control of foreign labor; • Creation of department-level interagency committees to combat illegal alien migration and employment in twenty-three "priority" departments; • Creation of a branch office of the Interministry Liaison Mission to Combat Manpower Trafficking in Marseille; • Augmentation of the "special contribution" civil fine from 500 to 2,000 times the minimum hourly wage (30,200 francs as of January 1, 1990);
July 25, 1985	Made illegal work a misdemeanor.
January 16, 1986	Extended laws pertaining to illegal alien migration and employment to overseas departments.
March 14, 1986	Replaced by decree department-level interagency committees created August 31, 1983 with similar committees with a broader mandate to combat illegal work (the underground economy) in addition to illegal alien migration and employment .
January 27, 1987	Legally redefined illegal employment infraction. Simplified the definition of illegal work and broadened applicability.
July 21, 1988	Passed amnesty law that expressly excluded those punished for illegal work, illegal alien employment, and manpower trafficking and leasing.

January 13, 1989	Legally redefined an illegal employment infraction.
January 16, 1989	Extended by Interministerial decree the competency of the Interministry Liaison Mission to the underground economy.
July 10, 1989	Adopted new labor law that: • Newly incriminated illegal alien employment through intermediaries; • Redefined and more severely punished violation of the prohibition against reimbursement of fees paid to the International Migrations Office for foreign worker recruitment.
January 2, 1990	Amended Labor law that enabled officers of the Judiciary police, after court authorization, to enter workplaces on the presumption of illegal employment or illegal alien employment.
July 12, 1990	Modified labor code articles pertaining to subcontracting and leasing of labor: doubled fines for infractions to 8,000 to 40,000 francs; authorized unions to act on behalf of the workers involved.
July 25, 1990	Redefined by decre the role of department-level commissions.
November 8, 1990	Modulated by decree special contribution administrative fine for illegal alien employment: set the routine fine at 16,870 francs; doubled fine for employers who have been fined previously within the last five years; reduced fine for illegal alien employment without complementary violations if recommended by departmental authorities.
January 3, 1991	Legally extended authority to bring charges for illegal work infractions to social security and other enforcement agents.
April 18/22, 1991	Government granted employment authorization to Poles contingent on no adverse labor market effect.

September 26, 1991	Removed automatic work authorization for asylum seekers (as of October 1, 1991).
October 1, 1991	Facilitated by decree abrogation of short-term visas for aliens who work without authorization.
October 3/4, 1991	Government acted to facilitate recovery of social security payments due in illegal work cases.
October 30, 1991	Reinforced by decree the role of judicial authorities within departmental commissions and more fully associated socioprofessional representatives in department-level campaigns against illegal work.
December 31, 1991	Passed major new law overhauling and bringing together legislation concerning illegal employment.
January 24, 1992	Prime minister authorized departmental prefects (the chief governmental authority) to sign partnership agreements with unions and employer organizations to reduce illegal employment.
December 31, 1992	Instituted experimental requirement obligating all employers to declare their employment intentions prior to actual employment of an employee.
March 29, 1993	Authorized by decree social security organisms to use a national identification system to verify whether employers have complied with the obligation to declare all employees prior to the start of employment.

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PAPER

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Estimates of the Financial Costs of Refugee Resettlement:
The Current System and Alternative Models

David S. North

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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FEBRUARY 1997

U.S. COMMISSION ON IMMIGRATION REFORM

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INTRODUCTION

Refugee resettlement is a diminishing, but continuing, part of the U.S. immigration pattern. In the last decade, the number of arriving refugees often exceeded 100,000 a year; only 75,000 are expected in FY '97.

The organizational pattern of refugee resettlement, often cobbled together under such emergency situations as the fall of Saigon in 1975, remains an administrative oddity. It is a combination of several federal entities, most, but not all, of the states, and a mix of quite different private, voluntary agencies.[1] Sometimes this amalgam works smoothly; sometimes it does not. Partially as a result of the design of the refugee resettlement program, and partially because of differing state standards regarding assistance to low- or no-income people, the *de facto* benefit packages for arriving refugees—and the financial costs to the states, counties, and the cities where they settle—range considerably.

There has been a remarkable change in the legislative mood about how, and how much, assistance should be made available to the poor. Both the recent Welfare Reform and Immigration Reform bills changed the rules drastically—but considerably less so for refugees than other groups of the foreign-born. Major efforts have been made to reduce the costs of assistance programs, particularly of "welfare" benefits for aliens.

Thus, options in resettlement exist within a triple context—lower refugee flows, a complex service delivery system, and legislative desires to reduce welfare expenditures. This paper explores current costs and it estimates costs under other models that might be considered in this context.

The paper first briefly describes how refugee resettlement is currently organized in the U.S. and how and why it might be changed. Second, it estimates: (1) the apparent financial costs of the current system, including federal costs now clearly recognized as being refugee-related; (2) federal costs that are not separately identified; and (3) major state and local government costs. Third it discusses different resettlement models—current and pro-

[1] Three types of nongovernment agencies are involved in refugee resettlement: (1) Department of State recognized voluntary agencies [volags] and their local affiliates that provide initial and continuing services to newly-arrived refugees; (2) mutual assistance associations [MAAs], self-help organizations usually organized around ethnic lines; and (3) other local service providers not associated with either the volags or MAAs.

posed—and their fiscal costs (primarily in the refugee's first year in the U.S.). These models use different constellations of agencies to deliver services. Some of these models, while probably costing society less in the middle- or long-term, have more *visible* costs, particularly in the short-term.

In any proposed reorganization of the refugee resettlement system, cost to the taxpayers is only one major factor. The real financial costs of the current system, or any alternatives, are murky. The estimates of financial costs—visible and invisible—to the federal and to state and local governments of the current refugee resettlement system and of five proposed alternative systems are primarily for the first twelve months—sometimes just the first eight months—of costs of refugees' first year in the U.S. even though long-term cost differences are, or at least could be, more striking.

Among resettlement system changes (not mutually exclusive) being discussed are giving more up-front financial responsibility to the federal government and restructuring the way resettlement and health services are delivered. Within this latter category, one suggestion is that private agencies do all resettlement work, another is that state and private refugee functions be reorganized, a third is replacing Refugee Medical Assistance [RMA] (a program of the Department of Health and Human Services [DHHS]) with Medicaid, another and larger DHHS program.

Some of these changes, it is argued, would result in lower first-year costs to the states, better (and more culturally-sensitive) services to refugees, less refugee welfare utilization, and smaller total governmental expenditures. Others suggest that proposed changes might remove state governments further from refugee work (eliminating or weakening the current network of state managers of refugee programs, called state refugee coordinators) and give an uneven assemblage of voluntary agencies [volags] the responsibility for distributing hundreds of millions in cash benefits—not the volags' forte in the past.

This paper does not evaluate these arguments and does not take a position on the social utility of the different resettlement models. It aims to provide useful background information on the cost structures of the various proposals and to provide cost estimates for six models:

> **Model A**, the current resettlement system (many of whose costs are not identified as such in federal reporting systems);

Model B, a Wilson-Fish Amendment-type program, based on the State of New York proposal that would take the resettlement program out of the welfare system (where it is currently lodged) but continue to use both RMA and Medicaid to deliver health services;

Model B-1, identical to Model B, but using only Medicaid to fund health services for refugees;

Model C, based on an extended experiment in San Diego County that would put all resettlement services in the hands of private, voluntary agencies, but would use both RMA and Medicaid;

Model C-1, identical to C, except that only Medicaid would be used to fund health services;

Model C-2, identical to C, except that most refugees would receive health services through the system now used for federal employees, except for SSI clients who would stay in Medicaid.

As **Chart 1**, a Summary Exhibit, indicates, the alternative scenarios would increase the visibility of refugee funding; some would increase substantially the federal share of the costs during the refugees' first year; all would reduce overall taxpayer costs; state costs would vary from model to model.

Estimates are that the costs of refugee resettlement, as defined, totalled $938.7 million in FY '95, while the costs for the various alternative models (for the same year) would have ranged from a high of $910.6 million to a low of $782.9 million. FY '95 was used for these models because some actual cost information is available and the numbers of arriving refugees, their demographic characteristics, and their distribution within the U.S. also are known.

A key variable, the extent to which alternative programs would reduce refugee assistance utilization, is an estimate based on work done and plans made in the two states where the costs of the refugee resettlement program are the highest: New York and California. Costs are high in these two states both because a large percentage of arriving refugees are resettled there and because their cash assistance benefits are relatively generous.

The alternative cost estimates in the paper were made in two steps. The first

Chart 1. Summary Exhibit
Six Models of Refugee Resettlement Costs in Refugees' First Year in the U.S.

(Estimates in $ millions are based on FY and CY 1995 data/assumptions outlined in text)

Cost Categories/ Program Models	Model A Current System	Model B NY-style: RMA + Medicaid (as in current system)	Model B-1 NY-style: only Medicaid used for health services	Model C San Diego-style: RMA + Medicaid (as in current system)	Model C-1 San Diego-style: only Medicaid used for health services	Model C-2 San Diego-style: Fed. Employee System used for health care
Visible Costs*						
Federal	$417.6	$722.8	$449.0	$713.9	$440.1	$554.2
State	0	0	0	0	0	0
Private	$ 23.6	$ 22.4	$ 22.4	0	0	0
Total	**$441.2**	**$745.2**	**$471.4**	**$713.9**	**$440.1**	**$554.2**
Invisible Costs*						
Federal	$331.8	$147.7	$288.3	$147.7	$288.3	$182.5
State & Local	$165.7	$ 17.7	$132.8	$ 17.7	$132.8	$ 46.2
Total	**$497.5**	**$165.4**	**$421.1**	**$165.4**	**$421.1**	**$228.7**
All Costs						
Federal	$749.4	$870.5	$737.3	$861.6	$728.4	$736.7
State	$165.7	$ 17.7	$132.8	$ 17.7	$132.8	$ 46.2
Private	$ 23.6	$ 22.4	$ 22.4	0	0	0
Total	**$938.7**	**$910.6**	**$892.5**	**$879.3**	**$861.2**	**$782.9**

* Visible costs are those clearly identified as related to refugees; invisible costs are not so identified; see text. Estimates are for first-year costs only, based on the arrival of 96,924 refugees that year; different arrival totals would, of course, affect program costs.

was to estimate, [see **Model A**] the actual costs of the current system.[2] The second step was to estimate costs after factoring in the advocates' arguments that restructuring would lower some costs [see **Models B, B-1, C, C-1** and **C-2**]. A series of detailed estimates include calculations for thirteen resettlement, health, and welfare programs. (Several other expenses, such as INS staffing, refugee travel loans, and the costs of education, were excluded from these calculations because the proposed shift in resettlement responsibilities would have no impact on these costs.)

Were any of these modifications to be implemented, there would be an additional complication, introduced by Welfare Reform. In the past, decreased utilization of cash assistance by low-income people generally—which was a very visible trend in the last couple of years—was evident for national budgetmaking. If changes in refugee resettlement cause a lower rate of refugee welfare utilization in the future, however, only some of the decrease would appear in federal calculations; the rest would simply ease the pressure on the block grants made to the states for the new Temporary Assistance to Needy Families [TANF] program that has replaced the previous federal welfare program of Aid to Families with Dependent children [AFDC].

HOW THE U.S. RESETTLES REFUGEES

Because public policy views refugees as victims of overseas oppression, as people who did not have the opportunity of planning and saving for international migration, and as people often scarred by their experiences, they are treated differently from other low-income aliens. Refugees are selected in a different manner and then given more services and much broader benefit packages than other aliens. Many agencies, public and private, are involved.

A macro decision—the Presidential Determination—is made about how many refugees will be resettled in the U.S. from various parts of the world, based largely on overseas considerations by the Department of State [DOS] in consultation with Congress. Within this context, overseas officers of the Immigration and Naturalization Service [INS] determine which in-

[2] As many refugee expenditures are not recorded *as such*, for example in most Aid to Families with Dependent Children [AFDC] and Medicaid programs, many of the numbers in this paper are (and must be) estimates.

dividuals qualify for admission as refugees.

Those so selected are given DOS travel loans, if needed, to pay for the air travel. Meanwhile, the names and profiles of the selected refugees are sent to New York City, where representatives of the volags decide where the refugees will be sent within the U.S. Refugees' desires regarding the resettlement location are given more weight than anything else in this process.

Each refugee is then assigned not only to a location, but also to one of the volags. The local affiliate of the volag meets the incoming refugee at the airport and makes immediate housing, social service, and medical screening arrangements for the refugee. These activities are funded by Reception and Placement [R&P] grants ($700 each in FY '95).

Those refugees who do not find work immediately—the majority—then are linked to services to help them meet their basic needs in the U.S. Some of these services (such as English as a Second Language [ESL] and job placement) sometimes are provided by the settling volag and sometimes by other agencies, including MAAs. In some instances, such as in the Matching Grant Program and in three Wilson-Fish programs [described below] efforts are made to keep the refugees away from mainstream assistance programs; in others, the refugees are signed up fairly quickly for cash and medical assistance and for Food Stamps, programs run by state and county welfare agencies.

Older and disabled people often file for Supplemental Security Income [SSI], a specialized cash assistance program run by the Social Security Administration [SSA]. Younger and nondisabled refugees are divided into two major groups for assistance purposes; those in families with children eighteen and under usually are eligible for what until recently was AFDC. Refugees not qualified for either SSI or AFDC (single adults and childless couples) are eligible for Refugee Cash Assistance [RCA] assuming, of course, that their incomes are low enough.

RCA, however, is available for only eight months. Refugee eligibility for AFDC and SSI, unlimited in time at the start of 1996, is now limited by the new welfare and immigration legislation; however, the ability to draw benefits is defined in both programs in terms of years, not months, and is affected by citizenship.

Historically, in states where benefits are at the generous end of the spectrum, AFDC offered some refugees an attractive alternative to immediate employment;

perhaps they could secure a better command of the English language or more education before venturing into the job market. Available data shows that most refugees are not fully supporting themselves two years after their arrival [see **Chart 13,** page 41 below].

It is the extensive utilization of welfare—partially supported by state funds—that helped stimulate some observers to design alternative resettlement models.

One set of models would retain both a state and private agency role, but take resettlement out of the welfare program that currently distributes assistance checks and provides some services. Another set of models would place all responsibilities on the volags.

The argument for the latter is that the frequent assignment of refugees to mainstream agencies that may not have either the linguistic or the cultural capacity to work with them leads to inadequate services or neglect. The volags, which have been with the refugees since the plane touched down, have more ability to help the refugees and often carry the "get a job" message more firmly—and in the refugee's own language—than state and county welfare system personnel.

This study focuses on the largest of the domestic government programs that work with refugees *and* on the costs of the first year of resettlement. It excludes the INS and DOS overseas costs of selecting refugees for resettlement in the U.S., costs incurred by local U.S. educational systems, such smaller segments of resettlement as the costs of the DOS and DHHS staff who run these programs, and the Department of Justice funding of the resettlement of Cuban-Haitian Entrants[3] (a relatively small program) because none of these costs would be seriously impacted by any of the proposed alternative systems.

The programs covered in this study are the twelve national or federal programs most directly involved with the resettlement and the health and welfare of the refugees [see **Chart 2**]. Also included—though the first-year costs are relatively minor—are the General Assistance (Home Relief in New York) programs that states and localities provide to indigent persons not eligible for AFDC, SSI or (in the case of refugees) RCA. Some refugees, when RCA expires, are supported by these programs, for which there are no federal funds.

[3] For years this program was lodged in the Community Relations Service; recently it was moved to INS.

Chart 2.
Refugee Resettlement: The Current System

PROGRAM	AGENCY	FUNCTION
FEDERAL		
Reception and Placement	DOS	Initial resettlement
Unaccompanied Minors	DHHS	Taking care of orphans
Targeted Assistance Grants [TAG]	DHHS	Social & employment services in impacted areas
Social Services	DHHS	Social & employment services
Matching Grant [MG]	DHHS	A resettlement program with some private funds
Refugee Cash Assistance [RCA]	DHHS	Cash assistance to refugees not eligible for SSI or AFDC
Refugee Medical Assistance [RMA]	DHHS	Medical services to non-AFDC, non-SSI refugees
State Administrative Costs	DHHS	State administrative costs for all DHHS ORR-funded programs
Food Stamps	USDA	Food Stamps
FEDERAL/STATE		
Supplemental Security Income [SSI]	SSA	Cash assistance for the disabled and aging
Medicaid	States	Medical services for low-income refugees not in RMA
AFDC [now TANF]	States	Cash assistance for low-income refugees not in RCA, MG, or SSI
STATE/LOCAL		
General Assistance (available only in some states)	State/Local Governments	Cash assistance for those ineligible for national and federal assistance programs listed above

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CALCULATING THE COSTS OF THE CURRENT RESETTLEMENT SYSTEM

Statistical systems usually reflect the interests of their masters. Forms are written and data banks are designed to produce information managers regard as vital or at least useful; dates of birth and dollars spent are usually recorded; left-handedness, outside of baseball, is not. For such reasons, some government systems record refugee status and some do not; those that note the presence of refugees in their systems sometimes do not make much use of the data. Thus it is hard to track the costs of resettling refugees in this country. Ironically, sometimes the largest of the costs (e.g., those within the massive Medicaid and AFDC systems) are the hardest to measure.

The task is made more difficult by the just-described, decentralized, complex structures for helping refugees. Definitions of status and reporting periods vary; data on movements within the U.S. (secondary migration) are fragmentary; some refugees operate in the underground economy; many of the people who help refugees are more warm-hearted than computer-literate.

But before any rational discussion can be held on the best ways to improve the current system—to better serve refugees and to reduce or at least to contain costs—it is helpful to identify the current costs; hence the exercise, which includes equal part hard data and educated guesses, that follows. The techniques used to measure or estimate the more significant cost elements in refugee resettlement are described in detail below so that others can critique and, one hopes, improve on them.

The first-year cost estimates for the programs identified in **Chart 2**, are shown in Model A [**Chart 3**]. First-year estimates are used for several reasons: first, these are somewhat easier to quantify than the longer-term costs (which often get mixed in with programs for other Americans); second, much of the investment in refugees takes place during their first year in the U.S.; third, the overall direction of refugees' lives—towards self-sufficiency or long-term dependency—is largely determined in the first months in America.

For the sake of simplicity, calculations assume that all the refugees arrive on the first day of the fiscal year and that all the refugees have been here a full year at the end of that period. Similarly, I also assume that no refugees die in their first year in the U.S., that none return to their homelands, and that only 5 percent or so

have enough resources or enough good luck not to need help beyond the R&P period.

In each instance the sequence of the explanations below follows the order of the programs in these exhibits. Throughout "e" means the dollar figure is an estimate and "a" means an actual expenditure for FY '95.

Detailed Information on Model A Estimates

Reception and Placement. These are the initial expenses incurred by the volags as they help refugees on their arrival; DOS makes *per capita* grants to the limited number of volags involved in this work. The number shown is the number of arrivals that year, 96,924, multiplied by the R&P *per capita* grant of that year, $700. Would that the rest of the numbers in this paper were this straight-forward!

Unaccompanied Minors. There are always a relatively small number of unaccompanied minors (orphans in an earlier terminology) in any refugee situation. They are handled separately, with funding from ORR to the state child welfare agencies that oversee this work. The number shown is the annual expenditure for this population; it includes some funds for this year's arrivals and rather more for the young people who arrived in earlier years. We call these recurring costs. The number shown was secured by assuming that the ORR budget estimates for these costs for FY '96 ($22,861,000) and for FY '97 ($22,495,000) indicated a $23,000,000 actual for FY '95.

Targeted Assistance Grants. These are ORR funds used to support employment and other assistance programs in areas with concentrations of refugees. Some of the funds are distributed on a formula basis and some in a discretionary manner. The number shown is a FY '95 actual.

Social Services Funds. These are also ORR moneys used for employment and related services and are distributed mostly on a formula basis through the states, but up to 15 percent is awarded as discretionary grants. The total is also a FY '95 actual.

Matching Grant Program. This is an ongoing ORR program. During FY '95 it provided volags with $1,000 grants per refugee when the volags produced, on average, an equal or larger amount of money (and/or goods and services) to help the

refugee resettle. These combined funds were then used, among other things, to support the refugees for four months without recourse to the mainstream welfare program.

ORR provided $1,000 grants to resettle 23,567 refugees in CY '95, hence the $23.6 million federal figure, used here for the fiscal year. While some agencies, notably those affiliated with the Hebrew Immigrant Aid Society [HIAS], overmatched the $1,000 figure, others did not. In these calculations I have used the amount of the mandatory match ($23.6 million), rather than estimating the actual total of these matches. This, as well as not noting the substantial contributions that many of the volags make to the R&P process, understates the role played by private contributions, but this analysis assumes that these contributions would not be impacted by a reorganization of the resettlement process.

Refugee Cash Assistance. This is an actual FY '95 expenditure.

Refugee Medical Assistance. This is also a FY '95 actual.

State Administrative Costs. These are the state's costs for operating RCA, RMA, the state refugee coordinators' offices, and other refugee programs. In some cases, where public assistance is administered through counties, this line item also covers the counties' costs in managing these programs. Again, this is a FY '95 actual.

Food Stamps. While some volags seek to avoid placing refugees on cash assistance, none to my knowledge discourage the use of the Food Stamp program that helps low-income people whether they are on assistance or are among the working poor. This estimate is constructed from: (1) the number of arrivals in FY '95 (96,924); (2) an educated guess about an average midyear utilization factor of 80 percent (higher at the start of the period, lower at the end); and (3) the average individual's Food Stamp benefit of $828.00 per year for 1994.[4]

SSI. The Social Security Administration ran a special tabulation for the Commission[5] showing the number of new SSI awards made to refugees in CY '95, 22,780 in all. From this total, and using a series of other data and

[4] Calculated from *Statistical Abstract of the U.S. 1995*, Table 613.

[5] For which I am grateful to Charles Scott and Elsa Ponce of the Office of Research, Statistics and Evaluation of the Social Security Administration.

Chart 4.
Annual Additional Cost of SSI Payments to Refugees/Asylees; Payments to New Enrollees, CY '95

CATEGORIES	APPLICATIONS (column 1)	AWARDS (column 2)	ESTIMATED TOTAL BENEFITS FOR THE YEAR (column 3)
Aged	8,400	7,530	$ 43,301,000
Blind and Disabled	20,570	15,250	$ 87,694,000
Total	**28,970**	**22,780**	**$130,995,000**
Processing delay factor [see below] x .75			$ 98,246,000
Average monthly payment (Federal and State)			$ 479.20

Source: **Columns 1** and **2**: unpublished data from SSA, Office of Research, Evaluation, and Statistics obtained from SSI 10-percent files of 1995; **Column 3**, benefit totals calculations by the author based on $479.20 figure at the bottom of column, which comes from: Ponce, Elsa. 1996. "Lawfully Resident Aliens Who Receive SSI Payments, December 1995." Office of Program Benefit Payments, SSA (February 1996) Table 11. Assuming a three-month average processing time for SSI, the first year's benefit total has been reduced by 25 percent.

The monthly benefit figure shown is the average for the SSA category of "Color of Law Aliens," most of whom are refugees; a few asylees and others are included as well. The other SSA alien category, "Lawfully Admitted Aliens," covers those arriving in the nation as immigrants; the average monthly benefit for that group is $400.83. All data are for federally administered payments; a few state-managed state supplementation checks are outside this system.

Note: The $130,995,000 estimated here is a *recurring* cost that will persist for years, dwindling over time as the enrollees die. Many other costs in this study (e.g. RCA) are short-term costs only.
SSA does not record the year of arrival of aliens; one year's cohort of new awardees thus includes some persons arriving in the year of the award and some in earlier years; alternatively, some aliens arriving in CY 1995 will apply for benefits in future years; at a time of steady arrivals, these factors balance. The 1995 arrivals, 96,924, were about equal to the average of the arrivals in the ten prior years, 99,490. If refugee arrivals decline in the future, the number of refugees applying for SSI would decline, too, but more slowly than the decline in arrivals.

assumptions spelled out in **Chart 4**, I calculated that the new SSI awards made to arriving refugees that year would come to $130,995,000 a year on an annual basis. This would be a recurring cost for as long as the SSI beneficiaries survived (about one third were aged, the others were disabled or blind.)

As, however, there is a multimonth application process (during which newly-arrived refugees often use RCA or their family's AFDC grants) and as the Commission is interested in first-year costs, I factored in a three-month waiting period and reduced the total amount of costs in this program (for this first year) by 25 percent.

SSI is largely, but not exclusively, a national program. Some of the states that have higher AFDC payments also supplement the national SSI payment; California is particularly notworthy in doing this.

The Social Security Administration, however, apparently to avoid attracting the attention of migratory benefit shoppers, publishes no data on this state-by-state variable. Informally I was told that a 15 percent state supplement would be a safe guess, particularly with a population that included many Californians and New Yorkers, and so I used a 85 percent federal/15 percent state ratio in the various models.

Medicaid. Refugees who are eligible for AFDC or SSI on arrival are also eligible for Medicaid. Refugees who are eligible for RCA are covered by RMA. RCA Refugees covered by the Matching Grant program also are routinely covered by RMA.

Thus, to estimate the Medicaid cost, it was necessary to calculate what percentage of the incoming population was eligible for AFDC and SSI and then multiply that combined population by a plausible unit cost.

Thanks to DOS and its contractor, the Refugee Data Center, I was able to obtain a printout on all refugees arriving in June, 1996; various knowledgeable people assured me that the 6,054 refugees arriving that month represented a good sample of refugee cohorts in the last few years.

I then examined the demographic characteristics of each arriving refugee (largely date of birth and family membership) and assigned all arrivals to three eligibility categories: RCA; AFDC; and SSI (as spelled out at the

bottom of **Chart 5**). Clearly not all those eligible for these programs used them, but the exercise gave a sense of the sizes of these three populations: 59 percent AFDC; 33 percent RCA; and 8 percent SSI. (This system probably slightly overstates the AFDC percentage and slightly understates the RCA percentage as a few states (such as Colorado) classify intact refugee families into the RCA program rather than into AFDC.)[5]

The SSI and AFDC eligibles thus came to 67 percent of the arrivals; this was multiplied by a 90 percent Medicaid usage estimate to secure an estimated FY '95 refugee Medicaid utilization population of 55,445.

For a Medicaid unit cost in FY '95, I used $3,294 a year; this is the 1993 average cost of Medicaid[6] increased by 6 percent for inflation. This Medicaid estimate, for twelve months, of $3,294 compares with the FY '96 ORR budget estimate of $3,592 for eight months of RMA, and thus my estimate may be on the conservative side.[7]

These two unit costs may, on the other hand, simply indicate that RMA is a more costly way to provide health services than Medicaid.

The math for this is one of the more heroic estimates: 1995 arrivals of 96,924 x 67 percent (AFDC + SSI eligibles) x 90 percent utilization = 55,445 x $3,294 = $192.5 million (rounded).

To divide the costs between the federal and the state governments, I used the Health Care Financing Administration [HCFA] rule-of-thumb for national calculations of 55 percent federal, 45 percent state. There is a sliding scale formula tilted in favor of the low-income states, but the 55/45 ratio works on national estimates. In this case it is $108.8 million federal, $83.7 million state.

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[5] For an explanation of why Colorado, and a few other states, handle this situation in this manner, see Appendix C.

[6] Calculated from *Statistical Abstract of the United States 1995*, Table 163.

[7] There is a nuance in the funding of medical care for refugees in their first months in the U.S. that supports the notion that the costs of the eight-month period of RMA may exceed the twelve-month costs of Medicaid for similar populations. Many states use RMA funds to finance, or help finance, the initial, domestic health screening of newly-arrived refugees, and thus RMA funds are used for both RMA- and Medicaid-eligible refugees. This pattern was discussed at the conference on refugee health held by ORR in Washington in September, 1996.

AFDC. This estimate is based on an adjustment to the ORR actuals for RCA expenditures during FY '95, of $55,947,645; as there were (in the June 1996 sample population) 178 AFDC eligibles for every 100 RCA eligibles, I multiplied the RCA expenditures by 1.78, and then multiplied the product by 1.4. The use of 1.4 was needed because, while RCA benefits can be paid for no more than eight months, AFDC payments can be paid for the full year. However, later in the period, cash assistance begins to decline, so instead of using a factor of 1.5 (the relation between 12 and 8) I used 1.4. This works out as follows: $55,947,645 (RCA actual) x 1.78 (AFDC/RCA eligible ratio) x 1.4 (time factor) = $139.4 million (rounded).[8]

To divide the costs between federal and state governments, I used a 54 percent-46 percent ratio calculated from an Office of Family Assistance Report.[9] Thus it is $75.3 federal million and $64.1 million state.

General Assistance [GA]. This is a state-and-local-government-only program that provides limited cash assistance to nonelderly, non-disabled, nonparents, i.e., to those who do not qualify for either AFDC or SSI. A refugee leaving RCA and not able to find a job would qualify in the state such as California and New York (where it is known as Home Relief) that offer this program).

For those states that have GA programs, the state's exposure to these costs, as far as refugees are concerned, does not begin until the end of the eighth month, so state exposure in the *first* year is limited, but may grow rapidly in later years if GA clients do not secure jobs.

The $3.2 million estimate is based on the assumptions that half the arrivals will come to states without General Assistance programs (e.g., Texas), that 33 percent of that half will be RCA eligible, and that after the eight months half of them will apply for General Assistance, which will be paid to them at the rate of $100 a month. Again, some heroic assumptions, but (in the first year) the costs are

[8] An effort was made to collect state data on refugee utilization of AFDC and Medicaid; most states, however, do not keep data on this variable as the DHHS does not require the states to identify refugees in these programs. Some information was secured, however; this is discussed in Appendix C.

[9] *Overview of the AFDC Program, Fiscal Year 1994*, page 20.

Chart 5.
Characteristics of the Arriving Refugees, June, 1996, by State
(By Potential Eligibility for Cash Assistance)

State	Total	AFDC #	AFDC %	RCA #	RCA %	SSI #	SSI %	Average case
AL	13	7	54	5	38	1	8	4.0
AK	3	0	-	1	33	2	67	1.5
AZ	131	84	64	39	30	7	5	3.4
AR	0	0	-	0	-	0	-	-
CA	902	463	51	327	36	93	10	3.0
CO	67	35	52	25	37	7	10	3.9
CT	47	25	53	17	36	5	11	2.6
DE	0	0	-	0	-	0	-	-
DC	134	108	81	24	18	2	1	5.2
FL	313	153	49	133	42	27	9	3.3
GA	285	190	67	82	29	8	3	4.1
HI	4	4	100	0	-	0	-	4.0
ID	17	13	76	3	18	1	6	5.7
IL	282	147	52	107	38	24	9	2.9
IN	18	9	50	8	44	1	6	2.3
IA	78	54	69	21	27	3	4	3.0
KS	35	17	49	13	37	2	6	3.5
KY	88	58	66	25	28	5	6	3.5
LA	17	8	47	9	53	0	-	4.3
ME	7	5	71	1	14	1	14	3.5
MD	84	52	62	30	36	2	2	4.0
MA	263	160	61	83	32	17	6	4.0
MI	157	96	61	54	34	7	4	3.5
MN	165	111	67	42	25	8	5	4.0
MS	0	0	-	0	-	0	-	-
MO	178	120	67	52	29	6	3	3.8
MT	3	0	-	3	100	0	-	3.0
NB	27	18	67	9	33	0	-	4.5
NV	11	7	64	4	36	0	-	2.2
NH	19	16	84	3	16	0	-	3.8
NJ	66	26	39	27	41	13	20	2.9
NM	18	7	39	8	44	3	17	2.6
NY	1,059	540	51	390	37	125	12	2.9

Chart 5. continued

NC	125	94	75	28	22	3	2	4.3
ND	57	46	81	9	16	2	4	4.8
OH	75	32	43	29	39	14	19	2.6
OK	5	0	-	4	80	1	29	1.3
OR	104	87	84	11	11	5	5	4.5
PA	205	111	54	69	34	24	12	3.8
RI	6	3	50	2	33	1	17	3.0
SC	11	8	73	3	27	0	-	3.7
SD	17	12	71	4	24	1	6	3.4
TN	68	55	81	12	18	1	1	4.5
TX	315	221	70	83	26	4	1	3.8
UT	72	36	50	33	42	3	8	3.4
VT	4	0	-	4	00	0	-	2.0
VA	157	101	64	49	31	6	4	4.4
WA	304	207	68	64	21	33	11	3.7
WV	0	0	-	0	-	0	-	-
WI	33	16	48	16	48	1	3	3.3
WY	0	0	-	0	-	0	-	-
PR	5	0	-	5	100	0	-	2.5
TOTALS	**6,054**	**3,562**	**59**	**1,969**	**33**	**469**	**8**	**3.36**

Source: Refugee Arrivals by City/State for June, 1996; prepared by the Refugee Data Center (New York, NY) for the Bureau for Population, Refugees, and Migration, Department of State.

Note: Chart shows *potential* eligibility of the arriving refugee population for the three principal sources of cash assistance available to them: AFDC; RCA; SSI; not shown is the *utilization* of these programs.

The birth years of the arriving refugees and apparent family composition were used as a rough measure of program eligibility. Those born in or before 1931 were placed in the SSI column, children born in or after 1979 and those appearing to be their parent(s) in the AFDC column; all others in the RCA column. RCA eligibles included many in the Matching Grant program. No effort was made to estimate the number of disabled SSI claimants, who presumably use AFDC or RCA while in the process of seeking those SSI benefits. Included in the state and national totals, but not in the three columns of welfare eligibility, are 54 unaccompanied minors.

The average case size was derived by dividing the total number of arriving refugees by the number of cases reported.

minimal; they might triple, however, in subsequent years. The math is as follows: 96,924 arrivals x .5 (presence/absence of GA) = 48,462 x .33 (RCA eligible) = 16,152 x .5 (GA usage rate) = 8,076 (users) x 4 months x $100 per month = $3.2 million (rounded).

As a result of all of these calculations, the estimate of the total federal, state, local and private costs of resettling the 96,924 new refugees is $938.7 million for FY '95. This covers, as stated earlier, the costs of the stipulated programs.

What would these costs have looked like—again, for these programs—had alternative scenarios been in place during FY '95? That is the next subject.

CALCULATING THE RELATIVE COSTS OF THE ALTERNATIVE SCENARIOS

Some of the first-year costs of refugee resettlement potentially are susceptible to change under the discussed alternative systems; some are not. What these systems arguably could do would be to decrease cash assistance utilization over time. This also would have effects, but lesser ones, on both health care and administrative costs. The effects on Medicaid would be lesser because medical assistance programs include among their beneficiaries some members of the working poor even after they have left cash assistance.

None of the alternative scenarios, however, would do anything to the size of R&P grants, for example. For a program-by-program checklist of what the alternative scenarios could and could not do, see **Chart 6**. [These are the judgements of the author; others might come to different conclusions.]

Five alternative scenarios are outlined below.

1. Model B

Model B [**Chart 7**] is based roughly on a New York State proposal under the Wilson-Fish Amendment. While I have not seen a text of that proposal, its central feature is that the new program would decrease taxpayer costs by 5 percent over the first two years that refugees are in the country. The proposal currently is the subject of negotiations between the City and the State of New York, both of which must sign off on it prior to implementation.

Chart 6.
Refugee Resettlement: Likelihood of the Described Alternative Scenarios Reducing Governmental Costs

PROGRAM	AGENCY	LIKELIHOOD OF CHANGE
FEDERAL		
Reception and Placement	DOS	None
Unaccompanied Minors	DHHS	None
Targeted Assistance Grants [TAG]	DHHS	Unlikely, employemnt services will still be needed
Social Services	DHHS	See line above
Matching Grant [MG]	DHHS	Limited
Refugee Cash Assistance [RCA]	DHHS	Some reduction is likely, but current 8-month cut-off limits the extent of reduction
State Administrative Costs	DHHS	Use of Medicaid instread of RMA would proably reduce cotsts, perhaps substantially
Food Stamps	USDA	Minimal, as program helps the working poor as well as those on cash assistance
FEDERAL/STATE		
Supplemental Security Income [SSI]	SSA	None, employment highly unlikely for SSI recipeints
Medicaid	States	Some reduction the first year, more in later years
AFDC [Now TANF]	States	Some reduction the first year, more in later years
STATE/LOCAL General Assistance (available only in some states)	State/Local Governments	Minimal reductions in first year, substantial ones later

Note: These are the author's judgements and relate, generally, to the alternative models described in the text.

Chart 7. Model B
Estimated Costs of a New York-Style Modification of a U.S.-funded Program Using Both RMA and Medicaid as Is the Current Practice
(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ MILLIONS)	
FEDERAL			
Reception and Placement DOS	Federal	$ 67.8[a]	
Unaccompanied Minors	DHHS	Federal	$ 23.0[e]
Targeted Assistance Grants [TAG]	DHHS	Federal	$ 44.5[a]
Social Services	DHHS	Federal	$ 80.8[a]
Matching Grant [MG]	DHHS	Federal	$ 22.4[e]
		Private	$ 22.4[e,c]
Refugee Cash Assistance [RCA] (8 mos.) + AFDC (12 mos.)	DHHS	Federal	$185.5[e]
Refugee Medical Assistance [RMA] (8 mos.) + Medicaid (12 mos.)	DHHS	Federal	$273.8[e]
Admin. Costs	DHHS	Federal	$ 25.0[e]
Food Stamps	USDA	Federal	$ 64.2[e]
FEDERAL/STATE			
Supplemental Security Income [SSI]	SSA	Federal	$ 83.5[e]
		State	$ 14.7[e]
Medicaid (12 mos., for AFDC, SSI & GA clients)	States	[covered in RMA line]	
AFDC (now TANF) (12 mos.)	States	[covered in RCA line]	
STATE/LOCAL			
General Assistance (available only in some states)	State/Local Governments	State/Local Governments	$ 3.0[e]
Total Costs		Federal	$870.5[e]
		State	$ 17.7[e]
		Private	$ 22.4[e]
		Total	**$910.6**[e]
Per capita, for FY '95 arrivals (96,924)			**$9,395**[e]

Notes: Most cost estimates are based on the N.Y. Wilson-Fish proposal, calling for a five percent reduction in specified programs for refugees [see text]. See model A for key to symbols [a, e, c.]

In a version of this basic model used in this paper the reductions are calculated as creating 5 percent savings in the first year for the following programs: RCA, RMA, AFDC, Medicaid, GA, Matching Grant and administrative costs.[10] Most of these specified costs currently are paid by the federal government, but others (including AFDC, Medicaid and GA) include state and local costs. The proposed program is *not* expected to reduce expenditures in some other areas, such as R&P and SSI.

Further, in Model B, the federal government would fund all cash assistance costs for RCA and RMA clients during the first eight months and all costs of AFDC and Medicaid for the first twelve months.

The estimate for Model B is that all nationwide costs of the specified resettlement programs would have been $910.6 million, were this program in effect nationally in FY '95. This would have been a savings of about $28 million compared to this paper's estimates of the real costs of the specified resettlement programs in that year [**Chart 6**, Model A].

Model B would reduce states' first-year costs dramatically, from $165.7 million (in Model A) to $17.7 million, and increase federal costs by about $120 million.

It should be stressed that these are the author's calculations based on the formula described above, and are *not* estimates generated by the State of New York or the volags working there. Nor are these estimates (as opposed to those for Models C, C-1, and C-2) based—in part—on actual experience.

The projected cost savings are based on the assumption that a cooperative state-private program mounted outside the welfare system would bring about more rapid employment among the refugees and would reduce fraud caused by simultaneous receipt of cash benefits and underground wages. The notion is that a refugee-specific program, with major inputs from the voluntary agencies, would be based on closer case management and more finely-tuned employment counseling than found in the current system.

It appears that these benefits—and some administrative savings—easily could lead to the promised reduction of at least 5 percent.

2. Model B-1

Model B-1 [**Chart 8**] is identical to Model B except that health services would be handled differently. Model B would con-

Chart 8. Model B-1
Estimated Costs of a New York-Style Modification of a U.S.-funded Program Using Medicaid Only for Health Services Instead of Medicaid + RMA

(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ MILLIONS)	
FEDERAL			
Reception and Placement	DOS	Federal	$ 67.8[a]
Unaccompanied Minors	DHHS	Federal	$ 23.0[e]
Targeted Assistance Grants [TAG]	DHHS	Federal	$ 44.5[a]
Social Services	DHHS	Federal	$ 80.8[a]
Matching Grant [MG]	DHHS	Federal	$ 22.4[e]
		Private	$ 22.4[e,c]
Refugee Cash Assistance [RCA] (8 mos.) + AFDC (12 mos.)	DHHS	Federal	$185.5[e]
RMA		[covered in Medicaid line]	
Admin. Costs	DHHS	Federal	$ 25.0[e]
Food Stamps	USDA	Federal	$ 64.2[e]
FEDERAL/STATE			
Supplemental Security Income [SSI]	SSA	Federal	$ 83.5[e]
		State	$ 14.7[e]
Medicaid (12 mos., for AFDC, SSI & GA clients; 8 mos. for RCA clients)	States	Federal	$140.6[e]
		State	$115.1[e]
AFDC [now TANF] (12 mos.)	States	[covered in RCA line]	
STATE/LOCAL			
General Assistance (available only in some states)	State/Local Governments	State/Local Governments	$ 3.0[e]
Total Costs		Federal	$737.3[e]
		State	$132.8[e]
		Private	$ 22.4[e]
		Total	**$892.5**[e]
Per capita, for FY '95 arrivals (96,924)			**$9,208**[e]

Note: Estimated costs are the same as in Model B, except that Medicaid unit costs have been substituted for RMA actual expenditures. See note for Model A for a key to the symbols [a, e, c].

tinue to use the current system, RMA for some and Medicaid for other refugees, with the Federal government covering all health costs in the first year. Model B-l would place all health services in the Medicaid system, with funding from both Federal and state sources.

As noted earlier, Medicaid costs less—for reasons that are not totally clear—per person than RMA. Medicaid is a much larger program, and there may be economies of scale at work. As noted earlier, initial health screenings for Medicaid-covered refugees appear as RMA costs.

The estimate in Model B-1 is that the total costs of medical assistance, nationwide, during the first year would be $255.7 million. If the usual HCFA formula applies (55 percent U.S./45 percent states), this would work out to $140.6 million in federal costs and $115.1 million in state costs.

The $255.7 estimate is worked out in the following manner: first, there is the estimate (from Model A) that Medicaid costs in FY '95 were $192.5 million for first-year refugees being served by this program. To this is added $63.2 million as the estimate of what it would have cost in FY '95 to provide health services via Medicaid rather than RMA ($192.5 + $63.2 = $255.7).

The $63.2 million, in turn, is based on: the previously-cited unit cost for Medicaid for a year ($3,294) times two-thirds (for eight months out of twelve) times an assumption that 33 percent of the arriving cohort of 96,924 (or 31,985) is RMA- (and RCA-) eligible, and that all but 10 percent of them will use medical services. Stated in another way: $3,294 x .667 x 31,985 x .90 = $63,246,761.

This is then rounded to $63.2 million. In contrast, RMA actual costs in FY '95 were $95.7 million.

The total costs of Model B-1 come to $892.5, lower than the costs for either Model A ($938.7 million) or Model B ($910.6). Both federal and state costs would be below those of Model A; most of the savings between Models A and B-1 would fall to the states, about $33 million, as opposed to federal savings, estimated at about $12 million.

The San Diego Experience

Before describing the estimates for Models C, C-1, and C-2, it would be useful to review the experience of alternative refugee resettlement programs, ones that are not run through the welfare system. What does research show on this subject? As

usual, not as much as one might want, but there are some useful informational building blocks.

First, there is strong statistical evidence gathered over the years *within the welfare system* that cash assistance utilization is lower in jurisdictions that have lower benefit checks than in those with higher ones; this is the case for both refugee and nonrefugee populations. This suggests that factors—in fact, government-determined factors—external to the refugees, and to their traditions and cultures, can play a role in the dependence-independence equation.[11]

A somewhat similar precedent regarding a neglected relationship between governmental policy and use of welfare can be seen in the comparison between the Food Stamp utilization rates of refugees and asylees noted in **Appendix D**.

Asylee utilization rates are considerably below those of refugees, although both have equal legal access to benefit programs; asylees are not greeted on their arrival with the supportive programs that exist for refugees; they typically have recourse to only one source of income—unauthorized employment. (Asylum applicants cannot work legally until the passage of six months—or earlier if asylum is granted.)

Appendix D also notes that there are some demographic as well as programmatic differences between these populations, i.e., a higher proportion of working-age males among asylees than among refugees.

Second, there is some evidence *outside the welfare system* that the Matching Grant [MG] program, which keeps refugees out of the welfare system for their first four months in the country, does well by most of its clients. ORR data show that during CY '95 40.9 percent of MG clients were self-sufficient at the end of the four months.

In contrast, earlier ORR data, dealing with all refugees in the nation for five years or less, found that only 30.5 percent were self-sufficient [see **Chart 13, page 41**]. The MG program, working with a much more recently-arrived population, had more self-sufficiency at the end of four months than the broader population, even though,

[11] The last ORR report offering information on this variable, *Report to the Congress: Refugee Resettlement Program*, Dec. 31, 1989, pp. 41-42, showed dependency rates, after two years, of 10-11 percent in North Carolina and Louisiana, for example, compared to 69 percent in Wisconsin and Minnesota.

on average, the latter group had been in the nation for two and one-half years.

Matching Grant is a major program, with 25,767 individuals completing their four-month programs during CY '95.[12] Thus systems like Matching Grant apparently can make a difference.

Third, and most on target, there is evidence *both inside and outside the welfare system* that the Wilson-Fish program operated by U.S. Catholic Charities [USCC] has made a major difference in welfare utilization in a difficult environment—California—which has had one of the most generous state welfare systems.

Briefly, USCC, through its affiliate, Catholic Charities, has been running for six years an experimental program resettling RCA refugees in San Diego County. Robert Moser, a social scientist, is the program director and he has data not only on its own clientele (the study group), but on a comparable control group as well; the former are the RCA refugees served by USCC, and the latter are RCA refugees served along traditional lines, by the San Diego County Department of Social Services.

The study group is subject to concerted case management, with project staffers providing reception and placement services, social and employment services, direct cash assistance (the same formula as for other refugees but without contact with the welfare system), and, if need be, sanctions. Everything is done within a single organization, and refugees are encouraged at every turn to get a job; there is no opportunity for clients to play off one organization against another, nor to be influenced (to put it bluntly) by the habits of some of the longtime welfare users.[13]

The San Diego program is a major project, which dealt with 918 refugees (as opposed to 1,209 refugees in the control group) between September 1990 and March 1994. A major neutral data source has been

[12] Unpublished data on the Matching Grant Program, received from ORR in October, 1996.

[13] Congressmen David Obey (WI) and Gary Condit (CA) both testified in favor of a resettlement program that would have many of the characteristics of the San Diego program and a House of Representatives Immigration Subcommittee hearing on August 1, 1996. Obey's proposal, not yet shaped into bill form, would turn over all resettlement activities to the voluntary agencies and would provide for full federal funding during refugees' first twelve months in the U.S. Models C and C-1 are close to the Obey proposal, but each provides federal cash and medical assistance to non-AFDC refugees for eight month, not the twelve suggested by Obey.

tapped; this consists of the forms filed with INS by refugees at the end of their first year in this country. These are the I-643s; their principal purpose is to document the applicant's transition from refugee to permanent resident alien status; Dr. Moser has used the one line on the form that asks if the refugee has a job to measure the employment status of the control and experimental groups. The percent currently employed at the time of the filing of the form for the two populations were: USCC experimental group 55 percent; San Diego control group 42 percent.[14]

Dr. Moser reports that in more recent months the percentage of USCC clients with jobs has increased to 60 percent. Using the earlier data, the rate of employment (and presumably self-sufficiency) is 24 percent higher for the experimental group than for the control group, i.e., 42 is 76 percent of 55.

Another measure of welfare utilization reduction, pulled from the same set of I-643 data, relates to the number of months of RCA utilization. Assuming no significant difference can occur in the first month, Dr. Moser notes that in the following seven months the experimental group used 4.67 months of RCA while the control group used 7 months of it, a 33 percent reduction for the experimental group.[15]

While it would be very helpful if there were other careful comparison studies of privatization programs vis-a-vis the mainstream refugee resettlement programs, this one is encouraging enough, large enough, and structured enough for careful consideration. [For a note on the other two USCC Wilson-Fish programs, those in Nevada and Kentucky, see **Appendix B**.]

For the purposes of this analysis, the 24 percent higher incidence of employment and the 33 percent reduction in RCA utilization will be averaged as a 28 percent reduction in cash assistance *in California-type situations.*

This is not to suggest, however, that the introduction of a San Diego-style scenario, even if it proved to be equally successful nationwide, would have the same cost-cutting effect in say, Texas, as it does in California. The alternative scenario pre-

[14] "Final Program Progress Report, Sept. 1, 1990 - August 31, 1994" U.S. Catholic Conference/Migration & Refugee Services, San Diego Wilson-Fish Demonstration Project, ORR Grant No. 902WF-DC001/90RD0005/01. An ORR-funded evaluation of the multiyear project is expected early in 1997.

[15] Personal fax from Dr. Moser, Nov. 15, 1996.

sumably would make little difference in the really low-benefit states, where the modest size of the checks drives all able-bodied people immediately into the job market.[16]

The next question then is: How do we weigh the national significance of the USCC's apparent success in California? Is California such an outlier in terms of benefit amounts, that the San Diego experiment can have no replicability outside that state?

To obtain an answer, without having access to actual state-by-state RCA expenditures, I used two other data sets: average monthly AFDC benefits for a family in FY '93, and the size of the arriving refugee populations in June 1996. **Chart 9** shows the construction of a proxy measure for actual RCA expenditures; three classes of states were created on the basis of the dimensions of the typical AFDC benefit, and a median benefit amount for each class was multiplied by the number of June arrivals in those groups of states. This suggests that about 64 percent of the RCA and AFDC funds for refugees was spent in the nine most generous states; 21 percent in the next band of (16) states, and 15 percent in the twelve states in the lowest band. (The other thirteen states had too few arrivals—less than ten each that month—to be considered usefully in the exercise.)

As something like 64 percent of the refugee cash assistance dollars was going to states like California and 36 percent was going elsewhere, I deflated the San Diego percentage (28 percent) by a factor of 25 percent before applying it nationally, i.e., if the privatization program could reduce cash utilization by 28 percent in California, it would be able to reduce it by about 21 percent nationwide.

While this may be a heroic estimate, it is also a modest one. Given dependence rates that have sometimes reached 90 percent or more among certain refugee communities, a 21 percent reduction of the use of cash assistance during the first year is not unreasonable.

3. Model C

Model C [**Chart 10**], then, is similar to Model B except that it uses the San Diego experience with RCA—a reduction in the first year of 21 percent—instead of the 5

[16] One policy option that I have not seen discussed would be to privatize the refugee program in the high-benefit states and leave it alone in the low-benefit states on the grounds that benefit levels alone were forcing people into employment.

Chart 9:
Distribution of Arriving Refugees vis-a-vis AFDC Benefit Rates

(June '96 arrivals, '93 AFDC Monthly Benefits, Selected States)

HIGH BENEFIT STATES ($401+ monthly per family)
CA, CT, MA, MI, MN, NH, NY, WA, WI

Arrivals	2,949
Median Benefit	x $581
Product (proxy for refugee costs)	$1,477,449

MEDIUM BENEFIT STATES ($301 - $400)
AZ, CO, DC, IA, ID, IL, KS, MD, NB, ND, NJ, NM, OH, PA, OR, UT,

Arrivals	1,452
Median Benefit	x $335
Product (proxy for refugee costs)	$486,420

LOW BENEFIT STATES ($300 and less)
FL, GA, KY, IN, LA, MO, NC, NV, SC, SD, TN, TX

Arrivals	1,478
Median Benefit	x $235
Product (proxy for refugee costs)	$347,330

TOTALS BY CATEGORY

Proxies for High-Benefit States	1,447,449	64%
Proxies for Medium-Benefit States	486,420	21%
Proxies for Low-Benefit States	347,330	15%
Total	$2,281,207	100%

Note: In the absence of RCA state-by-state actuals, this calculation shows the relative financial significance of changes in welfare utilization in high-benefit states; more money is saved if utilization is reduced where the benefits are the highest.

Sources: Arrival data is from Chart 5 (for June 1996) and benefit rates are from *Statistical Abstract of the United States 1995*, Table 612. To eliminate statistical distractions, the two states with the lowest AFDC benefit rates (MS and AL) and the two with the highest (AK, HI) were eliminated; none of these four states settles a significant number of refugees. Similarly, other states with fewer than ten arrivals in June 1996 also were dropped.

Chart 10. Model C
Estimated Costs of a San Diego-Style Modification of a U.S.-funded Program Using Both RMA and Medicaid as Is the Current Practice

(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ MILLIONS)	
FEDERAL			
Reception and Placement	DOS	Federal	$ 67.8[a]
Unaccompanied Minors	DHHS	Federal	$ 23.0[e]
Targeted Assistance Grants [TAG]	DHHS	Federal	$ 44.5[a]
Social Services	DHHS	Federal	$ 80.8[a]
MG Program	DHHS	[no separate program]	
Refugee Cash Assistance [RCA] (8 mos.) + AFDC (12 mos.)	DHHS	Federal	$199.0[e]
Refugee Medical Assistance [RMA] (8 mos.) + Medicaid (12 mos.)	DHHS	Federal	$273.8[e]
Admin. Costs	DHHS	Federal	$ 25.0[e]
Food Stamps	USDA	Federal	$ 64.2[e]
FEDERAL/STATE			
Supplemental Security Income [SSI]	SSA	Federal	$ 83.5[e]
		State	$ 14.7[e]
Medicaid (12 mos., for AFDC, SSI & GA clients)	States	[covered in RMA line]	
AFDC [now TANF] (12 mos.)	States	[covered in RCA line]	
STATE/LOCAL			
General Assistance (available only in some states)	State/Local Governments	State/Local Governments	$ 3.0[e]
Total Costs		Federal	$861.6[e]
		State	$ 17.7[e]
		Total	**$879.3[e]**
Per capita, for FY '95 arrivals (96,924)			$9,072[e]

Note: Most cost estimates are the same as in Model B, but there is no Matching Grant program and the San Diego experience with reducing the use of RCA is used in this model. Also, [a] actual expenditures and [e] estimates.

percent used in Model B; further, C like B has federal funds for health care the first year.

Additionally, Model C, as it would operate totally within the private resettlement operation, eliminates the Matching Grant program as a separate entity; the $22.4 million in federal funds used in this program (largely for RCA-like grants) have been added into the combined RCA-AFDC line in Models C, C-1, and C-2. (Private funds are dropped from the formula, but it is likely that some of these resources would continue to be available for refugees.)

While USCC has had some limited, and encouraging, experience with AFDC clients in San Diego County, the calculations for reductions in AFDC spending in Models C, C-1, and C-2 are the same as they are for Models B and B-1 (i.e. down 5 percent). Similarly, the reductions in medical assistance and administrative costs are also shown as 5 percent in all five models.

Given the larger size of monthly benefit checks when there are children, it is more difficult to encourage refugees to take entry-level jobs when they are on AFDC than when they are on RCA, hence the use of the 5 percent reduction figure rather than a higher one.

Model C produces a national cost estimate of $879.3 million, compared to the Model A estimate of $938.7 million.

4. Model C-1

Model C-1 [**Chart 11**] is like Model C except that it uses the Medicaid-only, as opposed to RMA-plus-Medicaid, for health services. The health cost estimates are those used for Model B-1. Again, as in the B series, in Model C the federal government would cover all health costs the first year, but in Models C-1 and C-2 they would be split with the states. Model C-1 is estimated at $861.2 million.

5. Model C-2

Model C-2 [**Chart 12**] is similar to Models C and C-1, except that it takes a yet another approach to the delivery of health services. Instead of using the system in place for newly-arrived refugees (RMA), or the one in place for low-income Americans generally (Medicaid) it would largely utilize the various systems now used for federal employees. It would call for total federal funding of health services, through these channels, for eight months for RCA clients and for twelve months for AFDC clients. SSI clients would continue to be

Chart 11. Model C-1
Estimated Costs of a San Diego-Style Modification of a U.S.-funded Program Using Medicaid Only for Health Services Instead of Medicaid + RMA
(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ MILLIONS)
FEDERAL		
Reception and Placement	DOS	Federal $ 67.8[a]
Unaccompanied Minors	DHHS	Federal $ 23.0[e]
Targeted Assistance Grants [TAG]	DHHS	Federal $ 44.5[a]
Social Services	DHHS	Federal $ 80.8[a]
MG Program	DHHS	[no separate program]
Refugee Cash Assistance [RCA] (8 mos.) + AFDC (12 mos.)	DHHS	Federal $199.0[e]
RMA	DHHS	[covered in Medicaid line]
Admin. Costs	DHHS	Federal $ 25.0[e]
Food Stamps	USDA	Federal $ 64.2[e]
FEDERAL/STATE		
Supplemental Security Income [SSI]	SSA	Federal $ 83.5[e] State $ 14.7[e]
Medicaid (12 mos. for AFDC, SSI & GA clients; 8 mos. for RCA clients)	States	Federal $140.6[e] State $115.1[e]
AFDC [now TANF] (12 mos.)	States	[covered in RCA line]
STATE/LOCAL		
General Assistance (available only in some states)	State/Local Governments	State/Local Governments $ 3.0[e]
Total Costs		Federal $728.4[e] State $132.8[e] Total $861.2[e]
Per capita, for FY '95 arrivals (96,924)		$8,885[e]

Note: Estimated costs are the same as in Model C, except that Medicaid unit costs have been substituted for RMA actual expenditures. Also, [a] actual expenditures and [e] estimates.

Chart 12. Model C-2. Estimated Costs of a San Diego-Style Modification of a U.S.-funded Program Using Federal Employee Health Insurance Instead of Medicaid + RMA

(for new refugee arrivals during FY 1995)

PROGRAM	AGENCY	ESTIMATED COSTS ($ MILLIONS)	
FEDERAL			
Reception and Placement	DOS	Federal	$ 67.8[a]
Unaccompanied Minors	DHHS	Federal	$ 23.0[e]
Targeted Assistance Grants [TAG]	DHHS	Federal	$ 44.5[a]
Social Services	DHHS	Federal	$ 80.8[a]
MG Program	DHHS	[no separate program]	
Refugee Cash Assistance [RCA] (8 mos.) + AFDC (12 mos.)	DHHS	Federal	$199.0[e]
Health coverage (12 mos. for AFDC; 8 mos. for RCA)	no agency selected	Federal	$114.1[e]
Admin. Costs	DHHS	Federal	$ 25.0[e]
Food Stamps	USDA	Federal	$ 64.2[e]
FEDERAL/STATE			
Supplemental Security Income [SSI]	SSA.	Federal	$ 83.5[e]
		State	$ 14.7[e]
Medicaid (for SSI clients only) 12 mos.	States	Federal	$ 34.8[e]
		State	$ 28.5[e]
AFDC [now TANF] (12 mos.)	States	[covered in RCA line]	
STATE/LOCAL			
General Assistance (available only in some states)	State/Local Governments	State/Local Governments	$ 3.0[e]
Total Costs		Federal	$736.7[e]
		State	$ 46.2[e]
		Total	$782.9[e]
Per capita, for FY'95 arrivals (96,924)			$8,077[e]

Note: Estimated costs are the same as in Models C and C-1 except that median federal employee health insurance cost rates have been substituted for those of the RMA and Medicaid systems for RCA and AFDC clients. Also, [a] actual expenditures and [e] estimates.

covered by Medicaid. [The methods for estimating FY '96 median costs of providing health services to federal employees and their families, and thus to refugees is described in **Appendix E**.]

A glance at the bottom line of Model C-2 suggests one of its prime attractions; it would appear to reduce the costs of providing health services to newly-arrived refugees substantially, by more than $75,000,000 in comparison to Model C-1 and by even more vis-a-vis Model C (which shows the current practice in this field). These reductions are on the order of 30-40 percent.

As far as the states are concerned, such a program would substantially reduce health costs for first-year refugees. There would, however, presumably be some drawbacks.

First, there would be the inevitable friction as a new system was introduced to refugee-serving agencies, and, perhaps even more so, to the hundreds of health care providers now serving federal employees—organizations for the most part not accustomed to refugee clients.

Second, the cost structure of these health systems (although they vary remarkably from one another[17]) all are based on working with a largely native-born population, one that has had a lifetime of service from the American health system. In contrast, refugees prior to arrival typically have been minimally served by health systems and often arrive with an accumulation of unmet health needs.

In short, it will cost more to provide services to newly-arrived refugees than to government workers and their families. Were the refugees to be regarded as a single population (for health costing purposes) the estimates shown in Model C-2 would perhaps double or triple after a year or so of cost-experience.

Were the refugees, on the other hand, to be simply mixed in with the federal employees (for costing purposes) it would mean a tiny, and generally imperceptible, increase for all involved. There were an estimated 89,000 non-SSI refugee arrivals in FY '95; in contrast, there were 3,043,000 federal employees in 1993[18] and, if each employee was a member of a family of four, that would work out to more than 12,000,000 persons. Thus the arriving refu-

[17] In the sample of programs studied, for example, the monthly total cost for coverage of a single worker ranged from a low of $111 a month to a high of $249.

[18] *Statistical Abstract of the United States 1995*, table 542.

gees would account for less than 1 percent of the people served in the federal employee health systems in any given year (assuming that many arrivals); further, the refugees would all be out of the federal employee health system twelve months later.

Another Model

There are, of course, many other possible combinations and permutations of resettlement programs, but at least one of them should be mentioned. In this scenario, while the voluntary agencies would handle case management, counseling, training, and employment, the actual cutting of checks for RCA and AFDC would be handled by the states. This is clearly an area in which the states have more experience than the volags.

Further, as Frank Bien, the Maryland State Coordinator, has pointed out, many of the states are moving into the use of more and more high technology in the assistance programs. One such example is the distribution of Food Stamp benefits not with coupons, but with debit cards that can be used only in grocery stores (thus preventing many types of Food Stamp fraud). The use of such a model might bring with it a mild increase in up-front administrative expenses, while reducing losses through fraud.

Savings in Later Years

These descriptions of projected savings all have dealt with the first twelve months of refugee resettlement.

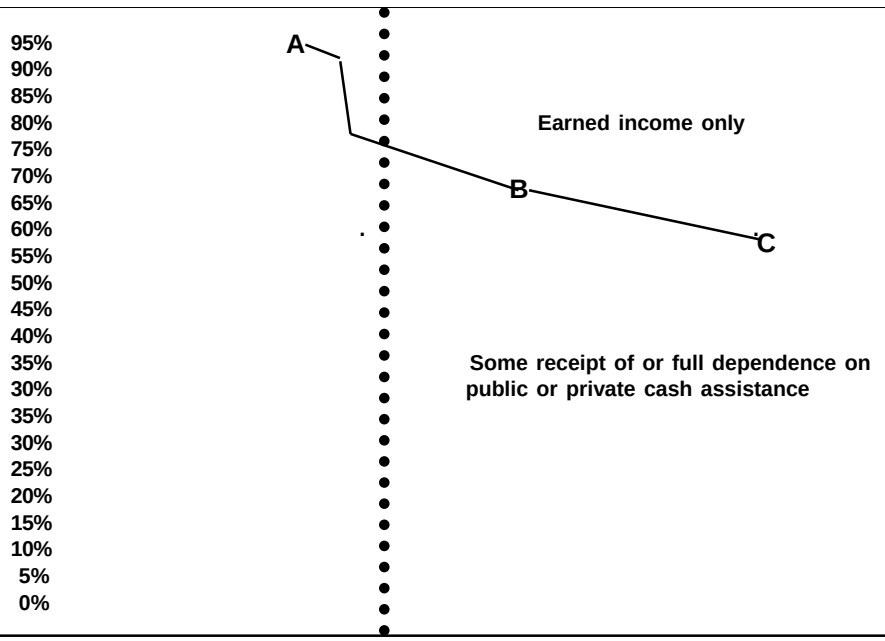
Although the initial costs of resettlement are considerable, the possibility of saving substantial funds by encouraging lesser utilization of assistance by refugees would pay major dividends in the later years, as **Chart 13** indicates.

It is, of course, much more difficult to make cost estimates deeper into the future, than for a single year, but with (at the moment) at least a five-year window for the receipt of AFDC [now TANF] by refugees, the utility of moving them into jobs early in the process is self-evident.

For example, securing a job for a refugee (that she keeps) nine months into the first year reduces first-year cash assistance costs by 25 percent but the same placement, when looked at in a five-year context, reduces those costs by 85 percent (three months of nonuse of cash assistance is 25 percent of twelve, while fifty-one months of nonuse is 85 percent of sixty.)

These estimated real savings would be largely invisible ones, making the institu-

Chart 13.
Pattern of Decline in Cash Assistance Usage by Refugees over Time
(Based Roughly on ORR Survey Data)



Note: This schema assumes that almost all arriving refugees use cash assistance, if only R&P funds, hence the location of A; the placement of B reflects the portion of refugees in the U.S. for five years or less who get along without cash assistance; as ORR survey data show the average for the five-year experience is at about B, then at the end of the five years the utilization rate is probably lower, such as at C. The shape of the line A-B-C is illustrative only.

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The location of B, at 69 percent, is derived from the ORR Report to Congress FY '94, page 61, which reports 30.5 percent of the five-years-or-less refugee population as dependent on earnings only, hence 69.5 percent of the five-year refugee population depends, to some extent or fully, on assistance payments from various sources.

Notice what a large percentage of the savings, as represented by the area above line A-B-C, occurs *after* the first year in the country (shown by the dotted vertical line).

tion of such a reform—should it be regarded as good public policy—that much more difficult politically than it would be were the cost savings more visible.

APPENDICES

A: A Note About Educational Costs

Educational costs have not been calculated in this paper, but not because they are not significant. The cost of the full course of K-12 education for a single child dwarfs the costs of resettling a single refugee. As we have shown, the first- year costs of resettling a refugee run in the $8,000-10,000 range and then decline in later years, sharply for those who secure employment. In contrast, the U.S. was spending $5,528 a year per elementary and high school student ($71,864 for thirteen years) in 1993.[19]

The reasons for *not* calculating refugee education costs are dual: first, these costs would not be changed a bit were refugees to be resettled in a different manner; second, the history of refugee resettlement has been replete with the federal support of specific health and welfare costs of the refugees, but rarely has it done much about refugee education costs, *per se*. Some federal dollars help fund the education of refugee children, but only because they belong to a larger class, such as low-income children, or those involved in a bilingual instruction program.

B: A Note About Kentucky, Nevada, and Health Care Costs

There is a superficial resemblance between the San Diego USCC project and the USCC work in Kentucky and Nevada. In all three instances, USCC affiliates are operating under the wing of the ORR Wilson-Fish program, (a statutory arrangement for alternative resettlement systems) and in all three the affiliates are furnishing a one-stop refugee resettlement operation, providing R&P, cash assistance, and social and employment services to RCA refugees.

The San Diego program, however, was designed as an experiment to test an alternative resettlement model. (It does not, incidentally, deal with health care.) In the two other sites, the state government essentially withdrew from the refugee pro-

[19] Calculated from *Statistical Abstract of the United States 1995*, Table 287.

gram, and USCC stepped in to fill the gap.

While both the Kentucky and Nevada programs have been successful in finding work for refugees, neither, apparently has created a control group to evaluate its activities. (The San Diego program, in contrast, hired an outside evaluator whose report was not available as of this writing.)

Both of these statewide programs provided me with information, and both are among the smaller states in terms of FY '95 refugee arrivals (Kentucky 1,097 and Nevada, 609) but their experiences have been so different from one another that at first glance, one can not see them as fitting into any particular pattern.

For example, their reports on the three basic elements of resettlement costs (RCA, RMA, and administrative) are quite different. The AFDC unit costs (a proxy for RCA unit costs) are about 35 percent higher in Nevada than in Kentucky so the higher Nevada RCA costs [see below] should be expected. Nevada is spending considerably more on administration than Kentucky and much less on health care, with the principal variation in the latter instance being the medical insurance costs in the two states. The data follow.

COST CATEGORY	NEVADA (ACTUALS FY '95)	KENTUCKY (BUDGET 96-97)
RCA	$354,824	$ 231,661
RMA	$410,924	$1,909,937
Administrative	$289,388**	$ 100,403*

*Does not include its share of USCC's national Wilson-Fish administrative costs, which, for Kentucky came to about $70,000.

**May or may not include such costs.

On a second glance, however, two concepts emerge from these puzzling numbers:

1. There is a lot of room for state-by-state variations in refugee resettlement patterns and cost structures; and, more importantly,

2. Purchasing health care may become *the key factor* in managing the costs of refugee resettlement.

Recall that RMA costs about twice as much as RCA [see Model A, **Chart 3**] and that Medicaid (for the U.S. generally) costs five times as much as AFDC; Medicaid is

the wider program, but even on a *per capita* basis, Medicaid cost about twice as much in 1993 as AFDC ($3,042 v. $1,591).[20]

Reorganizing resettlement to reduce cash assistance costs may be an excellent idea, but perhaps the way to *really* contain costs in the refugee program is to figure out a way to purchase appropriate health services for refugees in a cost-effective manner. However, it may also be that the skills needed to cause refugees to seek work, rather than cash assistance, are quite different than the skills needed to make effective health care purchasing decisions. The resettlement dialogue has been focused on the first subject, not the second.

C: State-Supplied Data on Cash Assistance

Early in this study there was a hope that enough refugee cash and medical assistance data could be secured from the states to provide substantial insights; unfortunately, few states collect data or even make estimates on the use of AFDC and Medicaid by refugees, collecting only the data they need to meet the ORR requirements on RCA and RMA.

Several people, however, did have data, and it is appropriate to record what was learned from these refugee coordinators.[21]

Louisiana is a low-benefit state, with an average AFDC monthly family check of $164 in 1993;[22] one would thus expect that there would be more newly arrived RCA beneficiaries than continuing AFDC claims. This is the case. While the state does not collect data on refugees on AFDC, the state coordinator polled the local resettlement agencies and estimated that there were 65 people on AFDC in late 1996, as compared to a count of 312 RCA recipients.

Illinois and Colorado (both with an average $324 per month family benefits) are among the mid-level benefit states, and both maintain highly useful cash assistance tracking systems well beyond the ORR requirements, Illinois for two years, and Colorado, seemingly, forever (or at least since 1975).

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[20] Total costs, in 1993, were $101,709,000,000 for Medicaid and $22,688,000,000 for AFDC. See: *Statistical Abstract of the United States 1995*, Tables 163 and 612.

[21] Steve Thibodeaux in Louisiana, Ed Silverman in Illinois, and Laurie Bagan in Colorado were very helpful. State Coordinator offices in Maine, Massachusetts, and Nebraska also provided information they had on the subject.

[22] *Statistical Abstract of the United States 1995*, Table 612.

CASH ASSISTANCE UTILIZATION / INDIVIDUALS / FY '95 / COLORADO

Year of Arrival	RCA	AFDC	Other	Total	Percent of Arrivals
1995	318	8	2	328	41.8
1994	0	51	47	98	8.1
1993	0	83	39	122	10.5
1992	0	87	67	154	13.4

Most of the "others" above are SSI cases.

The most useful Illinois data, for assistance utilization in FY '95, showed the following:

ILLINOIS REFUGEE DATA: FY '95

ARRIVALS MONTHLY	AVERAGE ARRIVALS PERSONS		PERCENT
FY '95	RCA	957	10.9
(4,464)	RMA/MG	736	17.0
	GA	264	6.0
	AFDC	940	21.7
		2,897	66.8
FY '94	GA	615	13.8
(4,335)	AFDC	941	21.1
		1,556	34.9

While the data above deal with two cohorts of refugees, those arriving in FYs '94 and '95, the numbers work out as one might expect were this a longitudinal data set: RCA and MG leave the scene after the first year, cash assistance drops sharply, GA is much more of a factor the second year, and, at least in this instance, AFDC remains stable. The two-year average for cash assistance utilization of 50.6 percent in Illinois (over the two years) is consistent with the national ORR survey data shown in **Chart 13**, but there is less welfare utilization in Illinois than nationally.

While the Louisiana and Illinois data tend to confirm national patterns, Colorado's does not because of a significant difference in the way AFDC is handled in that state. Most refugee families contain two parents, and are thus in welfare jargon "intact." In most states intact refugee families are eligible for AFDC (or more precisely AFDC-U); in Colorado, however, one must have documented work experience to qualify for AFDC-U. (In most states this documentation requirement is waived, and a declaration that one has worked sufficient quarters in the past will be accepted.) Refugees typically cannot produce such documentation, and, thus,

intact families are supported only by RCA in Colorado.

Because of this element in the system, the Colorado experience with long-term cash assistance utilization is much like that of the USCC operation in San Diego; refugees either get jobs or they leave the state.

Some workers in intact families get jobs in Colorado, however, and lose them later, and consequently qualify for AFDC-U. This explains why there is a mild *rise* in AFDC utilization (from a tiny base) as time passes.

D: Social Service Usage by Asylees and Refugees[23]

In a nonlegal sense, one might lump refugees, asylees, and asylum seekers into a single category: people fleeing from persecution in their homeland (or arguing that they are doing so). Thus, a casual observer might think that refugees, asylees, and asylum seekers all have the same rights to social service benefits and the have same patterns of utilization. But this is not so.

In general terms, asylees and U.S. government-recognized refugees have the same legal rights to social service benefits, which can be extensive. Asylum seekers, however, have legal access to very few government-funded programs. Further, although the evidence is sketchy, it appears that asylees are much less likely to be extensive users of social service programs than refugees. There appears to be nothing within the asylee experience that is comparable to the widespread use of AFDC by large Hmong families in California and Wisconsin, for example, or the widespread use of SSI by age sixty-five or older former Soviets in Brooklyn; these are refugee, not asylee, populations.

Additionally, eligibility to work legally in the U.S., as symbolized by the Employment Authorization Document [EAD] and eligibility for federally-funded social services are handled quite separately for the asylum applicant and the asylee populations—even as they are neatly linked for the refugee population.

- *Refugees*, as they arrive in the U.S., immediately are granted the right to work and to an array of social service programs, the latter slightly wider than that enjoyed by citizens. (In their first eight months in the nation, low-income refugees can secure both Refugee Cash Assistance [RCA] and Refugee Medical Assistance [RMA] even if they

are single adults, i.e., without the dependent children needed for AFDC eligibility.)

- *Asylum applicants* are eligible for virtually no social services beyond the bare minimum, i.e., those services provided to illegal immigrants (emergency medical services and K-12 public education.)[24] Asylee applicants in the past had access to EADs after 90 days, and currently after 180 days, provided that they have not encountered a final rejection of their claims.

- *Asylees*, on the other hand, are eligible for the full collection of refugee benefits described above.

So much for the rules. In practice it appears that asylees are much *less* likely than refugees to make use of their eligibility for cash assistance. While no formal work has been done on this matter, we do have two strong sets of indicators. The first one is statistical. There is a much lower use of Food Stamps and Supplemental Security Income [SSI] among the asylees than among the refugees [see **Chart 14**].

The second indicator is a structural one. Yes, asylees are eligible for the same set of benefits as refugees; but, while refugee benefits start upon admission to the U.S., asylee benefits occur only after asylee status has been granted. Until reform, asylum applicants rarely received asylee status during the fleeting eight months of Refugee Cash Assistance, so asylees do not experience the temptation of instant welfare benefits (as refugees do); instead they have to work for a living (legally or illegally) and this sets them on a path to employment, rather than welfare.

Further, and probably of at least equal importance, the prospect of asylum in the U.S. attracts a somewhat different population than the prospect of refugee life in the U.S. While the refugee process brings whole families to the U.S, including people who are old and/or disabled (and thus eligible for SSI), the chancier asylum process is more likely to attract younger, more able-bodied people.

Finally, there is the variable of financing the trip to the U.S. Refugees receive travel loans and pay nothing up-front for the airplane trip to the U.S.; asylum applicants (or their families) pay for the plane ride, indicating that they have at least a little more money, on average, than refugees.

The delay in securing asylee status, at least in the past, has been such that the eligibility of asylees for Refugee Cash Assistance [RCA] has been little utilized, if ever, ac-

Chart 14.
Food Stamp and SSI Usage among Refugees and Asylees

POPULATIONS	PROXY FOR THE SIZE OF THE TWO DIFFERENT POPULATIONS (COLUMN 1)	SSI USERS DEC. 1995 (COLUMN 2)	COLUMN 2 AS % OF COLUMN 1 (COLUMN 3)	FOOD STAMP USERS FY 1994 (COLUMN 4)	COLUMN 4 AS % OF COLUMN 1 (COLUMN 5)
REFUGEE ADMISSIONS (1987-1994)	809,316	149,100	17.9	363,000	44.9
ASYLEE APPROVALS (1987-1994)	48,336	4,100	8.4	12,000	24.8

Note: Both asylees and refugees are aliens who have, by definition, convinced the U.S. government that they are fleeing from persecution; asylees and refugees, once recognized as such, have exactly the same sets of rights to government benefits and services. Refugees, however, travel to the U.S. by plane on U.S. travel loans, and upon arrival they have instant access to cash assistance and government-funded volag services. Asylees must pay for their own travel to the U.S., have *no* rights to benefits and services on arrival, and typically work illegally until securing asylee status. It is argued that this initial differential treatment has an impact on the subsequent patterns of social service utilization by these aliens.

Sources: Admissions and approvals data are from the *1994 Statistical Yearbook of INS*, Tables 25 and 29; unpublished SSI utilization data from the 1 percent sample of SSI recipients, by telephone, from SSA/Baltimore; unpublished Food Stamps utilization data from the Food and Nutrition Service/Alexandria, by telephone.

cording to those at the ORR dealing with such matters. Asylees can, however, should they meet the family and income requirements of AFDC, be eligible for that program were they to apply. I did not find any asylee-specific data on AFD utilization, but would suspect that AFDC, like Food Stamps, would be utilized less by asylees than by refugees.

E: Estimating the Median Cost of Federal Employee Health Services

Model C-2 includes an estimate of what it would cost the federal government were it to provide most health services to refugees through the systems used for federal employees and their families. Those estimates are, in turn, based on the prevailing (1996) monthly premiums; these premiums are the total cost of the programs and include both federal and worker payments.

There are more than 1,000 such programs, sometimes organized for a particular group of employees (e.g., foreign service officers), but more often relating to a specific health service catchment area. Some are managed fee-for-service programs, some are "plans with a point-of-service product" but most are Health Maintenance Organizations [HMOs]. The monthly costs vary widely.

Virtually all of the premiums in this system are either for "High Self" coverage, i.e., for the worker only or "High Family," for the worker and his/her dependents. The handful of "standard" rates were not included.

Estimation of a median cost for these programs involved the following steps:

1. I obtained from the government personnel office serving the Administration on Children, Youth, and Families a seventy-one-page publication, *Non*-Postal Premium Rates for the *Federal Employees Health Benefits Program* (whose source, while clearly within the federal government, was not shown);

2. I used a sampling strategy, writing down the first "High Self" monthly premium on each page of the listing, rounding to the nearest dollar (for the RCA and SSI clients in the refugee program, most of whom are single individuals or childless couples), and then used the merge/sort function in WordPerfect to find the median among these seventy-one entries;

3. I repeated the same operation for "High Family" benefit amounts (which was used vis-a-vis the AFDC population);

4. In this manner I found monthly medians of $163 for individuals and $422 for families.

5. I then calculated annual cost figures, per covered refugee unit, as follows: AFDC 12 mos. x $422 = $5,064; RCA 8 mos. x $163 = $1,304.

   The SSI population in this scenario is to remain in Medicaid (where it is now); 1993 data on the average annual cost of 65+ Medicaid recipients is $8,168.[25]

6. Then using the proportion of AFDC-RCA-SSI cases seen in **Chart 5** above, I secured the following population estimates (for those individuals arriving in FY '95): AFDC 57,185, SSI 7,754, RCA 31,985, for a total 96,924 individuals.

7. I selected an admittedly arbitrary estimate of 4.0 members for each refugee family in the AFDC category,

8. I divided 57,185 by 4.0 and found a family total of 14,296.

9. Next I multiplied the populations shown above (in steps 6, 7, and 8) by the first year cost figures (in step 4) as follows: AFDC 14,296 (families) x $5,064 = $72,394,944; RCA 31,985 (individuals) x $1,304 = $41,708,440.

   This produced a rounded total of $114.1 million for this group. The calculation for the SSI clients in Medicaid was: SSI 7,754 (individuals) x $8,168 = $63,334,672.

   Applying the usual 55-45 percent formula for the division of Medicaid costs between the federal and the state levels produces these rounded numbers: $34.8 million federal and $28.5 million state, as is shown in Model C-2.

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH
PAPER

Illegal Mexican Migration & the United States/Mexico Border: The Effects of Operation Hold the Line on El Paso/Juárez

**Frank D. Bean, Roland Chanove,
Robert G. Cushing, Rodolfo de la Garza,
Gary P. Freeman, Charles W. Haynes, David Spener**

U.S. COMMISSION ON IMMIGRATION REFORM

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RESEARCH
P A P E R
- 1 -

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POPULATION RESEARCH CENTER
THE UNIVERSITY OF TEXAS AT AUSTIN
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I. Introduction

On September 19, 1993, Silvestre Reyes, the Chief of the El Paso Sector of the Border Patrol of the U.S. Immigration and Naturalization Service [INS], launched Operation Blockade along a twenty-mile stretch of the U.S./Mexico border between El Paso and Juárez. Renamed Operation Hold the Line three weeks later (to avoid the negative connotations associated with the word "blockade"), the initiative represented an effort to cut off illegal migration from Mexico into El Paso (and through El Paso into the United States). As such, it involved a major shift in strategy on the part of the El Paso sector Border Patrol. Previously the Border Patrol had allowed relatively unhindered movements across the river, concentrating on the subsequent interception of crossers who had already entered the city, including those who were trying to move inland at major transportation arteries (roads, railroad lines, and airports). While the old strategy took advantage of the rugged, arid terrain around El Paso that makes it difficult for long distance migrants to move to other destinations once they have entered, it allowed easy access to El Paso for substantial numbers of undocumented Mexicans who were not intent on migrating on to other destinations. The new strategy, however, by saturating the border between El Paso and Juárez with agents, was intended to curtail both local and long-distance illegal migration.

This research examines the workings and effects of Operation Hold the Line, starting with its inception in late September 1993 and running through April 1994, the latest release date for relevant data as of the writing of this report. The main goal of the Operation was to slow illegal flows. In the words of the Border Patrol, "Operation Hold the Line's main mission is to prevent . . . undocumented aliens from crossing illegally" (Reyes 1994). Hence, the first objective of this study is to assess the extent to which a slowdown in such flows has been achieved. The second major goal of the study is to determine the social and economic effects of the Operation on El Paso/Juárez. This is not only crucial for determining the extent to which the Operation is achieving its primary mission, but it is also fundamental for developing rough overall assessments of the Operation. Without knowing its consequences, it would be difficult to tell if the Operation has been working in the ways it was intended, not to mention hard to render an overall judgment about the balance of positive and negative consequences that it might be generating.

The study's ultimate objective, which is to discern the larger significance of the Operation for issues pertaining to U.S. immigration and immigrant policy, has several implications. First, it means consequences must be assessed for both El Paso and Juárez. If apparently positive effects in one community are accompanied by seemingly negative effects in the other, then focusing on only one side of the border could give misleading impressions about the overall effects on two cities tied by a symbiotic (if at times uneasy) relationship. Obviously each city's home country retains sovereignty over its side of the border. But equally clearly, if one city gains at the expense of the other, hardship and disequilibrium may result, with attendant implications both for the kinds and numbers of Mexicans wanting to migrate to the United States and for the kind of reception migrants encounter when they arrive.

Second, different persons cross the border between Juárez and El Paso for different reasons, which means that there are several different types of border crossers. Generalizations about one type of flow may not apply to another type. Thus, Operation Hold the Line may have affected (and may be affecting) these different kinds of crossers in varying ways. It is critical to examine initiatives like Operation Hold the Line within a framework that from the very beginning takes into account this possibility. This conceptualization of multiple kinds of border crossers provides not only a multidimensional framework for examining the workings and effects of Operation Hold the Line, but one that also holds the promise of leading to new ways to assess the effectiveness of border control policies and strategies.

Third, and relatedly, an adequate interpretation of the effects of Operation Hold the Line must consider a multiplicity of outcomes. For example, an interpretation that seemingly explains changes since the inception of the Operation in apprehension sta-

tistics but not in hospital admissions and births, for example, is less useful than one that explains both. The strategy used examines a wide range of consequences that might be thought to be associated with the Operation. This offers the advantages of both greater comprehensiveness of coverage and an increased likelihood of discerning the Operation's effects. Whereas individual pieces of evidence may not provide enough basis for reaching firm conclusions, many different pieces of evidence taken together carry greater weight and provide a stronger basis for research conclusions, especially if these generally point in the same direction.

Certain theoretical and methodological considerations have implications for the strategies followed in this research. Theoretical notions about the U.S./Mexico border consist of implicit and explicit ideas people hold and articulate about the structure and functioning of economic and social relationships in the relevant regions of both countries. Different theories influence thinking about the kinds of immigration (and other) policies that various observers believe are most needed in a post-NAFTA environment. Views that give overriding emphasis to the border as a mostly geographic boundary between sovereign states tend to highlight divergences in state interests and the need for policies that protect these, just as views that give predominant weight to the border as an area in which northern Mexico and the southwestern United States are inextricably tied together tend to highlight convergences in state interests and the need for policies that foster further integration (Bean, Vernez & Kelly 1989; Weintraub 1990).

The theoretical view used here combines elements of both of these. It is akin to perspectives that see the border as a complex mixture of both integrating and differentiating processes that are often in tension with one another (Lowenthal & Burgess 1993). Policies that would either only increase legal crossings or only restrict illegal crossings risk oversimplifying the complexities involved in border dynamics. As shown below in the case of the U.S./Mexico border in general, and in the case of Operation Hold the Line in particular, legal and illegal migration are not only connected by virtue of U.S. immigration policy and border control strategies, they also often appear to substitute for one another. This examination of Operation Hold the Line thus seeks to assess its effects on both illegal and legal crossings, as well as to discern the implications of these for various policy options concerning both legal and illegal immigration and nonimmigrant crossings at the U.S./Mexico border.

Methodologically, this research relies on both quantitative and qualitative evidence to develop an assessment of the Operation. The former includes official statistics that provide a basis for ascertaining the representativeness, scope, and magnitude of the Operation's effects. Border crossing and apprehensions data, police and crime data, birth and hospital data, education and school attendance statistics, and sales tax and general sales data were examined. The qualitative evidence is obtained from ethnographic fieldwork and in-depth interviews that provide information about motivations and processes not always revealed in official statistics; over four months the research team conducted interviews with nearly two hundred persons, including both local and federal government officials in both El Paso and Juárez, as well as numerous other persons at border crossing sites and other locales in both cities. The objective of the study is thus to combine the lessons from both qualitative and quantitative data into an interpretation of what has been happening in El Paso/Juárez as a result of the onset and continuation of Operation Hold the Line.

The monograph is organized into nine chapters. After the introduction, the second is a description of Operation Hold the Line, together with a discussion of the geographical and metropolitan context within which the Operation has taken place. The third examines evidence about the curtailment of flows as indicated by border crossing and apprehensions data. The fourth examines effects on business and economic activity, and the fifth analyzes effects on education, births and social services. The sixth presents an examination of the effects of the Operation on crime rates and other indicators of illegal or disruptive behaviors. The seventh details effects on community and public opinion. The eighth chapter focuses on the Operation's consequences for Juárez

and the people living there, paying special attention to the experience of obtaining and using Border Crossing Cards. The ninth provides an overall assessment of the Operation's effects, together with discussion of the implications of the study's findings for immigration and border crossing issues.

II. The Operation and Its Context

This chapter presents a brief description of the Operation, followed by a discussion of the wider metropolitan and border crossing context within which the Operation began and continues to the present day. Two aspects of context are particularly important: the geographic and urban structural features of the larger El Paso/Juárez metropolitan area that both constrain and compel certain kinds of migration patterns; and the policies governing legal nonimmigrant border crossings between Juárez and El Paso, together with their implementation, that structure the interrelationship between legal and illegal migration in the region. Thus, understanding the effects of the Operation necessitates both an awareness of the circumstances under which legal crossings take place and a recognition that these can often influence illegal crossings.

Operation Hold the Line

Operation Blockade was launched on Sunday, September 19, 1993. Conceived by Silvestre Reyes, Chief Patrol Agent for the El Paso Sector of the United States Border Patrol, the Operation represented a major change in strategy for controlling the border in the El Paso sector. The previous emphasis had been on apprehending suspected illegal aliens once they had crossed the border. The new concept was to enhance linewatch operations by maintaining a high profile along a stretch of approximately twenty miles of border in the metropolitan El Paso area. The goal was to discourage the unregulated flow of illegal migration of individuals from Mexico into El Paso and the United States by stopping people before they crossed the border (Martin 1993).

Shortly after his appointment in July, 1993, Chief Reyes submitted plans for Operation Blockade to Headquarters, U.S. Immigration and Naturalization Service [INS], suggesting that the border could be controlled with an aggressive, high-profile interception strategy. INS approved the expenditure of $300 thousand for the operation, primarily to fund overtime payments. The Operation was launched shortly after midnight on September 19, when 130 agents and 3 maintenance crews were deployed to saturate the line along the river and to begin repairing holes in the border fence. More than 400 of the El Paso Sector's 650 Border Patrol agents were deployed 24-hours-per-day, 7-days-per-week along the border. Agents were withdrawn from such other duties as employer sanctions, traffic checks, and support positions, to double the number of agents stationed along the border. Prior to the initiation of Operation Blockade, the Border Patrol had concentrated less on illegal migrants crossing the border and more on tracking them down and arresting them after they crossed and as they moved on to other destinations. The new Operation was designed mainly to curtail illegal crossing. Other major goals of the Operation, according to Chief Reyes, were to reduce crime, panhandling, and street vending in downtown El Paso and to remove agents from situations that sometimes not only led to the accidental harassment of Mexican Americans in El Paso, but also placed agents at risk of personal injury.

The blockade took a three-pronged approach. First, a line of Border Patrol agents was established in full view of the border. Parked in their distinctive, signature-green Chevrolet Suburbans on the levee roads along the Rio Grande from border monument number one in the west to the Ysleta headgates in the east, the agents, through the sheer force of numbers, were intended to deter potential illegal border crossers. Agents were stationed close enough together to have visual contact with other agents on either side of them. Some were as close as fifty yards and others as far apart as one-quarter mile, depending on the terrain. Agents were instructed to apprehend and detain illegal border crossers and to call for assistance and reinforcements as required. Con-

centrations of agents were particularly heavy at the most common border penetration locations, such as railroad bridges and shallow points in the river.

Second, four helicopter patrols were established and operated during the three-week blockade. Airborne agents maintained radio contact with agents on the ground to coordinate deterrent efforts.

Third, the 9-mile stretch of the border fence in the downtown El Paso area along the Rio Grande River, which had numerous holes and was breachable in some 125 locations, was repaired. The holes in the fence were closed at the start of Operation Blockade; the agency effected rapid repairs as new holes were created by migrants trying to cross the border.

A week prior to initiating the Operation, Chief Reyes informed Mr. Alfred Giugni, El Paso INS District Director of the impending operation. The INS District Office is responsible for controlling border crossings at ports of entry. To strengthen bridge traffic-screening capabilities in El Paso, Mr. Giugni requested additional manpower from the INS regional office in Dallas. A team of one coordinator, nine immigration inspectors, and one K-9 drug-sniffing dog and handler was dispatched for the initial three weeks of the Operation. INS agents at border-crossing points of entry were instructed to inspect documents of individuals passing through inspection stations more thoroughly than previously. As a result of the closer inspections, some 443 Mexican Border Crossing Cards [BCCs] (INS forms I-186/I-586) were seized in the first thirty days. Some were confiscated because they were counterfeit, while others were carried by unauthorized holders or by people who were thought to be crossing the border to work illegally.

The initiation of Operation Blockade produced a diversity of reactions. The Operation was widely covered by both the U.S. and Mexican media, and in general the response in El Paso was favorable. Radio call-in polls in El Paso reported overwhelmingly positive reactions with levels of support running higher than 90 percent. The national news media ran numerous stories praising the Operation. A *Time* Magazine article quoted Mayor Larry Francis: "The rampant criminal problems in our downtown are gone," and Fred Morales, from the Chihuahuita barrio, said "The stabbings and shootings are down to zero" (Woodbury 1993). On the *MacNeil/Lehrer News Hour* on November 23, Doris Meissner, the newly appointed Commissioner of the Immigration and Naturalization Service, said of the Operation: "It's been a very successful program from an enforcement standpoint. . . . because it has prevented illegal immigration from occurring." In California, officials called for a similar program along their state's southern border (Pinkerton 1993). Many other similarly positive reactions were reported.

In Juárez, however, reactions were more negative. For example, an interview with the *presidente municipal* (mayor) of Juárez, Francisco Villarreal, Abelardo Escobar, the *secretario del ayuntamiento*, and Jose Albert Silva, the *director del gobierno* revealed that the mayor had first learned of Operation Blockade in the press. He felt that the U.S. authorities should have notified their counterparts and local government officials on the Mexican side before launching the Operation in September 1993. Although he opposed the Operation from the start as an "unfortunate, discriminatory, and unjust measure," Villarreal felt that fewer problems would have resulted had consultation with the Mexican side been pursued:

> A lot of it has to do with the way it was done. The way they chose was terribly unfortunate. We have a good relationship with Mr. Reyes [the Border Patrol chief]. He has been here several times, but this was something different. . . . If you go about things the right way it is very easy to find a common objective. Actions that converge upon the same thing. But they didn't give us that opportunity, but rather presented the blockade as adversaries.[1]

He also added that as mayor of Juárez, he had no objection to the Border Patrol's enforcement of U.S. laws, but only to what he saw as the disrespectful and inconsiderate way in which the new enforce-

[1] All direct quotes in this section are translated from Spanish.

ment strategy was implemented.

Like other Juárez citizens and business leaders interviewed, Mayor Villarreal was particularly concerned by statements—made by Chief Reyes and later repeated in the press—that associated undocumented Mexicans with crime in El Paso. He noted the lack of U.S. efforts to cooperate with the appropriate authorities in Juárez before acting unilaterally. He also said the implication that Mexican nationals are responsible for downtown El Paso's crime problems is especially rankling to Juárenses given the numerous disturbances caused by drunken El Paso revelers on the streets of downtown Juárez:

> You can't associate crime with Mexican crossers. Whether it's true or not. But if even if it is true, you don't bring it up publicly! Nobody can say that Mexican delinquents go to El Paso. Why don't we talk about the American delinquents who come over here to get drunk before going home? Because I have no reason to say it. I have to see what can be done about it first. At three o'clock in the morning, the people coming out of the bars are pure Americans—children and adolescents that come over here just to raise hell. Why should I broadcast that? I need to call across the border to my counterpart to see what we can do about it.

Mr. Escobar added that if all the *ilegales* that had been prevented from crossing into El Paso were in fact *delincuentes*, then Juárez would have experienced a sharp rise in petty crime. It did not. Instead, he noted, it experienced a boom in street vending by persons who before the Operation sold their wares in El Paso.

Like many Juárez citizens who spoke with us, the city officials were critical how INS officials treated legal Mexican border crossers at the ports of entry. Mr. Escobar discussed the fear and intimidation that the INS inspector confiscation of Border Crossing Cards [BCCs] provoked among Juárez residents:

> One important thing about the checking of the Border Crossing Cards. A lot of our people in Juárez work here and cross over to El Paso to shop, or for other activities. It takes a lot of effort for them to get their crossing card. When officials on the bridges put pressure on them, people get nervous. They're afraid that they're going to have their card taken away. This provoked a kind of psychosis in the community. Especially among the most humble people, the ones who can least defend themselves. If one of these officials is hostile towards me, and demands to know where I'm going, and what I'm going to do in El Paso, this is going to upset me, even if I'm not going to do anything bad. And many people don't know exactly what their rights are or how the official is supposed to act, and these people don't know how to stand up for themselves in such a situation. So when they started inspecting crossers so aggressively, a lot of people just stopped going to El Paso because they were afraid.

At the same time, the mayor and the other officials emphasized that the tolerance of illegal crossing for so many years by the Border Patrol led many Juárez residents not to bother to apply for the Border Crossing Card. They also thought it undermined the legitimacy of the U.S. authorities in the minds of many Mexican border residents. Mr. Escobar described the situation on the international bridges before Operation Hold the Line:

> Before the Operation, for many years, the people of Juárez went to El Paso, oftentimes illegally. Some through the river, others even over the bridge! On the Bridge of the Americas you could be waiting in line to be inspected, and on the left hand side of the bridge, that other side, you could see people walking north right through [illegally] into the United States, just fifty meters away from the official inspection point. And there we'd be, right on the bridge, and we'd watch—I don't know how the Border Patrol let this happen—we'd watch people walk through, with strollers, with children, with bags. And here you are in line to enter, asking yourself, "How is this possible?" Here they're asking

> you, "Where are you going? What do you intend to do in the United States?" A series of aggressive questions. And I'm here in line, my passport in hand, and I'm not bringing in any contraband. And watching the people walk right on through on the other side, freely. Then all of a sudden the Border Patrol shuts off this "unofficial" entry into El Paso, you know? That was tolerated for years. It wasn't that it was hidden, it was tolerated.

The concern felt by Juárez residents after the blockade began came in large measure, these officials agreed, from the overnight shift from evident tolerance of illegal crossing by Mexicans on the part of the Border Patrol, to zero tolerance. Moreover, the Border Patrol's historical tolerance of illegal border crossing had resulted in many families in Juárez becoming dependent upon goods and incomes brought back by family members who crossed illegally into El Paso.

On October 2, after more than 800 hours of overtime costing more than $250 thousand, Operation Blockade ended. By the time the money to fund payments of overtime compensation had been expended, Chief Reyes had decided to continue the operation indefinitely because of its apparent success in curtailing illegal flows into El Paso. He reassigned agents from the interior of the El Paso Sector[2] to work the extreme ends of the line and continue the operation. The strategy continued to be implemented, now renamed Operation Hold the Line because the military-sounding term "blockade" had offended community leaders in both El Paso and Juárez. Chief Reyes was further able to augment his core cadre of agents by requesting through Border Patrol headquarters the temporary reassignment of northern border sector personnel. Thus far, agents from sectors in Maine and Washington have been detailed to augment the El Paso sector on thirty-day assignments. In a long-term action, Attorney General Janet Reno announced on February 9, 1994, that fifty additional agents would be hired and assigned to the El Paso Sector to further support implementation of the strategy.

On October 10, 1993, in an extension of the strategy, the Border Patrol also proposed building a wall dividing Sunland Park, New Mexico from Rancho Anapra, Chihuahua, a poor squatter settlement on the outskirts of Juárez and a favorite illegal crossing point for Mexicans that is so easy to traverse that Border Patrol agents refer to it as the "Anapra port of entry." The squatter settlement at Anapra is not served by the Juárez water or sewage system; residents of Sunland Park have for years given water to their neighbors across the line by running garden hoses across the border. Many residents of Anapra have shopped, worked, and even gone to church in Sunland Park. It is virtually impossible, especially at night, to prevent illegal crossings, and the Border Patrol believed that building a wall would be necessary to control illegal crossing there. Hence, Silvestre Reyes announced his intention to construct a 2.8 kilometer steel wall on the slopes of Mount Cristo Rey in the Sunland Park area.

This action was immediately dubbed "the border's own Berlin Wall" in the Mexican press. The proposal to build a wall also drew an immediate response from the governor of the state of Chihuahua, of the *Partido de Acción Nacional* [*PAN*], who denounced the idea as "part of the environment of hostility that has arisen on the border," adding that the wall "will not stem the flow of undocumented migrants." Further, he called on Mexicans to "abstain from shopping in El Paso, Texas, during this Christmas season." The governor's call for a boycott was backed immediately by such business organizations such *Cámera Nacional de la Industria de la Transformación* [*CANACINTRA*] and *Cámera Nacional del Comercio* [*CANACO*], whose spokespersons talked of possibly reviving "Operation Dignity," a public "buy Mexican" campaign of the past to convince Juárez residents to refrain from shopping in El Paso. The call for a boycott, however, was not supported by the city government, also controlled by the *PAN*.

The consul general of Mexico in El Paso, Texas, Armando Ortiz Rocha, called the proposed wall,

[2] The El Paso Sector includes two counties in West Texas and all of New Mexico, an area of 125 thousand square miles and 289 miles of border.

"unfriendly, inopportune and imprudent" and "an unjustifiable aggression." Other organizations expressing opposition to the wall included both the Hispanic and Greater El Paso Chambers of Commerce, some human rights and Latino civil rights organizations, as well as Mayor Larry Francis of El Paso. Bruce King, the governor of New Mexico also weighed in, saying that the wall would send an "unfriendly message" at exactly the wrong time, during the ongoing negotiations on the North American Free Trade Agreement [NAFTA]. Also, on Friday, October 10, the mayors of both El Paso and Juárez had confirmed their participation in a series of cultural and artistic events that were planned under the rubric of "Day of Unity: We are all *Fronterizos*." The culmination of "Day of Unity" was to have been the signing by city officials and civic leaders from both cities of a "good neighbors convention" at the international line on the "Free Bridge" connecting the United States and Mexico. The signing ceremony was canceled at the last minute to protest the wall proposal. The Juárez mayor declared his opposition in an official statement, as did Mayor Francis of El Paso, who said the wall "would send the wrong message," a view shared by Congressman Ron Coleman.

The Metropolitan Context

The nature of the El Paso/Juárez metropolitan area must be understood to appreciate fully the constraints facing the Operation. El Paso's unique geographical location has played a vital role in its social, economic, and political development. The city lies in extreme west Texas, at an elevation of 3,762 feet. To the east lies the west Texas desert, while to the west lie the Rocky Mountains. El Paso is connected to the rest of the United States by air (an international airport), rail (three major railroads), and highways, but the city remains nonetheless somewhat isolated because of the long distances that must be traveled to reach other population centers. Although El Paso lies along U.S. Interstate 10, a main cross-country highway that connects the Atlantic Coast at Jacksonville, Florida, to the Pacific Coast at Los Angeles, vast distances must be covered to reach other major cities: to the west, Phoenix is 400 miles, San Diego 725 and Los Angeles 790; to the east lies San Antonio (560 miles), Dallas (625 miles), Houston (750 miles), and New Orleans (1100 miles). El Paso also straddles the Pan American Highway, which connects Nome, Alaska to Tierra del Fuego at the southern tip of South America. Albuquerque, New Mexico, lies 275 miles to the north, along U.S. Interstate 25. Ciudad Chihuahua lies 240 miles to the south of Juárez on Mexican National Highway 45.

El Paso, with a population in 1990 of about 600 thousand persons, is the largest U.S. city on the Mexican border and the twenty-sixth largest city in the United States. Juárez, with a 1990 population of about 800 thousand persons, is the fourth largest city in Mexico. The juxtaposition of the two cities has led to dense economic and social ties between the residents of El Paso and Juárez. During the Prohibition Era, two prominent Kentucky distilleries relocated plants to Juárez and several El Paso bar owners moved south. Tourism flourished as numerous associations decided to hold conventions in the city. During World War II, the establishment of training facilities led to a military build-up that, in turn, resulted in extensive border crossings. The disparities between U.S. and Mexican divorce laws led to continued growth in El Paso's tourist industry during the 1940s through the 1960s as many U.S. citizens lodged and dined in El Paso while arranging their divorces in Juárez. Finally, the *maquiladora* [assembly plant] industry has grown and been significantly influenced by the economy and laws of both countries (Hirsch 1987; Martinez 1994).

The legacy of El Paso's past is a multicultural, bilingual, international city of more than one-half million people. Nearly 69 percent of the population claim Mexican origin. Both English and Spanish are spoken regularly. According to the 1990 U.S. Census, English is spoken by 85 percent of the people, while 64 percent of the people speak Spanish (U.S. Bureau of the Census 1993). Many families can trace their ancestry to settlers who came to the Paso del Norte region hundreds of years ago. This history has resulted in a feeling of community that often transcends the international boundary. The population includes Caucasians, African-Americans, Native Americans, Asians, and Pacific Islanders, and the

international flavor of the city has been enhanced by resettlement of Vietnamese refugees and the presence of foreign military personnel. However, the city's predominant tenor derives from its heritage as an Old West town on the Mexican border.

The large populations relative to other border towns, the geographic isolation from other parts of the United States and Mexico, and the cross-border familial relationships between people in both cities have resulted in a special relationship between El Paso and Juárez. Relatives visit back and forth, residents regularly cross the border to shop for items either not found in their home city or to take advantage of lower prices in the other city. On Halloween, Mexican children routinely cross into El Paso to "trick or treat" (except in 1993, when INS port of entry inspectors denied entry to those without Border Crossing Cards) (Conely & Parra 1993).

That relationship notwithstanding, tensions have arisen in the past. The problems of air quality and pollution sources are prime examples of strains that have developed between the cities. Past incidents also include the arrest of an El Paso policeman and the seizure of his police car when he entered Mexico after pursuing an auto theft suspect (Ivey 1992a, 1992b) and the shooting of a nineteen-year old El Pasoan, allegedly by a Juárez police officer (Olvera 1992b). The implementation of Operation Hold the Line certainly raised concerns in Juárez, spawning anti-American protests and a proposed boycott on shopping in El Paso. Nevertheless, as tensions have arisen between the cities over the years, efforts to respond with a sense of cooperation and joint venture have been common. Air quality is a major concern in El Paso, and it is adversely affected by pollutants from Juárez . An El Paso/Juárez International Air Quality Management District has been proposed for the purpose of resolving many of those problems (Negron 1993). Various official and unofficial agencies and groups meet periodically to improve relations and work on joint projects. The two city councils have met in joint session (Jauregui 1992); the chambers of commerce work together on tourism and economic development issues (Hamann 1993; Townsend 1992), and local officials coordinate with federal officials to facilitate international cooperation (Townsend 1991).

Economically, El Paso is a relatively poor city, with more than 25 percent of its population living below the official poverty line (U.S. Bureau of the Census 1993). Per capita income falls 30 to 35 percent below the state of Texas average (Institute for Manufacturing and Materials Management 1991). The federal government is the major employer in the region. Three major military installations—Fort Bliss, White Sands Missile Range, and Holloman Air Force Base—lie within 100 miles of El Paso and supply the city and region with a large number of jobs and significant economic activity. The military base populations, which include military personnel, their dependents, civilian employees, civil servants and defense contractors, number about 95 thousand. Additionally, more than 15 thousand retired military live in the region. The economic impact of this military presence was nearly $1.3 trillion in 1990 (Institute for Manufacturing and Materials Management 1991). Other federal agencies, such as the Immigration and Naturalization Service, Border Patrol, Customs Service, also have an economic impact on the region (Institute for Manufacturing and Materials Management 1991).

Tourism is the second largest source of revenue for the city. The *maquiladora* industry provides jobs and money to El Paso as well. At one time there were as many assembly plants in El Paso as there were in Juárez (Institute for Manufacturing and Materials Management 1991). However, as productivity and skill levels increased in Mexican plants, the perceived need for plants on the U.S. side declined. Currently about five thousand El Pasoans either support maquiladoras in El Paso or work in Juárez plants. *Maquiladoras* are the second largest generator of foreign exchange (behind petroleum) in Mexico. A great deal of commercial development on both sides of the border is financed by Texas banks and holding companies. El Paso banks are said to hold hundreds of millions of dollars from Mexican depositors (Hirsch 1987; Martinez 1994).

El Pasoans shop in Juárez, and Juárenses shop in El Paso (Resendiz 1993). The Greater El Paso Chamber of Commerce estimates Mexican shoppers account for more than $1 billion dollars a year in El Paso

retail sales. After the 1982 peso devaluation, retail sales fell 42 percent in El Paso (Institute for Manufacturing and Materials Management 1991). One Juárez businessman is establishing a company to help finance loans to facilitate Mexican purchases of automobiles in El Paso. Currently, according to some El Paso car dealers, Mexicans account for up to 10 percent of their sales, but most pay cash because of the difficulties of arranging loans internationally (Olvera 1992a). Mexican capital also plays an increasingly important role in the El Paso economy. The Westin Hotel in downtown El Paso was recently purchased by the Mexican El Camino Real chain, for example, and the Cielo Vista Mall is owned by investors from Chihuahua City.

Geographical and climatic conditions combine to funnel migrants into, rather than around, El Paso. The rugged terrain and desert conditions provide little respite for weary foot travelers. The climate of the region can be harsh. Summers are hot and dry. Temperatures regularly climb above 100 degrees during the summer, and annual rainfall is less than 10 inches. Winters can be equally harsh, with cold temperatures exacerbated by high winds. Water is a scarce commodity. Another factor that funnels migrants into El Paso is that only in the city can one find ground and air transportation. Consequently, immigration officials conduct random vehicle checks and patrol the airport, bus terminals, and train depots for illegal migrants. Railroad tracks run within fifty feet of the border west of El Paso outside Sunland Park, New Mexico. Anapra, the Mexican squatter settlement immediately across the border from Sunland Park, is situated within 100 yards of the tracks and is a staging area for migrants and others to hop west-bound freight trains.

Legal Nonimmigrant Border Crossings

The harsh terrain around El Paso, the generally long distances to other cities, and the lack of sufficient numbers of agents, help to account for the prior Border Patrol strategy of emphasizing interception of undocumented migrants after entry rather than deterrence before entry. This strategy allowed relatively easy entry into the city on the part of illegal crossers not intending to move on to other locations. The new strategy, by contrast, seeks to discourage all illegal crossers whether their destinations are local or some distance from El Paso. But what kinds of crossers are most affected by the new strategy? This requires understanding who is *not* affected, that is, understanding who can cross legally and under what circumstances. Federal immigration law, as given in Title 8 of the *Code of Federal Regulations*, has established many different categories of nonimmigrant visas for foreign citizens who wish to visit the United States on a nonpermanent basis. Nearly all of these categories require the visitor to be the bearer of a valid passport from his/her country and to apply for the visa at a U.S. consulate in that country. Such persons can, of course, enter the country legally.

There are also other categories of persons who can enter legally. One category of nonimmigrant visa is the Mexican Border Crossing Card [BCC][3] held by thousands of Mexican citizens residing in Ciudad Juárez and other Mexican border cities. Bearers of the BCC, which has no expiration date, are entitled to admission to the United States "as a border crosser or nonimmigrant visitor for a period not to exceed 72 hours to visit within 25 miles of the border" (CFR, Title 8, § 235.1). The BCC may be issued to Mexican residents by officers of the INS at official U.S. ports of entry located on the southern border. A recipient of the BCC need not bear a valid Mexican passport but may instead present proof of his/her Mexican residency by presenting a valid Mexican Form 13, also known as the *pasaporte provisional* (CFR, Title 8, §212.6). As is the case with any other nonimmigrant visa, applicants for the BCC must demonstrate that they do not intend to abandon their Mexican residence in favor of residence in the United States and that they do not intend to seek employment in the United States (CFR, Title 8, §1184 (b)). As is the case with any visa, whether immigrant or nonimmigrant,

[3] The Border crossing card is known by several names to Juárez residents: *pasaporte local*, *mica*, and *permiso de cruce*. The BCC is not to be confused with the *tarjeta verde* [green card] held by legal permanent residents of the United States, or with the *pasaporte provisional* (or Mexican Form 13), which is one of the documents applicants must present in order to be issued a BCC.

applicants for the BCC must demonstrate that they are "not otherwise inadmissible" to the United States (CFR, Title 8, §212.6), i.e., that they are not members of a class of "excludable aliens" under CFR, Title 8, §1182 and have not broken any other U.S. immigration laws.[4]

The existence of the BCC both reflects and facilitates the historical economic and social integration of border "twin" cities like Ciudad Juárez and El Paso. Juárez residents who possess the BCC use it to pass freely back and forth between El Paso and their city to conduct all sorts of personal affairs—to shop, pay social visits, change currency, deposit money in U.S. banks, attend cultural and sporting events, receive medical services (including to give birth), go out to eat. Many also use the BCC to conduct business—to meet with business or trading partners, purchase supplies, deliver orders of goods produced or assembled in Mexico, use communications, financial, or repair services, and, in some cases (illegally), to go to work. The city of El Paso is economically dependent upon Mexican nationals for dollars spent on personal consumption as well as other kinds of business transactions in El Paso, both of which serve to integrate the economies of the United States and Mexico. Without the free, legal, and routine cross-border movement of thousands of Mexican nationals facilitated on a daily basis by the BCC, the El Paso economy clearly would be adversely affected. While no current figures on the number of Juárez residents who hold the BCC are available,[5] it seems safe to say that most of the millions of legal border crossings made by Mexican nationals between Juárez and El Paso each year are made by BCC holders.[6]

Both the BCC and the Mexican Form 13 are issued free of charge to the applicant. There is no legal limit on the number of BCCs that may be issued. Given the apparent ease of meeting the requirements, the lack of a prohibitive charge for processing documents, the fact that as many people may be issued the BCC as apply for it, and its obvious utility to the bearer, why would anyone choose to cross the border illegally when it appears to be easy to cross legally? One reason is that, while the BCC can be used to cross the border legally, it does not confer the right to obtain employment in the United States. Illegal workers often do not wish to expose themselves to possible detection by U.S. immigration authorities who inspect entrants at official ports of entry to the United States. Moreover, many long- and short-term residents of Juárez have little hope of obtaining a BCC and must resort to illegal border crossing if they wish to avail themselves of opportunities for consumption and employment on the U.S. side of the border.

A second, and probably more significant, reason is that obtaining a BCC can be a time-consuming and complicated process. Many border residents are unable to obtain the BCC because of the way the INS interprets its legal mandate to determine which applicants for admission to the United States are eligible for nonimmigrant visas (CFR, Title 8, §1184 (b)) and which applicants belong to classes of excludable aliens (CFR, Title 8, §1182). The law grants a great deal of discretion to the INS at every level of its hierarchy, from the Commissioner, to District Directors, to port of entry Inspectors in making these determinations. For most practical purposes the answers to these questions hinge on whether the applicant, in the estimation of the INS, is financially

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[4] An additional requirement, although it does not seem to be specified in the *Code of Federal Regulations*, is that the applicant be a resident of a Mexican border city. Mexican nationals residing in cities in the Mexican interior may be awarded multiple entry, nonimmigrant visas with similar privileges and limitations as the BCC, but these visas must be issued by a U.S. consulate and be stamped on a valid Mexican passport. As a practical matter, this is sensible: the BCC is a wallet-sized card designed to be carried at all times by persons who cross the border routinely; residents of Mexican interior cities would seem to have less need for such a special document.

[5] Because the BCC is issued without a fixed date of expiration, it is difficult to know how many valid BCCs are currently in circulation.

[6] In 1993, 5,891,625 northbound pedestrian and 15,466,202 northbound vehicle crossings were made across the border into El Paso. Figures are not kept regarding the nationality or place of residence of crossers, however. Nonetheless, it seems safe to say from qualitative observation that the majority of crossers, both vehicular and pedestrian, are Mexican residents.

solvent. Applicants who are financially solvent, based on their employment or their assets, are thought to be less likely to be immigrants posing as temporary visitors to the United States. Their solvency helps to demonstrate their claim of eligibility for a nonimmigrant visa such as the BCC. It also helps demonstrate they do not belong to the three classes of excludable aliens: (1) paupers, professional beggars, or vagrants; (2) persons seeking to enter the United States to perform skilled or unskilled labor; and (3) persons who are likely to become "public charges" (CFR, Title 8, §1182 (a)).[7] INS officers, according to the relevant statutes, may require entrants to answer questions regarding their solvency or present written documentation thereof (CFR, Title 8, §1225 (a)). Failure on the part of applicants to provide such answers/evidence at the time of application constitutes sufficient grounds for denying issuance of the BCC. Failure to provide such requested information to an INS officer when using the BCC for entry can result in its confiscation and revocation.

There is a high degree of consistency among the Brownsville, Laredo, and El Paso district ports of entry in the documents that applicants for the BCC must present to demonstrate their Mexican residency and financial solvency, although BCC application and issuance administrative procedures vary from district to district. In El Paso, the INS distributes mimeographed fliers in Spanish at the ports of entry at Ysleta, the Bridge of the Americans, and the Paso del Norte Bridge that list the documents BCC applicants are required to present. An English translation of this flier is presented in **Table 1**. All applicants for the BCC must present either a valid Mexican passport or a provisional passport known as the Form 13. In practice, most BCC applicants obtain the Form 13 from the *delagación* of the Mexican federal government next to the Paso del Norte Bridge in downtown Juárez. The Form 13 is issued free of charge to all applicants who present two photographs and the required documents, which include a valid birth certificate and two proofs of residency issued at least six months prior to the time of application, from among the following:

- Receipts from gas, electricity, and telephone bills, or title to land;
- Proof of Mexican Social Security registration;
- Voter registration card;
- Driver's license;
- Rent receipts.

In addition to the Form 13, the INS, in its flier, asks applicants to bring with them utility receipts in their name to demonstrate further their Mexican border residency.

To demonstrate financial solvency, the INS asks BCC applicants who are employees to present original pay stubs demonstrating their employment over the last twelve months, a letter from their employer verifying their employment, as well as proof of Mexican Social Security registration and bank account statements. Business people, professionals, farmers, and ranchers must similarly document stable sources of income or assets. Children and the elderly must demonstrate solvency based on the income/assets of the persons who support them. Upon obtaining their Form 13 and getting together the documentation requested for proving Juárez residency and financial solvency, BCC applicants line up at 4:00 A.M. on Wednesday mornings on the Mexican side of one of the bridges spanning the Rio Grande to cross to the INS port of entry office and request an application appointment with an INS officer the following week. If the INS officer approves their application at the time of that appointment, applicants are issued a temporary BCC which they may begin to use immediately to enter the United States. They may then pick up their permanent BCC in approximately six months at the Bridge of the Americas port of entry.

In sum, a number of obstacles must be overcome to obtain legal border crossing cards. Many Juárez residents think they are not able to satisfy the INS desire for documentation of their employment and income and self-select themselves out of the application process. [The reasons for this are discussed in more detail in Chapter VIII.] Long waits in line on

[7] Other classes of excludable aliens are not terribly common in the general population: the mentally retarded; the insane; drug addicts; convicted or confessed criminals; polygamists; prostitutes; etc.

Table 1.

REQUIREMENTS FOR PROCESSING APPLICATION FOR CROSSING CARD
(*PASAPORTE LOCAL*)

A. Form 13, or a valid provisional or international passport.
B. Two individual, color photographs, 3/4 profile, untouched, with the right ear uncovered, against a white background, for each applicant (regardless of age).
C. If the person applying for the permit does not work, the person supporting him/her must come to this office and personally present documents demonstrating his/her employment (economic solvency).
D. All applications for permits are processed individually, regardless of the age of the applicant. Dependent children of any age must present their birth certificates, 2 photos, and must also appear in this office; they must also present the documents listed above with letter "A," and bring with them the person who supports them economically.
E. Women may no longer bring children with them to be added to their MICA. Children must appear with the requirements mentioned above in letter "D".

PROOF OF RESIDENCY: Receipts in your name for electricity, water, telephone, gas, etc.!!!

REQUIREMENTS TO PROVE ECONOMIC SOLVENCY

1. EMPLOYEE/WORKER—You must present paycheck stubs, or receipts for salary or payroll (photocopies are not acceptable) for an entire year. A letter from your employer on official stationery that indicates how long you have been working, if the position is permanent, and the salary you receive. Social Security Card, bank account, or savings account. Any other evidence that you judge to be important for demonstrating your economic solvency.
2. BUSINESSPERSON—You must present your City License, annual receipts for taxes collected by the federal government, receipts for business purchases, taxpayer ID number, bank account, Social Security registration, and a copy of the list of employees officially on your payroll.
3. FARMER/RANCHER—You must present the title(s) to your land, tax receipts, taxpayer ID number, cédula cuarta, official registration of your crops from the Agency of the Secretariat of Agriculture and Ranching with official seals, plus the registration of your cattle brand, if you are a rancher.
4. PROFESSIONAL—City license, tax receipts, bank account, credit cards. Professional ID card.
5. STUDENT—You must present your student ID and a letter from your school showing that you study there year-round. In addition, the person who supports you economically must come to this office with the documents mentioned above with regard to his/her employment (economic solvency).
6. OTHER APPLICANTS—Those persons not mentioned above, for example pensioners and older persons may present the person who supports them economically or whatever else they consider pertinent to their economic solvency.

PLEASE NOTE: Whether or not your application is approved by the inspector who interviews you depends in large measure upon the presentation of all the documents mentioned above.

workdays to be issued the Form 13, a night-time and early-morning wait on the bridge to be given an application form and appointment date, and a third wait on the appointed day in the INS port of entry office all help to deter applicants who have doubts about their likelihood to be approved for permission to cross the border.

Moreover, the INS only processes a fixed maximum number of applications per year, although in principle there is no limit on the number of BCCs that may be issued. According to the chief inspector at the Paso del Norte port of entry, before the Operation began, his staff processed a maximum of 250 individual BCC applications per week.[8] From the start of the Operation through the month of October 1993, the number of applications processed was increased to 750 per week to handle an expected rise in demand for new or replacement BCCs as a result of the new border control strategy. In November, the *status quo ante* was resumed. The reason for this limit, according to INS officials, is that they lack sufficient resources to process more BCC applications without increasing the backlog of applications they receive for legal permanent residence. This accounts for the long and, in the past, often unruly queues formed on the Mexican side of the international bridges on the nights before the INS gives out BCC interview appointments. The cap also makes it impossible to gauge the true demand for the BCC on the part of Juárez residents.

The phenomenon of illegal border crossings in El Paso thus cannot be divorced from the issue of how Juárez residents become legal border crossers. The inconvenience of obtaining the necessary documents, BCC eligibility criteria that deter many people who in principle might qualify, the need for processing more BCC applications per year, and the previous allowance of relatively easy entry into El Paso of illegal crossers all combined prior to the Operation to encourage illegal crossings. Other factors discussed below also encourage illegal crossings. Thus, given that many persons have reasons to want to cross the border, given the deterrents that exist to obtaining BCCs in order to cross legally, and given that the Border Patrol's first line of defense was easily penetrated, many Juárez residents chose to make routine illegal crossings (while many more simply abstained from the opportunity). Such crossings helped to create the appearance that the Border Patrol had lost control of the border in the El Paso district and provided much of the impetus for launching Operation Hold the Line.

III. Effects on Illegal Flows

The major reason for conceiving and implementing Operation Hold the Line was to curtail illegal entry into El Paso (and through El Paso into the United States). This chapter seeks to ascertain the degree to which that objective has been achieved. Given the interconnection between legal and illegal border crossings in El Paso, it also seeks to gauge the Operation's effects on legal crossings. As noted above, understanding the effects of the Operation on border crossings requires a recognition that there are many different reasons for crossing and that either legal or illegal means may be used to achieve various crossing objectives. This means that it is useful to consider a taxonomy of different kinds of crossers. Just as it has been useful to consider different kinds and national origins of illegal entrants to the United States in estimating the magnitude of stocks and flows of illegal migrants (Bean, Edmonston & Passel 1990), so, too, is it useful to consider different kinds of crossers to assess the effects of Operation Hold the Line on El Paso / Juárez.

Two major distinctions among kinds of crossers are important at the outset: between legal and illegal crossers; and between long-distance and local migrants (or crossers). When combined with certain other characteristics of crossers, these distinctions yield eight possible kinds of crossers (see **Table 2**). One (illegal long-distance labor migrants) consists of persons who cross illegally with the intention of moving on to other destinations in the United States to find work. A second (illegal crossers / illegal work-

[8] Many applications are to replace lost or damaged cards or to issue cards with photos that better reflect a person's current appearance. Further, the number of individual applications processed is somewhat less than the number of application interviews conducted, as INS inspectors typically interview entire families together.

Table 2.

A TYPOLOGY OF MEXICAN BORDER CROSSERS IN EL PASO/JUÁREZ

	Crosses		Works in El Paso			Other Legal Activities in El Paso			Criminal Activities
Type	Legally	Illegally	Legally	Illegally	Doesn't work	Shopping	Social Visits	Services	in El Paso
Illegal Long-Distance Labor Migrants		+			+				
Illegal Crossers/ Illegal Workers		+		+		+	+	+	
Local Juvenile Crossers		+			+		+		+
Legal Crossers/ Illegal Workers	+			+		+	+	+	
Illegal, Nonlabor Crossers		+			+	+	+	+	
Legal Temporary Crossers	+				+	+	+	+	
Legal Crossers/ Legal Workers	+		+			+	+	+	
Lives in El Paso Illegally	+		+		+	+	+		

ers) consists of persons who cross illegally to seek work or to set up street vending operations. A third (local juvenile crossers) consists of persons (mostly teenage males) who cross illegally to hang out, have a good time, or just have the experience of crossing. Much of the petty vandalism often attributed to migrants may be committed by this type of crosser. A fourth ("legal crossers/illegal workers") consists of persons who cross legally using *mica* cards (the local resident commuting card) but who work illegally as maids, gardeners, or other kinds of workers in El Paso. A fifth (illegal nonlabor crossers) consists of persons who cross illegally to engage in some nonwork-related activity, including shopping, visiting friends and relatives, and seeking medical services. A sixth (legal temporary crossers) consists of persons who cross legally (using the *mica* card) to pursue a similar variety of legal activities. A seventh (legal crossers/legal workers) consists of U.S. citizens living in Juárez, or legal long-distance labor migrants, for example. An eighth (illegal residents) consists of persons who live illegally in El Paso and cross into the United States illegally upon returning from visits with friends and family in Mexico.

Operation Hold the Line can affect different types of crossers differently. Long distance labor migrants, who for example, may be strongly motivated to find a way to enter despite any increased efforts at deterrence, may have been inconvenienced but not substantially deterred by Operation Hold the Line. To determine if such crossers seek simply to go around the end of the line outside of El Paso or cross into the United States at other points along the border where surveillance is less intense, month and sector-specific apprehensions data were analyzed. To see if persons crossing illegally to work in El Paso may have changed their crossing patterns and the duration of their stays as a result of the Operation, daily and weekly data on northbound and southbound bridge crossings were looked at. In both cases, the different effects on different kinds of crossers were considered.

Apprehensions Data

To assess whether the occurrence of some event or the change in some policy or strategy (such as the change in border control strategy that accompanied Operation Hold the Line) affects some outcome variable, it is useful to examine data that permit comparisons of the key variables designed to be affected by the change in time periods before and after the change. Such comparisons provide approximations of natural experiments, but because one can never be sure that factors other than the one of interest are not accounting for postevent changes in the variable of interest, they have been termed "quasi-experiments" (Campbell & Stanley 1966). Such quasi-experimental designs have been usefully employed to study the effects of the 1986 Immigration and Reform Act [IRCA] on changes in illegal flows (Bean, Edmonston & Passel 1990; Donato, Durand & Massey 1992).

To assess whether illegal flows into El Paso were curtailed by Operation Hold the Line, U.S. Immigration and Naturalization Service apprehensions data, which are counts of the number of times persons entering the country illegally are apprehended by the Border Patrol or other INS enforcement personnel within a given period, were examined. The primary research strategy was to develop and estimate the parameters of a statistical model that incorporates post-Operation dummy variables, as well as time trend, seasonal, and enforcement effort variables, that might be thought to influence variation in apprehensions across months. Estimates of coefficients for post-Operation dummy variables were used to infer whether the variation in illegal flows had been affected by the Operation.

Some observers suggest that such data are not particularly useful because some persons are apprehended more than once; others imply that such data, when multiplied by a factor to take into account the number of crossers going unapprehended, indicate the number of illegal aliens residing in the country who entered at the border. One view totally rejects apprehensions data; the other accepts them at face value. While apprehensions data have well-known limitations, they provide a reflection—although only a partial one—of the volume of illegal crossings and are particularly useful for indicating periodic changes in the number of such crossings, especially to the extent that it can be assumed over time that there is

a fairly constant relationship between crossers and apprehensions (Espenshade 1990).

The total number of INS apprehensions occurring in a given year results from activities undertaken by both the Border Patrol, the main enforcement arm of the INS, and the Investigations Unit, the entity responsible for interior operations. Most of the illegal aliens apprehended in the United States are arrested by the Border Patrol; most are caught near the U.S/-Mexico border; and most entered the United States without inspection by the INS. Data for FY 1992 are instructive (U.S. Immigration and Naturalization Service 1993). First, of the 1.26 million apprehensions made in that year, 1.22 million were credited to the Border Patrol; the remaining 46 thousand to the investigations unit. Second, the INS is divided for administrative purposes into four regions and thirty-three districts. Five of these districts touch the 1,900-mile southern border with Mexico (El Paso, Harlingen, and San Antonio in the state of Texas; Phoenix in Arizona; and San Diego in California). Together, these five districts accounted in 1992 for nearly 98 percent of all aliens deported or required to depart. Third, 97 percent of all apprehensions in 1992 involved aliens who entered the country without inspection (a majority of illegal aliens, however, are visa-overstayers rather than persons entering without inspection (Bean, Edmonston & Passel 1990). The small remaining fraction of apprehensions consisted of persons who entered with fraudulent documentation, or who entered legally but subsequently violated the terms of their visa by, for example, accepting unauthorized employment or overstaying the length of their visa (Levine, Hill & Warren 1985).

There are two types of INS Border Patrol apprehensions at the U.S./Mexico border—linewatch and nonlinewatch. The former result from time spent guarding the border against smuggling and illegal entry of aliens. They include apprehensions by Border Patrol agents engaged in surveillance, tower watch, foot, horseback or vehicle patrol, as well as other operations designed to prevent illegal entry. As implied by the nature of the activity, nearly every linewatch apprehension (roughly 97 percent) is of a person apprehended trying to enter the United States without appropriate entry documents. Nonlinewatch operations involve several kinds of activities, including farm and ranch checks, traffic checks, transportation checks, city patrols, and other activities.

In examining linewatch and nonlinewatch apprehensions, the former may provide a somewhat better basis than the latter for assessing changes in the flow of illegal migrants over a given period of time for two reasons. First, linewatch apprehensions occur very close to the border and do not involve the different kinds of enforcement activities that are involved in nonlinewatch apprehensions and are thus less likely to fluctuate over time as a consequence of changing Border Patrol enforcement strategies (North 1988; Bean, Vernez & Keely 1989).

Second, only about one out of every seven nonlinewatch apprehensions occur at entry, unlike almost 98 percent of linewatch apprehensions. One-fourth of nonlinewatch apprehensions are of persons who have been in the country four days or longer, with the numbers varying considerably depending upon the method of apprehension. This fraction tends to be even higher in the case of all categories of nonlinewatch activity except traffic and transportation checks. The change over time in nonlinewatch apprehensions may reflect changes in the stock of illegal immigrants, in enforcement strategies, and in the flow of undocumented migrants. Variations may also occur because of changes in the number of linewatch apprehensions (i.e., the more successful the Border Patrol is in catching persons upon entry, the fewer numbers will be at risk of being apprehended as a result of nonline-watch activities).

Information on changes in the number of Border Patrol linewatch and nonlinewatch apprehensions thus provides a partial basis for assessing whether the monthly number of illegal southern border crossings into the United States (or the magnitude of the flow of undocumented migrants) has changed since Operation Hold the Line began. This change was assessed using time-series analyses of linewatch and nonlinewatch apprehensions data from FY 1989 through April of FY 1994. To be most useful for

assessing the degree to which Operation Hold the Line has affected the nature and degree of illegal border crossings into the United States, apprehensions data must be "freed" of other factors that influence their magnitude, including those that have nothing to do with the Operation; it is necessary to control for the influence of time trend, seasonal factors, enforcement effort, and serial correlation.

Moving from West to East, the U.S./Mexico border is divided into nine Border Patrol sectors—San Diego, El Centro, Tucson, Yuma, El Paso, Marfa, Del Rio, Laredo, and McAllen. As of the date of this writing, data were obtainable on only apprehensions and enforcement hours through April for FY 1994. **Table 3** shows the average monthly values for both linewatch and nonlinewatch apprehensions and enforcement hours for the first seven months of FYs 1993 (October 1992-April 1993) and 1994 (October 1993-April 1994). The latter period encompasses almost the entire time of Operation Hold the Line, which began in late September 1993. At this point only data for the first seven months of FYs 1993 and 1994 were examined to ensure that comparison of the same months across the two years, a strategy necessitated by the strong seasonal pattern of illegal flows (and thus apprehensions) into the United States (Bean, et al. 1990).

The average gross number of apprehensions along the entire U.S./Mexico border declined by nearly 12,000 per month from FY 1993 to FY 1994 (from about 66,300 to about 54,500 per month). Most of this decline occurred because of the sharp drop in the El Paso sector (see second line, **Table 3**), where apprehensions dropped by more than 10,000 per month. The dramatic effects of Operation Hold the Line can also be seen in the steep drop evident for the post-Operation months in **Figure 1**. Thus, as measured in these terms, Operation Hold the Line clearly has reduced the number of linewatch apprehensions in the El Paso sector substantially and, by implication, the flow of illegal crossers into the United States.

The patterns for enforcement hours and nonlinewatch apprehensions also indicate, however, that this may have occurred to some extent at the price of nonlinewatch apprehensions. Prior research has shown that both linewatch and nonlinewatch apprehensions vary directly with enforcement hours (Bean, Edmonston & Passel 1990; North 1988), a relationship that derives from the enforcement strategy followed by the Border Patrol of trying to intercept aliens after entry. Thus, the results shown in Table 3 indicate that, except in the El Paso sector, apprehensions generally go up when enforcement hours rise and generally decline when hours drop. The Operation Hold the Line change in strategy, however, turned this relationship upside-down. By stationing agents at the border to prevent illegal entries before they occur, fewer apprehensions are made because fewer illegal crossings occur. Thus, while linewatch enforcement hours more than doubled during the Operation in comparison to the same months of the previous year (from 32 thousand per month to almost 67 thousand per month), apprehensions in the El Paso sector dropped to less than one-fourth of their previous level.

It is also the case that the increase in linewatch hours at the border was achieved in part by reassigning agents, resulting in the 42.8 percent decline in nonlinewatch enforcement hours in the El Paso sector (from about 41,000 per month in FY 1993 to about 23,400 per month during FY 1994, when Operation Hold the Line was in force). Given that fewer illegal aliens were getting through the initial line to begin with, nonlinewatch apprehensions declined disproportionately (by 70.6 percent). However, some of the decline in nonlinewatch apprehensions is undoubtedly due to the shift from nonlinewatch to linewatch activities.

That Operation Hold the Line reduced apprehensions is also revealed in an examination of changes in the number of apprehensions per hour (**Table 4**). From the same months in FY 1993 to the Operation months in FY 1994, the number of apprehensions per hour in the El Paso sector declined by 87 percent (from 0.45 per hour to 0.06 per hour). A smaller decline (about 50 percent) occurred in the case of nonlinewatch apprehensions. In all other groupings of sectors except California, and in the case of both linewatch and nonlinewatch apprehensions, the average number per hour increased slightly. This sug-

Table 3.

AVERAGE MONTHLY LINEWATCH AND NONLINEWATCH APPREHENSIONS AND ENFORCEMENT HOURS BY SECTOR GROUPING, FISCAL YEARS 1993-1994 (FIRST SEVEN MONTHS)

A. Linewatch

	Hours		Apprehensions	
	FY 93 (000s)	FY 94 (000s)	FY 93 (000s)	FY 94 (000s)
Entire U.S./Mexico Border	214.9	261.1	66.3	54.5
El Paso Only	32.0	66.9	14.3	3.9
All but El Paso	182.9	194.2	52.0	50.6
Arizona	34.4	37.1	4.9	6.8
California	76.9	80.9	37.3	32.3
Texas (-El Paso)	71.6	76.3	9.8	11.5

B. Nonlinewatch

	Hours		Apprehensions	
	FY 93 (000s)	FY 94 (000s)	FY 93 (000s)	FY 94 (000s)
Entire U.S./Mexico Border	170.0	145.8	27.6	23.9
El Paso Only	40.9	23.4	6.8	2.0
All but El Paso	129.1	122.4	20.8	21.9
Arizona	16.8	18.3	3.4	4.8
California	38.1	35.0	8.3	7.7
Texas (-El Paso)	74.2	69.1	9.1	9.4

Source: Immigration and Naturalization Service, Statistics Division

Table 4.

LINEWATCH AND NONLINEWATCH APPREHENSIONS PER HOUR BY SECTOR GROUPING, FISCAL YEARS 1993-1994 (FIRST SEVEN MONTHS)

	Linewatch		Nonlinewatch	
	FY 93	FY 94	FY 93	FY 94
Entire U.S./Mexico Border	.309	.209	.162	.164
El Paso Only	.447	.058	.166	.085
All but El Paso	.284	.261	.161	.179
Arizona	.142	.183	.202	.262
California	.485	.399	.218	.220
Texas (-El Paso)	.137	.151	.123	.136

Source: Immigration and Naturalization Service, Statistics Division

Figure 1.

gests that illegal flows might be increasing in sectors outside the El Paso corridor although, as noted below, analyses that control for additional variables are required before this hypothesis can be assessed more fully. The numbers for California, however, behave somewhat differently than those for other sectors, perhaps because of the slump in the California economy over the past three years and because of the January 1994 Los Angeles earthquake that undoubtedly affected the flow of illegal migrants, at least in the short term.

As suggestive as these results are, they are limited because they are gross figures that do not control fully for time trends in apprehensions, seasonal factors, enforcement hours, and serial correlation. Even though the above comparisons of apprehension statistics before and after the Operation seek to adjust for seasonal variations by comparing the same months of FYs 1993 and 1994, they are based on only one year's pre-Operation experience. (The strong seasonal pattern of apprehensions is evident in **Figure 1**.) Moreover, they do not remove the effects of long-term trends. To control better for time-trend and seasonality, time-series analyses were undertaken of monthly linewatch and nonlinewatch apprehensions data beginning with FY 1989 and running through April 1994, a total of sixty-seven months. Because ordinary least squares estimates with time-series data typically exhibit serial correlation in the residuals, we estimate the effects of the independent variables with a procedure that adjusts for serial auto-correlation (SPSS 1993). Tests for first and higher-order terms indicated that a first-order auto regressive term was sufficient to capture the serial correlation (Pyndyck & Rubinfeld 1991). The models are estimated for various border sector groupings (all sectors, all but El Paso, El Paso alone, the Arizona sectors, the California sectors, and the Texas sectors excluding El Paso). Independent variables are included for long-term trend (measured as the month in the series), seasonality (measured as dummy variables for months in the year, with December deleted from the model), enforcement hours (measured as monthly linewatch or nonlinewatch hours respectively), and dummy variables for two post-Operation periods, the first four months after the Operation (October-January) and the following three months (February-April). The post-Operation dummy variables thus measure the average monthly increase or decrease in linewatch (or nonlinewatch) apprehensions for the early or late Operation period compared to the average in the five preceding fiscal years, net of the effects of seasonality, time trend, serial correlation, and enforcement hours.

The results of such models can help answer several questions. First, the findings for the El Paso sector are relevant to the assessment of the extent to which Operation Hold the Line reduced illegal flows into the El Paso sector beyond any changes associated with the influence of other factors. The time-series results thus provide a stronger basis for making this assessment than the single-year comparisons discussed above. Second, the findings for sectors other than El Paso are relevant to assessing the extent to which rumors might have spread throughout Mexico that the crackdown was being extended to other sectors, thus exerting a deterrent effect on illegal migration flows into other sectors besides El Paso. If this had occurred, one would expect to observe declines in apprehensions (especially linewatch apprehensions) immediately after the Operation, with these declines dissipating as such a shakedown period moved to its termination. Third, the findings are relevant to the assessment of the extent to which net illegal flows into sectors other than El Paso have been increasing over time, perhaps as a result of the diversion of long-distance labor migration from El Paso to other sectors.

The results of the time-series regressions are shown in **Table 5**. Coefficients are shown here only for enforcement hours and for the early and late post-Operation periods. Coefficients for the other variables (the time trend variable and the seasonal dummies) are omitted to improve clarity of presentation. The first column shows the results for the entire U.S./Mexico border. It indicates that in the first four months of the Operation, linewatch apprehensions —net of time trend, seasonality, enforcement hours, and serial correlation—were down by a small amount for the entire border. In the next three months net apprehensions increased considerably—by more than 2,700 per month. Comparison of columns two and three indicates the extent to which El

Table 5.

TIME SERIES REGRESSION RESULTS FOR MONTHLY LINEWATCH AND NONLINEWATCH APPREHENSIONS ON ENFORCEMENT HOURS AND POST-OPERATION DUMMIES BY STATE SECTOR GROUPINGS (FISCAL YEARS 1989-1994)

A. Linewatch

Independent Variables	Entire Border	El Paso Only	All But El Paso	Arizona	California	Texas (-El Paso)
Enforcement Hours	.189	.068	.189	.064	.281	.139
Early Operation	-233.6	-7803.3	2164.8	84.0	1870.6	296.9
Late Operation 2753.7	-7032.7	3314.7	1473.7	1898.4	574.1	
Intercept	1169.6	714.5	-196.2	4.5	-199.1	-359.7
R2	.419	.602	.395	.337	.352	.498
N	67	67	67	67	67	67

B. Nonlinewatch

Independent Variables	Entire Border	El Paso Only	All But El Paso	Arizona	California	Texas (-El Paso)
Enforcement Hours	.201	.174	.205	.202	.226	.138
Early Operation	-41.2	-1456.4	781.6	-464.4	752.6	510.8
Late Operation -2027.3	-2375.6	-1430.1	-248.6	-645.8	-454.6	
Intercept	-1017.2	-104.5	-1021.2	-264.8	-343.2	-218.6
R2	.548	.670	.520	.430	.435	.405
N	67	67	67	67	67	67

Paso and the rest of the border sectors contributed to this overall pattern. While net monthly apprehensions were steeply reduced in El Paso, net apprehensions increased across all other sectors. In short, some of the decrease in apprehensions that occurred in El Paso appears to have been offset by increases in other sectors.

A comparison of the early and the late post-Operation effects indicates that the deterrent effect of the Operation on apprehensions appears to lessen as more time elapsed. Comparing the late to the early period effects in El Paso indicates that the decrease in net apprehensions lessens (although it remains substantial), falling from a decrease of about 7,800 to a decrease of about 7,030, a decline of almost 10 percent. At the same time, however, increases occurred in the Arizona, California, and Texas sectors. Proportionally, these were especially large in Arizona. By the late period (February-April), nearly one-half of the El Paso decline was offset by increases elsewhere that were occurring net of time trend, seasonal factors, and differences in enforcement hours. Net apprehensions increased in the post-Operation period, even though gross apprehensions decreased somewhat, indicating that the gross decreases observed in California would have been even greater had the California figures not been pushed upward (net of time-trend, seasonality, enforcement hours, and serial correlation) in the post-Operation period.

Thus, net apprehensions were up throughout the post-Operation period in California, and they were up substantially more in Arizona late in the period. These patterns are consistent with the belief that part of the illegal flow from throughout Mexico to the United States (probably long-distance labor migration) tends to get routed through two major ports of entry, El Paso and Chula Vista. If one of these ports is closed off, some of this flow may be diverted to the other port. Thus, while net linewatch apprehensions were down substantially in El Paso, they were up in California. Another part of the illegal flow is probably more regionalized, perhaps with respect to both the origins and destinations of migrants. With the El Paso port of entry closed down, some of this flow gets diverted to the most geographically proximate sectors (Arizona), and a lesser portion to the next most proximate sectors (Texas). These sectors showed an increasing number of apprehensions moving from early to late in the Operation. Thus, overall, the Operation appeared to continue to depress flows into El Paso as time elapsed (although at a decreasing rate), but nearly one-half of this decrease was offset by increases in flows over time to other sectors (at an increasing rate in the Arizona and Texas sectors).

In nonlinewatch apprehensions (**Table 3**), the most notable pattern is a decline during the late post-Operation period in the cases of all sector groupings. There are two plausible explanations: first, it is possible that the below average levels of apprehensions in the months right after the blockade means that there were fewer illegal migrants around in subsequent months to be apprehended in nonlinewatch locations; second, as nonlinewatch enforcement hours fell in the later months, there were probably disproportionately fewer apprehensions may have taken place because so few agents were pursuing illegals. Thus, the numbers of apprehensions may have dropped to a greater degree than did the number of hours. More research will be required to ascertain whether, and to what degree, these explanations are correct, or whether there is some other explanation.

Bridge Crossing Data

Mexican commuter workers are one of the major groups of border crossers who have been affected by Operation Hold the Line. Commuter workers live in Juárez but regularly cross the border to work in El Paso or in other nearby communities in Texas and New Mexico. They may cross daily, weekly, or less frequently depending upon the terms of their employment in the United States and whether they maintain residences on both sides or only on one side of the border. The legal status of these Mexican commuters in the United States varies. For analytical purposes, it is useful to classify commuters into four legal-status categories:

U.S. citizens: Mexican residents who were either born in the United States or who became naturalized citizens at an earlier point in their lives. These persons may choose to live in Mexico for a variety of reasons, including family ties, cultural preferences, and a lower cost of living in Juárez. As U.S. citizens, they have the legal right to both enter the United States and find employment here.

Work-permit holders: Mexican residents who have a visa that permits them to seek employment in the United States. This group includes legal permanent residents of the United States who maintain a residence in Mexico. Like U.S. citizens, members of this group legally enter the United States. These commuters are sometimes referred to as green carders.[9]

Border Crossing Card holders: Mexican residents who have been issued a special nonimmigrant visa by the U.S. Immigration and Naturalization Service that allows them to enter the twelve-mile strip of the United States along the Mexican border for periods of up to seventy-two hours for purposes of tourism, shopping, and conducting other kinds of personal business. Holders of the Border Crossing Card [BCC]

[9] See Martinez' *Border Boom Town* for an historical discussion of Juárez "green card" workers (Martinez 1975). Also, see North's (1970) Department of Labor report on Mexican commuter workers.

sometimes cross the border into the United States legally in order to work illegally.[10] The Border Crossing Card is known by several names in Juárez, including *pasaporte local*, *mica*, and *permiso de cruce*.

Undocumented commuters: Mexican residents who lack any kind of passport or visa that grants them the right either to enter or work in the United States. These commuters cross the border illegally, either away from legal ports of entry or with false documents, and may work illegally as well.

Table 6 summarizes these categories of commuter workers and classifies them by legal status with regard to entry and employment. No institution in the United States or Mexico regularly collects data on Mexican commuter workers. It is therefore impossible to make precise estimates of the number of persons in each commuter category. We attempt a rough estimate of the size of each category by taking the results of three separate data collection efforts conducted on the Mexican side of the border between 1987 and 1990 and imputing these findings to the 1993 Juárez population.

To estimate the size of each commuter category requires an estimate of the size of the economically active population of Juárez in 1993. According to the 1990 Mexican Census of Population and Housing, the total population of the *municipio*[11] of Juárez was 798,499 persons. According to census reports, the economically active population[12] of Juárez in 1990 was 286,683. Between 1970 and 1990, the total population of Juárez grew at an annual rate of 3.2 percent. If that rate of growth remained constant, and if we assume, for practical purposes, that the growth rates for the total population and the economically active population were approximately equal, by the end of 1993 we would expect the total population of Juárez to be 877,900 persons, and the economically active population to be 315,351.

[10] Under situations of easy illegal border-crossing (as seems to have been the case prior to Operation Blockade), some BCC holders may in fact enter the United States illegally, away from legal ports of entry, for several reasons: a) to avoid paying bridge tolls; b) to minimize detection as illegal workers and confiscation of their BCC; or c) to avoid long bus rides from outlying areas of Juárez to official ports of entry to the United States, as in the case of residents of Rancho Anapra who regularly walked across the 100 yards of desert separating them from Sunland Park, New Mexico.

[11] The term *municipio* in Mexico corresponds roughly to county in the United States. It is the closest equivalent to the U.S. census designation metropolitan statistical area that is reported by the Mexican statistical agency INEGI.

[12] Those persons fifteen years of age or older who were employed or seeking employment at the time the census was taken.

Table 6.

LEGAL STATUS CATEGORIES OF MEXICAN COMMUTER WORKERS

Commuter	Enters United States		Works in United States	
	Legally	Illegally	Legally	Illegally
U.S. Citizen	+		+	
Work Permit	+		+	
BCC Only	+			+
Undocumented		+		+

The Mexican statistical agency, *INEGI*, conducts a quarterly urban labor market survey similar to the United States Current Population Survey. Questions included in the survey, the *Encuesta Nacional de Empleo Urbano* [*ENEU*], ask respondents where they worked during the preceding week. In the fourth quarter of 1989 (the latest data available), *ENEU* results indicated that 4.8 percent of the economically active population had worked in the United States in the week preceding the survey. In other words, 4.8 percent of the working people in Juárez at the end of 1989 commuted from their residences in Juárez to jobs in the United States at least once a week. If we assume that the proportion of working people in Juárez with jobs in the United States remained constant through 1993, we arrive at an estimate of 15,137 cross-border commuter workers residing in Juárez at the time of Operation Hold the Line.

Lamentably, the *ENEU* survey does not include a classification of commuter workers by their legal status in the United States. To our knowledge, only one survey has ever been conducted in Juárez that collected this information. In 1987, the *Colegio de la Frontera Norte*, a research institute based in Tijuana, Baja California, conducted the *Encuesta Socioeconómica Anual de la Frontera* [*ESAF*],[13] which collected a wide range of data on 605 households in Juárez, including the legal status of commuter workers. Results of the *ESAF* with regard to commuters were reported in an article published by Tito Alegría (Alegría 1990) in the journal *Frontera Norte*. Alegría's first finding of interest was that 6 percent of Juárez workers were either U.S. citizens or legal permanent residents of the United States; 48 percent had a border crossing card or other type of visa that allowed them to enter the United States legally, but not to work in the United States; and 46 percent had no type of permit to enter the United States legally. If we apply these percentages to our estimate of the economically active population residing in Juárez in 1993, we obtain the results displayed in **Table 7**.

Alegría also reported that of the persons identified by the *ESAF* as cross-border commuter workers,

- 38 percent were U.S. citizens;
- 24 percent had visas that allowed them to work in the United States;
- 33 percent crossed the border legally with a BCC to work in the United States; and
- 5 percent were undocumented both for entry and work in the United States.

Because Alegría reports neither the raw frequency counts of these categories of commuters nor the standard errors of his estimates, we are unable directly to ascertain the confidence interval (plus/minus x percentage points) surrounding each estimate. We assume, however, that the confidence intervals are rather large, since the raw frequency

[13] The *ESAF* was optimistically named; rather than being conducted annually, it was conducted only once.

Table 7.

CATEGORIES AND ESTIMATED NUMBERS OF COMMUTERS

Category of Commuter	%	Est #
U.S. Citizen	38	5,752
Work Permit	24	3,633
Border Crossing Card Only	33	4,995
Undocumented	5	757
Total	100	15,137

Derived from: Alegría *(1990); Mexican Census of Population and Housing (1990).*

count for each category of commuter must be small, given the number of households in the sample and what we know from the *ENEU* about Juárez worker participation in the U.S. labor market.

To calculate the confidence intervals indirectly, assume that, on average, each household in the sample contained 5 persons, giving an n of 3,025 (the average household size for Juárez in the 1990 census). Assume further that 35.9 percent of these 3,025 persons, or 1,087, were economically active (the percent of the total 1990 Juárez population that was economically active). Finally, assume that 4.8 percent of these 1,087, or 52 persons, worked in the United States at least once during the week prior to the survey (the percent of the total economically active population working in the United States given by the *ENEU*, 4th quarter, 1989). Choosing a confidence level of 0.05, we can then say that:

- Between 25 and 51 percent of cross-border commuters were U.S. citizens;
- Between 12 and 36 percent held work permits;
- Between 20 and 46 percent had only the BCC; and
- 11 percent or less were undocumented.

Applying these intervals to our earlier estimate of a total of 15,137 cross-border commuter workers residing in Juárez at the time of the Operation, we obtain the estimates of numbers of different kinds of commuters displayed in **Table 8**. While these estimates are admittedly rough, based as they are on several assumptions, they nonetheless provide a number of insights for understanding the nature of cross-border work commuting by Juárez residents and the size of potential impacts of the Border Patrol's new deployment strategy upon different kinds of commuters.

Qualitative field work on both sides of the border in El Paso-Ciudad Juárez led to formulation of several related hypotheses regarding the overall effects of Operation Hold the Line on illegal border crossing and illegal employment of Juárez residents in El Paso.

Hypothesis One. Illegal crossings by Juárez residents have been reduced, but not eliminated.

Hypothesis Two. The number of illegal crossers residing in Juárez has been reduced less than the number of illegal crossings.

Corollary Two. Illegal crossers who live in Juárez and work in El Paso have extended their stays in El Paso to minimize their risk of apprehension while attempting illegal northbound crossings.

Hypothesis Three. Legal crossers who live in Juárez and work illegally in El Paso have continued to do so, but some have begun to cross less frequently in order to minimize the risk of losing their Border Crossing Cards.

Table 8.

ESTIMATED NUMBERS OF MEXICAN COMMUTER WORKERS RESIDING IN CIUDAD JUÁREZ

Commuter	% of Commuters		# of Commuters	
	Upper Limit	Lower Limit	Upper Limit	Lower Limit
U.S citizen	51	25	7,720	3,784
Work Permit	36	12	5,449	1,816
BCC Only	46	20	6,963	3,027
Undocumented	11	-	1,665	-

Derived from: Alegría *(1990); ESAF (1987); Mexican Census of Population and Housing (1990).*

Hypothesis Four. The Operation has initially discouraged both legal and illegal crossings from Juárez, but after the first few months legal crossers have begun to return to El Paso in numbers comparable to before the Operation began. Illegal crossings have also crept back towards earlier levels after the first month of the Operation.

This section examines these hypotheses by analyzing changes in the patterns of pedestrian border crossings on the Paso del Norte and Stanton Street International Bridges.[14] These two bridges carry the bulk of pedestrian border crossings in the El Paso area. Pedestrians may cross the border both northbound and southbound on the Paso del Norte Bridge, and southbound only on the Stanton Street Bridge. Every day, thousands of Juárez residents walk northbound on the Paso del Norte Bridge into downtown El Paso's "Golden Horseshoe," the commercial district in the city that most strongly caters to Mexican customers. This section is known as the Golden Horseshoe because of the path that the multitudes of Mexican shoppers tend to follow: north up Santa Fe or Oregon Streets, right on one of their several cross streets, and then south on Stanton Street to cross back into Juárez over the Stanton Street Bridge. Pedestrian crossers pay a toll of 50 cents to the Mexican government to cross north on the Paso del Norte Bridge, and 25 cents to the city of El Paso to cross south on either one of the bridges. It was on these bridges that disturbances occurred in the first days of Operation Blockade as Mexican commuters and several political organizations blocked traffic in protest of the INS confiscation of some commuters' BCCs.

Pedestrian crossing are recorded northbound by the U.S. Customs Service, and tallies are available by day, month, and year. Similar southbound figures are generated by the turnstiles counting toll-payers for the city of El Paso. Pedestrian crossing counts are the best measure of the legal movement of persons back and forth across the border; while counts of passenger vehicles are also available, no actual passenger counts are made either northbound or southbound. In principle, average monthly northbound and southbound pedestrian crossings should roughly equal one another, although in practice there are usually more northbound than southbound pedestrian crossings in any given month, a pattern that Operation Hold the Line does not seem to have changed much.[15]

What kinds of changes in pedestrian crossing patterns might result from Operation Hold the Line? Before the Operation began, it was common for undocumented crossers who lived in Juárez to cross the Rio Grande northbound illegally—by boat or wading, or by walking across one of the bridges in one of the southbound lanes—but then return to Mexico by walking across one of the bridges legally since they had nothing to fear by doing so.[16] One change, then, is that if Operation Hold the Line substantially reduced illegal crossings, the gap between northbound and southbound crossings would widen somewhat following the Operation's initiation. **Table 9** presents time-trend data on northbound versus southbound crossings by month, from

[14] The Paso del Norte Bridge is also known as the Santa Fe Bridge. The Stanton Street Bridge is also known as the Lerdo Bridge, after Avenida Lerdo that it connects with El Paso's Stanton Street.

[15] Many factors may account for the frequent "deficits" in southbound crossings. Commuter buses running between Juárez and El Paso (the "Red Bus" service that was halted indefinitely as of February 8, 1994) were obliged to discharge passengers on the Paso del Norte Bridge to walk through the U.S. Customs and Immigration checkpoint, and these commuters were thus counted as pedestrian crossers. Going southbound across the Stanton Street Bridge, these bus passengers were not counted as pedestrians, since they did not pass through the City of El Paso's pedestrian toll booth. Also, for some time before the Operation began, it was a common practice for package-laden shoppers to wait at the vehicle toll booths on the Stanton Street Bridge in hopes of hopping in the back of the next willing pickup in order to simultaneously avoid paying the 25 cent toll and carrying their loads across the border by hand. Some northbound pedestrian crossers may get rides back across the border in the vehicles of friends, relatives, and employers who live in El Paso. Mexican immigrants may enter the United States at the Paso del Norte port of entry and then stay permanently in the United States. Many other explanations are plausible; all are untested.

[16] Mexican authorities would obviously have no quarrel with their return. U.S. authorities would only be thankful that their job—to return illegal crossers to Mexican soil—was being done for them.

Table 9.

TRENDS IN NORTHBOUND AND SOUTHBOUND PEDESTRIAN CROSSINGS ON THE PASO DEL NORTE AND STANTON STREET INTERNATIONAL BRIDGES (BY MONTH)

Month & Year	Northbound	Southbound	North minus South	North/ South
Apr 92	460,967	439,794	21,173	1.05
May 92	497,347	449,162	48,185	1.11
Jun 92	423,481	404,504	18,977	1.05
Jul 92	354,716	415,192	(60,476)	0.85
Aug 92	524,700	429,434	95,266	1.22
Sep 92	349,313	404,077	(54,764)	0.86
Oct 92	399,702	437,198	(37,496)	0.91
Nov 92	576,198	395,545	180,653	1.46
Dec 92	649,898	480,318	169,580	1.35
Jan 93	417,110	380,537	36,573	1.10
Feb 93	420,966	365,531	55,435	1.15
Mar 93	390,277	404,283	(14,006)	0.97
Apr 93	410,073	407,452	2,621	1.01
May 93	448,310	413,630	34,680	1.08
Jun 93	382,864	384,193	(1,329)	1.00
Jul 93	482,963	424,288	58,675	1.14
Aug 93	450,269	411,060	39,209	1.10
Sep 93	367,563	367,638	(75)	1.00
Oct 93	438,910	323,691	115,219	1.36
Nov 93	385,829	343,317	42,512	1.12
Dec 93	514,472	452,689	61,783	1.14
Jan 94	407,386	361,622	45,764	1.13
Feb 94	446,663	373,472	73,191	1.20
Mar 94	559,403	n/a	n/a	n/a

Source: El Paso Department of Traffic and Transportation, US Customs Office, El Paso District

April 1992 through March 1994. The north minus south difference went from 39,209 in August 1993, the last full month before the Operation began, to 115,219 in October 1993, the first full month after the blockade. In contrast, in the same months of 1992, the difference declined. Whereas in August 1992 there were 95,266 more northbound than southbound crossings, in October 1992 there were 37,496 fewer northbound than southbound crossings. This change in pattern tends to confirm a finding supported by several kinds of evidence: Operation Hold the Line is effective in stopping a substantial number of illegal northbound crossings in the immediate term.[17]

Table 10 summarizes changes in the monthly relationships between northbound and southbound pedestrian crossings that resulted from Operation Hold the Line. On average, before the blockade there were 8 percent more northbound than southbound crossings; in the months after the blockade there were, on average, 19 percent more. Calculated on an average daily basis, the difference between northbound and southbound crossings grew from 1,163 to 2,256, an increase of 1,093, due almost entirely to a reduction in southbound crossings. The postblockade averages presented in **Table 10** mask important differences between months, however, overstating the lasting impacts of the blockade. As **Table 9** indicates, the postblockade average difference is pulled up by the dramatic spike in the north-south difference and ratio in October 1993. By

[17]Wider fluctuations than this have occurred in the recent past, for example, the change between October and November 1992.

Table 10.

POSTBLOCKADE CHANGES IN DIFFERENCE AND RATIO BETWEEN NORTHBOUND AND SOUTHBOUND PEDESTRIAN CROSSINGS, PASO DEL NORTE AND STANTON STREET INTERNATIONAL BRIDGES

Measure	Preblockade Average*	Postblockade Average*	Change in Average
Ratio of northbound to southbound monthly crossings	1.08	1.19	+0.11
North minus south monthly difference	34,880	67,694	+32,814
North minus south daily difference	1,163	2,256	+1,093

*Excludes crossings during month of September 1993. Operation Blockade began on September 19 and resulted in disruptions in bridge traffic that make September data incomparable with other months.

Source: El Paso Department of Traffic and Transportation, US Customs Office, El Paso District

November, however, the difference and ratio between northbound and southbound crossings dropped to about August 1993 levels. From November 1993, through February 1994, northbound crossings were, on average, only 15 percent higher than southbound crossings, essentially the same level as July 1993, before the blockade. During the same four-month period the previous year, northbound crossings were, on average, 27 percent higher than southbound crossings.

These findings regarding the differences and ratios between north and southbound pedestrian crossings pre- and post-Operation tend to support two of our hypotheses above: hypothesis one, that illegal crossings by Juárez residents have been reduced, but not eliminated; and hypothesis two, that the deterrent effect of the Operation decreases over time. Immediately after the blockade, we see the expected reduction in southbound crossings relative to northbound, but this effect seems to diminish significantly over time. Such a result conforms to what illegal crossers told us about the Operation: in the first month following the blockade, crossing was difficult to impossible, but border crossing became easier in subsequent months.

Another effect of the Operation one might expect based on public reaction on both sides of the border, is a reduction in both northbound and southbound pedestrian crossings compared to the same months of the year prior to the Operation. Northbound crossings were down 4 percent and southbound crossings were down 10 percent after the blockade, as compared with the same period in the previous year. On the other hand, northbound crossings in the period April-August, 1993, before the blockade, were also down 4 percent compared with the same period in 1992. **Table 11** gives a clearer picture of how the blockade affected northbound crossings in both the short- and somewhat longer-term. October, 1993 northbound crossings were up 10 percent over 1992, but this may reflect the return of an unusually large number of shoppers and commuters deterred from crossing in the first days and weeks of the Operation in September to take care of affairs in El Paso that had been left unattended. Northbound crossings were down 33 percent and 21 percent in November and December, respectively, from the year before, lending considerable credence to the claims of downtown merchants in El Paso that traffic into their stores during the Christmas shopping season was down considerably. By January 1994, however, northbound pedestrian crossings were back up to their level of the previous year, and in February and March they surpassed the levels of the previous year. As **Table 11** also indicates, southbound crossings exhibit a similar pattern of sharp

Table 11.

NORTHBOUND AND SOUTHBOUND PEDESTRIAN CROSSINGS
(April 1992-March 1994)

A. Paso Del Norte International Bridge

(Northbound)

Month	1992-1993	1993-1994	1993 minus 1992	1993/1994 or 1994/1993
Apr	460,967	410,073	(50,894)	0.89
May	497,347	448,310	(49,037)	0.90
Jun	423,481	382,864	(40,617)	0.90
Jul	354,716	482,963	128,247	1.36
Aug	524,700	450,269	(74,431)	0.86
Sep	349,313	367,563	18,250	1.05
Oct	399,702	438,910	39,208	1.10
Nov	576,198	385,829	(190,369)	0.67
Dec	649,898	514,472	(135,426)	0.79
Jan	417,110	407,386	(9,724)	0.98
Feb	420,966	446,663	25,697	1.06
Mar	390,277	559,403	169,126	1.43

B. Paso Del Norte And Stanton Street International Bridges

(Southbound)

Month	1992-1993	1993-1994	1993 minus 1992	1993/1992 or 1994/1993
Apr	439,794	407,452	(32,342)	0.93
May	449,162	413,630	(35,532)	0.92
Jun	404,504	384,193	(20,311)	0.95
Jul	415,192	424,288	9,096	1.02
Aug	429,434	411,060	(18,374)	0.96
Sep	404,077	367,638	(36,439)	0.91
Oct	437,198	323,691	(113,507)	0.74
Nov	395,545	343,317	(52,228)	0.87
Dec	480,318	452,689	(27,629)	0.94
Jan	380,537	361,622	(18,915)	0.95
Feb	365,531	373,472	7,941	1.02
Mar	403,974	404,283	309	1.00

Source: El Paso Department of Traffic and Transportation, US Customs Office, El Paso District

decline soon after the Operation begins, after which they creep back up to comparable preblockade levels by January 1994.

These results tend to support hypothesis four, that the Operation initially discouraged legal border crossings, but that some of this effect diminished over time. It does appear, however, that declines in pedestrian border crossing were most pronounced during the Christmas shopping season, presumably hurting businesses in downtown El Paso that depend upon purchases made by Mexican cross-border shoppers.

According to reports in the *El Paso Times* and repeated to us by INS inspectors on the Paso del Norte Bridge, following the blockade in September 1993, there was a strong surge in legal pedestrian border crossings on the bridges, as well as an increase in the presentation of false or otherwise invalid border crossing documents. The reasons for this were thought to be that many persons who formerly

crossed the border illegally, were suddenly attempting to cross legally, either by using valid documents they had hitherto chosen not to use or by presenting fraudulent or invalid documents. While it is true that many more persons walked north into El Paso on the Paso del Norte Bridge in October 1993, than did in September 1993, the number in October was lower than it had been in August 1993, before the blockade began. In addition, northbound pedestrian crossings in October 1993, were up only 10 percent over the previous October, an increase far exceeded by the 36 percent jump seen between July 1992 and July 1993, also before the Operation. Thus, the apparent post-Operation surge in northbound crossings may derive from routine crossings that were interrupted in the early days of the Operation, creating a pent-up demand to cross once some semblance of normality returned on the bridges. As already noted above, northbound pedestrian crossings in November and December were sharply down from the year before, not supporting the notion that many persons who hitherto had crossed illegally began to cross legally after the Operation began.

In addition to changes in the difference and ratio between northbound and southbound crossings, and an immediate overall decline in pedestrian border crossing, we expected some changes in crossing by day of week following the Operation. There are several reasons for this. First, the Operation led to a decrease in pedestrian traffic into Juárez, particularly at night.[18] U.S. citizens feared harassment by Mexicans angered by the Operation and stayed away in the initial months. U.S. military forces stationed at Fort Bliss were prohibited by their commanders from going to Juárez from the time the Operation began until mid-February 1994. Thus, one would expect Friday (evening) southbound crossings and Saturday (early AM) crossings to be down somewhat, as well as Saturday (evening) and Sunday (early AM) crossings to be reduced.

Second, if closer scrutiny of the validity of crossing documents by INS officers on the Paso del Norte Bridge discouraged pedestrian visits to the United States (as seems to have been the case, at least initially), one would expect crossings to be disproportionately reduced on Saturdays, since Saturdays are heavy shopping days in downtown El Paso and shopping is a less necessary trip than going for employment or business.

Third, both legal and illegal crossers who work in El Paso report that their principal strategy for coping with increased surveillance at the border is to reduce the number of times they cross and increase the number of nights they spend in El Paso. Those working illegally, but crossing with their BCC, reduce crossings to reduce the chances of having their crossing documents confiscated. Those crossing illegally do so less frequently to minimize their risk of being detained by the Border Patrol, a risk that greatly increased since the Operation began. One would thus expect to see increased southbound pedestrian bridge crossings on Saturdays, as persons who have stayed over to work in El Paso during the week return to Juárez. Similarly, one might also expect some increase in northbound bridge crossings on Sundays, as persons working in El Paso attempt to cross the bridge at an hour when they are less likely to be suspected of going to work than, say, if they were crossing early Monday morning.

The next two tables summarize the results of a kind of "shift-share" analysis conducted of pedestrian bridge crossing patterns. We compared southbound crossings on different days of the week, postblockade, by month in 1993-1994 with crossings during the same period in 1992-1993. The same was also done for northbound crossings. The ratios that appear in **Tables 12** and **13** were calculated as follows. Total crossings in a given month were apportioned to different days of the week as if they were evenly distributed by day, so that as many crossings occur on a Friday, say, as do on a Sunday. The number of crossings generated for a given day of the week is the expected number of crossings for that day in that month. We then divided the actual number of crossings that occurred by the expected number to produce the ratios in the tables. If crossings were evenly distributed by day, the value of each ratio would be 1.00. We interpret the ratio obtained for

[18] CONACO, the official Mexican Chamber of Commerce, has produced a report decrying the negative impact that the Operation has had on restaurants, bars, and nightclubs in Juárez (See Chapter IV for more detail).

southbound pedestrian crossings on Fridays in October 1992 as meaning that "17 percent more southbound crossings were made on Fridays than one would expect simply on the basis of the number of Fridays in the month." Of interest in our analysis are the changes in these ratios for the same month of the year prior to the Operation and during the Operation. **Table 12** indicates, for example, that Fridays in October 1993, lost a slight share of total southbound crossings for the month as compared to 1992. Instead of there being 17 percent more Friday southbound crossings than expected, there were only 15 percent, a decline in share of two percentage points.

What changes in patterns of crossing by day of week were observed following the Operation? In the first two months, southbound (October and November of 1993 versus the same two months of 1992) , and in the first three months northbound (October through December), Saturday pedestrian crossings decline sharply relative to other days of the week (See **Table 12** for southbound and **Table 13** for northbound figures). Saturday's share of southbound crossings was down 42 percentage points in November from the year before, and northbound its share declined by 73 percentage points. Meanwhile, the share of pedestrian crossings in both directions

Table 12.

RATIO OF OBSERVED TO EXPECTED SOUTHBOUND PEDESTRIAN CROSSINGS,
PASO DEL NORTE AND STANTON STREET INTERNATIONAL BRIDGES
(BY DAY OF WEEK)

Month & Year	Friday	Saturday	Sunday/Holiday	Weekday
Oct 92	1.17	1.54	0.65	0.87
Oct 93	1.15	1.40	0.67	0.93
Nov 92	1.42	1.86	0.50	0.95
Nov 93	1.23	1.44	0.69	0.97
Dec 92	1.10	1.33	0.57	1.03
Dec 93	1.10	1.53	0.57	1.00
Jan 93	1.23	1.45	0.58	0.96
Jan 94	1.18	1.51	0.64	0.96
Feb 93	1.28	1.49	0.66	0.94
Feb 94	1.20	1.60	0.69	0.93

Change in Ratios

Month	Friday	Saturday	Sunday/Holiday	Weekday
Oct	-0.02	-0.14	0.02	0.06
Nov	-0.20	-0.42	0.19	0.03
Dec	0.01	0.20	0.00	-0.03
Jan	-0.05	0.06	0.06	0.01
Feb	-0.08	0.10	0.02	-0.01

Source: El Paso Department of Traffic and Transportation

Table 13.

RATIO OF OBSERVED TO EXPECTED NUMBER OF NORTHBOUND PEDESTRIAN CROSSINGS, PASO DEL NORTE INTERNATIONAL BRIDGE (BY DAY OF WEEK)

Month & Year	Friday	Saturday	Sunday/Holiday	Weekday
Oct 92	1.18	1.54	0.78	0.84
Oct 93	0.99	1.16	0.62	1.07
Nov 92	0.88	1.88	0.71	0.97
Nov 93	1.30	1.14	0.67	1.02
Dec 92	0.94	1.38	0.63	1.03
Dec 93	0.77	1.23	0.70	1.11
Jan 93	1.19	1.31	0.68	0.98
Jan 94	1.11	1.61	0.81	0.90
Feb 93	0.85	1.49	0.53	1.05
Feb 94	0.95	1.19	0.84	1.01

Change in Ratios

Month	Friday	Saturday	Sunday/Holiday	Weekday
Oct	-0.19	-0.39	-0.16	0.23
Nov	0.42	-0.73	-0.04	0.05
Dec	-0.17	-0.15	0.07	0.08
Jan	-0.08	0.30	0.13	-0.08
Feb	0.10	-0.30	0.31	-0.04

Source: US Customs Office, El Paso District

captured by the Monday-Thursday weekday period[19] rose in the first two months following the Operation, when compared with the previous year. This decline in both directions on a prime downtown shopping day and increase in both directions on days in the work week are consistent with the hypothesis that, immediately following the Operation, unnecessary pedestrian crossings (to shop, pay social visits, etc.) were discouraged relative to more necessary crossings (to work, for example). This finding accords with the other finding above that overall pedestrian bridge crossings declined substantially during the peak Christmas shopping season after the blockade.

After the first two months of the Operation, Saturday's share of southbound pedestrian crossings rose relative to the previous year (**Table 12**). This change in pattern suggests that over time, both legal and illegal crossers who worked illegally in El Paso responded to the Operation by reducing their number of crossings and extending their number of nights spent in El Paso during the work week, thus supporting corollary two of hypothesis two and hypothesis three above. It also tends to support hypothesis two itself, that the number of illegal cross-

[19] Fridays are unlike other weekdays for several reasons. Some persons working during the week in El Paso may return to Juárez on that day. Youth, military personnel, and other groups also tend to cross the border southbound on Friday to go out for the evening. Large numbers of other persons may walk back and forth across the bridges on Friday as they would on any other work day. Friday is therefore an ambiguous case, similar to Monday-Thursday in some ways, and to Saturday in others. Postblockade changes in Friday's share of crossings in both directions, not surprisingly, show no clear pattern.

ings has been reduced more than the number of illegal crossers. Additional support for hypothesis three can be found in that, after the first two months of the Operation, Sunday's share of northbound crossings increases strongly relative to the previous year, suggesting that legal crossers who work illegally in El Paso may be crossing north in greater numbers on Sundays to have the purpose of their visit less subject to scrutiny and challenge by INS inspectors at the port of entry.

A final cautionary note: a shift-share analysis serves primarily to improve observation of changes in a patterned social phenomenon; it does not indicate the causes of the changes observed. Thus, the interpretations offered here are tentative. Their likely validity, however, is enhanced by the fact that they accord with other pieces of qualitative and quantitative evidence. Also, the changes observed were not dramatically large, which should come as no surprise, however, since our best estimates indicate that the number of Juárez residents working illegally in El Paso is small relative to the combined working populations of the two cities. A change in the behavior of less than two thousand illegal crossers/illegal workers and less than seven thousand legal crossers/illegal workers, not all of whom will respond similarly to the Operation and not all of whom use the Paso del Norte and Stanton Street pedestrian bridges to return to Mexico, is unlikely to produce radical changes in pedestrian crossings that number in the hundreds of thousands per month. By the same token, the changes observed, while perhaps not dramatic, are not subject to statistical probability error, since they are counts of all legal pedestrian crossings on these bridges. They are not estimates based on a sample of crossers. Consequently, we have no doubt that crossing patterns have indeed changed in the ways observed here.[20] When combined with qualitative reports obtained from government officials and residents on both sides of the border, these data provide a more complete picture of the effects of Operation Hold the Line on people's behavior related to the international boundary dividing El Paso and Juárez.

[20] Unless, of course, the counts supplied to us by either the Customs Service or the City of El Paso were themselves erroneous.

Conclusions

Several major conclusions about the effects of the Operation on illegal flows and legal/illegal border crossings are suggested by the findings that emerge from the analyses of INS apprehensions and bridge crossings data presented in this chapter. First, the Operation seems to have sharply reduced illegal flows into El Paso. Second, this decline appears to be diminishing the longer the Operation lasts. Third, a substantial amount of long-distance labor immigration appears to have been diverted to other ports-of-entry on the U.S./Mexico border. Fourth, legal crossers/illegal workers and illegal crossers/illegal workers appear to have extended the duration of their stays in El Paso and changed the daily pattern of their crossings to minimize the risk of detection/document confiscation. The Border Patrol in El Paso has said that, prior to the Operation, about 60 percent of persons apprehended were Juárez residents whose destination was El Paso and 40 percent were persons headed for other U.S. destinations. The results presented in this chapter suggest that the Operation's greatest effect has been to deter or make more difficult illegal crossings by short-term migrants residing in Juárez. Also, the late post-Operation increases in apprehensions outside the El Paso sector are about 45 percent of the decline in apprehensions in the El Paso sector, which suggests that long-distant labor migration has moved elsewhere. We return to these conclusions below after analyses of other data and examination of other situations thought to have been influenced by the Operation. These additional analyses help determine the degree to which these initial conclusions can be embraced with greater confidence or must be viewed as hypotheses contradicted by other evidence.

IV. Effects on Business and Economic Activities

Within days of its implementation, many members of the El Paso business community stated their opposition to Operation Hold the Line. Hostility to

the Operation rose as it appeared that sales were being lost to a combination of the interruption of traffic into the city from Juárez and the "Buy Mexican" campaign proposed by the governor of the State of Chihuahua, and such Mexican business organizations as *Cámera Nacional de la Industria de la Transformación* [*CANACINTRA*] and *Cámera Nacional del Comercio* [*CANACO*]. Business leaders declared in open meetings, at city hall and in the media that the Operation was having a significantly negative impact on the economic activity of the city by preventing or discouraging Mexican patrons from crossing the border to shop. As it has been estimated that as much as 40 percent of all purchases in the retail sales industry in the city are made by consumers from Mexico (Institute for Manufacturing and Materials Management 1991), anything that interfered with consumer access to El Paso stores could reasonably have a major impact on the city's economic stability. In order to assess the real impact of the Operation on local business activity, the research team interviewed leaders of the El Paso and Juárez business communities, analyzed data from the Texas State Comptroller's Office on sales tax receipts and sales by zip code area, and examined data on the local labor market, hotel occupancy, bus ridership, and auto accidents in El Paso.

Business Leader Response

The top officials of the Greater El Paso Chamber of Commerce [GEPCC], the El Paso Hispanic Chamber of Commerce [EPHCC], and the El Paso Downtown Development Association [DDA] were interviewed separately regarding the effects of the Operation both on their members specifically and on the El Paso business environment in general. The leaders of the three organizations expressed similar positions regarding the Border Patrol's new strategy for policing the border. None of the leaders expressed any objection in principle to the redeployment of Border Patrol agents to the frontline border. Rather, they complained about the implementation of the Operation by the federal authorities, which they believed was done without regard for its effects on the local community.

First, they objected that the Operation was launched without warning. They felt that they should have been consulted prior to the redeployment of agents so that they could have minimized any negative impacts on business in El Paso and avoided alienating Mexican customers of El Paso businesses. Having spent many years developing close working relationships with the Juárez and Chihuahua City business communities, they were hard pressed to convince their counterparts across the Rio Grande that they did not receive advance notice of the Operation. Representatives of the GEPCC, EPHCC, and DDA requested meetings with officials from the INS/Border Patrol and Customs Service subsequent to the Operation to promote better communications and understanding between the federal authorities and the local communities. These meetings continue to take place, but leaders of each organization expressed doubts as to whether the meetings would lead to greater INS/Border Patrol sensitivity to their concerns in the future.

Second, they objected to the conceptualization and naming of the INS operation as a "blockade," and its implementation as a "crackdown" attempting to "seal" the border. Leaders of each of the business organizations maintained that "perception is reality," especially when most people get their information from the news media and not from direct experience with events. They complained that the overnight presence of dozens of armed Border Patrol agents at the river and on the international bridges gave the appearance of a military blockade of the border. This image, once transmitted by the news media to people in Mexico, provoked widespread fear and resentment, even on the part of many people who had legal authorization to cross the border. A blockade, these leaders argued, is what the United States did to Cuba and Iraq and implies both a ban on movement of persons and a prohibition against trade and commerce. A blockade on Mexico, a friendly and close neighbor and ally of the United States, could be taken as an affront to Mexicans. This came at a particularly sensitive time, just six weeks before the Congressional vote on NAFTA and in the middle of the El Paso business community's promotion of the El Camino Real Corridor, an economic alliance among Mexican and American cities

stretching from Chihuahua City to Santa Fe, New Mexico. The president of the GEPCC complained that having pictures of "armed guards and steel walls" associated with El Paso in the national media has made it harder to convince companies to locate in El Paso. All three organizations expressed reservations about the construction of any new walls along the border and the use of such military forces as the National Guard to aid the Border Patrol in Operation Hold the Line.

Third, leaders of all three organizations expressed concerns about the treatment of Mexican holders of border crossing cards by INS personnel on the international bridges both during the initial stages of the Operation and subsequent to its conversion to Operation Hold the Line. They received reports from their members that Mexican customers had been subjected to "undue and aggressive" interrogation by INS agents on the bridge, had been turned back at the gate when they were deemed to have insufficient funds to shop, and had their valid border crossing cards confiscated when they failed to answer questions to INS inspectors' satisfaction. The president of the GEPCC and the chairman of the board of the EPHCC each recounted the experiences of Mexican business people they knew, one of whom had owned a business in El Paso for many years, who had been turned back at one of the international bridges after presenting documents they had used for years to cross legally. Making it more difficult to enter the United States for Mexican nationals who have a legal right to do so inevitably hurts business in El Paso, these leaders argued. In each interview, the same observation was made: the federal government had managed to produce additional funds to mount the blockade, but had made no funds available to facilitate legal border crossings by Mexicans. One way this could be done, the business leaders felt, would be to streamline what they see as the current lengthy and expensive bureaucratic process for obtaining Border Crossing Cards.

In terms of the effects of the Operation on the businesses of their members, the leaders of all three organizations reported that they had heard no complaints from members that they had lost any Mexican employees who regularly commuted from Juárez or that any of these employees had been prevented from getting to work in a timely fashion. With regard to the impact of the Operation on sales, there was consensus that the businesses most affected were those retail stores in what is known as the "Golden Horseshoe" in downtown El Paso (South of I-10), which serve many Mexican pedestrian bridge-crossers, and that businesses that could only be reached by car or bus from the border (i.e., those not within walking distance from the river) were less affected. The leader of the DDA reported that although Christmas season sales in 1993 appeared to have been better for the El Paso downtown merchants than they were in 1992, they might have been better still were it not for a "buy Mexican" campaign launched by Juárez retailers to exploit nationalist resentment against the blockade on the part of Mexican consumers. In any event, the DDA leader maintained, the bounce-back in sales in November and December of 1993 did not make up for the losses incurred downtown in September and October, a claim that corresponds fairly well to observations based on zip-code retail sales and to pedestrian bridge-crossing data.

Sales

Gross retail sales are reported to the State Comptroller's Office quarterly. The Research Division provided quarterly reported gross sales data for the retail trade industry for each zip code (**Figure 2**) in El Paso through the end of the fourth quarter of calendar year 1993. **Table 14** shows the percent change in reported gross sales for each zip code area in 1993, comparing each quarter with the same quarter in 1992. El Paso experienced a 5.5 percent increase in reported gross sales in the retail trade industry for the year. The fourth quarter experienced a 3.8 percent increase, the lowest change of any quarter. Only six of the eighteen zip code areas in El Paso showed a decline in the fourth quarter (the quarter in which the Operation occurred), although eight showed an overall annual decline. The overall increases for both quarter and year are heavily influenced by the increases for the quarter and year that occurred in one zip code (79925). That area, containing the international airport and a large shopping mall, accounted for 29.4 percent of the annual gross reported sales in the

Figure 2.

El Paso Postal Zip Codes

retail trade in El Paso and 31.7 percent during the fourth quarter.

Initial complaints about loss of business due to Operation Hold the Line came from business people in the downtown districts. The available data appear to support their contention. Of the six zip code areas that showed a decline in the fourth quarter of 1993 versus the fourth quarter of 1992, four are close to the city's center. Zip code 79901 comprises the downtown district of El Paso south of Interstate 10 and includes the area at the foot of the Paso del Norte Bridge. The area includes the city's civic center and contains the shopping district that serves those Juarenses who walk across the bridge. This area accounted for 10.4 percent of total reported gross retail sales in the city during 1993. Reported gross sales declined by 3.6 percent in that area during the fourth quarter of 1993 versus the fourth quarter of 1992. Other downtown areas include zip code area 79902 (north of Interstate 10), zip code area 79903 (north of Interstate 10 and east of zip code area 79902), and zip code area 79905 (which includes the district at the foot of the Bridge of the Americas). For those four zip code areas combined, fourth quarter gross reported sales in the retail trade industry declined by a total of 8.2 percent. Because of their central location and proximity to the border, complaints that the Border Patrol's operation hurt business in the area appear justified. However, each of those four areas also reported declines in gross sales in 1993 from the comparable period in 1992. Of the twenty-two reported periods of declining sales during 1993, ten were reported by those four zip code areas. Other zip code areas (79907, 79915, and 79922) also are bordered on the south by the Rio Grande but are not downtown. All showed increases in the fourth quarter of 1993 versus the fourth quarter 1992.

Table 14.

PERCENT CHANGES IN REPORTED GROSS SALES IN THE RETAIL TRADE INDUSTRY
ZIP CODES IN EL PASO (1993)

Zip Code	Qtr 1	Qtr 2	Qtr 3	Qtr 4	Total
79901	0.5	1.2	4.6	3.6	0.4
79902	12.9	13.7	2.1	11.9	3.6
79903	6.5	12.8	2.7	0.7	2.6
79904	3.4	6.4	5.1	5.2	0.8
79905	20.5	2.0	4.8	21.1	2.1
79906	25.2	17.3	4.3	2.4	13.7
79907	8.8	5.7	2.7	0.1	4.1
79908	25.7	38.3	2.2	13.8	2.4
79912	13.0	12.2	9.5	15.7	12.8
79915	10.6	16.4	5.5	14.1	14.2
79922	15.8	11.0	4.9	18.6	6.8
79924	2.0	4.3	1.8	0.8	2.2
79925	8.4	5.4	4.7	10.2	7.4
79930	2.1	1.7	3.4	1.6	0.4
79932	18.3	3.7	4.9	11.6	9.7
79934	47.6	12.1	5.7	3.6	14.2
79935	14.8	5.5	5.4	14.2	1.1
79936	22.0	18.4	6.9	3.2	13.8
Total	8.4	4.5	5.8	3.8	5.4

Source: Texas State Comptroller's Office, Research Division

City Sales and Use Tax Collections

Analyzing collections of city sales taxes is another useful way of evaluating the effects of Operation Hold the Line on El Paso's economy. In Texas, the State Treasurer collects sales tax revenues for all taxing entities in the state—state, city, county, and metropolitan transit authorities. Business people forward tax receipts from customers depending on a formula that includes the taxpayer's average monthly revenue. Quarterly sales tax payments are due in the months of February, May, August, and November. The State Treasurer remits to each taxing entity its portion of the tax receipts in a monthly allocation. This amount, remitted by the State Treasurer to each city, roughly represents the amount of city sales tax collected during a given time frame. Taxpayers do not always forward their tax receipts on time and the resulting penalties and interest payments are also included in the monthly allocation figures. While these may alter the data somewhat, they should have little effect on the overall assessment of economic activity.

City sales tax remittances allocated to each city each month are directly related to taxes, penalties, and interest payments received by the State Treasurer. Thus, allocations for February, May, August, and November are generally significantly higher than for the remaining months. They do not indicate periodic surges in economic activity, and adjustments must be made for their presence. **Table 15** shows the percent change in sales tax allocations for selected cities in Texas for the past three years. The last row shows the percent change in sales tax allocations to all the cities in the state. From 1992 to 1993, sales taxes allocated to El Paso increased by 8.4 percent as compared to an 11.1 percent increase for all cities in the state. However, allocations to El Paso have been below the state average in five of the past six years.

Table 16 compares the percent change in sales tax allocations for selected cities in Texas for October through April during the past three years. During the period since Operation Hold the Line began, i.e., October 1993 through April 1994, sales taxes allocated to El Paso increased by 8.7 percent over the same period in the previous year. This compares to a 12.3 percent increase in sales tax allocations for all cities in Texas during the same observation period. Over the past four such observation periods, El Paso's allocations have lagged behind the state, on average, three out of four times. Thus, while the Operation appears to have exerted a negative effect on downtown business activity, it does not appear to have influenced overall business sales negatively in the larger metropolitan area.

Table 15.

PERCENT CHANGES IN SALES TAX ALLOCATIONS
(ANNUAL CHANGES)

	1990-1991	1991-1992	1992-1993
Austin	9.8	7.7	14.1
Brownsville	5.4	5.6	21.0
Corpus Christi	5.9	6.1	7.8
Dallas	1.3	4.7	7.9
El Paso	6.5	5.9	8.4
Fort Worth	0.8	3.8	8.0
Houston	5.6	0.1	5.6
Laredo	16.2	12.7	8.7
McAllen	15.2	19.0	8.1
San Antonio	6.5	6.7	11.3
State of Texas	9.2	7.1	11.1

Table 16.

PERCENT CHANGES IN SALES TAX ALLOCATIONS
(OCTOBER THROUGH APRIL CHANGES)

	1990-1991	1991-1992	1992-1993	1993-1994
Austin	89.3	5.8	14.5	11.9
Brownsville	6.3	7.5	12.7	15.7
Corpus Christi	97.1	1.8	9.0	10.9
Dallas	82.6	2.8	8.4	9.2
El Paso	7.4	6.6	5.7	8.7
Fort Worth	79.2	2.7	5.8	12.5
Houston	92.7	0.6	2.8	6.3
Laredo	13.6	13.8	12.4	8.1
McAllen	60.5	31.2	12.1	6.9
San Antonio	8.2	3.6	10.2	11.2
State of Texas	10.9	5.6	9.5	12.3

Source: Texas Comptroller's Office, Tax Allocation Division

Labor Market

Many people suggest that undocumented migrants entering El Paso to obtain work take jobs away from El Paso residents. If this is true, and if the Operation has been successful in stopping undocumented migrants from entering El Paso, one would expect to see an increase in the number of new job postings after the implementation of Operation Hold the Line. This would particularly be true in the kinds of jobs thought to be filled by illegal migrants: primarily positions in the services, machine trades, benchwork, and structural work occupation groups.

One measure of economic activity in the community is the number of new job order postings recorded each week through the Texas Employment Commission [TEC]. Part of the TEC mission is to assist unemployed persons in their job searches. Many organizations, in both the private and public sectors, notify the local Texas Employment Commission office when jobs become available. Employers seeking persons to fill specific job openings submit job orders to TEC, which, in turn, matches legal U.S. residents who are seeking employment to those job openings. A significant rise in job orders placed by employers with the Employee Services unit of the TEC's office in El Paso is another way in which an increased demand for legal employees in El Paso could be reflected.

To assess the effect of the Operation, the Texas Employment Commission's El Paso Office collected data on new job postings for fifty-nine weeks from January 7, 1993, through May 18, 1994. **Table 17** presents the number of job orders received from employers during the reporting weeks for jobs in the services, machine trades, benchwork, and structural work occupation groups. It also shows total job orders for all nine occupation groups. These data do not cover every week during the period nor do they cover a sufficient period to allow for time-series analysis, but they do provide a rough estimate. As can be seen, the TEC received no obvious surge in placement of job orders following implementation of the Operation, as might have been expected had large numbers of illegal workers suddenly been removed from the El Paso work force. For the week of September 23, 1993, the first week of the Operation, new job order postings increased 1 to 5 percent in the four occupation groups shown; however, new postings dropped in all four groups the following week.

Table 17.

JOB ORDERS TAKEN BY TEXAS EMPLOYMENT COMMISSION, EL PASO COUNTY (BY WEEK)

Date	Services	Machine Trades	Benchwork	Structural Work	Total
01/07/93	60	27	28	25	280
01/14/93	70	22	30	28	287
01/21/93	71	23	33	33	319
01/28/93	67	23	42	38	316
02/05/93	68	29	46	33	320
02/12/93	69	34	66	35	356
02/18/93	83	29	55	32	364
02/24/93	97	40	59	46	433
03/04/93	94	40	57	39	420
03/11/93	105	46	57	33	433
03/17/93	113	41	52	42	467
03/24/93	102	47	65	48	486
04/08/93	136	51	65	59	574
04/15/93	121	49	63	63	528
04/22/93	134	46	59	49	532
04/29/93	136	48	61	53	576
05/06/93	130	58	67	62	593
05/14/93	148	55	59	62	580
05/21/93	156	52	60	52	559
05/27/93	154	50	78	65	591
06/11/93	147	53	89	58	615
06/18/93	149	52	91	58	603
08/12/93	147	71	68	96	636
08/20/93	129	71	75	94	630
08/26/93	131	69	69	90	627
09/02/93	122	73	58	83	595
09/10/93	106	68	57	91	576
09/16/93	98	64	58	77	552
09/23/93	101	66	61	78	557
09/30/93	98	65	51	53	541
10/08/93	98	52	49	87	535
10/15/93	82	57	37	87	505
10/22/93	78	60	50	77	507
10/29/93	78	50	33	74	462
11/04/93	74	37	35	53	405
11/12/93	82	41	34	47	404
11/19/93	75	49	31	47	423
11/24/93	92	45	26	46	402
12/03/93	88	42	39	43	398
12/10/93	83	38	31	45	380
12/23/93	85	38	34	46	392
12/30/93	90	32	30	41	364
01/06/94	96	33	39	38	382
01/14/94	108	33	43	53	419
01/21/94	108	32	44	51	431
01/28/94	109	38	29	51	396
02/11/94	88	38	32	43	425
02/18/94	82	48	34	39	421
02/24/94	72	46	34	35	373
03/11/94	84	61	44	54	460
03/18/94	94	58	40	46	463
04/01/94	100	58	42	56	496
04/08/94	98	58	48	58	483
04/14/94	100	61	54	42	481
04/21/94	128	54	46	52	280
04/28/94	105	58	46	57	266
05/05/94	113	49	40	57	259
05/12/94	97	50	42	56	245
05/18/94	110	43	34	60	247

Source: Texas Employment Commission, El Paso Office

Table 18 shows the mean number of new job order postings for the four occupation groups and the total prior to and after the implementation of Operation Hold the Line, as well as the means for the entire data set. As can readily be seen, the mean number of new job order postings after implementation of the Operation declined in three of the four occupation groups after the Operation was implemented. Only in the machine trade occupation group did the mean number of new job order postings rise, and then only by 1.3 percent. The incompleteness of the available data limits analysis; however, it would appear that the operation has had little, if any, impact on the formal labor market in El Paso. It is more likely that the fluctuations observed in the data are due to changes in economic conditions or effects of the business cycle. It may be that many Juárez residents who work illegally in El Paso do so not for formal companies, but rather for private individuals and informal enterprises in various kinds of domestic service—lawn maintenance, gardening, housecleaning, daycare, and construction. Employers of illegal workers, to the extent that they are not formal companies, may not tend to use the TEC job order service.

If the number of Juárez residents working illegally in El Paso were very large, if such persons were performing jobs vital to the local economy that were seen as desirable by legal U.S. residents, and if Operation Hold the Line made it impossible for a substantial number of those working illegally before the Operation to continue to do so afterwards, one would expect the demand for labor from U.S. residents to rise measurably after the Operation began. One way in which increased demand for U.S. resident labor could manifest itself would be in a decline in the local unemployment rate in the months following the blockade. **Table 19** gives monthly unemployment figures for El Paso County from 1989 through the end of 1993. As can be seen, no substantial, unseasonable rise or fall in the unemployment rate took place after the Operation started in late September 1993. The post-Operation average unemployment rate of 10.6 percent is identical with both the average rate for the months January-August from 1989 through 1993 and for the months October-December from 1989 through 1992.[21]

Our field work and review of the relevant quantitative data available in El Paso/Juárez indicate that the proportion of Juárez residents working illegally in El Paso before the blockade was probably relatively small and that most of them worked in domestic service, as street vendors, or for construction contractors at rates of pay not attractive to most legal U.S. residents. As noted above, while the Operation has reduced illegal crossings, it has not entirely eliminated them. Moreover, part of the reduction in illegal crossings may be due to people extending their stays on the El Paso side so as to continue working while commuting back and forth less frequently. Finally, most of the Juárez residents working illegally in El Paso cross the border legally with a Border Crossing Card and thus have not been

[21] We exclude the month of September from these comparisons of the average unemployment rate because of the temporary disruptions that occurred in cross border traffic in the first days of Operation Blockade.

Table 18.

MEAN NEW JOB ORDER LISTINGS FOR EL PASO TEXAS EMPLOYMENT COMMISSION
SELECTED WEEKS

Means	Services	Machine Trades	Benchwork	Structural Work	Total
Preimplementation	112.3	47.5	59.5	55.1	494.6
Postimplementation	93.4	48.1	39.7	53.9	448.7
Combined means	102.4	47.8	49.1	54.5	470.5

Source: Texas Employment Commission, El Paso Office

Table 19.

UNEMPLOYMENT RATE IN EL PASO COUNTY
(BY MONTH AND YEAR)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
1989	11.0	10.8	9.7	10.1	8.9	10.8	10.8	10.6	9.6	11.1	9.5	10.2
1990	9.7	12.1	9.6	10.2	10.7	10.8	10.7	10.3	11.0	9.7	12.2	11.3
1991	12.0	10.6	10.9	11.4	10.5	10.0	10.9	10.1	10.1	11.3	10.5	10.1
1992	12.3	11.4	10.7	10.6	10.5	11.9	10.5	9.4	10.6	9.7	10.8	10.8
1993	11.7	11.3	9.3	9.6	9.3	10.9	10.3	9.3	9.5	10.6	10.3	11.0

Source: Texas Employment Commission, El Paso office

prevented from working by the Operation, which seeks mainly to curb illegal crossings, not illegal employment. Thus, the lack of any sign of a substantial impact of the Operation on the El Paso labor market is perhaps not surprising.

The legalization provisions of the Immigration Reform and Control Act of 1986 are also likely to have had an impact on the employment and wages of undocumented Mexican workers in the El Paso area (Sorensen & Bean 1994). In the late 1980s, many Mexicans living and working illegally in El Paso legalized their status through the INS amnesty program. Thus hundreds of maids, gardeners, farm workers, nannies, mechanics, and others who formerly worked illegally continued on in their jobs as legal workers. According to the leader of the *Union de Trabajadores Agricolas*, an El Paso farm worker organization, most farm workers in the area now are legal residents. According to this source, most growers and ranchers have no incentive and thus refuse to hire undocumented workers. In El Paso's Plaza San Jacinto, interviews at bus stops with a number of immigrant women working as housecleaners uncovered that they were not Juárez commuter workers, but legalized El Paso residents. It is likely, then, that the legalization of many of the El Paso area's undocumented workers may have dampened any labor market effects that Operation Hold the Line otherwise might have had.

Tourism

Although there was some initial concern over the potential impact of the Operation on tourism in El Paso, that concern appears to have rapidly waned. Tourism is the second largest industry in El Paso, and one would have expected a decline in hotel occupancy rates if tourism were appreciably affected. **Table 20** shows monthly hotel occupancy rates from January 1990 through May 1994. The rates dropped from September 1993 through February 1994 compared to the same months in the previous year. However, occupancy rates have been declining over the past three years. The major exceptions, in July and August 1993, were due to state and regional meetings held in El Paso during those months.

Conversations with El Paso Tourist Bureau employees suggest that factors other than Operation Hold the Line were at work and, in their judgment, were more likely to have influenced tourism and hotel occupancy than the Operation. A major factor appears to be the declining budget of El Paso Tourist Bureau. Advertising is a prime factor in inducing people to visit the city. Another factor may have been the nationwide trend in recent years for shorter vacations, which means that tourists tend to stay closer to their home areas. El Paso draws on the northern plains states and the Midwest for much of its tourism trade. Because of its distance from those areas, El Paso may be experiencing the effects of the general trend and the unwillingness of tourists to spend extra time on the road.

Bus Ridership

We also received ridership data from representatives of both Sunland Metro (the local bus company) and Greyhound Corporation in El Paso. Neither

Table 20.

HOTEL OCCUPANCY RATES IN EL PASO
(January 1990-May 1994)

	1990	1991	1992	1993	1994
January	71.0	70.3	68.1	67.7	65.2
February	74.2	76.0	71.8	74.4	72.2
March	76.6	78.4	78.0	71.3	74.4
April	75.0	74.6	76.4	71.9	76.7
May	76.4	76.0	75.0	70.9	74.7
June	81.0	80.1	77.2	74.7	
July	79.5	77.5	75.9	79.1	
August	79.3	74.6	73.1	85.4	
September	67.9	72.2	74.0	70.0	
October	70.6	73.7	71.5	68.8	
November67.5	67.9	66.9	65.3		
December	70.7	69.7	66.0	65.7	

Source: El Paso Tourist Bureau

company noted any appreciable change in ridership following the launching of Operation Hold the Line. Greyhound notes that it makes little sense for undocumented Mexicans to attempt to leave El Paso on its buses because Border Patrol personnel routinely board buses at highway checkpoints on the way out of town to check riders' documents. About one or two undocumented persons a month are removed from Greyhound buses as a result.

That Sunland Metro ridership was not affected by eliminating the crossing of undocumented Mexicans seems to indicate that few undocumented residents of Juárez were using the Sunland Metro system to get to work in El Paso. Conversely, it also suggests that the majority of the Mexican domestic workers employed in El Paso are (1) either U.S. citizens or legal permanent residents who choose to reside in Juárez while working in El Paso, or (2) holders of Border Crossing Cards who enter the United States legally in order to work illegally. At the downtown San Jacinto Plaza we ascertained that many Mexican women queued up every morning to board Sunland Metro buses headed for outlying parts of El Paso. Thus, the Operation does not appear to have halted the employment of domestic workers from Juárez.

Accidents

One alleged side effect of Operation Hold the Line was improved safety along Loop 375, the "Border Highway" that extends from the Paso del Norte Bridge in downtown El Paso to the Zaragoza Bridge. This stretch of highway parallels the Rio Grande and is an obstacle to illegal border crossers. Having crossed the river, migrants are faced with crossing this high-speed, limited-access, four-lane divided highway, a main traffic artery bringing El Pasoans from the east into the downtown area. Prior to the Operation, migrants were known to run across the road, dodging oncoming traffic. Border Patrol agents were stationed along the levee between the river and the highway as part of the Operation Hold the Line strategy. This placement of agents virtually eliminated border crossings in that area. Several interviewees cited the reduction in highway congestion caused by border crossers and the consequent reduction in highway accidents and fatalities.

A Texas Department of Public Safety search of its official record of automobile-pedestrian traffic accidents January 1, 1989 through May 1993, along the border highway from Santa Fe Street at the foot of the Paso del Norte Bridge and Zaragoza Avenue, which extends from the Zaragoza Bridge, found thirty-four reports involving thirty-six pedestrian injuries.

Table 21 provides information about each of those reported accidents. Two involved El Paso residents, one with a non-Hispanic surname. Twenty-one of the pedestrians were residents of Juárez, eight were from the interior of Mexico, and the residences of five were undetermined. Ten of the accidents resulted in fatalities. In one accident, two pedestrians were killed. In anther accident a mother carrying her one month old baby was injured and the child was killed.

While there have been no automobile-pedestrian accidents reported on Loop 375 since May 1993, there is insufficient data to determine what effect, if any, Operation Hold the Line has had. In spite of the suggestion that automobile-pedestrian accidents were frequent occurrences, there have been no more than 8 in any one year, and the average is fewer than 6.5 per year.

Juárez Business Activities

We interviewed several leaders of the three major business organizations in Juárez: the *Cámera Nacional de Comercio* [*CONACO*], the *Cámera Nacional de la Industria de la Transformación* [*CANACINTRA*], and *Desarrollo Económica de* Juárez. Of the three, only *Desarrollo Económica* is not officially sponsored by the national government. We asked for their views on Operation Hold the Line in general and its effects on the economy of Juárez in particular. There was general consensus in both their views on the Operation and its effects on the Juárez economy.

First, all three viewed the Operation as an unnecessary affront to Mexicans and the antithesis of the good neighbor policy that they and their counterparts in El Paso had been trying to develop over the years with such joint projects such as the creation of the *El Camino Real* trade corridor. Manuel Ochoa, the leader of *CONACO*, placed particular emphasis on the interdependence of the two cities, commenting that "the two are not just twin cities, but Siamese twin cities, sharing the same digestive system." The other leaders concurred that what was damaging to Juárez was also damaging to El Paso and that federal authorities in Mexico City and Washington often failed to appreciate this local reality. Each business leader expressed resentment of the portrayal in the press of Mexican illegal crossers as a criminal element and of the INS officials' treatment of legal Mexican crossers as criminal suspects. Each knew of business people or their employees who had experienced harassment and other difficulties at the hands of INS officials on the bridges in the first days after the Operation began, though they acknowledged that treatment of Mexican entrants subsequently improved. They emphasized that Mexicans who crossed into El Paso illegally were "productive people who go there to work, not to steal," in the words of Mr. Ochoa. While the leaders did not question the Border Patrol's right to enforce the laws of the United States, they did object to the way in which the Operation was undertaken: as a surprise, action that fomented animosity between Mexicans and U.S. citizens.

Second, all three business leaders concurred that the negative publicity surrounding Operation Hold the Line led to steep drops in business among restaurants, bars, nightclubs, and shops in downtown Juárez that catered to U.S. tourists. A press release issued by CONACO shortly after the Operation's implementation described its impact:

> On September 19, 1993, the Immigration and Naturalization Service of the United States of America, acting through the Border Patrol, El Paso District, under the command of Silvestre Reyes, implemented what was named "Operation Blockade," with the goal of reducing the flow of undocumented persons across the international boundary separating Juárez and El Paso. Parallel to this, a negative publicity campaign towards Ciudad Juárez was undertaken by the U.S. press which warned U.S. citizens of the risks they faced upon visiting this border city and exposing themselves to a situation of lack of public order and police abuse. The effects of this were felt immediately in the form of a drop in visitors from El Paso, who were even less disposed to come upon seeing the long lines going back into El Paso occasioned by the scrupulous inspections being realized by immigration and customs agents.

Table 21.

AUTOMOBILE-PEDESTRIAN ACCIDENTS
EL PASO BORDER HIGHWAY (L375)
(JANUARY 1989-May 1993)

	Date	Day	Time	Gender	Age	From	Fatality
1989	Jan 5	Thur	7:15 PM	female	21	Durango	X
				female	25	Durango	X
	Apr 7	Fri	12:45 PM	male	16	Juárez	
	May 20	Sat	11:38 PM	male	33	El Paso	
	Jun 14	Wed	6:20 PM	male	17	Juárez	
	Jul 14	Fri	2:30 PM	male	25	Chiapas	
	Aug 13	Sun	11:30 PM	male	25	Juárez	
	Oct 29	Sun	12:30 PM	female	unk	Juárez	
	Dec 15	Fri	5:50 PM	male	27	Juárez	
1990	Jan 23	Tues	7:45 AM	male	22	Juárez	
	Apr 13	Fri	7:05 PM	male	29	Juárez	
	May 13	Sun	2:05 PM	male	23	Juárez	
	May 19	Sat	7:35 PM	male	22	Juárez	
	Jul 12	Thur	2:00 PM	male	25	Juárez	
	Aug 17	Fri	5:53 PM	female	21	Durango	
	Sep 8	Sat	2:05 PM	male	20	Juárez	
	Dec 21	Fri	3:30 PM	male	31	Juárez	
1991	Mar 11	Mon	10:42 AM	female	21	Juárez[22]	
				male	1 mo.	Juárez	X
	Apr 27	Sat	10:05 AM	male	31	El Paso	X
	May 29	Wed	8:53 AM	male	30	Juárez	
	Jul 1	Mon	12:15 PM	male	unk	unk	X
	Nov 27	Wed	6:30 AM	male	47	Juárez	X
	Dec 20	Fri	5:50 PM	male	unk	unk	X
1992	Jan 14	Tues	3:50 PM	male	33	Durango	
	May 16	Sat	10:50 PM	male	33	Juárez	X
	Jul 21	Tues	9:00 PM	female	30	Juárez	X
	Aug 14	Fri	7:55 PM	male	unk	unk	
	Aug 17	Mon	3:23 PM	female	50	Torreon	
	Sep 23	Wed	7:40 PM	male	22	Luvianos	
	Dec 2	Wed	6:25 PM	male	26	Juárez	X[23]
	Dec 4	Fri	12:10 PM	male	25	Juárez	
1993	Jan 21	Thur	1:15 PM	female	37	Durango	X
	Mar 16	Tues	5:15 PM	male	37	Juárez	
	May 2	Sun	6:05 PM	male	unk	unk	
	May 3	Mon	4:00 PM	male	unk	unk	

Source: Texas Department of Public Safety

[22]Woman was carrying the baby. Two witnesses with the woman accompanied her to the hospital. The woman, baby, and witnesses were all illegal aliens.

[23]Blood-Alcohol Content was 0.23.

CONACO's Department of Economic Studies conducted a survey of thirty restaurants, eight discotheques, eighteen bars, and twenty-two hotels located on streets in the city's tourist area, and asked each to estimate how much their business was up or down in number of customers entering their establishments since the Operation and reported:

- Discotheques experienced a 38 percent reduction in clientele, on average;
- Bars experienced a 74 percent reduction; and
- Restaurants and hotels each experienced a 45 percent reduction in customers immediately following the blockade.

At the same time, *CONACO* acknowledged the limitations of its survey:

> We are conscious of the fact that it is difficult to make a precise quantitative evaluation of the repercussions of the Operation. Furthermore, several other situations come into play such as: old problems of public security, traffic, taxi drivers, street vendors and beggars, and police, as well as the gradual loss of the tourist sector's ability to attract visitors contraction of economic activity in the country as a whole, as a consequence of measures taken by the Mexican government in 1992 to decelerate the economy and reduce inflation to one digit; and the economic difficulties faced by the United States and that impact us directly.

In other words, the Juárez tourist business was already hurting before the Operation began, and the other problems plaguing it make it difficult to gauge the Operation's effects after its first few weeks. None of the three business leaders we interviewed felt that other sectors of the Juárez economy had been materially harmed, and none, save for those appearing in the *CONACO* report quoted above, had received complaints from their members reporting specific business problems generated for them by the Operation.

Conclusions

The implementation of Operation Hold the Line may have affected the economic activity in central areas of the city negatively; however, its impact apparently was not felt much in other parts of the city. Comparing the reported gross sales in the retail trade industry in El Paso during the fourth quarter 1992 to the fourth quarter 1993, the city showed a 3.8 percent increase overall. As this is the lowest percent increase of any quarter during the year, it is not unreasonable to believe that Operation Hold the Line had some negative influence. The decline in the downtown area was almost certainly due in part to a combination of factors related to the Operation, including a reduced flow of undocumented border crossers, delays of documented border crossers at the ports of entry (because of either more stringent inspections or protests on the Mexican side), anti-American sentiment and the "Buy Mexican" campaign, and general concern by Mexican residents about crossing into El Paso to shop. However, other factors, including the condition of the Mexican economy, may have played a role. It is difficult, therefore, to determine to what extent Operation Hold the Line affected retail sales in El Paso during its first three months of operation.

Comparison of city sales and use tax data do not suggest that Operation Hold the Line had any significant impact on the overall economy of the city. El Paso has about 3.5 percent of the state's population. Receipts from city sales and use taxes in El Paso constitute about 2.5 percent of the state's total revenue from those sources, reflecting the area's economic conditions. Over the past six years these percentages were relatively constant. El Paso's trailing behind the state's average growth is more likely due to national and global factors than to Operation Hold the Line. Comparisons of labor market data, hotel occupancy rates, and bus ridership information also provide little evidence to indicate that the Operation had much overall effect, although downtown businesses may have been affected. Business leaders' complaints, except in the case of downtown businesses, thus appear to have been exaggerated and largely unfounded.

V. Effects on education, Births and Social Services

This chapter examines the effects of Operation Hold the Line on school enrollments, registered births in El Paso County, births in Thomason Hospital (the only hospital in El Paso County providing indigent health care), and welfare programs in El Paso. Examination of these factors is important because of the widespread perception that illegal migrants are attracted to U.S. border communities because they can receive free social and health services there. If these types of flows were large to begin with, and if the Operation has slowed the flow of these persons crossing the border, we should see some evidence of this in the form of fewer persons receiving social and health services after than before the Operation. This chapter also reports what was learned about the effects of the Operation on the delivery of social services in Juárez, although the information we were able to obtain was quite limited.

Education

There has been considerable discussion about the impact of illegal immigration upon the United States' educational system. Studies of the costs of educating the children of illegal immigrants find that this expense is one of the highest, if not the highest, associated with illegal immigration (Clark & Passel 1993; Huddle 1993). For some observers, this expenditure is viewed as a sound investment in the nation's future. However, for others such children are seen as "free riders" because their parents often do not shoulder a proportionate share of state and local taxes used to finance education, even though they pay a substantial amount of federal taxes. In communities along the U.S.-Mexico border, an important issue is the extent to which Mexican children cross the border to attend schools free, especially middle and high schools, as free public education in Mexico extends only through sixth grade. Thus, it has been argued that if the Border Patrol were able successfully to stem the flow of illegal migrants into the United States and of children crossing the border from Mexico to attend school, the burden on local taxpayers would be greatly diminished. An important part of assessing the impact of the Operation thus involves determining how the Operation affected the El Paso schools.

At the outset, the distinction between Mexican residents and illegal immigrants must be clarified. These two groups are often lumped together during the debate over school financing, as well as debates over such issues as medical care, but they are two very distinct groups, each of which has a different impact on U.S. immigration and immigrant policy. One group consists of Mexican residents who send their children to El Paso for free public schooling, thus violating laws dealing with both public education and immigration policy. The other group consists of immigrants who enter the country illegally and settle. This group is violating immigration, but not education, laws. While we are not condoning the violation of any law, for the present discussion it is important to understand the differing nature of the violations committed by each group.

El Paso is a multicultural city with a large Hispanic population. Approximately 70 percent of the city-county population is Hispanic. There are nine independent school districts [ISDs] in El Paso County, two of which are in the city itself. In the Fall 1993-1994 school term, 64,141 students were enrolled in the El Paso ISD, and 49,398 were in Ysleta ISD. Hispanics constituted 74.3 percent of the enrollment in El Paso ISD and 83.2 percent in Ysleta ISD. The remaining seven ISDs enrolled 33,758 students, of whom 90.2 percent were Hispanic.

While the public argument rages over the free rider issue, a combination of legal restrictions and funding limitations have prevented school districts from eliminating illegal immigrant and border crossing students from their enrollment rosters. The free-rider perception notwithstanding, the U.S. Supreme Court [*Plyler v. Doe*, 457 U.S. 202, 102 S.Ct. 2382 (1982)] declared that the age and residence of the student or the residency of the student's parent(s) are the sole criteria for admission to public schools. Further, under federal guidelines, residency requirements have been declared inapplicable when a child is declared homeless. Therefore, school administra-

tors are prohibited from asking applicants their nationality or immigrant status. To conform with that ruling, the 72nd Texas Legislature amended Section 21.031 of the Texas Education Code relating to the admission of children to the public school system so that under current law, the only requirement to attend a public school in Texas is residency within that school's district. Consequently, the distinction discussed above between Mexican residents and illegal immigrants plays a key role in education policy because it is not a more serious violation of state and federal law for a student who resides in Mexico to fraudulently enroll in an El Paso area school than it is for a student who is a resident of another school district within the county.

Since residency is the key requirement for school enrollment, the issue for school district administrators has become one of determining the actual residency of the prospective student. To prove residency, an applicant must submit some form of documentation that reasonably assures the school district's administrators that the student does reside within the district. Acceptable documentation includes utility bills, rent receipts, and notarized statements by landlords confirming a person's residency. The various forms of acceptable documentation are evidently easy to obtain. Anecdotal evidence suggests that documents can be obtained through the black market if not from friends or relatives, so the task of confirming a student's residency declaration with absolute certainty is nearly impossible. As in most jurisdictions around the country, families frequently move into and out of neighborhoods, which makes keeping track of who lives within the district boundaries a daunting task. Changing residency from one school district to another is prohibited by Texas law only in cases where the primary purpose for moving is either to participate in extracurricular activities or to evade court-ordered desegregation plans.

School districts have standard procedures for reviewing and accepting applications for enrollment. When an individual applies to a district for admission of a student, the district's administrative staff reviews the application. Applications which appear irregular are investigated prior to admission. However, although the required documents appear to be relatively easy to obtain, there is rarely a reason to challenge an application in which the appropriate documentation is properly presented. Some apparent irregularities, such as a student's having a different surname from that on the documentation, are often easily explained. Because of concern over fraudulent enrollments, each district has a system for ensuring the residency status of its enrolled students. Each campus administration identifies students it believes are not district residents. Identification may be based on attendance records, tips received from other students or parents, or some other means. District officials investigate, and if it is determined that a student is not a resident, the school's principal takes action to disenroll the student. The administrative and investigative staffs, however, are small for the size of the enrolled school population. Therefore, it is difficult to ensure that no nonresident students are enrolled in a district. During the 1992-1993 school year, less than 1 percent of the students in the El Paso ISD were determined to be fraudulently enrolled in the district. Students and their parents have the legal right to appeal an unfavorable ruling through the school system to the president of the school board and through the court system; however, according to school officials, appeals are rare because decisions to disenroll a student are usually based on fairly substantial and irrefutable evidence.

There is no legal way to determine accurately the number of residents of Mexico who are enrolled as students in the El Paso and Ysleta school districts. Essentially, there are three options available to Mexican residents who wish to enroll their child in a school in the El Paso area. Option one is to have the child live in Mexico and commute daily. Option two is to send the child to live with friends or relatives in El Paso during the school year, returning home to Mexico at varying intervals. Option three is to obtain the necessary documentation and pay tuition to enroll the child in either a private school or in an El Paso ISD school.[24]

[24] Unlike other area school districts, nonresident students may legally enroll in El Paso ISD schools by paying tuition.

The school administrators and teachers interviewed for this study considered option one less common than option two because of the inconvenience, expense, and hazards inherent in crossing the border. One might speculate that daily student-crossers are more likely to be older, higher grade-level students. Some option two student-crossers might choose to return to Mexico every weekend, while others might only return to Mexico during extended school holidays such as Christmas. This foster homelike arrangement is not an uncommon practice in Mexican culture and is facilitated in El Paso/Juárez because many Mexican families have members living on opposite sides of the border. Option three is clearly a choice only for more affluent Mexicans.

These three options result in five possible groups of student-crossers. The first group consists of students who enter the United States surreptitiously, lacking appropriate legal-entry documentation. Group two consists of daily student-crossers who enter through a port of entry using a legal entry document, such as the Border Crossing Card. Although the BCC is not intended to be used for this purpose, it is possible for a child to enter the country through a port of entry every day without being stopped. Groups three and four consist, respectively, of undocumented and documented student-crossers who live in the foster homelike circumstances. The possession or nonpossession of legal-entry documents may or may not determine the frequency of crossings during the school year. Group five consists of those student crossers with legal border crossing documents who attend school legally in the United States (e.g., University of Texas-El Paso students with student visas or tuition-paying parochial school students).

Closing the border under Operation Hold the Line might have affected each group differently. We hypothesized that those without documents would be most affected, as the new strategy was designed to prevent people from crossing the border at locations other than the legal points of entry. It appears that long lines, delays, and fear of having one's documents confiscated may have prevented some Mexican residents with legal border crossing documents from crossing during the first weeks of the Operation for such legitimate purposes as shopping and visiting relatives. Nevertheless, while those with documents who used them to cross after the Operation began may have been inconvenienced by long lines, they should have been minimally affected.

Clearly, students without documentation should have faced more significant challenges from Operation Hold the Line. Those who were crossing the border daily without benefit of papers (group one) should have been most affected. Since the Operation began on Sunday morning, some of those in group three may have been in Mexico for the weekend and would have been affected along with the daily crossers. Both groups would have experienced delays in crossing and may have been stopped altogether. However, we heard reports that crossers can evade the Border Patrol, although to do so sometimes means circumnavigating the line. On the other hand, those in possession of legal-entry documentation (groups two, four and five) and those in group three who were on the U.S. side of the border on September 19th, should have been unaffected.

If the Operation was successful in preventing undocumented students from crossing, then daily attendance would have dropped in proportion to the number of student crossers. While a few interviewees recalled some attendance irregularities during the first few weeks of the Operation, records from the El Paso ISD and Ysleta ISD schools do not indicate a significant change in enrollment subsequent to implementation of Operation Blockade. In El Paso ISD, enrollment dropped by 193 students from one week prior to implementation to one week after implementation, three tenths of one percent (.003) of the school district's population and compares to a 112-student drop over the analogous period for 1992.[25] **Table 22** shows changes in enrollment for selected schools (near the border) during the two periods of observation.

[25] Comparison was made of 1993 enrollment at the end of the fourth week of classes (Sept. 9) versus enrollment at the end of the sixth week of classes (Sept. 24) and was contrasted with 1992 enrollment at the same time of the school year (Sept. 17-Oct. 2).

Two schools virtually adjacent to the border showed larger changes. Enrollment at Bowie High School declined by 204 students during that two-week period in 1993 versus a decline of 18 students during the same period in 1992. The net difference is a decline of 186 students. By comparison, the remaining 9 high schools in the El Paso ISD went from a decline in enrollment of 130 students in the observed period of 1992 to a decline of 124 students in the 1993 observation period. That indicates that 6 fewer students left El Paso ISD high schools in the observed period of 1993 than occurred during the same period in 1992. Enrollment at Guillen Middle School changed from an increase of 66 students in 1992 to a decrease of 6 students during the critical period in 1993, a net negative change of 72. The 10 remaining middle schools in the district saw the 1992 decline of 54 students reduced in 1993 to 17 students, a net positive change of 37.

In contrast to Bowie High School and Guillen Middle School, elementary schools along the border experienced smaller changes in enrollments. Hart Elementary School, virtually next door to Guillen Middle School, showed a 1 student gain during the two-week period around the Operation versus a 5 student gain during the comparable period in the previous year. Aoy and Roosevelt Elementary Schools, each within three blocks of the foot of the Good Neighbor Bridge in downtown El Paso, showed enrollment increases in the 1993 study period that exceeded increases during the comparable 1992 period. Total enrollment for all El Paso ISD elementary schools increased by 24 students during the 1992 observation period versus an increase of 158 students during the 1993 period. The difference in gain between the two periods (158 - 24 = 134), when combined with the high school and middle school figures, resulted in a total (negative) change of 81 students between the two periods for the entire

Table 22.

CHANGES IN ENROLLMENT, SELECTED SCHOOLS
EL PASO INDEPENDENT SCHOOL DISTRICT

			Chng			Chng	Chng
	9/17/92	10/2/92	1992	9/9/93	9/24/93	1993	92-3
Bowie HS	2,055	2,037	-18	2,074	1,870	-204	-186
Other 9 HS	14,777	14,647	-130	15,431	15,307	-124	6
Total HS	16,832	16,684	-148	17,505	17,177	-328	-180
Guillen MS	1,023	1,089	66	1,020	1,014	-6	-72
Other 10 MS	10,362	10,308	-54	11,453	11,436	-17	37
Total MS	11,385	11,397	12	12,473	12,450	-23	-35
Alamo EM	406	398	-8	407	411	4	12
Aoy EM	740	741	1	735	739	4	3
Burleson EM	709	719	10	656	659	3	-7
Clardy EM	946	953	7	960	966	6	-1
Hart EM	806	811	5	821	822	1	-4
Roosevelt EM	368	358	-10	385	386	1	11
Other 51 EM	30,837	30,856	19	31,217	31,356	139	120
Total EM	34,812	34,836	24	35,181	35,339	158	134
Grand Totals	63,029	62,917	-112	65,159	64,966	-193	-81

Source: El Paso Independent School District, Research & Evaluation Division

school district. Data from **Table 22** also suggest that those students who cross the border daily, or at least on a regular basis, to attend classes illegally may be older, higher grade-level students. The large changes occurred at the high school and middle school level; there was little change in the elementary schools.

The changes that occurred have induced El Paso ISD administrators to declare that the district lost approximately five hundred students districtwide as a result of the Border Patrol's operation, possibly as many as one thousand, based on annual projections of the growth in enrollment. While losses based on projections are hypothetical, actual changes in enrollment are known to have occurred. **Table 23** shows school enrollments in each of the nine ISDs in El Paso County for the 1992-1993 and 1993-1994 school years, based on figures provided at the end of October each year. While each of the other school districts recorded an increase in enrollment, El Paso ISD is the only district where enrollment declined (by 110 students). While that is only 0.2 percent of the school district population, the percent change is not what is significant. What is critical is that El Paso ISD is the only district where enrollment declined and that Clint and San Elizario, the two districts immediately to the east of the end of the Operation line also showed gains. Those figures indicate that the Operation caused a small shift in school enrollments.

In Ysleta ISD, enrollment remained virtually unchanged around the time the Operation was implemented. During the week prior to the establishment of Operation Blockade (Sept. 13-17), the attendance rate in Ysleta ISD schools was 95.4 percent. During the first week the strategy was in place (Sept. 20-24), the attendance rate was 95.7 percent. School administrators in Ysleta ISD, mindful of the border situation, observed a decline in attendance immediately following the Christmas vacation. However, average daily attendance returned to normal within a week. Some administrators attributed the temporary decline in the attendance rate to parents taking their children for extended Christmas vacations. Numerous El Pasoans visit relatives in Mexico during Christmas vacation and the timing differences between the two jurisdiction's vacation periods often causes attendance fluctuations at the beginning of the new year.

Although school districts are partially funded by local taxes, state and federal governments subsidize local school systems from other tax revenues as well. It is widely believed that local property taxes constitute the main source of revenue for school districts. However, state sales taxes and federal income taxes

Table 23.

SCHOOL ENROLLMENTS IN NINE EL PASO COUNTY ISDs

	1992-93	1993-94	Change	% Change
Anthony	752	753	1	0.1
Canutillo	3,897	4,151	254	6.5
Clint	4,819	5,323	504	10.5
El Paso	64,251	64,141	-110	-0.2
Fabens	2,537	2,572	35	1.4
San Elizario	2,538	2,876	338	13.3
Socorro	16,757	17,614	857	5.1
Tornillo	448	469	21	4.7
Ysleta	49,273	49,398	125	0.3
Totals	145,272	147,297	2,025	1.4

Source: Texas Education Agency

also support school systems. Each school district receives funding assistance from the state and federal governments based on the average daily attendance figures submitted by the school districts. In Texas, as in many states, each independent school district imposes an *ad valorem* tax on real property to support its operations, and since the 1986-1987 school year, the average level of local tax rates has risen by 81 percent statewide. As many observers note, both legal and illegal immigrants pay taxes. Illegality of one's residency status does not absolve one of paying taxes. Being in the United States illegally does not prevent one from buying or renting a house, apartment, or other place to live. Home owners and renters (through their landlords) pay property taxes regardless of their immigration status, and residents, both legal and illegal, pay sales taxes on purchases of goods and services.

In an attempt to ensure equality of education throughout the state, funding from state and federal sources is distributed asymmetrically, the intent being that economically disadvantaged districts should receive higher percentages of funding assistance. Each El Paso County school district receives a percentage of state and federal funding in excess of the statewide average for assistance because the county has a relatively high percentage of economically disadvantaged students in its population. **Table 24** lists 1992-1993 school year enrollments for each of the nine independent school districts in El Paso County and shows the percentage of economically disadvantaged students within each district. Nearly 63 percent of the county's students are classified as economically disadvantaged, as compared to 43.6 percent for all students within the state. The smaller districts have even higher high percentages of economically disadvantaged students, particularly San Elizario (96.2 percent) and Tornillo (97.3 percent). These higher percentages justify the provision of such special services as free lunch programs that mean higher costs for the school district and, subsequently, a greater requirement for funding assistance from the state and federal governments.

Table 25, which shows each school district's total funding for school year 1992-1993 and displays the budgeted revenue distribution for each of El Paso County's nine independent school districts, shows each public school district in El Paso County received at least two-thirds of its annual funding from a combination of the state and federal governments for the 1992-1993 school year. By comparison, the mean statewide distribution of state and federal

Table 24.

SCHOOL ENROLLMENT AND PERCENTAGE OF STUDENTS CLASSIFIED AS ECONOMICALLY DISADVANTAGED
(1992-1993 SCHOOL YEAR)

District	# of Students	% of Students Econ Disadv	Total
Anthony	752	77.3	581
Canutillo	3,897	69.8	2,720
Clint	4,819	72.8	3,508
El Paso	64,251	60.8	39,065
Fabens	2,537	83.0	2,106
San Elizario	2,538	96.2	2,442
Socorro	16,757	65.2	10,926
Tornillo	448	97.3	436
Ysleta	49,273	59.6	29,367
County Total	145,272	62.7	91,150

Source: Texas Education Agency

funding for school districts was 48 percent (41 percent state and 7 percent federal). There is no intent to suggest that school districts knowingly and willfully allow nonresidents to enroll fraudulently. School districts appear to be conscientious in their efforts to identify individuals attempting to fraudulently enroll their children and to disenroll those students found to be fraudulently enrolled. Nevertheless, the method of funding schools and the benefits to the community of universal education provide no incentive for schools to be aggressive in seeking out and eliminating nonresident students.

In summary, the Operation may have exerted a small depressing effect on school enrollments. Whatever the number of Mexican students who were enrolled, however, few students seem to have been crossing the border illegally on a routine and frequent basis to attend school. Thus, any problems of free-ridership that exist in the El Paso school system have more to do with the schools' inability to make accurate determinations of students' permanent residency status than of their border crossing status. More research on the longer-term effects of the Operation that examines the data for the calendar year 1994, which was unavailable, is needed.

Births

Regardless of the status of entry into the United States, Mexican residents use health care services in El Paso, including some who do so in order to establish U.S. citizenship for their newborn. The mayor estimates that $30 million is spent by El Paso's taxpayers to service the education and health needs of nonresident migrants and for law enforcement services because of crimes committed by nonresident migrants. Health officials believe the health problems of the area go beyond the cost of providing services for nonresidents. The county is one of the poorest in the nation and has an extremely high proportion of Women, Infants, and Children Program [WIC] clients largely because of the conditions in extralegal settlements called *colonias.* The county has an estimated 350 *colonias* with about 68 thousand residents. Many exist without proper housing, sewage, water, or electricity due to a combination of poverty levels among the *colonia* residents and the state's restrictions on county regulation. Officials believe the conditions in the *colonias* constitute a serious health risk to the entire population of the county.

Table 25.

DISTRIBUTION OF FUNDING, 1992-1993

District	Funding ($000)	% from State Gov't	% from Local Gov't	% from Fed Gov't
Anthony	3,874	64	26	10
Canutillo	19,821	69	19	12
Clint	20,832	80	15	5
El Paso	284,601	55	33	12
Fabens	11,698	76	10	14
San Elizario	11,064	85	7	8
Socorro	84,045	75	19	6
Tornillo	2,998	74	17	9
Ysleta	236,403	67	23	10

Source: Texas Education Agency

Conditions are potentially worsened by circumstances in Juárez, which has no sewage treatment system and where access to adequate housing, potable water, and electricity is limited in most of the city. The effects of industrial air pollution and toxic waste disposal on water quality are increasingly making health hazards worse over time. El Paso Health officials, who occasionally see such diseases as typhoid, tuberculosis, and dysentery that are rare or nonexistent in most other parts of the United States, believe a major health catastrophe in the El Paso-Juárez area is possible, particularly given the amount of commuter traffic between the two cities.

Like schools, hospitals and clinics are prohibited by law from asking questions about citizenship or immigration status. While they may request information about the residential addresses of those seeking services, they do not have the resources to verify the accuracy of the information given. They cannot refuse anyone seeking emergency treatment regardless of their place of residence. While they may charge for such services, their ability to actually collect from both nonpaying nonresidents and residents is negligible.

With regard to the issue of Mexican women giving birth in El Paso, the city demographer, who has constructed a database of all residential addresses in the county and matched those with information provided on birth registration forms, reports that 70 percent of addresses given on birth registration forms do not match any real address in El Paso,[26] a discrepancy believed to result from the relative ease with which Mexican residents can obtain services from such facilities as Thomason General Hospital. For a series of articles for the *El Paso Times*, Emily Jauregui posed during the latter stages of her pregnancy in June 1993 as a Mexican citizen attempting to have a baby in El Paso. She found *coyotes* to smuggle her across the Rio Grande and take her to the hospital or clinic of her choice, health care workers to assist her in filling out forms when she pretended not to speak English, and other expectant mothers in waiting rooms able to provide her with information as to how to apply for welfare benefits (Jauregui 1993a, 1993b).

El Paso County had 17,553 registered births in 1993, a rate that implies that more than 6 percent of all women from the age of 1 to 105 would have had to give birth in any given year if they were all residents of the county (or about 12 percent of all women 15-44 years of age). Such a fertility rate would be extremely high. Some of the deliveries may be for people in surrounding counties, but many are presumed to be for Mexican residents wanting to establish U.S. citizenship for their children. For many years, pregnant Mexican nationals have entered the United States to give birth. Some commentators contend that these women are taking advantage of available health care, while others argue that the reason is to ensure that their children will be born American citizens. Jauregui (1993a) compiled a list of reasons given by Juárez women for having their children born in the United States:

- Better educational and job opportunities are available for a child who is born a U.S. citizen;
- Medicaid, for those who qualify, can pay the full cost of the delivery and postnatal care;
- The Women, Infants and Children program provides free milk, juices and other food for children through age five;
- As a citizen, the child will not be deported from the United States and, many women believe, the mother will generally be ignored by U.S. Border Patrol agents;
- With American children, a family with legal residency has better access to public housing and other social programs.

One method of evaluating the effectiveness of Operation Hold the Line is to analyze birth data to determine if there has been a change in the number of Hispanics born in El Paso County since the Operation's inception. If the Operation has been successful in preventing women from crossing the border illegally to give birth, the numbers of Hispanic births should have declined. Before any de-

[26] Some of the discrepancies are due to minor errors in recording. A sample of records to determine the number that are actually false addresses as opposed to minor discrepancies in spelling, zip code, etc., could be useful in determining a count of those that actually indicate nonresident status.

cline in Hispanic births during the final four months of 1993 can be confirmed as resulting from Operation Hold the Line, seasonal patterns in Hispanic births that suggest that the fall months typically show decreases compared to summer months must be taken into account.

Birth data for El Paso County, provided by the Texas Department of Health, Bureau of Vital Statistics, are available through December of 1993, although the 1993 database is considered only 90-95 percent complete as of this writing. **Table 26** shows the number of Hispanic births per month during the years 1991-1993. **Figure 3** and **Figure 4** graphically represent the data for each ethnic group registered.[27] While the seasonal pattern with respect to Hispanic births is clear, no such pattern appears to exist among the non-Hispanic groups. For Hispanic births (**Figure 3**), the number of births tends to rise from January through August, the peak month for Hispanic births in each of the three years analyzed. The number of births then declines through November, rises in December, and declines in January; the cycle then repeats itself. **Figure 4** represents the data for non-Hispanic births. There is no discernible seasonal trend. As is apparent from **Table 26** and **Figure 3**, there is a systematic trend upward in the annual number of Hispanic births within the county. This is expected based on the trend in population growth.

Figure 5 compares Hispanic births over the three-year observation period. The pattern of declining numbers of births from August through November holds for each year; however, there is a sharper decline in births from September to October 1993, than in the previous two years. Also, comparing the same months from 1991 to 1992 to 1993, almost all showed increases except the post-Operation months. This combination of monthly increases followed by virtually no monthly change or decline suggests that Operation Hold the Line may have deterred pregnant Mexican nationals from crossing into El Paso for the period of time covered by these data. The decline in December 1993 may also be the result of incomplete data. Unfortunately for this

[27] Because the number of Hispanic births is such a large percentage of the total birth count, two graphs are presented. Graphing all data together would have resulted in a scale of such magnitude that the patterns of non-Hispanic birth data would not have been discernible.

Table 26.

HISPANIC BIRTHS IN EL PASO COUNTY
(1991-1993)

	1991	1992	1993
January	1,101	1,103	1,129
February	1,024	1,134	1,120
March	1,043	1,134	1,215
April	1,062	1,109	1,191
May	1,186	1,134	1,267
June	1,145	1,242	1,268
July	1,221	1,318	1,385
August	1,291	1,381	1,396
September	1,246	1,305	1,382
October	1,232	1,328	1,261
November1,133	1,231	1,258	
December	1,214	1,282	1,074
Total	13,898	14,701	14,946

Source: Texas Department of Health, Bureau of Vital Statistics

Figure 3.

Figure 4.

Figure 5.

analysis, complete Health Department data for this month is not expected to be ready until July-August 1994. Because of the 90-95 percent completion rate of the data, one would still not expect the final count of Hispanic births to rise to the level of previous Decembers, but one cannot be certain.

What do data on deliveries in Thomason General Hospital reveal? **Table 27** shows the average daily use of Thomason Hospital for a twenty-nine month period, including the post-Operation months of October 1993 through May 1994., indicating an upward trend in the pre-Operation period for the hospital population followed by a downward trend after the Operation began in the twenty-first month in the series. The pattern was similar for all five of the measures in the table including deliveries. The decline in the number of deliveries can be estimated by computing the linear trend in deliveries during the pre-Operation period and projecting those estimates for the post-Operation period. Using this technique, the daily average of 18 deliveries for the post-Operation period is 3.8 deliveries per day lower than expected, which is a decline of 17.6 percent below expectations. We also followed an alternative three-step procedure, the first step of which was to estimate the regression of deliveries on the other measures using the pre-Operation data. The correlation between admissions and deliveries is 0.972, and that is all that is required to estimate the regression equation: Deliveries = -7.66 + .442* Admissions for the period September 1992 through September 1993. The equation provides a good predictor for the post-Operation period as the mean residual is only .03 for the eight-month period.

The second step involved estimating the linear trend on admissions prior to the Operation and using the trend to predict admissions in the post-Operation period had the trend continued. These projections are included in the last column of the attached table. The projected daily admission levels are then entered into the above regression equation in the third step to obtain the estimated deliveries for the post-Operation period. These estimates and the difference between estimates and observed deliveries are also given in the table. This approach yields a shortfall of 2.7 deliveries per day on average (13 percent lower than expected), which is less than, but consistent with the above estimate based on linear trend for deliveries (an estimated decline of 3.9 per day on average). Thus, irrespective of how the estimate is calculated, births come out lower than one would have thought at Thomason General Hospital after the Operation. Interestingly, the shortfall increases the further one goes into the post-Operation period.

In summary, examination of data on both registered births from El Paso county and on deliveries from Thomason Hospital point to the same conclusion: births appear to have declined since the Operation began. Further, these declines occur in the cases one would most expect if the Operation were preventing some women from crossing the border illegally to give birth, namely in the case of women of Mexican origin (whose births are labeled Hispanic births by the Health Department) and in the case of deliveries at Thomason General Hospital. However, the declines are not very large and are based on only a few months of data. More research on this issue as more time passes is clearly needed.

Welfare Utilization

During the initial week of Operation Blockade it was thought that the workload might have dropped at some of the El Paso offices of the Texas Department of Human Services [TDHS] because a large number of recipients caught in Mexico and unable to cross the border could not reach TDHS offices to obtain services. To explore this possibility the El Paso Regional Director of TDHS requested an analysis of the workload at each of the offices in El Paso County for the week of September 20 through September 24, 1993.

The evaluation proceeded in two steps. First, each program manager submitted data on the numbers of TDHS clients failing to keep their appointments [FKAs] for certification or recertification for food stamps, Aid to Families with Dependent Children [AFDC], or Medicaid during that week. This initial investigation indicated no marked difference in workload compared to the same period in other months. Second, three offices (Mills, Stanton, and Clint) were selected for further study due to their

Table 27.

THOMASON HOSPITAL STATISTICS
(JANUARY 1, 1994 - MAY 22, 1994)

	Year	Population	% Occupancy	Admissions	Emerg Visits	Deliveries
January	1992	241.5	67.3	57.9	125.2	
February	1992	237.5	66.1	56.7	135.3	
March	1992	243.4	67.8	58.0	142.8	
April	1992	236.8	66.0	59.5	145.3	
May	1992	218.2	60.8	54.2	142.4	
June	1992	241.6	67.2	62.3	144.6	
July	1992	254.2	70.8	62.8	136.8	
August	1992	233.1	64.9	59.5	143.4	
September	1992	239.4	66.7	60.5	151.2	19.1
October	1992	250.6	69.8	61.0	147.7	18.8
November1992	256.0	71.3	62.2	131.9	19.3	
December	1992	255.1	71.1	58.4	136.0	18.7
January	1993	236.9	66.0	56.5	151.3	17.0
February	1993	247.7	69.0	59.1	158.2	18.3
March	1993	247.5	69.0	55.4	162.6	16.4
April	1993	256.2	71.4	60.1	163.8	19.1
May	1993	254.1	70.8	61.1	155.3	19.3
June	1993	258.7	72.1	59.7	153.1	19.2
July	1993	264.6	73.7	67.9	156.1	21.9
August	1993	271.2	75.6	65.9	151.0	21.5
Sept 1-18	1993	258.7	72.1	61.8	160.2	20.6
Sept 19-30	1993	259.2	72.2	69.4	161.7	22.7
October	1993	251.6	70.1	63.5	146.5	20.1
November1993	255.8	71.3	60.4	142.5	18.9	
December	1993	251.6	70.1	60.9	144.0	18.7
January	1994	251.7	70.1	60.5	158.8	16.9
February	1994	238.9	66.6	55.6	148.6	17.3
March	1994	238.7	66.5	55.8	146.2	18.2
April	1994	217.2	60.5	52.5	154.5	16.9
May 1-22	1994	223.3	62.2	55.7	149.6	16.9

Source: Thomason General Hospital

relatively large numbers of FKAs. All cases in which clients failed to keep their appointments from September 17-September 24, 1993 [no explanation is given for the change in the time period] were the subject of home visits by TDHS employees to determine the reason for their absence. Out of 2,325 appointments scheduled, 405 persons failed to keep appointments in the three offices. Of these, 304 either had scheduled new appointments or otherwise resolved their missed appointments before home visits began. This left 101 cases to be investigated. U.S. residency of the applicant was confirmed in all but four cases. In these, the head of household was unable to return from Juárez, Mexico, because of the Operation, although the exact reasons for this are not evident from the report.

Effects in Juárez

According to our interviews with Juárenses, the city of Juárez generally does not appear to have felt any serious increased demand for social services since the Operation began. Reasons for this include:

- The number of illegal crossers now prevented from working in El Paso is small relative to the total Juárez population;

- Illegal crossers live in many different neighborhoods throughout the city;

- Many families have several members in the work force, and it is not typical for all of these to work in the United States.

- Public welfare assistance in Juárez is only minimally available to begin with and people in need don't expect government assistance and, therefore, haven't sought it since the blockade began.

Conclusions

Operation Hold the Line has had a small effect on the delivery of social services in El Paso. With regard to enrollment of children of Mexican residents in the El Paso city school system, it is quite likely that most either have legal border-crossing documents or live with relatives or friends during the school year in the district in which they attend school. These children would not have been significantly affected by the Operation as it primarily discourages people, meaning those without documentation, from crossing the border at other than the official ports of entry. Second, since illegal immigrants who now permanently live in El Paso are residents of their school districts, their children would have been unaffected by the Operation as well.

The Operation had positive side effects on the education system, however. One, cited by virtually every administrator and teacher interviewed, was the increased sense of safety in the school environment, particularly in schools directly adjacent to the border. Prior to implementation of Operation Hold the Line, border-crossers frequently used school grounds, such as at Bowie High School, Guillen Middle School, and Aoy, Roosevelt, and Hart Elementary Schools, to evade Border Patrol agents. School administrators often observed border-crossers loitering around school buildings and playgrounds, changing clothes on school property, and leaving bags of wet clothing behind. Educators, for reasons of safety, often restricted the children from using school grounds. Border Patrol agent chases of illegal border-crossers through the streets of the neighborhoods in which the schools are located often made the streets unsafe for the passage of school children. Since the Operation began, these types of problems have been almost entirely eliminated, resulting in a more secure and less dangerous environment.

With regard to health care, there appears to have been a small effect as well. The change in the population, admissions, deliveries, and emergency visits at the county's hospital (Thomason General) since Operation Hold the Line began suggests a discernible impact. Data on registered births suggest a small depressing effect of the Operation. Data from the TDHS analysis of workload study, however, indicate the Operation had a virtually no impact on the workload of TDHS offices in El Paso County during September 17-24.

VI. Effects on Crime and Related Indicators in El Paso

Local Perceptions and Expectations

The first stage of the analysis of the potential impact of Operation Hold the Line on crime in the El Paso area consisted of interviews with law enforcement and city officials in February 1994. The intention was to take advantage of local knowledge and expertise to suggest guiding questions if not hypotheses to explore in the empirical analyses. Not all the views we encountered were universally shared and not all received support in the data examined. A composite of those first impressions would include the following:

> The crime rate in El Paso was thought to be high, especially for property crime in general, and for motor vehicle theft in particular, but less so for violent crime. The high crime rate was seen as due to:
>
> - The region's relatively poor economic conditions;

- The city's proximity to a larger and substantially poorer population on the Mexican side of the border where there is a market for stolen property exploited by criminal entrepreneurs on both sides of the border; and

- The relatively low ratio of law enforcement officers to population for a city the size of El Paso.

None of our respondents seemed to overstate the problems that the border presents to law enforcement agencies. The border is a problem but it is not the only, or necessarily the most critical, problem for crime control.

The crime rate was seen as escalating dramatically in recent years and as such, perceived as "getting out of hand" in spite of the best efforts of local law enforcement agencies. Increases in crime were viewed as due to:

- El Paso's own urban growth, much of which has been spawned by migration from Mexico at a pace that makes it difficult for the community to respond adequately to its needs, with community resources all the more stressed because of the additional pressures of dealing with a large illegal and/or nonresident population;

- Increased population pressures in Juárez, which remains a relatively poor community compared to El Paso and in which both the access to community services (health, education, and welfare, for example) and the opportunities for predatory criminal activity are greater;[28] and

- As is the case in other large, poor, urban communities, conditions in Juárez that create a large population at risk for criminal activity, many of whom seek opportunities in El Paso, particularly young males and professional criminals (a broad class that seems to include car thieves, drug dealers, prostitutes and others who provide illicit services in the informal economy of the two communities).

Some members of the high-risk population were seen as undoubtedly entering the United States illegally on occasion, thus adding to the problems of El Paso. However, illegals were not seen as the only problem for law enforcement. Most of our respondents took care to point out that they did not believe that all illegals were criminals, or that all criminals entered the United States illegally, or that the Mexican population across the border was culturally more prone to crime than the El Paso population. The preferred interpretation was based on economic conditions.

To the extent any of our respondents were willing to make an estimate of its likely effect, most thought the primary impact of the Operation was on young male offenders and other inexperienced or unprofessional offenders. Those in Juárez who are in crime as a business were thought to be much more adaptable over the long term in dealing with obstacles to crossing the border and more likely to use legal methods to gain entry for illegal purposes. There is a prevailing view that the professional criminal often has official connections that facilitate his criminal activity—connections on both sides of the border.[29]

[28] No other countries that share a common border have a larger disparity in economic conditions than is the case for Mexico and the United States. Juárez and the Mexican state of Chihuahua are relatively better off than other places in Mexico, but the are extraordinarily poor by U.S. standards.

[29] Some misunderstandings about how Mexican law operates may also contribute to a critical view of Mexican authorities from an American perspective. Stolen goods that have entered the country are seized as contraband, for example, and available for state and personal use in Mexico until ownership is settled in court. See Miller (1987) for a commentary on motor vehicle theft in this regard. In spite of a Mexican-U.S. agreement on stolen vehicles that is supposed to prohibit the practice, the custom of using such vehicles for official and personal use remains, and the sight of a Mexican official driving around in a vehicle known to have been stolen in the United States raises more than a few eyebrows among U.S. authorities.

Thus, the Operation might be hypothesized to have a direct, immediate, and, if it can be sustained, long-term effect on:

- Young, male offender residents of Juárez;
- Minor or petty, rather than serious, crime;
- Opportunistic and less-organized, rather than planned or organized, criminal activity;
- Property, rather than violent, crime; and
- Crime in the central downtown parts of El Paso (Police Districts 31-36 and nearby Districts 51-56) that are closely located to the more accessible legal and illegal routes for crossing the border, the area of the greatest cross-border traffic and where the informal economy has been most visible in the past.

The Operation might also have an indirect impact on more serious crime to the extent that law enforcement resources can be redirected from the downtown area to impact teams, gang taskforces, and the like. Eventually this may have an effect on the patterns of serious property crime and on violent crime among young, male offenders regardless of the offender's origins. The more mature and experienced offender is expected to be a constant problem. Indeed, most respondents seemed to believe that both the Operation and any changes in law enforcement strategies they might initiate in response may have only short-term effects. None of the interviewed law enforcement officers doubted the capacity of the serious offender to adapt to changing conditions, particularly as law enforcement resources are stretched thin even in the best of times. Moreover, none believed that chronic offenders are so specialized that an effective crackdown in one area would put them out of business forever. For example, an effective blitz on burglary or motor vehicle theft would be expected to result in a burgeoning larceny-theft rate.

A number of incidents have strained relations among law enforcement personnel on the two sides of the border in recent years. Some observers may believe that the border is a seamless boundary running through a single city, but the cities of Juárez and El Paso appear to be a long way from operating in that manner at the administrative level, perhaps no less the case with respect to law enforcement issues than with health, education, and other shared problems in the two communities. Although none of the officials interviewed reported negative views about the Border Patrol Operation, no one believed that the Operation would improve relations with their counterparts on the Mexican side or that it would facilitate cross-border law enforcement activity.

We do not have data that pertain to all of the issues derived from the interviews. Some of the issues raised require time series data that would extend into the future and others require primary data gathering beyond the project's resources. The points listed above give a fair representation of the initial reaction of a segment of the law enforcement community in the El Paso area concerning the impact of the Border Patrol's Operation on local crime. The expertise reflected in those comments makes them worth considering as they stand. However, we have reformulated those perceptions into six guiding hypotheses to shape our research strategy:[30]

1. The crime rate in El Paso is high due to its proximity to a large and relatively poor Mexican city, particularly with respect to property crime.
2. The crime rate has been increasing in recent years, in part because of the increasing population pressures El Paso shares with Juárez and in part because of the predatory behavior of some illegal entrants to the United States. To the extent the flow of illegals has been uncontrolled, the opportunities for a small, predatory subclass to engage in criminal activity in El Paso have increased.

[30] All of the agencies contacted were extremely cooperative in facilitating our access to information. We are particularly grateful to the Data Processing personnel of the El Paso Police Department, the El Paso City Demographer, and the El Paso County Sheriff's Office.

3. Young, male, poor residents of Juárez constitute a high risk population for some types of criminal activity, mostly in regard to gang activity, minor offenses, and property crime.

4. To the extent that it curtails the illegal entry of the population at risk, the Border Patrol's strategy should have an immediate impact on property offenses and minor crime that should continue over the long term.

5. The largest immediate effect of the Border Patrol's effort will be felt in the downtown areas of El Paso (police districts 30-36 and 50-56).

6. The Operation's initial effects on serious crime may be short-lived as chronic offenders adapt to the new conditions. The Operation may have a long-term effect on violent and more serious crime if it is sustained and if law enforcement agencies are able to redirect resources into those areas as a result of sustained curtailment of the more numerous petty offenses that plague the community.

Trends and the Magnitude of Crime in El Paso

The ratio of law enforcement officers to population in El Paso is low relative to other cities of comparable size in the United States (1.55 per 1,000 population in 1992 compared to 2.76 per 1,000 for 63 cities of 250,000+ population).[31] In 1980, the figure was 1.56 per 1,000 in El Paso and 2.73 per 1,000 in 56 cities of 250,000 or more population. The difference between El Paso and other cities seems to remain constant over time. However, the choice of these particular times as bases for determining differences masks increases and decreases in between, a extremely important point in assessing crime trends in general and for assessing speculations about El Paso trends as reported in the press during the months before this study.

If the ratio for El Paso remained constant from 1980-1992, any increase in crime rates could not be attributed directly to a deterioration in law enforcement manpower, the only easily accessible measure of law enforcement. If it were constant, the low ratio of law enforcement personnel to population in El Paso might be a factor in accounting for a high rate of crime but not for variations in rates over time.[32] We might conclude then that, in spite of rapid, urban growth and migration, legal or otherwise, the number of law enforcement officers has kept pace with population growth, and changes in crime rates must be due to such other factors as increases in the size of the population at risk for criminal behavior because of lax border control.

The data present a different picture. As our interview respondents indicated, law enforcement numbers, and presumably law enforcement effectiveness, declined during the 1980s to a low of 1.31 per 1,000 population for the City of El Paso in 1988. Only in recent years has the ratio climbed back to the 1980 level.[33] For nine of the thirteen years in the period, the El Paso ratio of police manpower to population hovered around 50 percent of the national average. At the same time, of 120,432 foreign born residents in El Paso in 1990, 35 percent entered the country during the 1981-1990 decade, more than half of whom entered after 1985.[34] INS apprehension data suggest that illegal entry into the United States also increased substantially at the turn of the decade. Differentiating between the effects on crime rates of variations in law enforcement manpower and qualitative changes in the population is beyond the capabilities of the data at hand, although it is clear that increases in the serious crime rate outpaced both population growth and enforcement manpower in the past decade.

[31] Federal Bureau of Investigation, *Uniform Crime Reports*, 1992.

[32] Clearly a larger city may be qualitatively more difficult to police than a smaller city and that may also account for deteriorating conditions in spite of constant police manpower. However, an independent measure of the qualitative difference would have to be introduced into the analysis.

[33] The 1990 ratio may be partly an artifact of the census undercount for El Paso for that year (18 thousand according to the *U.S. Census Post Enumeration Survey*).

[34] *U.S. Census of Population*, 1990; data provided by El Paso City Demographer.

Myths and Nonmyths about High Crime Rates. Irrespective of the presumed increase in criminogenic conditions, perceptions of the city's high crime rate are more myth than reality. The city's rates for serious, especially violent, crime[35] are relatively low compared to cities of comparable size. El Paso's total crime rate ranks thirtieth among the forty U.S. cities of comparable size in 1992 (**Table 28**). El Paso ranks thirty-first among the forty cities in motor vehicle theft, and is above the mean for the forty cities only on larceny-theft (ranking thirteenth but within 10 percent of the mean for all cities). The murder rate is little more than one-third of that for all the cities and 12 percent lower than the national average. We were told that only one police officer has been feloniously slain in the line of duty in El Paso since 1957. Few other cities of comparable size would average less than one officer killed per decade during that period.

Some law enforcement officials attribute the low rate of violent crime in El Paso, in part, to a relatively low propensity for crime in the Hispanic population, particularly for violent crime. Apparently the murder rate in Juárez is comparable to that of El Paso and a fraction of the rate in large metropolitan areas of the United States. Hispanic offenders are perceived to be less likely to be armed than Anglo or African-American offenders, although that may be less the case in recent years, particularly as weapons become more accessible economically among young offenders involved in gang activities throughout the city.[36] Other officials attribute the low crime rates to an effective crime control strategy using impact teams that concentrate on repeat offenders and on crime in specific areas of the city. For example, the rate of reported burglaries declined by 55 percent from 1988 to 1993 after a repeat offender program was introduced by the El Paso Police Department specifically to deal with that offense.

The local myth that El Paso is a high crime city is sustained in part by comparisons of El Paso with national Metropolitan Statistical Area [MSA] data or such data for other Texas MSAs, but such comparisons are misleading. MSAs are heterogeneous units. U.S. southern border cities tend to be more urbanized than other U.S. cities (87 percent of the population in the El Paso MSA lived in the city in 1992, two times the 43 percent national average for all MSAs).[37] Urban areas have both more opportunities for criminal activity than rural areas and larger populations at risk due to the social and economic con-

[35] Murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft are the seven categories of serious crime used by the Federal Bureau of Investigation as the major indicators of criminal activity and trends. The seven categories are assumed to be the crimes most likely to be reported to the police, although, with the exception of murder and possibly motor vehicle theft, they tend to be underestimates of the actual number of offenses as reported in victimization surveys for example. See O'Brien (1985) and Biderman and Lynch (1991) for a description of the history, procedures, strength and weaknesses of the Uniform Crime Reporting system, crime victimization surveys, and alternative measures.

[36] American impressions of high rates of violent behavior in Mexico seem largely based on reports about Mexico City, which has an exceedingly high rate of violent crime according to Interpol statistics.

[37] The El Paso MSA is one of the most urbanized in the nation. Only four other MSAs have more urbanized populations, and three of those are in Texas including the border city of Laredo which has the highest rate in the nation (92 percent). Personal and ethnographic accounts of crime in the border region often illustrate differences in the nature and style of criminal activity compared to other metropolitan centers in the United States. Those differences, some of which are quite striking to those who are unaccustomed to life in the informal economy, may also lead to false impressions about the magnitude of crime. Visibility and difference say nothing about magnitude, and that, in part, may account for the apparent fear of crime in the El Paso area. Street vendors and panhandlers may be a nuisance to some, but they do not present the same danger to public safety as burglars or bank robbers.

Table 28.

NUMBER OF OFFENSES REPORTED TO THE POLICE PER 100,000 POPULATION FOR 40 U.S. CITIES
SIMILAR IN POPULATION SIZE TO EL PASO RANKED BY TOTAL CRIME INDEX (1992)

	Population	Total Crime Index	Crime Index Rank	Violent Crime Index	Property Crime Index	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-Theft	Motor Vehicle Theft
Miami, FL	401529	17488	1	3731	13757	34.2	73	1890	1734	3232	8195	2330
Atlanta, GA	410876	17347	2	3859	13488	48.2	153	1417	2241	3180	8251	2057
St Louis, MO	483975	14800	3	3291	11509	57.4	87	1226	1920	3056	6359	2094
Fort Worth, TX	755517	14135	4	2019	12116	32.9	113	750	1123	3074	6905	2136
Charlotte, NC	572822	12591	5	2312	10278	24.2	88	748	1452	3072	6606	600
Kansas City, MO	408951	12475	6	2855	9620	34.0	128	1019	1674	2845	4952	1823
Oakland, CA	369707	12455	7	2626	9828	42.7	108	1194	1281	2297	5519	2011
Fresno, CA	513487	12112	8	1460	10653	22.0	55	842	540	2562	4549	3542
Seattle, WA	643028	12001	9	1345	10657	11.0	65	473	796	1697	7547	1413
Baltimore, MD	492672	11927	10	2885	9042	44.3	99	1623	1119	2157	5389	1496
Washington, DC	535655	11398	11	2832	8566	75.2	37	1266	1454	1820	5198	1548
Portland, OR	465262	11266	12	1831	9435	10.0	107	586	1128	1912	5798	1725
Oklahoma City, OK	367376	11177	13	1400	9777	13.4	104	404	878	2476	5991	1310
Minneapolis, MN	493928	11103	14	1643	9461	15.9	159	815	653	2466	5624	1370
Austin, TX	663899	10944	15	589	10355	7.6	61	300	221	2109	7301	944
Jacksonville, FL	441162	10510	16	1739	8771	18.5	107	544	1069	2456	4991	1324
Tucson, AZ	678385	10413	17	1021	9392	9.9	91	229	691	1608	6755	1029
San Francisco, CA	445405	10195	18	1821	8373	15.6	53	1102	651	1576	5111	1687
Sacramento, CA	628865	10017	19	1220	8797	11.7	62	606	540	1907	4755	2135
New Orleans, LA	301200	9988	20	1982	8007	55.2	57	1058	812	2172	4028	1807
Memphis, TN	373791	9849	21	1553	8296	28.0	109	849	566	2589	3605	2101
Boston, MA	643017	9846	22	2038	7808	12.7	94	832	1099	1522	4294	1992
Nashville, TN	377345	9687	23	1628	8058	17.5	97	518	996	1989	5071	998
Albuquerque, NM	514771	9467	24	1536	7931	10.5	73	364	1089	2168	5040	723
Wichita, KS	505008	9123	25	889	8234	9.7	82	432	365	2102	5217	916
Columbus, OH	386086	9054	26	1093	7961	17.6	106	558	412	2336	4543	1083
El Paso, TX	**454255**	**9044**	**27**	**1088**	**7956**	**8.2**	**51**	**301**	**728**	**1429**	**5513**	**1014**
Cincinnati, OH	373842	8840	28	1567	7273	13.3	131	620	802	1912	4786	573
Toledo, OH	458132	8714	29	934	7780	12.7	109	448	364	1809	4750	1221
Milwaukee, WI	383102	8669	30	983	7686	22.7	80	674	207	1360	4111	2215
Cleveland, OH	750885	8284	31	1662	6622	30.6	166	861	603	1753	2773	2096
Pittsburgh, PA	811342	8210	32	1202	7008	11.8	59	800	332	1391	3444	2173
Tulsa, OK	544940	8208	33	1335	6872	8.8	98	358	870	2147	3449	1277
Denver, CO	402573	8155	34	1076	7078	19.3	89	366	602	1806	3632	1641
Long Beach, CA	338126	7934	35	1555	6379	23.3	49	804	678	1696	3264	1418
Las Vegas, NV	423836	7353	36	888	6464	14.6	58	532	284	1524	3850	1091
Indianapolis, IN	375053	7260	37	1380	5880	17.8	110	437	816	1640	3185	1055
Mesa, AZ	405116	7026	38	682	6344	3.0	40	98	542	1481	4030	833
Virginia Beach, VA	589000	5216	39	285	4931	5.7	38	151	91	916	3729	286
San Jose, CA	309955	4906	40	669	4237	5.3	55	152	457	835	2934	467
Mean	487347	10230		1663	8567	21.9	87	706	847	2052	5026	1489
State of Texas	17623000	7058		806	6252	12.7	53	253	488	1523	3907	822
United States	255082000	5660		758	4903	9.3	43	264	442	1168	3103	632

Note: Murder includes nonnegligent manslaughter in all tables throughout this chapter. The violent crime index is sum of murder, forcible rape, robbery, and aggravated assault. The property crime index is the sum for burglary, larceny-theft, and motor vehicle theft. The total crime index is the sum for all seven categories of serious crime.

Source: Federal Bureau of Investigation, Uniform Crime Reports, 1992

ditions that nurture crime. To illustrate using the MSAs for which data is available for 1992:

	El Paso MSA	Border MSAs[38]	Texas MSAs	U.S. MSAs
Density (population per square mile)	584	369	251	334
Population under 18 years of age (%)	33	31	27	26
Per capita income ($)	10,008	13,281	15,342	15,342
Unemployment rate (% of labor force)	10.2	5.5	6.4	5.5
% of population in central cities	87	62	59	43
Number of MSAs	1	14	17	261

Any comparison of differences in crime rates among MSAs would have to consider differentials in such risk factors. Even a comparison between El Paso and other Texas cities is misleading because, among the eight Texas cities of 250 thousand population or more, only Houston and Arlington have lower crime rates than El Paso, and even those differences are slight (Federal Bureau of Investigation 1992).[39]

The perception that young males disproportionately contribute to serious crimes rates is well grounded according to Uniform Crime Report data on arrests.[40]

Given the concerns expressed to us about increasing gang activity and youth crime in El Paso and the proximity to a large and substantially poorer community across the river, we expected to find that the city would be above the national average on such figures. That seems not to be the case. Contrasting El Paso's 1993-1994 arrest rate for juveniles (as a percent of all arrests) with national figures for 1989, we find:

Percent of all arrests of persons under 18 years of age.

	El Paso (1993-1994)	United States[41] (1989)
Murder	5.6	12.3
Forcible rape	8.4	15.4
Robbery	13.1	23.0
Aggravated assault	10.2	13.3
Burglary	19.7	31.9
Larceny-theft	20.4	28.7
Motor vehicle theft	6.4	40.9
Total	13.6	27.3

Unless there has been a dramatic downturn in juvenile arrests nationwide over the past few years, it would appear that El Paso's juvenile problem is proportionately less than the situation in most other metropolitan areas in the United States. If youth from Mexico are adding to the crime problem in El Paso, it is not apparent in the data for serious offenders.

Although El Paso crime rates are relatively low compared to other cities, the total crime rate for serious offenses increased 41 percent in El Paso from 1982 to 1992 (**Table 29**). The population increased 17 percent but the total number of serious crimes increased 65 percent, with most of the increase due to larceny-theft and motor vehicle theft. The total crime rate for El Paso grew faster than any of the other **f**orty-eight cities of comparable size identified in **Table 29**. Of the forty-eight cites listed, only Virginia Beach, Virginia, had a total crime rate lower than El Paso's in 1982. It is this rapid increase that

[38] These include all MSAs within approximately 100 miles of the U.S.-Mexican border in Arizona, California, New Mexico, and Texas.

[39] We have yet to locate the figures, but we are told that the number of people deported for criminal violations per year is less than 1,000, most for drug offenses. Given the millions of serious crimes committed per year, that is not a large number, although it tells us nothing about the institutionalized population.

[40] See Sutherland, Cressey & Luckenbill (1992, Chapter 8) for age specific arrest rates in the United States.

[41] Sutherland, Cressey & Luckenbill (1992:155, derived from Federal Bureau of Investigation, *Crime in the United States,* 1989:188).

Table 29.

AVERAGE ANNUAL PERCENT CHANGES IN CRIME RATES PER 100,000 POPULATION FOR 49 U.S. CITIES (1982 TO 1992) RANKED BY PERCENT CHANGE IN TOTAL CRIME RATE

	Population 1982	1992	Mean Annual Percent Change	Total Crime Rate 1982	Total Crime Rate 1992	Mean Annual Percent Change	Crime Index Rank 1982	Crime Index Rank 1992	Viol. Crime Rate 1982	Viol. Crime Rate 1992	Mean Annual Percent Change	Prop. Crime Rate 1982	Prop. Crime Rate 1992	Mean Annual Percent Change
El Paso TX	458429	535655	1.68	6419	9044	4.09	48	31	856	1088	2.71	5564	7956	4.30
Jacksonville FL	590957	663899	1.23	7641	10510	3.75	40	19	955	1739	8.22	6686	8771	3.12
Newark NJ	334414	277544	-1.70	10817	14624	3.52	12	5	3201	3500	0.94	7616	11124	4.61
Atlanta GA	441103	410876	-0.69	12914	17347	3.43	6	2	2377	3859	6.23	10537	13488	2.80
Baltimore MD	798175	755517	-0.53	9134	11927	3.06	23	12	2090	2885	3.80	7044	9042	2.84
Arlington TX	173821	272037	5.65	6573	8489	2.92	47	35	349	756	11.64	6224	7733	2.43
Austin TX	370331	483975	3.07	8590	10944	2.74	31	18	414	589	4.23	8176	10355	2.66
Nashville TN	462507	514771	1.13	7612	9687	2.73	41	27	702	1628	13.19	6910	8058	1.66
OklahomaCity OK	425093	454255	0.69	8985	11177	2.44	25	16	1008	1400	3.88	7977	9777	2.26
FortWorth TX	412661	465262	1.27	11421	14135	2.38	8	6	1188	2019	7.00	10233	12116	1.84
KansasCity MO	451397	441162	-0.23	10080	12475	2.37	18	8	1491	2855	9.15	8590	9620	1.20
Charlotte NC	320119	408951	2.77	10305	12591	2.22	16	7	1281	2312	8.05	9024	10278	1.39
Milwaukee WI	645231	643017	-0.03	7106	8669	2.20	44	34	557	983	7.66	6549	7686	1.74
Miami FL	365506	373791	0.23	14473	17488	2.08	1	1	2726	3731	3.69	11748	13757	1.71
Tampa FL	292551	291920	-0.02	13171	15803	2.00	3	3	1961	3379	7.23	11210	12424	1.08
New Orleans LA	579338	505008	-1.28	8541	9988	1.69	32	24	1485	1982	3.34	7056	8007	1.35
Pittsburgh PA	425814	373842	-1.22	7025	8210	1.69	45	38	1266	1202	-0.50	5759	7008	2.17
Memphis TN	659913	628865	-0.47	8476	9849	1.62	34	25	1153	1553	3.47	7322	8296	1.33
Seattle WA	507643	544940	0.73	10519	12001	1.41	14	11	1009	1345	3.33	9511	10657	1.20
Corpus Christi TX	248791	267601	0.76	9130	10317	1.30	24	21	793	957	2.06	8337	9360	1.23
Minneapolis MN	376704	377345	0.02	9891	11103	1.23	20	17	1127	1643	4.57	8763	9461	0.80
St Louis MO	455362	402573	-1.16	13206	14800	1.21	2	4	2211	3291	4.88	10995	11509	0.47
Alburquerque NM	344962	401529	1.64	8469	9467	1.18	35	28	771	1536	9.93	7698	7931	0.30
Birmingham AL	288037	277407	-0.37	10650	11735	1.02	13	13	1001	2215	12.12	9648	9520	-0.13
Washington DC	631000	589000	-0.67	10411	11398	0.95	15	14	2123	2832	3.34	8288	8566	0.34
Fresno CA	226300	367376	6.23	11102	12112	0.91	10	10	964	1460	5.14	10138	10653	0.51
Norfolk VA	271076	269347	-0.06	7723	8407	0.89	39	36	876	1005	1.47	6846	7402	0.81
SanFrancisco CA	708278	750885	0.60	9685	10195	0.53	21	22	1640	1821	1.11	8045	8373	0.41
Columbus OH	563680	643028	1.41	8744	9054	0.36	29	30	769	1093	4.21	7974	7961	-0.02
Mesa AZ	157634	301200	9.11	6813	7026	0.31	46	45	447	682	5.25	6365	6344	-0.03
Wichita KS	285665	309955	0.85	8876	9123	0.28	27	29	593	889	4.98	8283	8234	-0.06
Toledo OH	355355	338126	-0.48	8509	8714	0.24	33	33	674	934	3.85	7835	7780	-0.07
Oakland CA	355868	386086	0.85	12180	12455	0.23	7	9	1857	2626	4.14	10322	9828	-0.48
Tucson AZ	349165	423836	2.14	10289	10413	0.12	17	20	838	1021	2.19	9451	9392	-0.06
Cincinnati OH	383975	369707	-0.37	8772	8840	0.08	28	32	980	1567	5.98	7792	7273	-0.67
Indianapolis IN	462657	493928	0.68	7508	7260	-0.33	43	44	938	1380	4.70	6570	5880	-1.05
Virginia Beach VA	268887	405116	5.07	5406	5216	-0.35	49	48	240	285	1.87	5166	4931	-0.45
Long Beach CA	374974	445405	1.88	8361	7934	-0.51	37	41	1200	1555	2.96	7162	6379	-1.09
Tulsa OK	376599	375053	-0.04	8722	8208	-0.59	30	39	718	1335	8.60	8004	6872	-1.41
Sacramento CA	288446	383102	3.28	10817	10017	-0.74	11	23	1036	1220	1.78	9781	8797	-1.01
Louisville KY	300404	274312	-0.87	7568	6796	-1.02	42	47	853	1082	2.69	6715	5714	-1.49
Portland OR	369796	458132	2.39	13005	11266	-1.34	5	15	1753	1831	0.44	11252	9435	-1.61
Cleveland OH	573994	513487	-1.05	9569	8284	-1.34	22	37	1635	1662	0.16	7934	6622	-1.65
StPaul MN	273187	278762	0.20	8936	7676	-1.41	26	42	749	940	2.54	8187	6737	-1.77
Colorado SpringsCO	218958	296124	3.52	8428	6819	-1.91	36	46	612	521	-1.49	7816	6299	-1.94
Boston MA	567785	572822	0.09	13040	9846	-2.45	4	26	1932	2038	0.55	11108	7808	-2.97
LasVegas NV	424252	678385	5.99	9927	7353	-2.59	19	43	1054	888	-1.57	8873	6464	-2.71
Denver CO	517638	492672	-0.48	11393	8155	-2.84	9	40	953	1076	1.29	10439	7078	-3.22
SanJose CA	659903	811342	2.29	7847	4906	-3.75	38	49	548	669	2.21	7299	4237	-4.20
Mean	416211	448958	1.14	9485	10201	0.77			1183	1650	4.27	8302	8551	0.38

Source: Federal Bureau of Investigation, Uniform Crime Reports, 1982, 1992.

must give rise to the local concern about rising crime. The increase has been dramatic relative to the previously low base, but El Paso still remains in the lower end of the spectrum for cities of comparable size. The reasons for the increase in crime rates in the El Paso area during the 1980s remain unclear. It should be possible to develop a data set that allows an assessment of changes in the urban context that led to such rapid increases in crime rates. Clearly, in-migration flows and the source of such flows should be included in such an analysis.

Myths about the Criminogenic Border Condition. Disregarding its relative position, why is the crime rate in El Paso as high as it is? One argument might focus on the criminogenic conditions El Paso shares in common with other U.S. cities. It is quite another thing to argue that the proximity to the border exacerbates those conditions. **Table 30** presents the results of regression analyses on violent crime and property crime for 244 MSAs. The first eight variables in the list (percent of the MSA population that lives in the urban area to percent of the labor force unemployed) provide crude indicators of urban conditions that are known to have high correlations with crime rates and have relatively straightforward interpretations. Percent black, percent Hispanic, and the ethnic/racial homogeneity index provide indicators of variations in the racial/ethnic mix of MSAs. The last three variables assess the variation in crime rates due to an MSA being located within 100 miles of the U.S.-Mexican border or in Texas (if not on the border) or in another border state (Arizona, California, or New Mexico). A negative value for the coefficients indicates that a variable is associated with a decrease in the crime rate, a positive value indicates that a variable is associated with an increase in the crime rate.

In general the results indicate that, when urban conditions are held constant, the percent Hispanic has a negative relationship with violent crime but nearly as high an impact as percent black on the property crime index. More importantly, the border effects, statistically speaking, are all negative for violent crime and largely so for property crime. If the data suggest anything about the border's impact on crime, it is that crime is lower on average in border areas than in other U.S. cities when the characteristics of the urban population are held constant. As indicated above, we do not have the resources required to look at the potential border effects on variations in crime rates over time when changes in urban conditions are held constant. The result of the synchronic analysis is quite clear however. If there is anything particularly criminogenic about the border, it is not reflected in the data, and that tells us a great deal about the difficulty of basing understanding purely on local perceptions, myths, and impressions, which necessarily have a limited basis for comparison spatially, if not temporally.

Serious Crime

The Reality of Recent Trends in El Paso. The trend for property crime in El Paso in recent years has been downward. The trend is quite evident in the annual percent change in rates presented in panel (B) of **Table 31**. The property crime index has been declining since 1990, burglary since 1988, and larceny-theft since 1989. Motor vehicle theft went down in the early part of the 1990s, and robbery may have started to decline just prior to the onset of the Border Patrol's Operation. The experience in El Paso mirrors a national trend in declining crime rates, particularly with respect to property crime. See panel (C) **Table 31** for a comparison of the most recent national data available. Clearly, an attempt to assess the magnitude of the effect of the Operation on crime in El Paso would have to take recent trends into consideration.

The last row of panel (B) **Table 31** gives crime projections for 1994 based on the October 1993 to February 1994 post-Operation period, disregarding seasonal variations and assuming that low values for that period will be sustained throughout the year. This provides the most hopeful scenario of an Operation effect based on current data. The negative swings are substantial, in double digits in most cases. However, each of the indicators has at least one double digit swing in an earlier time period. Nevertheless, the pattern appears impressive. Three out of the four violent crime indicators are down, but that also occurred in 1982-1983, 1984-1985, and 1986-1987. Similarly, three of the four property crime

Table 30.

REGRESSION ANALYSIS OF VIOLENT AND PROPERTY CRIME INDEXES:
U.S. METROPOLITAN STATISTICAL AREAS (1992)

		Criterion Variable	
	Predictor Variable	Violent Crime Index	Property Crime Index
X1	Percent urban	-0.32	12.42
X2	Population size	44.35	197.63
X3	Population density	0.09	0.25
X4	Police officers per 1,000 population	0.01	-0.13
X5	Percent 18+ years of age	22.58	-3.31
X6	Percent of school age enrolled	-0.10	-1.14
X7	Per capita income	0.01	0.18
X8	Percent unemployed	60.57	139.47
X9	Percent black	5.11	20.41
X10	Percent Hispanic	-2.46	16.54
X11	Homogeneity index	-10.72	-30.44
X12	Border MSA	-73.09	-39.47
X13	Texas MSA	133.72	1.24
X14	Border State	-264.24	-1379.47
Constant		-743.88	3297.37
RSQ		0.51	0.43
n		244	237
Mean		660.22	5199.71
Standard deviation		347.21	1499.96

Notes: The Homogeneity Index (X11) is a measure of racial/ethnic homogeneity varying from 0 to 100; the higher the value, the more homogeneous the population. It is the observed standard deviation for percent white, black, other race, and Hispanic divided by the theoretical maximum standard deviation for a percentage distribution with four categories. X12-X14 are dummy variables with a value of one if a city is in a category and zero otherwise. The categories are mutually exclusive with border MSA, Texas MSA, and other border state MSA being classified in that order. Cell entries for predictor variables are unstandardized regression coefficients.

Source: Federal Bureau of Investigation, Uniform Crime Reports, 1992; U.S. Census of Population, 1990.

indicators show substantial declines, but that, too, occurred in 1981-1982, 1982-1983, and all three were down in recent years, 1990-1991 and 1991-1992. In 1990-1991, the number of offenses known to the police declined by 7,233. Our best estimates for the likely 1993-1994 decline range between 5,873 and 7,750. The most optimistic figure is not likely to be much larger than the drop experienced four years ago. Thus the current patterns in the Operation period (October 1993-February 1994) are not without precedent in the pre-Operation period. There was also another prior period in which six of the seven indicators declined from one year to the next: 1982-1983. It seems premature to claim, then, that the 1993-1994 shifts are unprecedented in the recent history of the community. The fact that current patterns are not unique raises doubts about the impact of Operation Hold the Line on crime in El Paso unless the observed differences are substantially larger than prior swings.

Observations on the Post-Operation Period. The

Table 31.

MAJOR CRIME TRENDS IN EL PASO
(1980 to 1993)

A. Annualized Crime Rates (Offenses Reported To The Police Per 100,000 Population)

	Popula-tion	Crime Index Total	Violent Crime Index	Property Crime Index	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-Theft	Motor Vehicle Theft
1980	425122	6366	661	5705	12.7	51	195	402	1474	3675	556
1981	442677	6613	793	5820	7.9	46	197	542	1613	3743	465
1982	458429	6419	856	5564	8.9	48	203	596	1570	3507	486
1983	471749	6190	906	5284	7.0	38	183	678	1563	3260	460
1984	465748	6455	801	5654	5.2	38	225	533	1547	3525	582
1985	474870	7096	771	6325	4.6	38	209	519	1686	4045	594
1986	483925	7806	978	6827	9.5	41	215	713	1899	4394	534
1987	494954	8501	875	7626	5.1	44	196	630	2113	4969	544
1988	501544	10165	898	9266	6.2	48	217	627	2425	5856	986
1989	515607	10623	916	9707	8.0	47	221	640	2214	6447	1046
1990	515342	11239	992	10248	6.6	50	268	668	1856	7298	1094
1991	526339	9630	1067	8563	9.3	50	282	725	1726	5787	1050
1992	535655	9044	1088	7956	8.2	51	301	728	1429	5513	1014
1993 [a]	544236	8794	1252	7567	8.6	55	297	891	1091	5377	1099
1993-94 [b]		8042	881	7161	8.8	43	255	575	873	5508	780

B. Annual Percent Change in Crime Rates, 1980-94

1980-81	4.1	3.9	19.9	2.0	-37.8	-9.7	1.0	34.7	9.4	1.8	-16.4
1981-82	3.6	-2.9	7.9	-4.4	13.1	3.2	3.3	9.9	-2.6	-6.3	4.5
1982-83	2.9	-3.6	5.9	-5.0	-21.8	-21.5	-9.8	13.9	-0.4	-7.0	-5.2
1983-84	-1.3	4.3	-11.6	7.0	-26.3	0.1	23.0	-21.5	-1.0	8.1	26.4
1984-85	2.0	9.9	-3.7	11.9	-10.1	1.4	-7.2	-2.5	9.0	14.7	2.0
1985-86	1.9	10.0	26.9	7.9	105.2	7.3	2.7	37.3	12.6	8.6	-10.1
1986-87	2.3	8.9	-10.5	11.7	-46.9	8.1	-8.8	-11.6	11.3	13.1	1.9
1987-88	1.3	19.6	2.6	21.5	22.4	9.1	10.8	-0.5	14.8	17.8	81.2
1988-89	2.8	4.5	2.0	4.8	28.7	-3.1	1.8	2.1	-8.7	10.1	6.1
1989-90	-0.1	5.8	8.3	5.6	-17.0	6.3	21.3	4.3	-16.2	13.2	4.6
1990-91	2.1	-14.3	7.6	-16.4	41.1	1.4	5.2	8.7	-7.0	-20.7	-4.0
1991-92	1.8	-6.1	1.9	-7.1	-11.8	0.9	6.6	0.4	-17.2	-4.7	-3.4
1992-93 [a]	1.6	-2.8	15.1	-4.9	4.7	7.5	-1.1	22.4	-23.6	-2.5	8.4
1993-94 [b]		-8.6	-29.6	-5.4	2.3	-22.0	-14.3	-35.5	-20.0	2.4	-29.0

C. Annual Percent Change in Crime Rates, 1991-92

El Paso	-6.1	1.9	-7.1	-11.8	0.9	6.6	0.4	-17.2	-4.7	-3.4
U.S. Cities of Comparable Size	-3.5	1.0	-4.1	-3.4	-2	2.3	0.2	-7	-4.2	2.5
United States	-4.0	-0.1	-4.6	-5.1	1.2	-3.3	2	-6.7	-3.9	-4.2

a = Based on Pre-Operation Months (September 1991 - September 1993)
b = Based on Projections from Post-Operation Months (October 1993 - February 1994)

Sources: Federal Bureau of Investigation, Uniform Crime Reports, 1980-92; El Paso Police Department, 1991-94

Table 32.

CRIMES REPORTED TO THE EL PASO POLICE DEPARTMENT BY MONTH
(SEPTEMBER 1991 - FEBRUARY 1994)

A. Number of Crimes in Post-Operation Period

	Crime Index Total	Violent Crime Index	Property Crime Index	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-Theft	Motor Vehicle Theft	Simple Assault
Oct-93	3650	424	3226	2	12	132	278	435	2493	298	1063
Nov-93	3711	439	3272	6	26	118	289	356	2512	404	975
Dec-93	3581	336	3245	4	20	97	215	397	2489	359	959
Jan-94	3468	351	3117	3	17	81	250	368	2355	394	877
Feb-94	3030	388	2642	2	22	99	265	314	1975	353	806

B. Monthly Averages for Specified Periods

Pre-Operation Period											
Oct 91-Feb 92	3957	393	3564	4.0	21	121	247	706	2445	412	821
Mar 92-Sep 92	4065	502	3563	4.0	24	131	343	671	2434	458	982
Oct 92-Feb 93	4007	474	3532	3.0	21	133	317	530	2512	490	942
Mar 93-Sep 93	4010	571	3439	4.1	25	138	404	505	2444	490	1102
Post-Operation Period											
Oct 93-Feb 94	3488	388	3100	3.4	19	105	259	374	2365	362	936
Entire Period	3940	476	3464	4	22	127	322	573	2444	447	965

C. Average Monthly Percent Change in Number for Specified Periods

Pre-Operation Period											
Oct 91-Feb 92	-3.2	-1.6	-3.3	4.7	0.6	1.9	-2.6	-6.9	-1.7	-3.9	-0.7
Mar 92-Sep 92	2.3	3.8	2.1	60.4	5.3	0.0	6.4	0.7	2.1	6.1	2.7
Oct 92-Feb 93	-3.2	-3.1	-3.1	-45.0	1.0	1.9	-4.0	-7.8	-2.7	2.6	-2.0
Mar 93-Sep 93	1.4	4.4	1.0	57.6	6.6	0.4	7.0	4.8	1.4	-3.2	4.2
Post-Operation Period											
Oct 93-Feb 94	-5.1	-6.1	-4.7	8.3	11.6	-2.9	-6.6	-10.1	-3.9	-0.6	-6.4
Entire Period	-1.1	0.1	-1.2	25.4	5.1	0.3	1.0	-2.9	-0.6	0.4	0.1

Source: El Paso Police Department

El Paso Police Department provided us with a two and one-half year period of monthly returns that they submit to the Texas Department Public Safety as part of the FBI's Uniform Crime Reporting Procedure.[42] Summaries of these data for the seven index crimes are presented in **Table 32**. Panels (A) and (B) give means and average percent changes in the number of offenses known for specified periods. In particular, the October 1993 to February 1994 period provides the five-month averages for each of the crime index counts for the post-Operation period to contrast with earlier periods. The patterns are consistently down for the post-Operation period. But are the differences so unusual that a claim can be made for an Operation effect? Some simple arithmetic provides a partial answer.

Overall, there are 519 fewer offenses reported on average for each month during the post-Operation period (October 1993 to February 1994) than for the same period one year earlier (3499 - 4007 = 519, or a 13 percent decline from the October 1992-February 1993 period). Multiplying that figure by 12 gives the expected reduction in the total number of offenses for an entire year (6228). However, note that the decline in the total crime rate was from 11,239 in 1990 to 9,630 in 1991 (see **Table 31**), a 14 percent decline over 1 year. Since both figures are based on number of offenses per 100,000 population, multiplying each by the respective population estimate for that year and dividing by 100,000 gives the number of offenses, 59,919 for 1990 and 50,686 for 1991, a difference of 7,233 for the year or an average of 603 per month, a 14 percent larger reduction per month than the 519 reduction during the post-Operation months.[43] This analysis is not elegant, but it is instructive. Larger downturns in the crime rate have been observed in El Paso in recent years than were observed during the first five months of the Border Patrol's Operation. It is not clear that the earlier downturns in the crime rates were noticed or that local law enforcement agencies received any kudos for those prior shifts.

A Technically Rigorous Approach with Equally Ambiguous Results. Just as it is too early to credit Operation Hold the Line as an essential element in any border city's crime control strategy, it is also too early to be dismissive. Multivariate statistical procedures are available to analyze trends over time. Estimates of effects can depend on the length of the available time series and the trend line that is used to make forecasts, but the process is technically and theoretically sounder than best guesses based on contrasts for only two points in time. **Table 33** contrasts the results for four different models that take into consideration trends over time as well as seasonal variations in the seven major crime rates. The analysis is based on monthly reports of offenses reported to the El Paso Police Department, and the models differ only in terms of the time periods used to estimate the trends and seasonal effects. The estimated effects during the post-Operation period are fairly consistent throughout the analyses.[44]

Based on the pre-Operation data only, each model estimates a linear trend and the last two models include estimates of seasonal trends. These estimates are then used to forecast the number of offenses for the post-Operation months. Differences between the predicted and observed number of offenses for the post-Operation period would indicate the extent to which the post-Operation data could not be estimated by prior trends (or by trends and seasonal effects in Models III and IV). These differences are provided for each category of crime in

[42] At the time of this writing, data should be available for the months of March-June 1994. Analysis of the additional four months plus monthly data going back at least as far as January 1990 would eliminate much of the random noise in the time series and allow greater confidence in the outcome of the analysis than is possible with the current data set.

[43] A simpler strategy, of course, is to go to the Uniform Crime Reports for those years and read the figures presented in the tables.

[44] Interrupted time series procedures were used with estimates based on the pre-Operation periods for Models I - III. Common modeling procedures were considered in terms of ARIMA analysis as was the case for the apprehensions data considered elsewhere in the report. A first order autoregressive structure was controlled for in four of the seven categories of crime in the Model I data. The result of all that effort is that, no matter which approach is used to model the effects of trends and seasonal variations in the offenses reported to the police, the findings are similar, with declines in most of the offense categories during the post-Operation period that are independent of trends and seasonal variations.

Table 33.

ESTIMATES OF POST-OPERATION EFFECT ON MAJOR CRIME
FOR FOUR MODELS OF TREND AND SEASONALITY

	Model I Long Term Trend Effect	Model II Medium Term Trend Effect	Model III Short Term Trend + Seasonal Effect	Model IV Short Term Trend + Seasonal Effect
Estimates Based on Period from:	1980-1993	1988-1993	Sep 91-Sep 93	Sep. 91-Feb 94
A. RSQ for Trend and Seasonal Effects				
Murder	0.04	0.01	0.56	0.54
Forcible Rape	0.29	0.07	0.36	0.38
Robbery	0.70	0.39	0.37	0.53
Aggravated Assault	0.48	0.32	0.84	0.74
Burglary	0.02	0.77	0.88	0.84
Larceny-Theft	0.73	0.11	0.56	0.55
Motor Vehicle Theft	0.81	0.15	0.48	0.47
B. Regression Coefficients for Trend				
Murder	0.01	0.02	-0.03	-0.03
Forcible Rape	0.06*	0.09	-0.06	-0.11
Robbery	0.52*	0.91*	-0.36	-1.24
Aggravated Assault	1.23*	3.00*	2.15*	-1.06
Burglary	-0.46	-10.39*	-4.28*	-3.73*
Larceny-Theft	9.10*	-4.80*	6.72	2.60
Motor Vehicle Theft	2.45*	1.60*	1.81	-2.37
C. Differences Between Observed and Predicted Offenses for the Post-Operation Period				
Murder	-0.5	-0.7	0.2	0.1
Forcible Rape	-4.4*	-5.1	-1.8	-0.6
Robbery	-32.5*	-39.9*	-31.6	-10.5
Aggravated Assault	-95.8*	-126.6*	-115.6*	-38.5
Burglary	-257.6	-77.4*	20.1*	6.7*
Larceny-Theft	-278.9*	-40.9*	-148.3	-49.4
Motor Vehicle Theft	-141.8*	-130.7*	-150.5**	-50.2
Violent Crime	-133.2	-172.3	-148.8	-49.5
Property Crime	-678.3	-249.0	-278.7	-92.9
Total Crime	-811.5	-421.3	-427.5	-142.4

* Probability < .10
** Probability < .15

Note: Negative differences in panel C indicate a decline in crime rate beyond that predicted by trends or seasonal variations prior to the Operation.

Source: Federal Bureau of Investigation, Uniform Crime Reports, 1980-92; El Paso Police Department for 1991-94 monthly crime report data.

panel (C) of **Table 33** for each model.[45] As was the case in the inelegant analyses presented earlier, if the differences are negative, they indicate the magnitude of the decline in offenses that cannot be attributed to trend and/or seasonal variations. If the differences are positive, they indicate the magnitude of the increase over what would have been expected given trends that started before the Border Patrol Operation began.

- Model I estimates the trend for each category of crime over the long term starting with the 1980 data and running through September 1993. As rates had been increasing over the majority of the period considered and declining only in recent years, this model probably exaggerates the apparent effects of the Operation.

- Model II estimates trend focusing on the medium term, from 1988, the year that seemed to initiate a sequence of downturns in the property crime rate, through September 1993.

- Model III estimates trend in the short term, from September 1991 through September 1993, and uses the monthly data to estimate seasonal effects.

- Model IV uses the entire short term series of thirty months from September 1991 through February 1994, again with seasonal estimates. Model IV would minimize the observed effect during the post-Operation period.

Using a long-term trend (Model I) does seem to exaggerate the post-Operation statistical effect on property crime rates. This is not surprising since we had observed a recent downturn in both burglary and larceny-theft.[46] Using the entire series (Model IV) minimizes the post-Operation effect and provides a lower bound. Although the differences may not be statistically significant, the overall pattern in Model IV is consistently down for most violent and property offenses. Thus, the minimum case still exhibits a downturn for the post-Operation period. With the exception of burglary, the estimates for the other two models are extremely consistent. The bottom line is that the when short-term trend and seasonal factors are controlled, overall crimes rates are down by more than 420 per month on average, and both aggravated assault and motor vehicle theft in particular are down more than could be explained by previous trends.

Below are the results for total crime index for the five post-Operation months using a model that relies on the period from 1990 to estimate recent trends and seasonal patterns. The observed number of offenses for each month is decomposed into the number of offenses predicted by the trend, the expected number of offenses to be added or subtracted from the trend component given seasonal variations observed in the series, and a remaining component that cannot be explained by either trend or seasonal variation. Thus, there were 3,650 offenses in October 1993; 3,758 were expected given the declining trend since 1990. The month of October is typically up 66 offenses over the trend. Trend plus seasonal component give a predicted number of offenses for the month: 3,824. The observed value (3,650) minus the predicted value (3,824) gives the remainder. The observed value was 174 offenses lower than would have been predicted by trend and seasonal variations alone. It is the magnitude of that remainder that should tell whether there is something unusual happening. The total for the five-month period, 407 fewer offenses committed or 81 fewer per month on average, is smaller but consistent with the other medium to short-term models considered.

The total number of offenses were a bit higher two years earlier, but the declines that were not predicted by trend or seasonal effects (the remainder) in the five month period in 1991-1992 (down 162 offenses per month) were twice those observed in the first five months of the post-Operation period (down 81 offenses per month). Given the consistency of these results, it is difficult to say that some-

[45] Panel (A) gives the squared multiple correlation coefficient and indicates how well the trend line and seasonal variables predict the number of offenses for each month throughout the time period. The regression coefficients for trend in panel (B) indicate whether the trend is rising or declining during the specified period.

[46] A cubic model provides a better fit for that curve, but that degree of elegance is probably not justified by the data or by any theoretical reasoning underlying such a model for this data.

Summary of trend analysis results for the post-Operation period:

Month	Observed number of offenses	Number predicted by trend	Seasonal component	Predicted Number	(Observed-Predicted) Remainder
Oct	3,650	3,758	66	3,824	-174
Nov	3,711	3,735	-146	3,589	122
Dec	3,581	3,711	-127	3,584	-3
Jan	3,468	3,689	-128	3,561	-93
Feb	3,030	3,666	-377	3,289	-259
Total	17,440	18,559	-712	17,847	-407
Average	3,488	3,712	-142	3,569	-81

Summary of trend analysis results for a five-month periuod two years earlier (1991-1992 using the same estimates for trend and seasonal components as for the post-Operation period:

Month	Observed number of offenses	Number predicted by trend	Seasonal component	Predicted Number	(Observed-Predicted) Remainder
Oct	4,173	4,307	66	4,373	-200
Nov	4,071	4,284	- 146	4,139	-68
Dec	3,916	4,261	-127	4,134	-218
Jan	3,872	4,238	-128	4,110	-238
Feb	3,752	4,215	-376	3,839	-87
Total	19,784	21,305	-710	20,595	-811
Average	3,957	4,261	-142	4,119	-162

thing extraordinary is happening with respect to serious crime due to the Operation.

These results are suggestive, not definitive. The time series is too short, particularly for the post-Operation period. Nevertheless, the results are indicative. At least to this point in time, it appears that the Border Patrol's strategy may directly or indirectly have some impact on serious crime in the El Paso region. Several criteria would have to be met to provide a persuasive case that those who gain illegal entry into the United States or who are nonresident in the United States contribute disproportionately to the rate of serious crime in border cities and that the Operation is having a direct effect on serious crime in El Paso:

- The declines in the crime rates would have to be unprecedented, which is not the case at present;
- If not unprecedented, the declines would have to larger than those previously experienced, which is not the case at present;
- The declines would have to be sustained significantly below levels that could be expected by recent trends and seasonal patterns, as yet not the case;
- Variations in the rates of crimes along the border should vary in proportion to the illegal flow along the border (we have insufficient information to speak to that issue);[47]
- Direct information on citizenship, residence status, and entry status on apprehended offenders

[47] We attempted a preliminary analysis of the relationship between INS apprehensions and offenses known to the police after the effects of trend and seasonality had been removed from both. There is a small statistical relationship between aggravated assault and total INS apprehensions: for every 200 increase (or decrease) in apprehensions, the number of assaults increases (decreases) .5 in the detrended series. The series we have on arrests is too short to remove seasonal effects, but, again, there is a modest statistical relationship between aggravated assault and the detrended INS apprehension totals: an increase of 1.4 arrests for every 100 INS apprehensions. A longer time frame is needed to tease out the possibility of a relationship worth pursuing, particularly given the prospect of lagged effects between apprehensions and offenses.

should demonstrate a declining contribution after the Operation's inception to the arrest rates of individuals who are noncitizen, nonresident, and without legitimate entry into the country (we have no information that addresses this issue.

Geographic Distribution of Crime

Distribution of Arrests. Public perception in El Paso is dominated by a view that the crime problem has been getting worse, and the evidence presented above supports that view over the long-term, although some property crime rates appear to have declined in recent years. Some of the past increase may have been due to changes in the age and sex distribution of the resident population and in changing economic and social conditions in the area. During the 1980s much of the city's growth has been affected by migration patterns due to its proximity to a large Mexican population across the border, and many people believe that undocumented aliens are the source of the increase in serious crime in El Paso and that the increasing number of undocumented aliens is due to the U.S. government's inability to control the border. This impression probably is bolstered in part by the unusually low recovery rate for motor vehicle theft in the city[48] and by the number and dollar value of motor vehicles stolen in the United States that have been recovered south of the border by the FBI in cooperation with Mexican law enforcement agencies.

The serious criminal activity in the city is disproportionately located in City Representative District 8, which follows the U.S.-Mexico border throughout the south and west side of the city of El Paso and includes the main bridge crossing points in the downtown area.[49] In the first nine months of 1993, 41 percent of all felony arrests in the city occurred in that district. When the arrest data are linked with census information on municipal regions, the central area has the highest arrest rates as expected. Some contributing factors are easy to identify. Both per-capita income and median family income in the central region are about two-thirds of those for the entire city. The central area has a younger population and a higher proportion of residents twenty-five years or older with less than a ninth grade education. By these measures, the economic and social status of the population is worse than for the city as a whole. The central area also has a high proportion of Hispanic residents, although some parts of the area have an even a higher proportion with similar economic status, older perhaps, but more poorly educated, and substantially lower arrest rates on all measures except prohibited weapons offenses.

Distribution of Complaints. In addition to serious crime, we were told that a great deal of highly visible petty criminal activity (e.g., vandalism, shoplifting and other petty theft, prostitution, minor drug offenses, aggressive panhandling and begging, and illegal street vending) also has been concentrated in the central downtown district. The Border Patrol's operation may have had only a small effect on major crime, but many observers apparently think the community is safer now than before.

The public view may be shaped by the reduction in petty offenses in the downtown area, much of which apparently involves youthful offenders. That view is supported by the reduction in incoming complaint calls monitored by the El Paso Police Department over an eight-week period when the Operation first

[48] El Paso's recovery rate was about 43 percent in the 12 months before Operation Hold the Line began compared to about 60 percent for Texas cities (see Miller 1987 for a comparison between Texas cities and motor vehicle theft in border cities in the mid-1980s). The recovery rate in El Paso increased to 64 percent in the five months after the Operation started. Although the annual motor vehicle theft rate remained fairly constant at about 500 per 100,000 population, the recovery rate for El Paso declined from about 81 percent in 1976 to about 40 percent from 1986. Since that time, the rate of thefts has doubled with no appreciable increase in recoveries.

[49] Police districts 31-36, 42, 44, 51, and 54. There are six other police districts on the border scattered through four city representative districts.

[50] A sharp reduction in 911 calls and accidents in week eight suggest that a seasonal variation may account for the reduction observed in some of the categories in that week as neither would be expected to go down so precipitously. The number of alarms, silent and audible combined, provide an automatic measure of variation in property crime that tended to decline during the eight-week period independent of law enforcement activity.

began.[50] Most of the reduction in incoming calls came from the downtown police districts and occurred in all categories with the surprising exceptions of shoplifting, prowlers, and sex offenses, as some of our respondents led us to believe these offenses were among the first to decline. The decline in the proportion of all petty offenses and nuisance complaints coming from the downtown area substantiates the impression that some of the population at risk, most probably youthful offenders, have been turned back at the border. The data may reflect some seasonal variation during the period of the study undertaken by the El Paso Police Department as well, but the initial impact appears to confirm most expectations.

The early impact on minor crime is substantiated by the activity reports of the Anthony Police Department to the west, the Horizon City Police Department to the east, and the University of Texas at El Paso Police Department (near the Mexican border in the southwest corner of the city). Apparently Mayor Francis was sufficiently impressed by the reduction in minor crime observed in the early stages of the Operation to shift sixty-five police officers from the downtown area into a newly established gang taskforce. He appears confident enough about the Operation's long-term prospects that he has invested community resources in a cleanup campaign for the downtown area to revitalize economic activity in that part of the city.

On other fronts, federal authorities indicate that criminal alien cases appear to have declined since the Operation began; bridge apprehensions (mainly drug trafficking) have increased; river apprehensions are down; and criminal activities have increased on the perimeters of the Border Patrol's Operation (near Fabens, Texas to the east and New Mexico to the west). They have no illusions that major drug traffickers will not be able to adapt successfully to the new situation.

Juvenile Offenders and the Racial/Ethnic Distribution of Arrests

We examined the arrest rates of juvenile offenders for serious crime, contrasting the differences in monthly average number of arrests for the post-Operation period with the same five-month period one year earlier. Again, this type of contrast ignores any trends that may have been present prior to the onset of the Operation and can only identify contrasts that may be consistent (or inconsistent) with expectations about the Operation's potential effect on crime. The underlying causes of the differences remain uncertain. In particular we have no direct information on the citizenship or resident status of offenders.

Although the number of juveniles processed for all offenses, including serious crime, increased by 23.5 percent compared to the same period one year earlier and the number referred to court increased by 40.3 percent, the number of arrests for serious offenses were down for both violent crime and property crime (the numbers in individual categories of offense are too small to be meaningful with the exception of aggravated assault and larceny-theft, both of which are down on the previous year's figures). The results suggest a significant decline in juvenile involvement in serious crime. The difference cannot be explained by less vigilance on the part of the police department given the substantial increase in the number of juveniles being turned over. But, there is a perplexing caveat. Juvenile arrests for serious offenses did not decline disproportionately as might be expected. The proportion, 4.2 percent of all arrests for serious crime involving juveniles, was up marginally compared to the same period one year earlier. The number of arrests of adult offenders, most probably young adults, must have declined in tandem.

From our respondents' comments, we would expect juvenile arrests to be down for minor offenses, disproportionately so for Hispanics to the extent their entry to El Paso has been restricted by the Operation. **Table 34** identifies the contribution to changes in average arrest rates of seven categories of crime by race, ethnicity, and age group. Reading from right to left in the top row, there were sixteen fewer arrests for major violent crimes on average October 1993 to February 1994 compared with the same five-month period one year earlier (October 1992 to February 1993). Juvenile arrests declined by nearly nine

Table 34.

DIFFERENCES IN AVERAGE ARREST RATES FROM EL PASO
BY RACE/ETHNICITY AND AGE CATEGORY
(OCTOBER 1993 TO FEBRUARY 1994 MONTHLY AVERAGE -
OCTOBER 1992 TO FEBRUARY 1993 MONTHLY AVERAGE)

Type Of Crime	White < 18 Yrs	White 18+ Yrs	White Total	Black < 18 Yrs	Black 18+ Yrs	Black Total	Hispanic < 18 Yrs	Hispanic 18+ Yrs	Hispanic Total	Total < 18 Yrs	Total 18+ Yrs	All Categ
Major Violent	-1.4	-1.2	-2.6	-0.4	-2.0	-2.4	-6.8	-4.2	-11.0	-8.6	-7.4	-16
Major Property	-9.4	-2.2	-11.6	0.8	-1.2	-0.4	-24.0	-38.8	-62.8	-32.6	-42.2	-74.8
Minor Violence	4.8	4.8	9.6	1.0	2.0	3.0	2.0	8.2	10.2	7.8	15	22.8
Minor Property	1.6	.4	2.0	-0.2	0.2	0.0	-2.2	4.4	2.2	-0.8	5	4.2
Vandalism	9.2	4.4	13.6	1.0	1.6	2.6	35.4	2.6	38.0	45.6	8.6	54.2
Prohibited Weapons	0.2	-1.4	-1.2	0.6	-1.0	-0.4	3.6	1.8	5.4	4.4	-0.6	3.8
Sex Offenses	7.5	-2.4	5.1	0.0	-1.4	-1.4	-1.1	-17.5	-18.6	6.4	-21.3	-14.9
Drug Offenses	1.8	-4.8	-3.0	0.9	-2.8	-1.9	9.7	-34.6	-24.9	12.4	-42.2	-29.8
Public Order Offenses	7.2	-21.2	-14.0	-0.1	-4.8	-4.9	8.2	-150.8	-142.6	15.3	-177	-161.5
Total	21.5	-23.6	-2.1	3.6	-9.4	-5.8	24.8	-228.9	-204.1	49.9	-261.9	-212.0
Juvenile Status Offenses												
Curfew Violations	9.6			2.4			48.6			60.6		
Runaways	3.8			2.2			10.2			16.2		
Total	13.4			4.6			58.8			76.8		

Source: El Paso Police Department

per month and adult arrests by seven per month. Arrests of Hispanics for major violent crimes were down eleven per month, which is more than the decline for blacks and white non-Hispanics combined. The number declined more for young Hispanics (by about seven per month) compared to adults (about four per month).

Such a result is consistent with expectations about the Operation's effect on young Hispanics. That is not the case for any other category. Arrests tend to be down generally more for older than younger offenders in all race/ethnic categories and for older Hispanics more than any other group. Arrests for minor property offenses and minor violence increased, and arrests for vandalism increased considerably for young Hispanics. Arrests for sex, drugs, and public order offenses are down for adults in all race/ethnic categories and especially for adult Hispanics. There is a juvenile effect, particularly for Hispanics, but more for serious than minor crime. There is an Hispanic effect relating to minor crime, but more for adults than juveniles.

The evidence supports the thesis that juvenile offenders are being restrained with respect to serious crimes, Hispanics more than blacks or white non-Hispanics, but possibly as an outcome of the additional resources available for the gang taskforce. There is little support in the arrest data for the sort of effects predicted by our respondents in terms of the role age group plays. There is considerable support for the notion that public nuisance activities may be down with the possible exception of vandalism, but juvenile offenders appear less responsible for the downturn than was anticipated although the effect of young adults is obscured in this analysis.

Cost of Crime

We also examined data relevant to assessing changes in the cost of crime. With the exception of forcible rape, burglary, and larceny-theft, the police clearance rates increased in the October 1993 to February 1994 period compared to the same period one year earlier (**Table 35**, panel A). Clearance rates for motor vehicle theft more than doubled. Thus, not only are most offenses down compared to a year earlier, the apprehension rates improved for some violent and property offenses. This may suggest that the redirection of police resources from minor and petty offenses to more major crimes was fruitful, or it may be a trend that started some time ago; we do not have sufficient data to resolve the issue, and it would be useful to know whether there was a similar pattern during the 1990-1991 downturn.

The cost of crime to the community involves more than property losses, but property losses, a visible measure of changing conditions, were down during the post-Operation period in all major categories: robbery, burglary, larceny-theft, and motor vehicle theft (**Table 35**, panel B). Equally important, both the value and the percent of property recovered increased. The patterns are too consistent to ignore and are consistent with the hypothesis that crime control, as measured by property losses, improved during the post-Operation period. Again, in the absence of a longer time series,[51] it is not clear whether the recent declines can be attributed to indirect or direct effects of the Border Patrol's activities or to trends in law enforcement effectiveness begun before the Border Patrol shifted its strategy.

Most of the property lost to criminal activity in the region comes from motor vehicle theft (70 percent of the total value of stolen property in the October 1993 to February 1994 period). That, and the rise in motor vehicle theft of 138 percent from a low of 460 motor vehicle thefts per 100 thousand population in 1983 to a high of 1094 per 100 thousand by 1990, probably accounts for the community perception that motor vehicle theft is high. It is no solace to those whose cars go missing to learn that the motor vehicle theft rate is low relative to communities of comparable size in the United States. In 1992 El Paso ranked thirty-first in motor vehicle theft among the forty cities of comparable size (Table 28).[52]

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[51] In particular the series should include the period around the time of the previous large downturn in 1990-1991.

[52] See Miller (1987) for a comparison of trends in motor vehicle theft among border cities in Texas and for a description of how border theft rings operate and the responses of law enforcement agencies on both sides of the border.

Table 35.

VARIOUS MEASURES OF COST OF CRIME

A. Monthly Average Clearance Rates (Percent)

Period	Total Crime	Violent Crime	Property Crime	Murder	Forcible Rape	Robbery	Aggravated Assault	Burglary	Larceny-Theft	Motor Vehicle Theft	Simple Assault
Oct 92 - Feb 93	16.7	37.1	14.0	68.0	53.5	24.4	41.3	11.8	15.1	11.3	47.1
Mar 93 - Sep 93	15.9	35.6	12.6	99.5	47.2	27.3	37.5	11.0	13.8	8.4	49.5
Oct 93 - Feb 94	18.4	42.4	15.4	95.0	44.7	33.0	45.1	11.8	14.3	26.0	49.5
Percent Change [a]	9.8	14.2	10.1	39.7	-16.5	35.5	9.3	0.3	-5.3	130.9	5.1

B. Value of Stolen Property

	Robbery ($ '000)	Burglary ($ '000)	Larceny-Theft ($ '000)	Motor Vehicle Theft ($ '000)	Value of Property Stolen ($ '000)	Percent Property Recovered ($ '000)	Percent of Value Recovered
(A) Monthly Average							
Oct 92 - Feb 93	80.00	619.60	631.20	3070.8	4402.20	1421.40	32.29
Mar 93 - Sep 93	258.86	467.71	531.57	2870.1	4129.29	1314.86	32.17
Oct 93 - Feb 94	54.40	420.00	610.40	2591.2	3676.00	1539.00	42.07
Percent Change [a] Oct 92 - Feb 93 to Oct 93 - Feb 94	-32.00	-32.21	-3.30	-15.6	-16.50	8.27	30.29
(B) Average Value Per Incident ($)							
Oct 92 - Feb 93	602	1169	251	6264	1201		
Mar 93 - Sep 93	1876	926	218	5859	1154		
Oct 93 - Feb 94	518	1123	258	7166	1147		
Percent Change [a] Oct 92 - Feb 93 to Oct 93 - Feb 94	-13.9	-3.9	2.7	14.4	-4.5		

C. Cost of Motor Vehicle Theft

	Vehicles Stolen (Number)	Vehicles Value ($ '000)	Vehicle Recovery Value ($ '000)	Recovered Locally	Recovered Elsewhere	Total Recovered	Average Value Stolen ($)	Average Value Recovered ($)	Percent Vehicles Recovered	Percent Value Recovered	Percent Vehicles Recovered Elsewhere
Monthly Average											
Oct 92-Feb 93	490.2	3070.8	1344.6	167.6	50.2	217.8	6264.4	6173.6	44.7	44.1	23.1
Mar 93-Sep 93	489.9	2870.1	1233.7	150.4	56.0	206.4	5859.1	5976.5	42.0	43.2	26.3
Oct 93-Feb 94	361.6	2591.2	1370.8	134.2	95.8	230.0	7165.9	5960.0	63.8	53.5	41.9
Percent Change [a] Oct 92-Feb93 Oct93-Feb 94	-26.2	-15.6	1.9	-19.9	90.8	5.6	14.4	-3.5	42.6	21.4	81.4

D. Minor Property Offenses

	Number of Incidents: Residential Burglaries	Number of Incidents: Larceny-Theft < $50	Number of Incidents: Pickpocket/Purse Snatching	Number of Incidents: Shop-Lifting	Value of Property Stolen ($'000): Residential Burglaries	Value of Property Stolen ($'000): Larceny-Theft < $50	Value of Property Stolen ($'000): Pickpocket/Purse Snatching	Value of Property Stolen ($'000): Shop-Lifting	Average Value per Incident ($): Residential Burglaries	Average Value per Incident ($): Larceny-Theft < $50	Average Value per Incident ($): Pickpocket/Purse Snatching	Average Value per Incident ($): Shop-Lifting
Monthly Average												
Oct 92 - Feb 93	372.0	1661.4	33.6	630.8	456.0	109.7	5.8	38.5	1198.1	72.3	170.1	61.1
Mar 93 - Sep 93	356.9	1674.1	21.3	554.7	337.3	29.2	4.4	33.5	936.5	17.4	215.3	63.7
Oct 93 - Feb 94	277.4	1673.2	14.2	647.4	307.6	29.0	1.6	34.9	1112.2	17.2	116.3	53.4
Percent Change [a] Oct 92 - Feb 93 to Oct 93 - Feb 94	-25.4	0.7	-57.7	2.6	-32.5	-73.6	-71.9	-9.4	-7.2	-76.2	-31.6	-12.7

a = Percent calculated from Oct 92 - Feb 93 to Oct 93 - Feb 94.
Source: El Paso Police Department

It should come as no surprise that our data bear out local perceptions of the decline of motor vehicle theft in the early part of the post-Blockade period. Both the number of vehicles stolen and the total value of the community's loss are down compared to the same period one year earlier (**Table 35**, panel C). About 43 percent of vehicles were recovered in the year prior to the Operation compared to 60 percent in the five-month period after the Operation began. About 43 percent of the total value stolen[53] was recovered in the prior year compared to 53 percent during the post-Operation period. From 1983, the recovery rate for stolen vehicles in El Paso was low compared to other cities (the recovery rate is about 60 percent for Texas cities, see Miller 1987), the difficulty of tracking culprits across the border being the perceived explanation for this low recovery rate. The FBI does recover some vehicles through its liaison with authorities in Mexico, but we are told that the recovered vehicles are often stripped and substantially reduced in value. The data indicate that both the recovery rate and the value of recovered vehicles increased during the post-Operation period, but, paradoxically, the average value of recovered vehicles has been declining steadily in recent years. That the number of vehicles recovered from outside the community has nearly doubled in a short period may be testimony to statewide and regional efforts to become more effective in dealing with motor vehicle theft.

As indicated above, some law enforcement officials hypothesize that the Border Patrol's new strategy reduces minor and unreported crime, the nuisance activities of at risk juveniles and young adults, by making it more difficult for young males to enter the United States from Juárez. They may be less likely to have the required documentation to get through the regulated entry points. To the extent that this type of flow has been reduced, the results should be reflected in minor criminal offenses.

Although residential burglaries are not minor crimes by any standard, we have added them to a list of such petty crimes as minor theft, purse snatching, and shoplifting presumed to be committed by younger offenders (**Table 35**, panel D). We assume greater expertise would be required to burglarize a commercial establishment, where the returns may be greater but so are the risks of detection from security systems.

The incidence of residential burglaries and purse-snatching/pick pocketing complaints is dramatically lower in the post-Operation period compared to the same months one year earlier, as is the total value of losses and the average property loss per incident (**Table 35**, panel D). Both minor larceny-theft, where the stolen property is valued less than $50, and shoplifting incidents did not vary much in terms of total number during the two five-month periods contrasted in **Table 35**, although the total value and the average value per incident both declined.[54]

The number of commercial burglaries were down even more than residential burglaries during the two periods (38.9 percent). Although commercial burglaries showed a similar drop in total value of property lost as in residential burglaries, the average loss per incident increased by 12 percent, to $1,164 per incident on average, surprisingly similar to the residential burglary average ($1,112). Major larcenies (property losses over $50) decreased by 19 percent but the value per incident increased 37 percent (the total value increased by 12 percent).

In the absence of any information on earlier trends, the data are consistent with the hypothesis that both major and minor property crime declined somewhat during the post-Operation period relative to the situation one year earlier. Whether the decline is due to the Border Patrol's success in curtailing the entry of the at risk population or to the efforts of law enforcement agencies is speculative from this data alone. The total decline in such incidents is exclusively due to the change in the number of burglaries and motor vehicle thefts, both of which have received particular attention from local law enforcement agencies in recent years, and with some effect in recent years prior to the Operation.

[53] $35.4 million, up from $10.6 million in 1986 according to Miller (1987).

[54] We are mystified why the average value per incident is greater than $50 ($66) from October 1992-February 1993 for incidents that are supposed to be valued at $50 or less and suspect either an accounting or a classification error may be at fault.

Other Measurements

Railroads. In addition to being served by major airlines and highways, El Paso is connected to other parts of the country by three major rail systems, the Santa Fe Railroad, the Southern Pacific Railroad, and the Union Pacific Railroad. While providing transportation for the shipment of goods both into and through the city, they unintentionally also provide transportation for migrants. If Operation Hold the Line successfully reduced the numbers of illegal migrants entering the country near El Paso, then it should have reduce the numbers of illegal migrants trespassing on railroad property. Data provided by the Santa Fe Railroad suggest such a reduction; the numbers of illegal migrants caught by the railroad's police department significantly declined since the Operation was implemented.

Apprehensions and arrests of illegal migrants across the entire Santa Fe Railroad system declined since Operation Hold the Line was implemented.[55] **Table 36** displays the number of illegal migrant adults apprehended systemwide by the Santa Fe Railroad from January 1, 1992, through May 26, 1994. The table shows that apprehensions increased for comparable months from 1992 to 1993. Since the operation's implementation, apprehensions of illegal migrant adults by Santa Fe Railroad police are down dramatically. Systemwide, between January 1 and May 27, 1994, Santa Fe Railroad police officers apprehended 1,407 illegal migrant adults, compared to 3,047 during the same period in 1993, a 53.8 percent decrease. Apprehensions of illegal migrant juveniles and arrests of illegal migrants by Santa Fe Railroad police declined by 38.2 percent (from 89 to 55) and 49.9 percent (from 2,612 to 1,309), respectively.

The available data do not provide the numbers of illegal migrants apprehended/arrested in El Paso

[55] An apprehended illegal migrant may or may not be arrested. The Santa Fe Railroad police record an arrest when the apprehending officer turns the alien(s) over to either the Border Patrol or local authorities. In areas where there is no Border Patrol or where local authorities refuse to take trespassers into custody (because of jail overcrowding due to more serious crimes), railroad police officers warn the illegal migrants and release them.

Table 36.

TOTAL APPREHENSIONS OF ILLEGAL MIGRANT ADULTS BY SANTA FE RAILROAD POLICE OFFICERS

	1992	1993	1994
January	359	400	205
February	504	598	212
March	469	615	301
April	468	613	375
May	617	821	314
June	517	797	
July	720	588	
August	791	1095	
September	545	509	
October	473	120	
November331		110	
December	268	130	
Total	6062	6396	1407

Source: Santa Fe Railroad Police Department

by month. Therefore, to compare the number of illegal migrants apprehended/arrested in El Paso during the post-Operation implementation period to analogous months in the pre-Operation period, one must extrapolate. In 1993, 47.9 percent (3,047 of 6,396) of the illegal migrant adults apprehended by the Santa Fe Railroad police were caught between January and May 1993. (For ease of discussion, the proportion of apprehensions/arrests in January-May to those for the full year is henceforth referred to as the JM ratio.) Assuming the JM ratio for 1993 holds true for 1994, one can project that approximately 1,191 illegal migrant adults will be apprehended in El Paso in 1994, a 76.0 percent decrease from 1993.[56] Thirty-four illegal migrant juveniles were apprehended during the January-May 1994 time. Assuming the 1993 JM ratio for illegal migrant juvenile apprehensions of 53.0 percent holds for 1994, one can project a total of 64 illegal migrant juvenile apprehensions in El Paso during 1994, a 57.8 percent decrease from the previous year. A similar projection based on the 1993 JM ratio for illegal migrant arrests in El Paso by Santa Fe Railroad police reveals a predicted 73.1 percent decrease in arrests in 1994 versus 1993.

These projections, however, are based on the assumption that the JM ratios for each group observed, i.e., illegal migrant adults, illegal migrant juveniles, and arrests, will remain constant for 1994. This assumption is questionable because of the dramatic decline in illegal migrant apprehensions/arrests during the final three months of 1993 as shown in **Table 36**. It is, therefore, not unreasonable to believe that Operation Hold the Line may have unduly influenced the JM ratios for 1993. However, using the JM ratios for 1992 and developing a mean JM ratio by averaging 1992 and 1993 data provides similar results. The JM ratio for illegal migrant adults for 1992 is 39.9 percent. Using that figure, one would predict that 1,422 illegal migrant adults would be apprehended by Santa Fe Railroad police officers in El Paso in 1994. That means a 71.4 percent reduction in apprehensions of illegal migrant adults during the first five months of 1994 versus the same time period in 1993. The mean 1992-1993 JM ratio is 43.8 percent, resulting in a predicted 1,293 apprehensions of illegal migrant adults, a 73.9 percent decline in apprehensions from 1993 to 1994. Similar conclusions result from applying the same approach to apprehensions of illegal migrant juveniles and arrests of illegal migrants by the Santa Fe Railroad police.

Clearly, the numbers of apprehensions and/or arrests of illegal migrants, both adults and juveniles have declined since the implementation of Operation Hold the Line. While it is unlikely that the decrease in apprehensions and arrests can be solely attributed to the Operation Hold the Line, it is not unreasonable to believe that the Operation is responsible for a substantial part of the decrease. Similar information was provided by the Southern Pacific Railroad police department. Although unwilling to provide specific crime statistics, they reported a 75 percent reduction in apprehensions of undocumented migrants. In October and November 1993, they experienced a total of five burglaries, compared to about five per day previously. The department attributes about 90 percent of the crimes on Southern Pacific property to undocumented migrants and attributes the majority of the reduction in criminal activity to Operation Hold the Line.

Drugs and Contraband. The U.S. Customs Service in El Paso is responsible for inspecting incoming people and vehicles to collect duties imposed on incoming goods and to prevent the importation of goods declared illegal by the U.S government. Among those items often smuggled across the border are illegal drugs. As Operation Hold the Line interrupted the flow of people across the border at other than legal ports of entry, one would have expected an increase in attempts to smuggle drugs and other items through the ports of entry. The Customs Service maintains records of people apprehended for attempting to import goods illegally, paying particular attention to drug smuggling. **Table 37** shows the numbers of people apprehended while attempting to smuggle drugs and other items through the El Paso ports of entry during the period September 1992 -March 1994. The mean number of

[56] 567 illegal migrant adults apprehended from January-May 1994 in El Paso divided by the 47.6% JM ratio results in a projection of 1,191 expected to be apprehended in El Paso during the entire 1994 year. 1,191 projected apprehensions for 1994 is a 76.0 percent decrease from the 4,964 actual apprehensions in El Paso in 1993.

Table 37.

APPREHENSIONS OF PEOPLE ATTEMPTING TO IMPORT DRUGS
(SEPTEMBER 1992-MARCH 1994)

	Marijuana		Cocaine		Heroine		Other		Total	
Month	92-93	93-94	92-93	93-94	92-93	93-94	92-93	93-94	92-93	93-94
September	26	32	4	3	0	0	79	66	109	101
October	20	40	2	4	1	4	44	58	66	106
November39	29	1	4	1	1	64	56	105	90	
December	23	29	4	3	0	2	86	72	113	106
January	28	28	2	2	0	0	64	55	94	85
February	30	41	1	6	1	3	58	50	90	100
March	39	28	6	4	0	2	55	65	100	99
April	28		4		0		71		103	
May	27		4		1		70		102	
June	26		3		1		46		76	
July	25		4		1		101		131	
August	28		6		4		55		93	
Total	339	227	41	26	10	12	793	422	1182	687
Mean	28.3	32.4	3.4	3.7	0.8	1.7	66.1	60.3	98.5	98.1
% Change		14.8		8.7		105.7		8.8		0.4

Source: U.S. Customs Service, El Paso Office

monthly apprehensions decreased slightly after the operation was implemented, but apprehensions for smuggling of marijuana, cocaine, and heroine increased by 14.8 percent, 8.7 percent, and 105.7 percent, respectively. **Table 38** shows the amounts by weight of marijuana, cocaine and heroine seized during those apprehensions. Marijuana seizures increased by 69.4 percent and heroine seizures increased by 61.9 percent, while cocaine seizures decreased by 28.3 percent. During the same time, total vehicle inspections increased by 3.9 percent. Because the rate of apprehensions for drug smuggling increased at a rate significantly higher than the rate of vehicle inspections, it is not unreasonable to suggest that Operation Hold the Line had an impact on drug smugglers. Deterred from crossing the border where the line of Border Patrol are stationed, it appears that smugglers increased attempts to cross at the ports of entries, resulting in increased apprehensions and seizures.

Agriculture. It also appears that Operation Hold the Line had a significant impact on the illegal importation of various agricultural goods through the El Paso area. Since the operation began, there was a substantial decrease in the number of persons apprehended by agents of the El Paso district of the U.S. Department of Agriculture in possession of contraband agricultural goods while attempting to cross the border illegally. The department maintains data on the quantities seized of various fruits (specifically limes, avocados, guavas, and mangos), plants, exotic birds, and other items. **Table 39** shows the number of persons apprehended carrying contraband agricultural products into the El Paso area by USDA agents during fiscal years 1984 through 1993. It also lists the quantities of fruits and the numbers of exotic birds seized during that period.

The dramatic changes in apprehensions and confiscations appear to be directly related to the number of agents patrolling the border area. The USDA assigns agents to the district primarily to inspect people and vehicles entering the country through legal ports of entry. Prior to 1986, USDA agents had patrolled illegal border crossing points sporadically, on a volunteer basis. In 1986, the district increased the number of agents patrolling the border away from legal ports of entry. Then in 1989, the district teamed its agents with Border Patrol agents, effec-

Table 38.

AMOUNTS OF SEIZURES OF DRUGS AT BRIDGES BY U.S. CUSTOMS SERVICE
(SEP 92 - MAR 94)

	Marijuana (lbs.)		Cocaine (lbs.)		Heroine (grams)	
Month	92-93	93-94	92-93	93-94	92-93	93-94
Sep	606.0	696.0	8.5	*	0.1	none
Oct	486.0	2755.0	76.5	90.0	0.6	906.9
Nov	1047.0	1131.0	2.0	234.0	0.6	1587.0
Dec	423.0	1655.0	1.5	*	none	680.2
Jan	1571.0	1523.0	*	*	none	none
Feb	1335.0	2849.0	*	*	680.1	4081.0
Mar	1734.0	2148.0	28.7	*	none	1133.6
Apr	875.0	2414.0	*	961.0	none	1133.6
May	1144.0		5.8		997.6	
Jun	859.0		1.1		1315.0	
Jul	978.0		446.0		453.4	
Aug	1854.0		205.0		5441.3	
Total	12912.0	15171.0	775.1	1285.1	8888.7	9522.2
Mean	1076.0	2167.3	64.6	183.6	740.7	1360.3
%Change	101.4		184.2		83.6	

* less than 0.1 lbs.

Source: U.S. Customs Service, El Paso Office

Table 39.

SEIZURES OF ILLEGAL AGRICULTURAL GOODS AND CARGO

Fiscal Year	Persons	Fruits (lbs)	Birds
1984	6	33	7
1985	19	3,722	7
1986	94	18,789	91
1987	430	23,764	122
1988	1,113	78,203	96
1989	3,461	170,670	111
1990	3,280	285,040	82
1991	2,785	256,680	101
1992	717	66,482	44
1993	1,051	84,862	36

Source: U.S. Department of Agriculture, El Paso Office

tively doubling the number of patrols searching for illegal border crossers importing undeclared agricultural products. In 1992, the USDA reduced the number of its agents patrolling the border as increasing activity at legal ports of entry restricted the availability of agents for patrol duties. The numbers of persons apprehended and contraband goods confiscated shown in **Table 39** correspondingly reflect the increase and subsequent decrease in USDA agents patrolling the border. However, the number of apprehensions and contraband goods seizures plummeted in fiscal year 1994, when Operation Hold the Line was implemented. The number of persons carrying contraband agricultural products apprehended in the El Paso area by USDA agents during the fiscal year 1993 was higher than the first six months of fiscal year 1994, suggesting that the Border Patrol's operation had a significant impact on illegal importation of contraband agricultural products in the El Paso area.

Effects on *Pasamojados* in Juárez**.** We interviewed one smuggler of undocumented international migrants—we refer to him as Miguel—next to the Rio Grande on a busy street in downtown Juárez on the afternoon of February 9, 1994. Prior to the initiation of the Operation in September 1993, this *pasamojados* ("crosser of wetbacks") had worked as a *lanchero*, ferrying Mexican nationals in his launch across the river to the shore in El Paso daily. The Border Patrol's new enforcement strategy had forced him to discontinue his boat service and adopt new strategies for crossing people illegally into the United States. Miguel told us that as a *lanchero*, he used to ferry three hundred persons daily across the Rio Grande in his boat, principally between 6 and 11 A.M. He charged his customers between U.S. $1-5, depending on his perception of their ability to pay—better dressed people who appeared to be better off economically generally paid more. Miguel said that he used to ferry "all kinds of different people" who were heading north for "all kinds of different reasons," but the bulk of his clientele consisted of Juárez residents who worked in El Paso. He also explained that, generally speaking, he did not ferry people from El Paso back to Juárez: those who waded or boated north across the river illegally typically walked or hitched a ride back across one of the bridges heading south.

Since the implementation of Operation Hold the Line, Miguel continued to work as a *pasamojados*, but his clients and his means for crossing them changed. Where before he ferried up to three hundred persons a day, mainly Juarenses who worked in El Paso, he now guides around thirty persons per week, mainly individuals migrating long distances from the interior of Mexico to interior points in the United States. Instead of ferrying them across the river in downtown Juárez by boat in daylight, he takes them by cover of night over or around Monte Cristo Rey near the western terminus of the Border Patrol's line of agents where the Juárez *colonia* of Anapra abuts Sunland Park, New Mexico. At this point, the border is just a line on a map, not a river to cross. The rate he charges now depends upon the extent of the service offered:

- U.S. $50 to be taken to Sunland Park, NM (clients either make their own arrangements to be picked up on the U.S. side or can take a Sun Metro bus into El Paso);

- U.S. $100 to be crossed at Sunland Park and taken by car or truck to downtown El Paso;

- U.S. $300 to make flight arrangements to an interior U.S. city and be taken to the El Paso airport.

Frequent destinations for current customers are Denver, Los Angeles, Dallas, and Chicago. Miguel claims that other *pasamojados* charge lower rates but don't provide as reliable a service. He claims an 85 percent success rate in getting people across via Sunland Park.

Interviews with other *pasamojados* indicate that even if a wall were built at Sunland Park-Anapra, other areas exist where crossers could get around the walled-off area (currently, for example, in the area around Zaragoza). Where before these *pasamojados* took daily commuters across the river to shop and work, their clients now are persons who intend to remain in the United States. The *pasamojados* report that they continue to earn $200-$300 a day working three or four hours at a time; some days they make as much as $500 or even $700. Where before they

charged between $1 and $3 per client, now they charge up to $100 to deliver an undocumented client to downtown El Paso.

Conclusions

What can we conclude from the above analyses? Our expectations on crime data were shaped by the information we received from interviews with law enforcement and city officials in February 1994. From six hypotheses based on that information, our conclusions follow the restatement of each hypothesis:

1. The El Paso crime rate, particularly with respect to property crime, is high due to its proximity to a large and relatively poor Mexican city.

   No crime rate is acceptably low, but the evidence is clear that El Paso does not have a high crime rate relative to other U.S. cities of comparable size. There is no statistical evidence that demonstrates that the crime rate in El Paso, or other border cities for that matter, is high because of proximity to the Mexican border. There is evidence that suggests the Hispanic population is a relatively low-risk population for committing violent crimes when other factors are held constant, but relatively high-risk for committing property crimes.

2. The crime rate has been increasing in recent years, in part because of the increasing population pressures that El Paso shares with Juárez and in part because of the predatory behavior of some illegal entrants to the United States. To the extent the flow of illegals has been uncontrolled, the opportunities for a small, predatory subclass to engage in criminal activity in El Paso has increased.

   There is no doubt that the crime rate increased sharply for most serious offenses during the 1980s, particularly for motor vehicle theft, and that the total rate for El Paso grew faster than other cities of comparable size from 1982 to 1992. But the rates for property crime, especially burglary and larceny-theft, have been declining in recent years. It is possible that undocumented aliens contributed disproportionately to the rapid increase in crime in El Paso in the 1980s, but law enforcement manpower in the city was about one-half the national average during that time, and this must have been a contributing factor to the deteriorating situation as well. We have no direct evidence on the contribution of the illegal flow to crime rates in El Paso.

3. Young, male, poor residents of Juárez constitute a high-risk population for some types of criminal activity, mostly in regard to gang activity, minor offenses, and property crime.

   The evidence here is mixed. We have no information on gang activity, but according to data on arrests, the reduction in minor offenses in the post-Operation period appeared more due to the role played by adult (possibly young adult) Hispanics rather than juveniles. Juveniles, particularly Hispanics, contributed disproportionately more to the reduction in serious crime than did adult offenders, and they certainly were more evident in arrests for vandalism. The expected decrease in petty crime does seem to be supported by the evidence, but the mechanisms that account for the decline are not as clear as our informants had predicted.

4. To the extent it curtails the illegal entry of the population at risk, the Border Patrol's strategy should have an immediate impact on property offenses and minor crime that should continue over the long term.

   We do not have a long term to inspect as yet, but the immediate effects, if they are real, seem to include violent offenses, especially aggravated assault, and motor vehicle theft. It is clear that the cost of crime for the criminal has gone up as reflected in the clearance rates, and the returns have gone down for all levels of property crime.

5. The largest immediate effect of the Border Patrol's effort will be felt in the downtown areas of El Paso (police districts 31-36 and 51-56).

This seems unequivocally supported by the available data and by local police impressions of the changing character of the downtown area. We do not have access to post-Operation arrests linked to surrounding geographical areas that would provide a definitive commentary on the changing distribution of crime in the region.

6. The Operation's initial effects on serious crime may be short-lived as chronic offenders adapt to the new conditions. The Operation may have a long-term effect on violent and more serious crime if it is sustained and if law enforcement agencies are able to redirect resources into those areas as a result of sustained curtailment of the more numerous petty offenses that plague the community.

   Serious crime does appear to have declined since the Operation began. However, not enough time has elapsed to be able to tell if the reductions in serious crime are due mostly to the Operation curtailing illegals who commit crimes or to the redeployment of El Paso police so that serious crimes among noncrossers are being deterred. Downward trends predate the onset of the Operation, and earlier years have experienced similarly comprehensive and sharp downturns in crime rates (1990-1991 in particular). The trends may have as much to do with local law enforcement and other factors in the community that may have gone unnoticed until the Border Patrol's Operation drew attention to such issues. Nevertheless, the patterns are consistent with the possibility that Operation Hold the Line has directly reduced crime, but it is yet unclear that the effects are large enough to be significant. There is no doubt that minor offenders of all ages and some petty nuisance crimes committed by juveniles in the downtown have waned and quite probably as a direct result of the current strategy to police the border. There is also no doubt that law enforcement resources have been redirected to other kinds of crime in the community. This may account for some of the drop in serious crime.

   In regard to conclusions based on our examination of data from the railroads, the U.S. Customs service, the U.S. Department of Agriculture, and our interviews with *pasamojados*, we found that railyard arrests and drug and contraband seizures declined since the Operation began. Mexican smugglers ferrying persons across the river continue to operate, but at a reduced rate of activity, and they are now charging higher prices than before the Operation began.

VII. Community & Organizational Effects in El Paso

This chapter examines the effects of the Operation on community and organization-related variables. We assess three aspects of the Operation's impact on the community—its effects on public opinion, its perception by Mexican-American community leaders, and its effects on human rights. We also interviewed Border Patrol agents to determine their perceptions of the Operation's impact on the organization and on their own job situations.

Public Opinion

The general impression one gets from talking to people in El Paso is that there is overwhelming popular support for Operation Hold the Line and for continuing it indefinitely. Media reports indicate that while some may have had reservations about the manner in which the Operation was implemented, the overall reception to it has been positive and the vast majority of El Pasoans are pleased with the Border Patrol's initiative. In the Chihuahuita neighborhood, residents even painted a mural thanking the Border Patrol for their action and praising Silvestre Reyes. El Paso's Channel 4 television news program regularly conducts call-in polls on topics of public interest; during the first week of the Operation received about 2,500 calls, nearly double the normal response. About 95 percent of the respondents indicated support for the Operation. An exit poll at a primary election site and one other political poll indicated support ranging from 84 to 95 percent

as well, and a survey conducted by the Border Rights Coalition in conjunction with the Mexican-American Legal Defense and Education Fund found a nearly 70 percent favorable response in the Chihuahuita neighborhood. Results from research team interviews confirm these findings and indicate a significant amount of popular support for the Operation.

While the figures appear to suggest overwhelming support within the community, there has been no scientific survey based on an unbiased representative sampling of the population. Telephone call-in polls do not ensure a random sample. The political polls asked only two questions in a larger survey of a broad array of topics. One poll was conducted for a Republican and one for a Democrat. The former involved 125 respondents selected at random from a list of people who had voted in the four previous Republican party primary elections and were, therefore, considered likely to vote in the primary election for which the poll was taken. The second poll was an exit survey of 115 people who had voted on the day of the survey during the early voting period for the Democratic primary. Both of these surveys, as with the Chihuahuita survey, sought information from a selected group of individuals and, consequently, cannot be taken as representative of the entire El Paso population.

The research budget was insufficient to conduct a scientific public opinion poll among El Paso and Juárez residents. In El Paso, survey costs are elevated by the large size of the Mexican-ancestry community, which would necessitate additional sample stratification. The Mexican-ancestry population of El Paso is quite diverse in terms of citizenship and residency status, Spanish-English language ability and practices, and degree of cultural, social, and kin-based linkedness to Mexico (Martinez 1994; Vila 1994). To get a comprehensive picture of public attitudes towards the Operation, it would be necessary to take special account of this diversity not only in terms of sample stratification, but also in terms of the language used in the questionnaires, the language fluency of interviewers in both Spanish and English, and the ethnicity of interviewers as well (Marin & Marin 1991).

Although it was not possible to conduct an unbiased, scientific survey in El Paso or Juárez, we were able to uncover many themes present in the public discourse on the Operation through in-depth interviews of key informants in both cities. In particular, we present below the results of meetings with leaders of El Paso's Mexican-American community. Mexican-American subsections of the community may support the Operation in different ways and for different reasons. Undoubtedly, there are those who support the Operation because they no long identify strongly with Mexico. Still others might favor the Operation because they strongly identify with the United States, believe that by doing so they will be accepted as Americans, or feel that doing so will prevent their being denounced as un-American. Whatever the case, a scientific survey of an appropriately sized, random sample of the entire population of El Paso and Juárez would generate results that would show which sectors of the population support the Operation and which do not.

Mexican-American Community[57]

This section describes the attitudes of Mexican-American elites in El Paso regarding Operation Hold the Line based on information gathered in ten personal interviews and in a group discussion involving fourteen participants conducted about seven months after the Operation began. The respondents included the county judge, two city councilmen, senior level public employees, directors of community-based organizations and social service agencies, and representatives of a wide range of civic and business associations.

The interviews focused on the positive and negative aspects of Operation Hold the Line. The following themes developed in the course of that conversation:

- The objectives of the policy;
- The legality of the policy;

[57] By Mexican American community, we refer to those persons of Mexican ancestry residing in El Paso who were born and/or raised in the United States.

- Who wanted the policy;
- The effects of the policy;
- Support and opposition among Mexican-Americans; and
- Ethnicity as a factor affecting Mexican-American responses.

The Objectives of the Policy. As is described more fully below, no precipitating events in El Paso were seen as having caused Operation Hold the Line. Respondents were, therefore, uncertain about the policy's objectives. The predominant view was that the policy was aimed primarily at reducing crime and social service abuse by undocumented immigrants. This was the justification offered by Mr. Silvestre Reyes of the Border Patrol, according to numerous respondents. A second view shared by a smaller, but substantial, number of respondents was that the policy was a means for the Border Patrol to defend its institutional interests. None of the respondents identified control of illegal immigration *per se* as an objective of Operation Hold the Line.

The Legality of the Policy. The respondents noted and emphasized that the United States has the right to police its border and control entry into the national territory. That Mexican-American leaders did not challenge Operation Hold the Line's legitimacy might seem somewhat surprising to some observers. One reason mentioned for this response was that the Mexican government publicly declared that the U. S. government had the right to implement Operation Hold the Line. This official Mexican position had four significant consequences. First, it helped defuse public anger in Juárez. As protests there were fueling similar sentiments in El Paso, dampening the public's ire in Juárez helped quiet voices across the river. Second, just as Mexican-Americans were mobilizing to demonstrate against Operation Hold the Line, the Mexican government publicly declared that it was not going to protest in behalf of its citizens, thus making it problematic for Mexican-Americans to do so. Third, Mexico's official position made it politically easier for those Mexican-Americans who supported the policy to make their views public. There has long been a sizable number of El Paso's Mexican American leaders that recognize and value the many strong ties that link the two cities and that do not want to contradict official Mexican policy. Once Mexico made its position public, these Mexican-Americans, who included elected officials and directors of community-based organizations, did not feel constrained to hide their support for the Operation.

Moreover, because it explicitly targeted Mexicans as they illegally entered the United States rather than pursuing them once they mixed with Mexican-Americans within the U.S., Operation Hold the Line reduced harassment of Mexican-Americans and violations of the civil rights of Mexican-Americans or legal Mexican immigrants. Operation Hold the Line, thus, gave rise to no legal protests on account of such actions. The absence of legal challenges profoundly affected Mexican-American responses to Operation Hold the Line. It eliminated organized protests. More significantly, it made it possible for Mexican American leaders to participate in serious conversations regarding the El Paso/Juárez relationship.

Why the Policy was Initiated. The respondents unanimously agreed that prior to the initiation of Operation Hold the Line nothing unusual was happening in El Paso to prompt the new policy. Whatever their reactions to Operation Hold the Line, once it was implemented, El Paso residents in general, and Mexican-Americans in particular, were not asking that such a policy be developed. To the contrary, border control and immigration reform were not significant issues for most of El Paso's Mexican-Americans. In this, El Paso's Mexican-Americans reflect a well-established pattern. When asked to identify the issues that most concern them, Mexican-American leaders seldom mention immigration or immigration-related issues (de la Garza 1982; Pachon & DeSipio 1990). Similarly, the Latino National Political survey found that virtually no Mexican-American identified immigration as the most important problem facing their community or the nation (de la Garza 1992).

Given that Operation Hold the Line was not spurred by any new developments in El Paso, the respondents were troubled that El Paso was chosen as the

site for implementing this new policy with no apparent regard for how it would affect El Paso/Juárez. Moreover, there was widespread agreement that a major factor motivating Operation Hold the Line was the need for the Border Patrol to improve its image in the wake of national concern regarding undocumented immigration. Several respondents referred to proposals to militarize the border as indications that the Border Patrol was under siege and needed to act to protect its turf.

At no time did any respondent refer to illegal immigration as a national problem. Respondents acknowledged the debate regarding undocumented immigration, but seemed oblivious to claims that illegal immigrants were a drain on the nation.

Evaluation of Operation Hold the Line's Effects. Virtually all respondents agreed that Operation Hold the Line has:

- Reduced petty crime;
- Greatly diminished Border Patrol and police harassment of Mexican-Americans and legal Mexican resident aliens;
- Negatively affected businesses along the border;
- Increased tensions between El Paso and Juárez;
- Had, with one exception, no-long term effect on the prior patterns of interactions between El Paso/Juárez, including illegal crossings for the purpose of employment (it was reported that crossers in this category have changed their routine, i.e., maids and gardeners now stay in El Paso for longer periods rather than cross on a daily basis); and
- The one pre-Operation pattern that was disrupted is daily illegal crossings that appear to have been responsible for petty crime and made up the "street people" in El Paso's downtown area.

Support and Opposition among Mexican-American leaders. Respondents were divided in their reaction to Operation Hold the Line. Overall, their response is best characterized as a combination of general opposition, acquiescence, and targeted support. A clear majority expressed reservations about Operation Hold the Line, and between one-quarter and one-third supported it. This split reverses the pattern that appears to characterize how Mexican-Americans in general view Operation Hold the Line. However, as noted above, Mexican-American leaders opposed to Operation Hold the Line said they have had little political space within which to voice their opposition. That silence combined with public expressions of support may give an exaggerated impression of the extent to which Mexican-American leaders support Operation Hold the Line.

Respondents with reservations about Operation Hold the Line dismissed its achievements on several grounds. First, they argued that the amount and type of crime and nuisance caused by illegal crossers did not warrant such a heavy-handed response. Moreover, they claimed that street people continue to populate downtown El Paso, but that now, however, they are Anglo panhandlers. Several respondents asked why the latter are tolerated when their Mexican counterparts, who tended to be street vendors or windshield washers rather than panhandlers, are not? Second, they argued that because the Border Patrol and police have no right to harass Mexican-Americans, it makes no sense to defend Operation Hold the Line because it reduces such abuse. Third, they questioned how the cost of Operation Hold the Line could be justified if all it does is reduce petty crime? Fourth, they thought Operation Hold the Line contradicts the spirit of NAFTA and that its achievements do not compensate for the resentment it causes among Mexicans in Juárez and the disruptions it effected in the historical relationship of the El Paso/Juárez communities.

Operation Hold the Line opponents were made up primarily of leaders of community-based organizations and advocacy groups. Most of them were reluctant to acknowledge the extent to which Mexican-Americans in general support Operation Hold the Line. This is best exemplified by the author of the survey that found over 70 percent support in Chihuahuita, a poor neighborhood along the border

that includes many small privately owned residences, who argued that those he interviewed were not opposed to immigrants and did not really understand the broader implications of Operation Hold the Line. He and others who denied widespread Mexican-American support of Operation Hold the Line were chastised by the head of a neighborhood clinic (who adamantly opposes Operation Hold the Line) for being out of touch with and projecting their views onto poor Mexican-American residents who live along the border. The head of a community-based religious organization also pointed out that many in his organization supported Operation Hold the Line.

Operation Hold the Line supporters consisted primarily of elected officials and representatives of business organizations. The former insisted that the great majority of Mexican-Americans support Operation Hold the Line because it has reduced petty crime and removed street vendors and others from parks and the downtown area. One city councilman noted that his constituents were calling him and stopping him on the street to tell him how pleased they were that they were once again able to leave their homes, walk the streets and go shopping. Another reported that his constituents strongly supported Operation Hold the Line because "no one jumped through my yard last night," and "my water hose has been in my yard for a week." A third elected official noted that residents in neighborhoods along the border often complained about burglaries perpetrated by illegal crossers. Thus, they were hanging out banners supporting Operation Hold the Line.

Several respondents suggested that the extent to which Mexican-Americans were concerned about the crime issue had been affected by how the press had covered the issue. For example, one respondent noted that her grandmother commented on how she felt relieved now that illegal crossers were no longer present in her neighborhood. The respondent reminded her grandmother that she had for years hired illegal crossers to do yard work and had never before expressed concern about theft or other problems. The grandmother agreed, but then explained her reaction by noting that the press had made it clear that crime had gone down since the Operation began.

Business leaders explained their support on legalistic grounds. Like everyone else, they were surprised when Operation Hold the Line was initiated. As it became clear that there was no legal basis for challenging the policy, that the policy would respect human rights, and that it would target illegal crossings and reduce the presence of the Border Patrol in Mexican-American neighborhoods, they came out in favor of it. Additionally, political and business leaders said that supporting the policy helped the Mexican-American image. First, it proved that Mexican-Americans are patriotic and support the nation's laws. Second, to the extent that crime and other problems in El Paso continued, it would show that Mexicans were not the cause of those difficulties.

Operation Hold the Line supporters and opponents voiced few general concerns about illegal immigration. Indeed, they favored liberalizing cross-border movements. Several proposed redefining the border so that movement between El Paso/Juárez would be unrestricted and would be controlled only at some distance beyond the border. Again, this is a view common to Mexican-American leaders (de la Garza 1982). Others advocated making it easier for Juárez residents to get the necessary documents for crossing the border. Most also noted that their only concern was with the 1 percent of the undocumented migrants who participated in illegal activities. Other illegal crossers came to shop or work and thus contributed to El Paso. "Why," asked the respondents, "should we prevent those activities?"

Respondents made no reference to the abuse of social services by undocumented crossers. To the contrary, one leader claimed that data showed that there was no decline in births following Operation Hold the Line, as presumably there would have been if large numbers of illegal crossers were using these services [see Chapter V for a statistical analysis of birth data that show a decline]. Several other respondents noted that legal crossers make use of these services but no one seems to know or protest that.

The division between supporters and opponents reflects a pattern common to Mexican-American views of immigration. As has been noted, immigration issues are not salient to Mexican-American leaders. Moreover, Mexican-American opposition to immigration is inversely correlated with education and income (de la Garza 1993). This pattern holds in El Paso. The respondents who oppose Operation Hold the Line live or work outside the areas most affected by petty crime. They are well-educated professionals. Those who support Operation Hold the Line do so in behalf of the victimized who are poorer and live in the affected areas.

Ethnicity as a Factor Affecting Mexican-American Responses. Ethnicity sometimes affected the responses of the Mexican-American leaders to Operation Hold the Line.

- Whether they supported or opposed Operation Hold the Line, several respondents thought the Mexican-American reaction might have been more negative but for the fact that the person who initiated it, Silvestre Reyes, was also a member of the Mexican-American leadership community and a source of pride for Mexican-Americans. Thus, when he announced the policy, some of the Mexican-American leaders argued that it was thus hard for them to protest.

  Some of them even argued that had an Anglo initiated Operation Hold the Line, there might have been more protest of the policy. This is because, as one Operation Hold the Line supporter said, "We have been attacked so many times that we are always defensive. The Operation would have disappeared in two or three days [if a Mexican-American had not directed it]. We would have been up in arms." Reyes' presence, in other words, was thought to have had two effects. First, it was argued that it deterred Mexican-Americans from mobilizing against Operation Hold the Line on the grounds that it was racist. Second, and as a result, the leaders argued that Reyes and Operation Hold the Line supporters had enough time to influence how the policy would be evaluated. They also said this initial period was further extended by Mexico's announced lack of protest of the legality of the policy. With that, the leaders said there was nothing left around which to mobilize protests, and the policy thus had a real chance to make itself felt.

- According to the respondents, Operation Hold the Line initially created a hostile anti-Mexican mood in El Paso. Spurred by Anglo support and press coverage, the leaders said some Mexican-American opponents of Operation Hold the Line were criticized as un-American by Anglos and Mexican-Americans alike. They said this served to prevent other potential Mexican-American critics from mobilizing or speaking out.

In conclusion, it would appear that Mexican-American leaders in El Paso are ambivalent regarding Operation Hold the Line. One reason they said they did not publicly oppose it was because there was little political space within which they could do so. They also said they were deterred from attacking the policy because a Mexican-American designed and was implementing it. Moreover, they also indicated they did not protest because Mexican officials recognized the right of the United States to enact it, and because it did not result in abuses of Mexican-American civil rights.

A sizable minority supported it because of its legality. Since it was legal, it would be unpatriotic to oppose it. Mexican-American elected officials supported it because their constituents benefited from it. That is, illegal crossers were disrupting neighborhoods and their presence was provoking Border Patrol and police harassment in El Paso's poor barrios. To the extent that the objectives of Operation Hold the Line are limited to reducing petty crime, the respondents we interviewed supported it. Beyond that, however, they did not. Virtually all respondents favored a much more open border policy.

Finally, the responses to Operation Hold the Line suggest the extent to which Mexican-American reactions to immigration policy reflect their concern about how such policy directly affects them. Initially Mexican-Americans reacted defensively to Opera-

tion Hold the Line. Once they realized that they could not protest it on racist grounds and that Operation Hold the Line would neither target them nor round them up inadvertently, they were free to either support it or acquiesce to its implementation.

Human Rights

There is a long-standing and ongoing controversy regarding the violation of human and civil rights of both legally admitted and undocumented migrants and Mexican-American citizens along the U.S./Mexico border by Border Patrol agents and other INS personnel. Complaints about Border Patrol behavior appear to have escalated after passage of the 1986 Immigration Reform and Control Act as the number of agents increased and enforcement activities intensified. Questions about Border Patrol behavior have been raised in reports by human rights watchdog groups and journalists, lawsuits, protests from Mexican Consulates, and hearings conducted by Congress and the U.S. Civil Rights Commission.

Important allegations of human rights abuses were cited by various organizations, including Americas Watch (a branch of Human Rights Watch), the Immigration Law Enforcement Monitoring Project [ILEMP] of the American Friends Service Committee, the National Human Rights Commission of Mexico, and the U.S. Civil Rights Commission. A hard-hitting series in the *Los Angeles Times* (McDonnell & Rotella 1993) also documented serious abuses.

In addition to these reports, there have been individual complaints and lawsuits against agents and the Border Patrol as an institution, including accusations of verbal, psychological, physical, and sexual abuse, as well as of racial discrimination and failure to follow proper legal procedures. The Border Patrol and the INS more generally have been accused of having inadequate complaint and oversight procedures, of failing to discipline abusive officers, and of covering up instances of abuse. These have frequently resulted in substantial monetary awards to plaintiffs. One extraordinary case involved a class action suite brought against the El Paso Border Patrol by seven American citizens who claimed they were harassed by agents on or near the grounds of Bowie High School in El Paso [*Murillo v. Musegades* (EP-92-319-B), W.D. Tex. December 4, 1992]. The school is situated adjacent to the border and, according to the Border Patrol, illegal Mexican crossers frequently fled onto the school grounds in order to disappear into the crowds and avoid apprehension. U.S. District Judge Lucius D. Bunton enjoined the Border Patrol from detaining individuals simply because they "look Hispanic." The judge singled out the El Paso Border Patrol Chief, Dale Musegades for "doing nothing" to end abuses that were brought to his attention. Musegades admitted in court that he had not even read a previous court order forbidding dragnet sweeps in which agents illegally targeted Latino bar patrons. The judge concluded that the Border Patrol had used "excessive force" in engaging in illegal and abusive conduct against Latinos in the city. He said that "no justification existed for the force used against numerous plaintiffs and witnesses," and that "victims fear retaliation by the INS and by the El Paso Border Patrol in the form of deportation, criminal charges, or loss of legal immigration status for themselves or family members."

In 1991, the U.S. District Court ruled that two agents were negligent when, in the course of pursuing five Mexicans attempting an illegal crossing by boat into El Paso, they caused the boat to capsize. One man drowned in the incident, and the court awarded $210 thousand in civil damages.

In May 1991 an El Paso agent shot and killed a *lanchero* (a Rio Grande boatman who ferries illegal crossers across the river) and was cleared as acting in self-defense. Witnesses and the Mexican government protested that the agent was in no danger when he fired.

The Mexican Consuls in border cities have frequently protested agent actions, and the Mexican government, through its embassy in Washington, has filed numerous diplomatic notes accusing agents of criminal violations of the rights of Mexican nationals. In August, 1992, the American Friends Service Committee, the League of United Latin American Citizens, and various organizations and individuals from the U.S. and Mexico filed a petition against the U.S. government with the Inter-American Commission on Human Rights of the Organization of American

States. The petition alleged that the government had "engaged in gross violations of human rights of individuals along the U.S. border with Mexico through the unjustified deadly use of force and violence."

Hearings looking into abuses on the border have been conducted by the House Committee on Government Operations, Subcommittee on Government Information, Justice, and Agriculture in July, 1992 and by the Judiciary Committee's Subcommittee on International Law, Immigration, and Refugees in August, 1992. In addition, the U.S. Civil Rights Commission held hearings on border incidents in San Diego in March 1993. In response to these and other developments, legislation is pending to establish an Immigration Enforcement Review Commission (H.R. 2119, commonly known as the Becerra bill after its principal sponsor, Xavier Becerra, D-California). The bill would set up the first civilian review panel ever created to oversee a federal government enforcement agency.

In summary, the INS and the Border Patrol have been targets of charges of excessive and abusive behavior in their enforcement of the nation's immigration laws on the southwestern frontier. The El Paso sector has been the scene of a significant number of complaints. The former El Paso Border Patrol chief was the target of a class action suit which the government lost.

Chief Patrol Agent Reyes took over from Mr. Musegades upon the latter's retirement. According to his own testimony, Chief Reyes was deeply concerned about the number of complaints of misconduct being lodged against his agents and the effect this was having on the Border Patrol's morale and its image in the community. In an interview, Chief Reyes said that when he first arrived on the job the community generally thought that the Patrol was part of the illegal immigration problem, not its solution. He noted the numerous individual allegations against agents, the lawsuits, the Bowie High School verdict, and a restraining order against the agency.

According to Chief Reyes most of these complaints were unjustified and stemmed from a systematic flaw in Border Patrol strategy that he said guaranteed failure. The strategy in place when he arrived on the scene was basically to permit Mexicans to cross the border illegally into the United States more or less at will and then to concentrate on apprehending those who either tried to continue into the interior or came to the attention of the Border Patrol once inside El Paso proper. Apprehensions of illegal migrants already in the United States were the benchmark by which the agency and individual officers rated their success. Operations took on the aspect of a cat and mouse game in which agents patrolled the sector on the lookout for suspicious persons, stopped them for questioning, and often engaged in pursuits if they fled. Those being pursued frequently resisted and/or claimed that agents used unnecessary force, failed to follow proper procedure, or engaged in harassment of a physical, psychological, or sexual nature. Both agents and suspected illegals often sustained injuries. More than occasionally shots were fired. Moreover, persons questioned or pursued sometimes turned out to be permanent residents, U.S. citizens, or Mexican nationals legally in the United States.

It seems evident that Chief Reyes hoped to reduce complaints leveled against his agents by changing enforcement strategy. The Patrol's own Seventy-Five Day Evaluation of Hold the Line states, "The complaints by the local community of over aggressiveness by the agents, the lawsuits and the complaints heard by the Chief Patrol Agent called for an immediate solution" (Reyes 1994). Operations Blockade and Hold the Line would arguably have the effect of reducing the number of encounters between agents and suspected illegal aliens by shifting from an effort to discover, catch, and return those who managed to get into El Paso to preventing them from entering in the first place.

What have been the consequences of this change of strategy for the rate and seriousness of complaints against agents? Interviews with Border Patrol officials, human rights activists, and other interested observers, and the analysis of those data that are available suggest that complaints of abuses have fallen markedly since September 19, 1993. It seems reasonable to attribute this change to Operation Hold the Line insofar as (1) the Border Patrol is no longer

deploying many agents within the city to look for and pursue illegal migrants, and (2) encounters between agents and suspected migrants have subsequently declined. Fewer encounters mean fewer opportunities for abuse and claims of abuse. Qualitative evidence collected in interviews with law enforcement officials, Border Patrol employees, and community groups indicates that the numbers of incidents involving abuses or charges of abuses have dropped substantially since the launching of the Operation.

Official evidence of complaints is collected by several government agencies, including the FBI, the local police, and the Border Patrol itself. The FBI is responsible for investigating complaints that come to its attention and the INS forwards those deemed of sufficient weight to the Office of Inspector General in the Justice Department in Washington. Interviews with the El Paso office of the FBI indicate that no complaints have come to their attention since the Operation began. Figures from the Office of Inspector General in Washington have not been made available as of this writing.

The El Paso Border district of the Patrol has provided data on complaints lodged with it and forwarded to the local branch of the Office of Inspector General, called the Office of Internal Audit. Serious complaints that involve violation of civil rights or criminal activity on the part of the agents are processed by the Office of Internal Audit; the rest are returned to the Border Patrol for review. Their data, while difficult to interpret, show a substantial drop in the overall number of complaints and cases considered serious enough to merit processing by the Office of Internal Audit. From October 1, 1992, through September 19, 1993, that is, in the eleven and a half months before the launching of the Operation, there were 114 complaints, 91 of which were found to merit review by the Office of Internal Audit. From September 19, 1993, until February 8, 1994, approximately the first five months of the operation, there were 38 complaints, 25 of which were handled by the Office of Internal Audit. This means that between September 19, 1993, and February 8, 1994, complaints were made at the rate of approximately 7.6 per month. If that rate continued, there would be 91 complaints over the first year of the Operation, compared to 114 during the previous 11 1/2 months, a reduction of 21 percent. The ratio of serious to less serious complaints in the period between the onset of the operation and February 1, 1994, is about 2 to 1; in the previous year it was about 4 to 1.

Another source of information on the level of complaints of abuses was collected and provided by Suzan Kern, Coordinator of the Border Rights Coalition, an El Paso-based group that works in the area of the human rights of Mexican migrants and minority groups. The Coalition was established by the Immigration Law Enforcement Monitoring program [ILEMP] of the American Friends Service Committee, based in Houston. One of its principal purposes is to encourage individuals to report abuses of the Border Patrol. ILEMP has established a common complaint form and organized groups to collect complaints in each of the five sectors along the U.S.-Mexican border. These data are then fed into a central collection point in Houston. None of the complaints collected by Ms. Kern in El Paso in 1993-1994 have been inputted; instead she provided a summary of all the reports she had collected from 1988 through January 1994.

These data can be somewhat difficult to interpret quantitatively. A form is completed for each "incident." Incidents may involve one or more persons. The person(s) may relate a number of different sorts of abuses occurring during the same incident. Sometimes the incident reported is not a single event but several or many that have involved the individual. The result is that the number of abusive behaviors reported is many times larger than the numbers of abusive incidents reported.

A coding mechanism has been developed by ILEMP to categorize types of abuse, the broad categories being (1) psychological or verbal, (2) physical, (3) denial of due process, (4) illegal or inappropriate seizure of persons, (5) illegal or inappropriate searches, (6) seizure or destruction of property, and (7) local law enforcement/Border Patrol cooperation. Both the date of the incident and the date the report is filed are recorded, although sometimes information is incomplete. The individuals involved may or may not report the incident to the authorities.

The Border Rights Coalition makes no attempt to externally validate the statements given by their informants.

In sum, the data result from an humanitarian organization's attempts to encourage and systematize the filing of complaints against the Border Patrol. Collection of data is erratic and episodic. No claim could be made that the figures represent the actual level of abuse or citizen perception of abuse. Nevertheless, they may be analyzed to see if there is a discernible difference before and after the implementation of Operation Hold the Line. The Border Rights Coalition's data indicate that there has been a sharp decline in the number of complaints filed and in the number of abuses reported by complainants in the months after September 19 (**Tables 40** and **41**).

If one of the chief objectives of Operation Hold the Line was to relieve the Border Patrol of the pressure and embarrassment of frequent, highly visible controversies over agents' alleged abusive behavior, it seems undeniably to have been successful. However, this objective has been achieved through a change in tactics and does not, on present evidence, appear to reflect any more fundamental change in the culture, training, or behavior of Border Patrol agents.

Table 40.

HUMAN RIGHTS-RELATED INCIDENTS REPORTED, EL PASO SECTOR

	Incidents	Incidents/Month
January 1 - September 18, 1993	18	2.1
September 19 - May 30, 1994	5	0.58

A single incident may involve a variety of abuses.

Source: Suzan Kern, Coordinator, Border Rights Coalition, El Paso.

Table 41.

TYPES OF ABUSE

	1/01-9/18/94	1/19-5/31/94
Psychological or verbal	25	1
Physical	8	2
Due process	11	3
Illegal/Inappropriate seizure of persons	17	2
Illegal/Inappropriate searches	—	1
Seizure or destruction of property	7	1
Local law enforcement/ Border Patrol cooperation	1	—
Total	69	10
Abuses/Month	8.1	1.2

Abuses are more numerous than incidents because a single incident may involve a variety of abuses.

Source: Suzan Kern, Coordinator, Border Rights Coalition, El Paso.

Job Satisfaction among Border Patrol Agents

One potentially significant and pivotal effect of Operation Hold the Line is its impact on Border Patrol agents. The research team observed agents on duty over extended periods and conducted in-depth interviews. This section summarizes the findings of these observations and interviews, most of which were conducted between March 17 and May 3. Twelve agents at various levels of authority and experience were interviewed at length over the course of several weeks. Additionally, four management-level personnel were interviewed. The agents were asked to comment not only on their own situations, but also on the concerns of their fellow agents as they perceived those concerns. We had an opportunity to ride with agents, observe the line at different points, witness tracking and apprehension of undocumented migrants, spend time at Paso del Norte detention center [PDN], talk with undocumented migrants, and interview agents. The interviews result from an effort to locate individuals who could somehow represent a variety of perspectives (among those interviewed were three female agents). However, the sample size (12 of approximately 450 agents) and the nature of the topic means that the views expressed might not be representative.

Agents readily discussed their views and situations, which may itself signify the important effects of Operation Hold the Line on the lives of the agents. Several interviews lasted as long six hours. Agents were asked to act both as respondents, commenting on how the Operation had influenced their personal lives, and as observers, reporting what effects other agents had discussed with them. Some agents were interviewed more than once, particularly in their role as observers. Our observations and interviews generated more than two hundred pages of notes. What follows is a first assessment of the most salient issues that surfaced about the internal effects of Operation Hold the Line on the Border Patrol and its agents.

There appear to be several problems facing the agents. A number expressed frustration with the new border control strategy and a belief that the Operation is costly in terms of boredom, the erosion of job skills, low morale, and the resultant physical and psychological effects of stress. First among these is boredom. Instead of pursuing illegal migrants (a task they said required skill), agents are sitting alone on station for long hours watching for crossers with no action. One agent indicated that the six hours spent during the interview had been the high point of his job since the Operation started. He felt that the Operation had been harmful to his professional and personal life and stated that he was "dying of boredom."

A second problem, erosion of skills, is an important concern of the agents. Under the previous strategy, agents thought they encountered opportunities to improve their powers of observation and enhance their investigative and interrogative abilities through the diversity of activities they faced every day. In addition to pursuing and apprehending Mexicans observed crossing the border, they also investigated locations and businesses where undocumented aliens were suspected of being illegally employed, cultivated informants and followed up on informant's tips, and gathered information by talking to people in the streets. Under the current strategy, the majority of agents are assigned to the line for most of their duty time. The following is a typical reaction:

> You're sitting there and you are holding the line . . . that's all we're doing. We're not doing paperwork, we're not speaking Spanish, we're not cultivating our interviewing and investigative skills. Everything is dying.
>
> [What we need is] the opportunity to develop our skills, to get better at them gives us self-satisfaction. We want to excel in our job. We do not want to stay put, we do not want to sit and do nothing. We need the challenge of our investigative skills. We need the challenge of our physical skills.

The third problem is a loss of self-esteem and feelings of self-worth and the concomitant concern that those higher in the chain of command will be unable to identify and reward high achievers. Since

agents spend much of their time sitting and watching, they perceive little opportunity to excel; consequently, it would appear that their chances for promotion or beneficial transfers are substantially diminished. One agent who was adamant about this stated: "I feel that my career has ended." Others were equally adamant:

> Because we're just sitting on the line and we're not being productive, no paperwork, no cases, our appraisals have no chance of getting an outstanding rating. Everybody is going to get a satisfactory, in which you don't get an extra point.

> If we're just sitting on the levee doing nothing but crossword puzzles or reading, no cases, how can we justify that we should be upgraded to a GS11? We're afraid that they will come out here and audit us and say, "GS9, making $45,000 a year, are you kidding. You guys should be GS3s." Any GS3 person could be doing this. We're not doing anything. So that's what we're afraid will happen. I don't think they'll ever take our grade away, but it's a scary thought.

> It used to be that the Border Patrol allowed you to be involved in several different areas—freight trains, airports, a unit with plain clothes for picking up smugglers, foot patrol downtown with the PD officers, task force. The thing about it was that El Paso agents gained more experience/intelligence than a lot of other stations. It used to be that if you worked El Paso and you put in for something somewhere else, you probably got picked because they knew you had handled it all. But now, El Paso agents, now it's been seven months. At the end of one year, you get an appraisal. Now the supervisor will write one little sentence on there. "Satisfactory, sat on the levee."

Another important issue is job satisfaction, and a critical factor in job satisfaction was the freedom of action each agent was afforded. When asked what they most liked about their jobs, a frequent answer was the freedom that they had to operate:

> You were able to do your job the way you thought it should be done, not according to someone else's standards. If you were good at catching people coming across, if you had a way that worked best for you, that's how you worked it. No one told you how you had to catch the people, no one told you how to break someone if they said they were a U.S. citizen and you knew they weren't. You did it your way. You were challenging yourself everyday. It gave everybody a lot of freedom. In most jobs there is a quota, but we didn't have that. I can catch as many as I want; I can sit and wait for drugs to come across if I want; I can catch criminal acts if I want. That's a big freedom.

However, this kind job flexibility has also been a source of difficulty for the Border Patrol as an institution. Complaints and law suits were filed as a result of what others perceive as an arbitrary use of force. One of the most significant positive results of Operation Hold the Line is the dramatic reduction of abuse complaints against the Border Patrol. Some of the agents noted this:

> I think the number one benefit is the fact that we're not out there in the public and every other person turns around and files a civil rights or some sort of law suit on us. We're no longer out there for everybody to turn around and call the chief and say "he mistreated me." It's keeping us out of trouble.

Other agents expounded on their feelings of having been robbed of one of their primary sources of job satisfaction, the camaraderie:

> You miss working with the people because in the past you were one of the important components. When you were tracking, you worked closely with the people, working in a team, and [now] you don't get to do that. Especially in Anapra area, you have to work teamwork. If they took a little study [of] the agents who work for two weeks straight compared to those who work the line, you'll

> see a whole different personality. They're much happier. They joke around. They're ready for work. They want to go to work.

All of the factors mentioned above—boredom, erosion of skills, low morale and self-esteem, loss of job satisfaction—can lead to stress which, in turn, can generate further problems in a vicious cycle:

> I know that the guys I've talked to have said that their wives have told them that they're not the same person. [The wives say their husbands] never talk, never want to do anything anymore, have gained weight, or are constantly negative and in bad moods. Sitting in one place for nine hours a day with no one to talk to will do it to you. So as far as health effect, morale, spiritually, mentally, it's really, really taken it's toll.

> They've [management] obviously never thought about [the negative costs]. What can you do to alleviate back problems, headaches, migraines, stress? Some of these guys are just about ready to go off the deep end.

The frustration sensed during several interviews indicated classic signs of alienation—powerlessness, lack of sense of purpose, isolation, and detachment from work (Seeman 1959). Several agents were putting in for other jobs—about 40 percent according to one source. They said they were trying to leave the Border Patrol because they didn't feel they were accomplishing anything with their lives. One source said that in the past no one looked at the job vacancies book; now they all were looking at it just prior to heading out to the line.

The desire to quit is usually among the first responses towards an unfulfilling work environment (Mobly 1977; Steers & Mowday 1981). However, in the case of the Border Patrol, quitting is not an entirely viable alternative. Agents feel that they cannot quit because they earn a good salary. With overtime many can make between $35 thousand and $45 thousand after five to ten years on the job. Since many have no more than two years of college education, some believe that their opportunities for employment outside the federal government are limited. Nevertheless, there are those who have decided to make the best of what they consider to be a difficult situation. They are taking college classes, listening to language course tapes, or bringing hobby projects to the job with them. Only a minority of the agents interviewed acknowledged taking this approach, however.

Another finding is that agents do not detain every illegal migrant. Each of the agents seemed to have his or her own method for distinguishing between whom they considered to be the good guys and the bad guys:

> You weren't just worried about this one person standing there, especially if you knew that he's okay, just wanting to come in and pick up cans. We used to let people . . . pick up aluminum cans around UTEP or somewhere. That was the money they lived on. We knew that once they filled up their bag of aluminum cans, they'd go right back. That's not a problem. Rescue Mission people, same thing. They'd get their meals, they'd feed their kids, they'd go back. It's easy to turn your back on that so to speak, when you know you can go around the corner and pick up hundreds of illegals that are going to be standing on corners trying to wash your windows, or steal things, or sell cigarettes illegally.

Finally, it appears that a number of agents do not believe that Operation Hold the Line is successfully reducing the entry of undocumented aliens. One frustrated agent stated "they are coming around us, above us, below us, and between us," referring to the ends of the line, the railroad tracks which run above the ASARCO area, the tunnels by the downtown area, and the space between agents. During observation periods we witnessed several attempts to cross, some successful. Since agents are discouraged from leaving their designated spots, it is difficult to apprehend illegal migrants once they have crossed. One agent noted that management trumpets the success of the Operation based on reduced apprehensions data. He claimed that the reduction

in apprehensions was not because illegal crossings were being prevented, but rather because there were no agents available to apprehend illegal crossers once they had gotten beyond the line of agents at the border. He also asserted that the Border Patrol's employer sanctions unit was not apprehending suspects because it was not being allowed to open new cases.

Some agents noted that Operation Hold the Line does not prevent the entry of undocumented migrants; rather, it simply generates new crossing tactics. The most popular and successful technique is to use a decoy. According to one agent:

> They have one alien try to come across as a decoy. All the agents focus attention on him. But meanwhile, five will cross on the other area where they're not looking. So they know how to get in. There's an area way up here where there's no river, no fence. At nighttime, they just walk across.

The willingness to engage in this tactic can be explained in part by the low cost to the decoy who gets apprehended. Most of the time when an illegal migrant is apprehended, he/she is detained at PDN until twelve to fifteen individuals are being held. At that time Mexican authorities are notified. The Mexican authorities return the detainees to Mexico and release those who are Mexican citizens. Only those detainees who appear to be criminals are held at PDN for further investigation. Thus, the only real consequence to the average decoy who is caught is that he/she is detained and returned to Mexico for another attempt.

During one observation period researchers were able to see the decoy tactic in action. Agents were faced with a dilemma. If they ignored the decoy, that individual would succeed, knowing that once away from the line the chances of apprehension are seriously reduced. The tactic calls for decoys to be sent one at a time until the agents give chase. Then the rest cross unmolested. One agent expressed her frustration over the perception that once undocumented migrants have crossed they are essentially home free:

> They're not worried about walking outside their door or driving down the street, or working downtown, because they know there are no agents there. So most of these people have no worries about being in El Paso, once they're away from the border. I live on the west side, and I see maids over there, illegal maids, ten to twenty everyday in this one area. People ask, "How do you know they're illegal?" Because some of them I recognize from when I caught them.

Another popular tactic is to cross at night. According to one agent:

> [Night is] the easiest time. There are times at night where there is an area maybe every three or four hundred yards where we have a vehicle. But there are other areas that you have one vehicle and then for half a mile to a mile further, there is none. It's very easy for them to get into those areas, and they know which areas they can cross more easily. Nighttime, when it's dark, agents can't see everything. And he's not allowed to walk too far away from his vehicle, because we've had incidents where they've broken into the vehicle and stolen things, so he can't go too far away from the vehicle, so this allows the aliens to come through. Midnight shift is very easy. You've got agents now who have done this for seven months, and there are times when you just can't stay awake.

Although these statements and perceptions represent a small sampling of El Paso sector agents, a high percentage of the persons talked to expressed similar morale problems and similar concerns over the well-being of their fellow sector personnel. Without a more comprehensive survey, it is difficult to judge the full extent of the problem. However, these problems will require resolution if the enforcement strategy embodied in the Operation is to be replicated elsewhere along the border.

Conclusions

In summary, the Operation appears to have received widespread popular support, although no scientific representative poll has been taken to document the overall degree of this support or those population segments in which it is highest. Some ambivalence is evident among Mexican-American community leaders. While most support the Operation, several leaders of community organizations expressed opposition. A major positive effect of the Operation on the community is its substantial reduction of charges of human rights violations and abuses brought against the Border Patrol. Finally, the Operation may be creating morale problems among the Border Patrol rank-and-file, who report a high degree of boredom with the new duties involved in the Operation and express anxiety about what criteria will be used to assess their performance and determine promotion.

VIII. Effects on Illegal Border Crossers in El Paso and Juárez

Chapter III presented quantitative findings on the effects that the Operation had on illegal crossings from Mexico into the United States. In this chapter, we present our findings on the effects that Operation Hold the Line had on illegal crossers and their border-crossing behavior. These findings are based on dozens of qualitative, field interviews conducted in Juárez and El Paso in February, March, and April 1994. The first section describes the border-crossing situation prevailing in the months and years preceding the launching of Operation Blockade. The second section presents findings on some of the reasons why many Juárez residents have not been able to obtain INS permission to cross the border legally with a Border Crossing Card [BCC]. The last section describes illegal crossers' reports on how they have been affected by the Operation.

Before Operation Blockade

Many people we interviewed in Juárez and El Paso agreed that before the initiation of the blockade, illegal crossing of the border was fairly easy. While one reason given for this was that the border was not heavily patrolled, we also received reports that Border Patrol agents often informally allowed workers and other cross-border commuters who they believed were not engaged in criminal activities to cross freely without formal inspection at official ports of entry. This practice appears to have been particularly common at the point where Colonia Anapra, on the Mexican side, faces Sunland Park, New Mexico. Here the border is nothing more than a line in the sand separating two communities only several hundred yards apart from one another. Anapra is an outlying *colonia* in Juárez, and is a long bus ride over rough roads from downtown Juárez and the nearest international bridges. The Border Patrol kept this area under surveillance but, given the inconvenience of crossing at the official ports of entry, routinely allowed residents of both Anapra and Sunland Park to cross here. According to Border Patrol agents we interviewed, within the Patrol the Sunland Park, New Mexico zone was referred to as the "Anapra Port of Entry." One resident of Anapra, whose testimony matches that of other residents we interviewed, described the situation prevailing before the Operation:

> All kinds of people used this crossing, even if they had a Border Crossing Card. This is because we know that a Border Crossing Card is not valid for working. And if they have to be at work before nine in the morning, they can't cross on the bridge and still get to work on time. And the people having to work in the fields in New Mexico, well they have to be at work at four or five in the morning! So even with their border crossing cards it paid for them to cross here. . . . The immigration officials themselves made it easy if they knew that the people were crossing to work or if they recognized the person crossing. There were agents whose post seemed to be permanent, and they just about knew everyone who crossed here. I

> myself spent four years crossing here on foot. A lot of times we would go shopping in El Paso [Sunland Park is served by the El Paso bus system] or we would go to the San Martin de Porres church in Sunland Park, very close to here. The mounted *migra* would stop us over there to take some information from us, and when we would explain that we lived here, many times they would say, "Go ahead. Be careful and make sure you go back to where you live afterwards." Other times they would say, "Well, you can't cross here now. Go on back." Practically speaking, they never detained us. . . . And the street vendors knew the times of day when the agents would let them across, by pretending not to see them, after four o'clock in the afternoon and between six and eight in the morning.

Persons we interviewed in other parts of Juárez and El Paso confirmed these practices on the part of Border Patrol agents before the Operation began. And we were told of *lancheros* who ferried people across the river downtown in plain view of INS officials on the international bridges, who also apparently ignored illegal northbound crossings by people walking across on the wrong side of the bridge. (See, for example, the comments of Juárez city officials in Chapter II.)

The apparent tolerance of illegal crossing on the part of the Border Patrol led at times to anomalous results. The Rescue Mission, a church-run homeless shelter and soup kitchen located along the river near Old Fort Bliss, regularly received persons from Juárez seeking food and shelter. The Rio Grande at that point is shallow and easily forded, and many poor residents of Juárez would cross there to get a meal at the Mission. On occasion, the Border Patrol would enter the grounds of the Mission and arrest Mexicans who were on U.S. soil illegally. On Thanksgiving Day 1992, the Border Patrol staged a raid on the Rescue Mission and deported several undocumented Mexicans, mostly women and children.

The director of the Rescue Mission, a retired El Paso police officer, described his reaction to this incident. He said he could not understand why the Border Patrol would allow people to cross the river unimpeded and then arrest them when they sat down in his mission to say grace before their meal. Following the Thanksgiving incident, the Rescue Mission arranged a truce with the Border Patrol whereby the Mission agreed to check entrants' identification before serving them and the Border Patrol agreed to stage no further raids there. This agreement generated its own set of potential problems insofar as a homeless persons who appeared to be Mexican and could not prove U.S. residence could be turned away by the shelter—even though they could be U.S. citizens who, as homeless people, had lost their ID.

Not all illegal border crossers live in Juárez. Many undocumented Mexican residents live illegally in El Paso. Before the Operation, they were able to take advantage of the Border Patrol's tolerance of illegal crossing to visit friends and family on the Mexican side. In some cases, these illegal crossers living in El Paso were married to legal residents or citizens or had children who were U.S. citizens. We interviewed one Mexican man in El Paso whose case is illustrative. The man and his wife moved, illegally, from Delicias, Chihuahua to El Paso in 1979. They have resided in El Paso ever since, and have two children who are U.S. citizens attending the El Paso Public Schools. Both the man and his wife applied for amnesty in 1988. The man was granted amnesty, but his wife, because some of her papers were not properly filed by their immigration lawyer, was not. They have since applied for her to become a legal permanent resident, but her application is still pending. Traditionally, when this family wants to take the children to visit their grandparents in Delicias, they have driven together into Mexico in their station wagon. Upon returning to the border from Delicias, the man would drop his wife off near downtown Juárez to take a launch across the Rio Grande. He would drive across the international bridge with the children and pick her up on the north bank of the river. Since the Operation began, they have had to abandon this practice. This man says he knows that it is still possible to cross illegally, but that it is too risky for her to try anymore. "We're talking about the mother of my children, you know!"

In extensive interviews with both legal and illegal crossers from Juárez, we were told on several occasions that prior to Operation Hold the Line some persons who lived in Juárez and worked illegally in El Paso would cross the border illegally, away from official ports of entry, even though they possessed a valid BCC. The reason we were given for this apparently anomalous behavior was that these illegal workers feared having their BCCs confiscated by INS port of entry officers who might suspect them of working illegally.[58] The loss of the BCC could entail considerable hardship for its bearer, both in terms of loss of the privileges it confers and in terms of future prejudice should the person wish to apply for any other visa to the United States. Detention by the Border Patrol for illegal crossing, however, implied rather less drastic consequences for the detainee. Because the detainee need not present documents to the Border Patrol in order to be "voluntarily departed" back across the border, he/she could simply give a false name and be walked back across the bridge to Juárez after a few hours in detention, avoiding both loss of the BCC and future prejudice before the INS. Given that confiscation of the BCC seems to have been an unlikely event, we may surmise that BCC holders who routinely crossed the border illegally before Operation Hold the Line did so owing rather more to the fact that crossing illegally was fairly easy than to any substantial reduction in risk by pursuing such a strategy. Further, nearly all of the current or former illegal crossers we interviewed in Juárez and El Paso did not possess a BCC and had never applied for one. Below we discuss the reasons why illegal crossers did not avail themselves of the BCC in order to cross the border legally.

The Border Crossing Card

Operation Hold the Line was initiated by the Border Patrol of the Immigration and Naturalization Service to eliminate illegal northbound crossings of the U.S.-Mexican border in El Paso. Less concern seems to have been demonstrated with regard to preventing the illegal employment or settlement of Mexican nationals in El Paso once they have crossed the border. Most illegal northbound crossings in the El Paso district are made not by Mexican long-distance migrants whose destinations lie far into the U.S. interior, but rather by residents of Juárez who make social visits, shop, sell goods, and work in El Paso. These activities are often no different than those carried out by Juárez residents who cross the border legally with a Border Crossing Card. Moreover, many legal and illegal crossers are not meaningfully distinguishable in terms of their likelihood of becoming immigrants to the United States and of their potential membership in classes of excludable aliens under §1182 of the CFR (see above). Our best estimates indicate that there are many more Juárez residents who abuse their privileges as BCC holders by working in El Paso than there are Juárez-El Paso commuters who cross the border illegally. (See Chapter III for estimates of the relative sizes of these groups.) **Table 42** summarizes the differences and similarities among illegal border crossers, noncrossers, and BCC holders.

From a U.S. perspective, it would seem that almost any employed person in the workforce would quickly be able to meet the common sense requirements of the BCC application process regarding proof of one's residency and economic solvency.[59] The Mexican reality in general, and the Juárez reality in particular, however, do not correspond very well to a U.S. perspective on routine documentation of an individual's socioeconomic status. First, thousands of employed residents of Juárez, including the multitudes employed by U.S.-owned *maquiladora* plants, live in self-constructed housing in vast squatter settlements called *colonias*. Residents of these *colonias* often own no official title to their lots, pay no rent, and receive no public utilities. Water and propane gas are trucked in, and electricity is frequently pirated by attaching illicit feeder lines to main power lines. While *colonia* residents are poor by U.S. standards, they are typically quite attached to living in

[58] As we discuss in more detail below, INS officers have the right to confiscate BCCs they suspect are being used to work illegally in the U.S. A person crossing daily in the early morning hours would run a considerably higher risk of detection over time than someone crossing less frequently or at hours that corresponded better to other kinds of nonprohibited activities.

[59] See **Table 1** (Chapter II) for a listing of official INS requirement for BCC applicants.

Table 42.

COMPARISON OF CHARACTERISTICS OF ILLEGAL BORDER CROSSERS, NONCROSSERS, AND CROSSERS WHO POSSESS THE BORDER CROSSING CARD

	Illegal Crosser	Noncrosser, No BCC	BCC Holder
Length of Juárez residence	Likely to be a recent arrival.	Likely to be a recent arrival.	Likely to be long-term resident.
Informal vs. Formal employment	Likely to be unemployed or informally employed in Juárez; informally employed in El Paso.	May be either formally or informally employed, or unemployed in Juárez	Likely to have been formally employed in Juárez at the time of issuance of the BCC; may be formally or informally employed, or unemployed in Juárez at present; informally employed in El Paso.
Stable and sufficient source of income to support self and dependents	May or may not have a stable and sufficient source of income.	May or may not have a stable and sufficient source of income.	Has stable and sufficient source of income at the time the BCC is issued; may or may not subsequently.
Benefits derived from proximity to U.S.A.	Access to goods & services; lower prices for goods; may gain access to employment at higher wages.	Access to goods imported by smugglers and middlemen.	Access to goods & services; lower prices for goods; may gain access to employment at higher wages.
Frequency of border crossing	May cross frequently or infrequently, depending on motives for crossing and degree to which the border is effectively patrolled.	Does not cross.	May cross frequently or infrequently depending on motives for crossing; if employed in El Paso, frequency of crossing depends on work schedule and intensity of inspection of entrants by INS officers at U.S. ports of entry.
Family in El Paso	May have family members living in El Paso.	Seldom has family members living in El Paso.	May have family members living in El Paso.
Crossing status of other family members	May or may not have BCC.	May or may not have BCC.	May or may not have BCC.

Juárez, often having invested considerable portions of income and savings in the construction and maintenance of their homes.[60] Many residents own cars and have such modern appliances as stereos, VCRs, refrigerators, gas ranges, and televisions. The existence of such squatter settlements is less an indication of widespread absolute poverty in Juárez (as measured by personal incomes), and more an indication of the city's lack of an adequate infrastructure to meet the needs of a population growing rapidly due to migration from the Mexican interior. Many *colonia* residents might have a difficult time in documenting their Juárez residence in the ways requested of BCC applicants by the INS.

Second, a large proportion of the population all over Mexico, but especially in a Northern border city like Juárez, is employed in the so-called informal sector. By informal sector, we refer here not only to the petty commerce of street vendors and market stall operators, but also to a wide range of economic activities undertaken by small-scale establishments and the self-employed that take place largely beyond the reach of government regulation. Informal sector workers typically are not registered with Mexican Social Security, do not appear on any official payroll, have no taxes deducted from their wages, and are not protected by state health and safety regulations. Various research studies in recent years point out that, especially in Mexico's northern border cities, informal employment is decidedly not synonymous with poverty; for older males especially, informal self-employment typically offers higher income potential than employment in a formal enterprise such as a *maquiladora* (Roberts 1991; 1993). Our interviews in Juárez confirmed this. A number of working men reported that they could earn two and one-half to three times more as informal laborers in construction than they could in the *maquiladoras* as machine operators (a formal occupation).

Informal employment, when defined in these terms, reflects not so much the massive pursuit of subsistence alternatives to unemployment by the urban poor, but instead the inability of the Mexican state to regulate effectively the multitude of small-scale commercial activities undertaken by its citizens. Using results from the *Encuesta Nacional de Empleo Urbano*, Zenteno (1993) estimates that at the end of 1989, 29.3 percent of workers in Juárez were not covered by Mexican Social Security and that up to 47 percent of workers were employed by enterprises that could be considered informal by one definition or another. We also know from the ENEU that 17.4 percent of Juárez's economically active population consisted of self-employed workers, most of whom were informal (Browning & Zenteno 1993). Many workers employed informally are in fact poor and working under highly precarious conditions. Many others, however, are quite gainfully employed by prevailing local standards, and may in fact themselves be employers. Because the employment of all informal workers (by definition) is incompletely regulated / documented by the Mexican government, many gainfully employed people in the informal sector might find it difficult to document their financial solvency in the ways requested of BCC applicants by the INS. Many of the interviews we conducted with Juárez residents confirmed this point:

- A housewife living in Rancho Anapra, a *colonia* opposite Sunland Park, New Mexico described her neighbors' situations:

  > Well, the requirements for the *pasaporte local* aren't many, but most of the men living around here can't fulfill them because they work in construction, you know. They don't have any kind of receipts, or pay stubs and they know that's one of the indispensable requirements you have to present—a whole year's worth, you know, of pay stubs. And that's why they can't do it. Most of the women around here work as domestics, and they don't get pay receipts, either. The people who work in the *maquiladoras*, well they have a little easier time of it, and I

[60] Interestingly, a number of illegal border crossers we interviewed in such *colonias* remarked that, although they worked in El Paso, they had no intention of abandoning their Juárez residences to live in El Paso. They had too much invested in their homes, which were not readily salable, and could see no affordable housing alternatives for themselves and their families on the U.S. side of the border.

think that there you'll find people who have their *pasaporte local*.[61]

- The proprietor of a small grocery store, also in Rancho Anapra, was recently able to get BCCs for himself and his wife by presenting his tax receipts, bank statement, and business registration papers to the INS. Getting the BCC for the two of them was "no problem." His grown son, however, was unable to demonstrate his financial solvency to get the BCC because although he worked full-time for his father, he was not on the official books of the business.

- Another man residing in Rancho Anapra paints cars for a living and lives with his family on a plot of land to which they have no title. They built their home, a small cement block cubicle, themselves, and do not receive any public utilities (they have to pirate their electricity). He would like to get his Form 13 and BCC but has virtually none of the documents required to prove his residency and financial solvency.

- A man in his twenties selling fruit from a stall at the Cuauhtémoc market would like to get his BCC, but "doesn't get paid by check" and thus is unable to present pay stubs documenting his employment. He has lived in Juárez all his life.

- A twenty-six-year-old man, and lifelong resident of Juárez, was waiting in line on the Paso del Norte Bridge to apply for the BCC for the first time. Until a year ago, he had always worked as a journeyman mason in the construction industry, and had never appeared on anyone's official *nómina*, or payroll. Since last year, he has been working as an electrician at a *maquiladora* and just now has completed a full year's set of pay stubs.

- A businessman eating lunch at a restaurant in the Cuauhtémoc market had no problems getting his BCC because he had all his business papers in order. He believed, however, that employees would have a harder time documenting their status:

  > In my opinion, the requirements the Americans demand [for the BCC] are too tough. Because a lot of people are working, that have been working for some time, and due to negligence on somebody's part, because of the way Mexicans operate—we don't file our checks, and we don't keep our payroll and other books completely in order. For that reason, a lot of people have problems trying to get together all the paperwork that the United States asks for. . . . The problem is all the paperwork they ask for. A lot of people meet the requirements [of financial solvency], but getting the paperwork is impossible because we don't keep our books the way they want us to.

- Jose Alberto Silva, Juárez's *director del gobierno* was well aware of the difficulties encountered by the informally employed in obtaining the BCC:

  > Unlike in the United States, in Mexico not everybody is registered with the government. In the United States everybody is registered through the Social Security system. But here in Mexico it's not possible. We don't have that mechanism, that kind of registry. In Mexico, for example, I know some people who are carpenters, or who run other small businesses for themselves. And they don't take care of their taxes properly since they work alone. In order to get a permit to enter the United States, they ask these people for many documents. The truth is that these people do have jobs. But they can't prove it because they aren't registered in any way like the United States has with Social Security. . . . In our country this is a very large

[61] All interviews of Juárez residents were conducted in Spanish. Direct quotes appearing in this section of the report are translations.

> group, these kinds of people. They could be maids or mechanics. In these types of activities people work and have money, but they have no way of documenting it. And they have a hard time obtaining permission to enter the United States.

We also interviewed and observed INS officers involved in the BCC application and issuance process. As noted above, the law grants INS officers almost total discretion in determining a BCC applicant's eligibility for entry into the United States. We found these officers to be aware that for many working Juárez residents it is not possible to obtain all of the documentation of solvency that the INS flier indicates are required for issuance of the BCC. Many of these officers are Mexican-Americans who have lived in El Paso for many years, and some still have relatives living in Mexico. As a result, they are aware that the BCC requirements do not always correspond well to Mexican reality, and they are willing to be "flexible" in whether absolutely all the documents listed on the flier must be presented.

A self-employed carpenter, for example, who could not produce pay stubs because he worked for cash for many different clients, could be issued a BCC—according to one of these INS officials—if he could present bank statements showing frequent deposits of sufficiently large amounts so as to reasonably support himself and any dependents he might declare. According to these officials, there is no set amount of money that one must have in the bank in order to be considered solvent—it appears to be left to the judgment of the officer reviewing the application. We received one indication of how subjective such determinations of status can be when one agent told us that he had approved an older, self-employed man's application mainly because he saw that the man had "hard-working hands."

Another agent described his attitude towards the application process:

> Poor people have rights, too. My grandparents were Mexican and they were poor, poor but honorable. People of scarce means that can prove to me that they work for a living and only want to come over here to shop, since some things are cheaper to buy here, can get a *mica*. Above all it's necessary to be humane. If you have any doubt about some case, before rejecting it, you have to ask the opinions of the other officers. . . . It's all about giving the best service possible and issue *micas* to everyone who qualifies, and even more so if it's poor people.

In spite of the statements of individual agents regarding their own flexibility in considering documents presented by BCC applicants, the INS chief of the Paso del Norte port of entry insisted that all his inspectors apply a common set of criteria regarding applicants' proof of solvency. The most important of these, and one to which he said no exceptions are made, is that applicants present documentation of at least one year of continuous employment up to the time of presenting the application. Further, by making clear to potential applicants before they apply that they will be required to present documentation of their solvency, the INS makes sure that people who are unlikely to have their applications approved do not even bother to apply. The fliers distributed by the INS at the ports of entry to El Paso are one indication of this. Another strong piece of evidence is that officials of the Mexican *federal delegacion* in Juárez inform applicants for the Form 13 that the INS will require them to produce documentation of their economic solvency, in the form of pay stub, tax receipts, bank statements, and the like, before it will issue them the BCC. Information about the BCC application process is also disseminated via Spanish-language radio programs that have been broadcast in El Paso and Juárez since June 1993 and that allow listeners to call in questions about the BCC to on-the-air INS officers. While exceptions to documentation requirements may be made on a case-by-case basis by individual agents, the INS public position is clearly that documentation of one's stable employment and income is expected.

After interviewing dozens of Juárez residents about the BCC in a number of different situations around the city—in working class *colonias*, at the Cuauhtémoc market, with families waiting in line to be given their application interview appointment at

the Paso del Norte Bridge, and at *maquiladora* gates at shift's end—we reached an additional set of conclusions regarding people's knowledge and experience of the BCC:[62]

1. Most Juárez residents are aware of the existence of the BCC and the documents required to obtain it. Everyone we interviewed, whether they had ever applied for one or not, knew what the *pasaporte local* was. They also knew that one must demonstrate financial solvency to qualify for the BCC, and that this meant, in most cases, being able to present the INS with a full year's worth of pay stubs from a full-time job in Juárez. Consequently, virtually all of the persons we interviewed knew whether they themselves could meet the INS official documentation requirements.

2. Getting the BCC is not a problem for those who can produce the required documents. Those people we interviewed who had obtained their BCC did not report having had any particular difficulties in negotiating the process. The documents they needed were not costly to obtain (legally)[63] and nobody complained of having been badly treated by any Mexican or INS officials during the application process. Some people did complain of the inconvenience of having to wait all day in line at the Mexican *delagación* for their Form 13, and then having to wait all night again on the Paso del Norte Bridge to get their application appointment, but this inconvenience was clearly outweighed by the benefits of obtaining the BCC.

3. Long-term residents of Juárez are more likely than more recent arrivals to qualify for and obtain the BCC than more recent arrivals from other parts of Mexico. Because over the course of a lifetime, individuals and their family members may work in a variety of occupations, longer-term residents of Juárez are more likely to have worked at some point in time in a formal-sector job that provided them with the documentation needed to demonstrate financial solvency. Many long-term Juárez residents first obtained their BCC as dependents of their parents, and as the BCC has no expiration date, they still are able to use it. Long-term residents are more likely to live in established neighborhoods fully served by public utilities. They are also more likely to view the BCC as a document that is both obtainable and worth having, having known about it for most of their lives. Although long-term residents of Juárez are more likely to qualify than newer arrivals, some of them miss the opportunity to get their BCC. This is because individuals may meet the BCC requirements at one point in their lives, but not at a later point. If they fail to see the need for a BCC at the time they have access to the required documentation of their eligibility, they may lose the opportunity for the rest of their lives

4. It is not uncommon for Juárez residents without a BCC to have immediate family members who do have one, and *vice versa*. We interviewed many people whose immediate family members—sisters, brothers, parents, and children—do not share their own status as a holder or nonholder of a BCC, even though all family members have lived in Juárez for the same amount of time. This situation seems to be more common when immediate family members do not live with one another, particularly in the case of siblings, and presumably do not participate in a common household budget.[64]

5. Many Juárez residents, both long-term and shorter-term, have no interest or need to go to El Paso regularly, and thus do not apply for the BCC (nor do they enter the United States illegally). A substantial portion of the people we interviewed in

[62] We gleaned little information in our interviews about individuals who use the BCC to work illegally in the United States. Such persons were presumably not in Juárez during weekday working hours when most of our interviews were conducted. While we also interviewed many individuals in El Paso, it was exceedingly difficult to find people who were willing to admit to working illegally there and to let us interview them about their experiences. We do know from other sources, however, that many BCC holders do work in El Paso. See Chapter III of this report for estimates of the magnitude of this phenomenon.

[63] It can be difficult, however, for persons who have migrated to Juárez from elsewhere in Mexico to obtain official copies of their birth certificates if they have lost the original. This is especially the case for older individuals or persons from rural areas.

[64] Many people we interviewed also had immediate family members living in the United States, some legally, some not.

Juárez, from among a variety of working class occupations and neighborhoods, said that they had no reason to apply for the BCC as they had no need to or interest in going to El Paso or the United States.[65] Part of the reason for this may have to do with the self-perpetuating nature of residential and occupational segregation as it exists in any large metropolitan area: people tend to restrict their routine geographical movements to areas around where they live and work. Just as many residents of the Bronx may have never been to Staten Island and see no need to ever go, many working people in Juárez have virtually no knowledge of or relationship with El Paso or people living there. The fact that El Paso is, of course, in another country, and one that is perceived as not particularly welcoming of working-class Mexicans, only makes this phenomenon stronger. Here, as above, it is worth quoting a few of our informants directly:

> I don't need a *pasaporte local* because it's just the same over there as it is here. (Man, mid-twenties, working as a vendor in Cuauhtémoc market)

> I wasn't thinking about getting my *pasaporte local* when I started working here. I wasn't interested in going [to the United States]. It looks like they treat Mexicans very badly over there. . . . For us, Mexico is better. We've seen on television how badly they treat Mexicans in the United States. (Seventeen-year-old woman, lifelong Juárez resident, *maquiladora* employee)

> No, I didn't go into the *maquiladoras* to get my *pasaporte* [local]. Because going over to the other side doesn't interest me. The United States doesn't interest me. Not even to shop! Because I say that what there is over there, we've got here, too. I'm not going to go over there just because a few things are cheaper! Sometimes it's better for a person to just to stay around here in Juárez, in their own Mexico, and not over there where they're going to be against you, look down on you. (Twenty-four-year-old woman, native of Durango who has been living in Juárez for three years and working in a *maquiladora*)

> I don't visit the United States. I don't consider it necessary. Anything you'd want is here. We don't need to go over there. (Thirty-one-year-old man, native of San Luis Potosi, living in Juárez for seven years working in a *maquiladora*)

> It doesn't pay for the person who has his/her job or studies or something like that to come here. My brother is one of those people. He'll never get his crossing card! And now that a lot of American products are imported into Juárez he and his family buy things there. Sometimes they ask me or my mother to bring them things. It's no problem for us. We go to see them in Juárez, too. They're so close! The ones who have problems are the ones who live far away and can't cross the border. (Woman, former resident of Juárez, now living legally in El Paso)

6. Obtaining the BCC is seen as a fringe benefit of working in a *maquiladora*. We interviewed a number of *maquiladora* workers, both women and men, most of whom had obtained or were in the process of obtaining their BCC. While no one we interviewed stated that they themselves had taken a job in a *maquiladora* principally in order to get the BCC, many acknowledged that one of the fringe benefits of their employment was the ability to qualify for it after a year of work. Nobody indicated definitively that once they had obtained the BCC they would leave *maquiladora* employment to attempt to work in the United States, although some

[65] Interestingly, even a number of the people we interviewed waiting in line for their BCC on the Paso del Norte Bridge stated that they had qualified for the BCC for some years, but only then had gotten around to applying for it. The main reason given for not having applied sooner was that they had no need for it up until now. The pressing need now, typically, was to shop for better prices and merchandise in El Paso. Some people reported that their economic circumstances had recently changed, making the potential savings gained or particular product obtained more urgent for them.

clearly considered that to be one option open to them. Young adults working in the *maquiladoras* are able to get BCCs for other family members living with them, including their parents, based on their *maquiladora* employment. People we interviewed who did not work in the *maquiladoras* generally regarded *maquiladora* employment as low-paying and otherwise unattractive, except for the fact that such employment facilitated obtaining the BCC.

7. Some persons in possession of the BCC formerly entered and worked in the United States illegally. Several people we interviewed who had obtained their BCC based on their current employment in Juárez had, at some earlier point in their lives, worked illegally in El Paso or elsewhere in the United States. These people preferred to live and work in Juárez under less precarious circumstances than they had experienced in the United States working illegally. At the same time, the BCC offered them the possibility of access to certain of the economic benefits, in the area of personal consumption, that they had formerly accessed by entering or residing in the United States illegally.

8. Mexican residents who do not possess valid border crossing documents themselves often still attempt to cross into the United States at official ports of entry. To avoid bottlenecks in the flow of pedestrian and vehicular traffic on the international bridges between El Paso and Juárez, INS inspectors do not ask every crosser to produce documents, nor do they inspect all requested documents very closely. Often, inspectors will only ask entrants for a verbal declaration of their U.S. citizenship before letting them pass. Before Operation Hold the Line, this meant it was possible, albeit risky, for crossers to enter the United States with improper documents or no documents at all. After Operation Hold the Line began, INS inspectors began checking entrants' documents much more closely, and uncovered many cases of Mexican nationals using invalid, fraudulent, or other improper documents to attempt to enter the United States. **Table 43** presents a summary of documents confiscated at the Bridge of Americas Port of Entry from September 1993 through January 1994. Interestingly, the most common type of misrepresentation detected was the use of fraudulent U.S. naturalization papers. While almost no one appears to attempt to cross with an altered or fraudulent BCC, a fair number of people seem to attempt to cross with someone else's card, presumably betting on lax inspection of the photograph it bears on the part of INS personnel at the port of entry. Other

Table 43.

TYPES OF FALSE DOCUMENTATION ATTEMPTED BY MEXICAN CROSSERS, BRIDGE OF THE AMERICAS
(SEPTEMBER 1993-JANUARY 1994)

Type of Improper Documentation	%	#
Impostor using BCC	30	78
Altered BCC	0	0
Fraudulent naturalization papers (USC-911)	38	98
Impostor using legal permanent resident document	12	31
Counterfeit legal alien permanent resident document	17	44
Altered legal permanent resident document	1	3
Impostor, I-94	0	1
Amnesty fraud	0	1
Amnesty impostor	1	2
Fraudulent or altered U.S. passport	0	0
TOTAL	100	258

Source: U.S. Immigration and Naturalization Office, El Paso Office

common misrepresentations include using a counterfeit Legal Alien Permanent Resident Card [LAPR] or using someone else's "green card."

One kind of misrepresentation that cannot be picked up at the port of entry is the use of falsified documents to obtain a valid Border Crossing Card. Several informants we interviewed in both El Paso and in Juárez averred that the purchase of fake pay stubs, birth certificates, employment letters, utility receipts and the like was not uncommon among persons who desired a BCC but could not otherwise obtain the necessary documents to present with their application for it. The most ingenious account we heard was that of a woman whose sister had obtained a BCC by purchasing false documentation of her employment from a man working in the personnel office of a *maquiladora* in Juárez. The INS does routinely make calls to employers to verify the employment of BCC applicants; in a case such as this verification was useless as the company official was a participant in the scam. As with the frequency of the incidence of misrepresenting oneself with improper documents at the port of entry, it is impossible to estimate the frequency of this sort of fraudulent acquisition of the BCC. Documents seized are only those discovered, and the number discovered depends not only on the number in circulation but also on the amount of effort made to detect them.

Effects and Responses

Based on our field interviews in both El Paso and Juárez, we reached the following conclusions about the effects of Operation Hold the Line on illegal crossing and illegal crossers.

1. Illegal crossing is now much more difficult than it was before the Operation began. Absolutely everyone we interviewed who has attempted illegal border crossings in the El Paso area acknowledges that doing so is much more difficult than before September 1993. Those who attempt to cross are more likely to be detained than before and are obliged to make their attempts at night and/or by going around the Operation to cross at deserted locations near Sunland Park, New Mexico or Fabens, Texas. These attempts are time-consuming and arduous. Several of our informants on both sides of the border have commented that the intensity of the blockade of the border has diminished since its first month. While crossing now is easier than it was in that first month, it is still more difficult than before the Operation began.

2. Some illegal crossers have given up crossing; many people who have other income alternatives in Juárez have given up working in El Paso. Unemployment in Juárez is low relative to the rest of Mexico; jobs are available in the *maquiladoras*, in construction, and in domestic service. The pay for these jobs, however, is quite low relative to the cost of living. Older illegal crossers, particularly older women, have largely given up illegal crossing, regardless of the loss of income. They simply do not see the benefit as being worth the increased risk and difficulty of making arduous, nighttime crossings. Many street vendors gave up crossing after the Operation began because of their inability to get through the Border Patrol linewatch quickly and surreptitiously while loaded down with fruit and other wares to sell.[66] Some of these vendors took up selling in downtown Juárez instead, including to drivers waiting in line to enter the United States on the Paso del Norte International Bridge. All former illegal crossers who earned incomes in El Paso before the Operation began have experienced a loss of income; for some this loss has been catastrophic, for others, who have other family members working in Juárez, it has been less so, particularly if they themselves have been able to find other work in Juárez. Some recent migrants to Juárez who earned their living in El Paso's underground economy were forced to return to the Mexican interior following the Operation as their remaining personal and/or family resources were insufficient to maintain themselves in Juárez.

3. Illegal crossing is still possible and many people continue to cross illegally, though fewer than the before Operation Blockade/Hold the Line. The line of agents posted along the border by the Border Patrol is penetrable, particularly away from the

[66] Former El Paso street vendors we interviewed reported that they could make $120 or $130 per week selling fruit in El Paso. In Juárez they would be lucky to make one-third that amount as vendors and one-half that amount in other occupations.

downtown areas where several physical barriers, such as fences and aqueducts, make a speedy crossing impossible. This was corroborated in our interviews with illegal crossers on both sides of the border, by their legal coworkers in El Paso, social service providers in El Paso who still serve nonresidents, and Border Patrol agents. Since the beginning of the Operation, the number of agents on duty at any given time has been reduced and, as a result, Border Patrol vehicles are stationed as much as one-half mile apart in some areas. Fewer agents are available to make actual apprehensions of illegal crossers who have breached the first line of defense. Moreover, boredom, disillusionment, and fatigue have resulted in some Border Patrol agents not proving to be very good sentinels, sometimes allowing illegal crossings while sleeping or reading in their vehicles, and other times simply not intervening in time to halt an illegal crossing in progress.

> They slip through [the line of the operation]. You can cross at night. At dawn or at night. You know, the *migra* stands sometimes half a mile apart, and you can slip through the line. It's a lot harder. [The ones who get through] are fast runners, they're young. I know one woman that crossed that we'd had in the shelter for a long period of time, has an American kid. The American kids had to stay over there [in Juárez] with the mother, but she crossed to work as a domestic. Many of these people, they send money back, because here they eat, there they don't. (Ray Tullius, Director, El Paso Homeless Coalition)

> I asked him how he'd done it. I thought with the blockade, he wouldn't be able to come any more. So when I saw him again at work, I asked him, "How did you do it?" He told me at two in the morning, through the desert. He said that several of them cross at once. They get together. If the see the Border Patrol agents, and the agents run to try to catch them, they all run in opposite directions, but towards the other side. Whoever gets away, well, he gets away! (Mexican maid who lives and works in El Paso relating the tale of a gardener she sees working at one of the houses she cleans)

> Like out away from town, the day before yesterday, the Border Patrol wasn't around at all. And I was getting my nerve up to cross right then, but I didn't cross because of my kids there in Juárez. What am I going to do with them over there and me over here? So, I'm going to take my kids back down to Durango and then come back across again at Anapra, because it's safer there. (Mexican woman who formerly sold fruit on the street in Juárez, interviewed in El Paso)

4. Juárez residents who use their border crossing card to work illegally in El Paso have responded to more rigorous inspection and interrogation of bridge crossers by crossing at times when it is more believable that the purpose of their visit is other than to go to work. When Operation Hold the Line began, INS inspectors on the international bridges confiscated the border crossing documents of some Mexican entrants who made apparently false claims about the purposes of their visits to the United States. Reports abounded of persons being turned back at the border for claiming to make shopping trips at 7:00 AM with only a few dollars on their person.[67] Illegal workers and people who live or work with them who we interviewed concurred that many crossing card abusers have taken to crossing the bridges at hours when it is easier to convince INS inspectors that they are make a shopping trip or a social visit. A Mexican maid we interviewed in El Paso had this to say:

> A lot of maids have their crossing card and come across to work. But they don't cross early in the morning anymore. They cross later in the day. They're afraid that if they cross early in the morning they'll be caught. They'll be asked, "Where are you going? All

[67] Here it seems that a few isolated incidents were greatly magnified by the power of rumor and sensationalist media coverage.

> the stores are closed now. What will you be doing?" And they also have to carry some money on them, enough to be able to justify that they're going shopping. Because sometimes they'll run into an immigration agent who wants to examine the contents of their purse. I've seen them do this.

5. Those who continue to cross illegally do so less frequently, but stay over longer periods of time in El Paso. Illegal crossers, as well as people who associate with illegal crossers, say that they cross the border less frequently than before the Operation because crossing is more difficult and the likelihood of apprehension is greater. For people who do not spend the night in El Paso, this means a substantial loss in income compared with before the Operation, because they work fewer days in El Paso. They are typically men who work irregularly in El Paso cutting grass, trimming hedges, or as construction day laborers. Crossing at less frequent intervals for them does not imply the loss of a job, for they did not have a regular work schedule in El Paso before the Operation began. For others, such as nannies, housekeepers, and skilled trades people, whose employers expect them to keep a consistent schedule, the response has been to cross less frequently, but sleep over in El Paso several nights in a row, or even for up to a week or two. Some maids and nannies moved in with their employers. Other illegal crossers stayed with relatives, or rented a room from a Mexican friend or acquaintance in El Paso. Some outdoor construction and yard workers took to sleeping under the desert stars on the mountainsides surrounding El Paso.

> I used to work as a housekeeper in El Paso, but now I'm an operator in a *maquiladora* here in Juárez. I quit crossing [illegally] with the blockade. Lots of people were detained. A lot of us women used to cross, and then we just couldn't any more. . . . The people who still manage to cross, well, we don't see them again for a long time, or we only hear from them by phone. . . . Most of them are staying with the people they work for, or with some friends or family, if they have them in El Paso.

In our interviews, we also received secondhand reports of illegal crossers who have abandoned their Juárez residence altogether since the Operation and moved to El Paso to live as well as work. Given the disincentives for revealing their identity as illegal residents, we were unable, however, to interview any of these persons directly.

6. Some undocumented Mexicans residing and working in El Paso are now cut off from friends and family in Mexico by the Operation. Not all illegal border crossers, either before or after the Operation began, lived in Mexico. Undocumented Mexican residents of El Paso are also obliged to cross the border illegally if they wish to visit friends and relatives or to conduct business in Mexico. These people may be members of households that include members who are legal residents of the United States, including Anglo and Mexican-Americans, Mexicans who are legal permanent residents of the United Sates, Mexicans who legalized their residence under the Immigration Reform and Control Act, and U.S.-born children of Mexican immigrants.

> One of the things that this blockade has done—many of our families in El Paso are "mixed," which means . . . I married a woman from Juárez! Many of us have intermarried across this river. Now it takes some time for the Mexican woman to become legalized, and it cost me $800 to legalize my wife and her son. Now many of these people don't have that: $800, that's their life. So many of these women that are tied there throughout El Paso are living with American kids, an American husband, sometime who runs off, with extended family in Juárez. Now she's illegal—she's technically illegal. She cannot cross. She's stuck on this side with her American kid with her family across the river. That's prevalent, all throughout this place! Right now, she can't go back. And Immigration could technically pick her up and tell her "Go back." And here you've got five American kids, who go back over there and they're not supported in Juárez because they're American kids. They don't participate in any of the social services [in

> Juárez] because they're foreign kids. (Ray Tullius, El Paso Homeless Coalition)

Before Operation Blockade/Hold the Line, illegal border crossing was relatively easy, and Mexican nationals residing illegally in El Paso more readily could maintain relationships with friends and kin still residing in Mexico. Many times these cross-border relationships among families consisted of a parent or an adult child living and working in El Paso and returning regularly to the rest of the family on the Mexican side with money and goods. Operation Blockade/Hold the Line, by making the maintenance of these kinds of relationships more difficult, also generates some incentives for family residential reunification: the family member living in El Paso may return to live in Mexico, or other family members may seek to move to El Paso.

7. Once across the border, undocumented Mexicans are less likely to be picked up by the Border Patrol than they were before the Operation. Illegal border crossers we interviewed in Juárez and El Paso, as well as residents of Mexican immigrant neighborhoods in El Paso, concurred that since the Operation began, Border Patrol surveillance of El Paso neighborhoods and workplaces had abated noticeably. As a result, undocumented Mexicans, once they had crossed the border, faced a decreased chance of being detected and deported by the Border Patrol. For example, a Mexican resident of an El Paso apartment building located in El Paso near Chamizal Park on the border, reported:

> Down where I live you used to see the Border Patrol passing by the entrance of my complex fairly frequently. Now you never see them. They used to make sweeps through the neighborhood, and people used to hide or we used to hid them! [Laughs.] A lot of them would dive under parked cars to hide when they would see the Patrol. They would hide however they could!

This decrease in Border Patrol surveillance of areas in El Paso located away from the border has made illegal worker' strategy of extending stays in El Paso all the more sensible. Whereas before Operation Blockade/Hold the Line, illegal crossers who worked illegally in El Paso feared apprehension at all times while in the United States, now their risk of capture is restricted to the moment of crossing. Moreover, the risk of apprehension while crossing illegally has risen considerably. Hence it is a good strategy to try to maximize the work days in El Paso gained per illegal crossing. The same logic applies to persons who abuse their Border Crossing Card by using it to work illegally in El Paso.

Many of these conclusions are embodied in the case of one Mexican man working in El Paso whom we interviewed in April 1994. His story follows.

Reynaldo Rodriguez [a pseudonym] is a skilled mason who works as an independent contractor to homeowners in El Paso. Now in his mid-forties, he moved to Juárez from his hometown of San Francisco, Chihuahua in 1972. Before he began working in El Paso five years ago, he worked for many years in the construction industry in Juárez. He has always earned his living as a mason. He lives in Juárez with his family in Colonia Felipe Angel. He has eleven children, ranging in age from fifteen months to twenty-five years old. Four of his children work in *maquiladoras*; his wife does not work outside the home.

Mr. Rodriguez does not have a Border Crossing Card because he has always worked informally in the construction industry; moreover, he is not in possession of his birth certificate, which he lost many years ago. Nobody else in his family holds a BCC, although one of his daughters plans to apply when she completes the required year of employment at her *maquiladora* job.

As a mason in El Paso, Mr. Rodriguez can earn up to $150 a week; doing the same work in Juárez, he would be lucky to clear $100. The additional money he is able to earn in El Paso is essential to him, given the size of his family. By the same token, having such a large family obliges him to live with them in Juárez, where the cost of living, especially for housing, is considerably lower than in El Paso. He prefers working independently for private homeowners because on a construction site in El

Paso he would have payroll and social security taxes deducted from his check. He gets work from homeowners based on recommendations from people he has worked for in the past. He believes he is paid fairly for his work and has generally been treated well by his various employers.

We interviewed Mr. Rodriguez one afternoon when he was at work laying a brick stairway on the grounds of a home in an affluent section of El Paso high on the slopes of a mountain northeast of downtown. He spoke unreservedly about his experiences crossing the border illegally, both before and after Operation Hold the Line.

Mr. Rodriguez told us, as have many other with whom we spoke, that crossing the border illegally, even downtown during the day, was fairly easy before the implementation of Operation Blockade / Hold the Line. He used to cross back and forth to work almost every day. When the Operation began, he was taken by surprise and was unable to get across the border for the first month or two. After that, he found he was able to make the crossing, although it was difficult, and he had to do it at night.

> When they began the blockade, yes, we did go a month or two without being able to cross. I mean, the surveillance was more intense. And now it seems that things are getting back to normal so that one can cross.

Mr. Rodriguez usually makes his crossing now at a point on the Rio Grande known as Las Piedras next to the big ASARCO smelter in El Paso. He crosses the river by himself at night, but sees many other people crossing in the same place. He describes his method of crossing:

> Well, we just wait until they aren't in the spot where we want to cross, you know. Because they're not there, you know. In other words, they're not planted right there in the spot where we want to cross. And, if they are there, why sometimes they're asleep! And we cross! We cross, and it's no problem. It hasn't been very difficult. I guess that now they recognize you as someone who is coming to work. You're not coming to, you're not one of those that they say is coming from over there to steal. They're looking the other way then, once they begin to recognize you, it comes to people coming across to work. They know full well that you're coming to work. Sure, they see us cross. And they don't do anything. . . . When I cross [the Border Patrol vehicle] is about sixty yards away. Sometimes they see us. Or, as I say, they're asleep. . . . When they detain me, it's because they see me, and I stop, and that's it! Why would I try to run? It just makes it a bigger crime.

He has been apprehended by the Border Patrol two or three time since the Operation began. Being detained by the Border Patrol is "no big deal" according to him. They just ask him for his personal data and return him to the Mexican side. He then goes home to bed to get some sleep before attempting to cross again the next night.

In spite of the added difficulty in crossing illegally, Mr. Rodriguez still feels obliged to do so. He needs the extra money he can make in El Paso to support his family. He believes that the Mexicans who have stopped crossing since the Operation began weren't really coming over to work. He claims to know many people who continue to cross illegally in spite of increased surveillance of the border:

> Yes, I know quite a few people who still cross. Out in the *colonia* where I live, well, there in the same street where I live, there are some ten people who cross, aside from those we meet on the way [across the river].

If the border were someday effectively sealed, he supposed that he would go back to working in the construction industry in Juárez, as he did before he stared working in El Paso five years ago.

Because of the increased difficulty in crossing illegally, Mr. Rodriguez has tried to minimize the number of crossing he has to make. Whereas before the Operation began he crossed daily, he now limits his crossings to two or three per week. He rents space

in an apartment with some kin who live in El Paso. Other men he knows have taken to sleeping out under the stars in the desert near where they are working.

> A lot of people, at times they go out into these little gullies there, where they sleep. And they come out of there to work. They go downtown to eat dinner. Because up here the bosses give them their midday meal, you know. So they go downtown to eat dinner, they come back up here, and wherever it gets dark on them, that's where they stay. Nobody complains about them sleeping up here. No problems.[68]

Mr. Rodriguez says that even before Operation Hold the Line began, he had never been apprehended by the Border patrol once he had made it past the agents right at the border itself. He says now that he doesn't worry at all about being picked up in El Paso.

We also had the opportunity to interview Mr. Rodriguez' employer of the moment. The owner of the house where he worked was a real estate agent in her early fifties, the product of a mixed Mexican-Anglo marriage. She spoke Spanish fluently. She remarked that while immediately after Operation Hold the Line began some of her friends in the neighborhood complained of losing their help or having them not show up for a period of time afterwards, Mexican laborers had generally continued to be available for domestic service since the blockade without any major interruption. This woman described her own attitude regarding employing undocumented Mexican laborers:

> I had a yard guy that worked for me for seventeen years and he told me that he was under the amnesty. I don't ask! If you asked me about him, I don't ask about him [Mr. Rodriguez]. I don't ride him in my car and I don't ask him. He works for the guy below [her neighbor down the hill], that's where I got him from, and I don't ask. I don't think I have an obligation to ask, if I've got a yard guy, you know. I might, but I just don't ask. What I don't know doesn't hurt me, and I really don't want to know. That's the way I do it.!

Her ambivalent views regarding the ethics of employing undocumented Mexicans were also telling, reflecting the peculiar contradictions of living on the Mexican border.

> But the people who are coming and who are staying here, it's draining on the taxpayers, you know, hospitals and all the rest of it. On the other hand, these people are hungry, and they climb the mountain, you feel sorry for them. You know, they start across that mountain at two o'clock in the morning hoping to come get a job. And they talk about, I'm sure there are a lot of thieves and a lot of criminals, but there's a lot of honest people, and they should really come and give them some kind of thing for maid and yard work, because people here aren't going to do it. They're just not going to do it, you know. You can't get anybody to do maid service that lives here—they'd rather go collect welfare.

The views of interviewed Juárez officials were rather less ambivalent. They argued forcefully that the INS should create some mechanism to ratify legally a long-standing practice in El Paso-Juárez that they regard as beneficial to residents of both sides of the border: the employment in El Paso of noncitizen, nonresident Mexican workers, such as Mr. Rodriguez. Abelardo Escobar, Juárez' *secretario del ayuntamiento,* summarized these officials' views:

> We have made some comments at the meetings we have had with U.S. customs and immigrations officials. There are many people who live in Juárez and cross to work in El Paso who have done so for years. They work in homes as domestic help, they are employed in workshops. They work. A

[68] Mr. Rodriguez' account in this regard was corroborated by his employer, who mentioned that she regularly saw Mexican men sleeping under the stars on the mountainside near her house since Operation Blockade / Hold the Line went into effect.

> good, efficient, and honest work force. Thousands of people! Why can't there be some mechanism invented to legalize their situation? These are people who live here in Juárez who are not going to invade the interior of the United States because these people by tradition live here. This would greatly reduce a lot of the pressure in this area. Because it would benefit the community of El Paso as well. There are families and there are businesses that require these people. They have needed them and they have utilized them, and it has worked and has been of mutual benefit, as much for the businesses as for the American families as for the Mexican people. And they're not riffraff, they're honest people that go over there to work.

These local Mexican officials recognize the incentives low wages on their side of the border create for illegal border crossing. They claim that as long as the large wage discrepancy between Juárez and El Paso continues to exist, strong pressures to cross illegally into the United States will persist.

IX. SUMMARY

This chapter summarizes the major research findings from the analyses presented in the preceding chapters concerning the effect to date of Operation Hold the Line on illegal crossings and on other variables thought to be associated with such crossings. Examining the study's findings taken together, instead of individually in separate chapters, facilitates the formulation of an overall assessment of the extent to which the Operation has been achieving its objectives. It also provides a better perspective from which to consider any unintended negative side effects to be factored into the evaluation. Because the objective of this study is to provide an assessment of the Operation, not to formulate policy recommendations, we do not present recommendations concerning changes in immigration policy. Recommending policy is the task of the U.S.. Commission on Immigration Reform, which was established as part of the 1990 Immigration Act and charged with the responsibility of studying all aspects of U.S. immigration trends and policies and formulating recommendations for policy changes in its reports to Congress, the first of which is to be submitted by October 1, 1994. The findings of this research are, nonetheless, particularly relevant to certain immigration and border policy issues. Thus, the last section of this chapter outlines these issues and discusses the implications of the study's findings for each of them.

Findings

The major findings to emerge from the analyses presented above are:

1. Illegal crossings into El Paso have been substantially deterred by Operation Hold the Line;

2. The deterrent effect appears to have diminished the longer the operation has lasted;

3. Long-distant labor migrants have been less deterred from crossing by the Operation than other kinds of crossers because they seem to have shifted their crossing points to other locations along the border;

4. Legal crossers / illegal workers and illegal crossers / illegal workers appear to have changed the daily pattern of their crossings and to have extended the duration of their stays in El Paso;

5. Illegal crossers / illegal workers who engage in street vending and small-scale, low-level criminal activities have been substantially deterred from crossing;

6. Business activity in both El Paso and Juárez in general does not appear to have been substantially harmed by the Operation, although sales in downtown El Paso close to the bridges have declined somewhat and certain representatives on both sides of the border continue to claim that negative business effects exist;

7. The Operation may have led to a small reduction in school enrollment in the El Paso area;

8. The Operation appears to have led to a small decline in the number of births in El Paso as indicated by data both on registered births and on deliveries in Thomason Hospital;

9. The Operation seems to have caused a reduction in petty crime (small-scale, low-levelnuisance and property crimes), especially in downtown El Paso;

10. The Operation appears to have led to a small reduction in other property and violent crime rates beyond what would be expected given the long-term downward trend in these rates in El Paso (and most other cities of similar size). However, this decline may have come about because these kinds of crime were targeted for additional police activity in the months right after the Operation began.

11. The Operation has increased the rate at which illegal drugs and other contraband and illegal agricultural products have been seized;

12. The Operation appears to have received overwhelmingly positive public support in El Paso, although no representative scientific poll has been carried out that confirms this or that documents in which groups support is strongest and in which it is weakest;

13. Support in the Mexican-American community appears to be high, although most leaders of community organizations that we interviewed expressed opposition. Also, several Mexican-American leaders argued that this support was partly because Chief Reyes was Mexican-American, partly because the Mexican government had publicly acknowledged the right of the United States to control its own borders and to carry out the Operation, and partly because the new strategy reduced discriminatory Border Patrol actions against Mexican-Americans (e.g., agents stopping Mexican-Americans to questions whether they were illegal clients or not);

14. The Operation's change in border control strategy has resulted in substantial declines in charges of human rights violations and other abuses against the Border Patrol and, according to school administrators, to much safer environments around schools close to the border because agents are no longer chasing suspected illegal crossers through school yards and playgrounds or questioning Mexican-American students;

15. The redeployment of Border Patrol agents to shift-length, guard-duty responsibilities at the border may be causing substantial morale problems arising out of boredom and concerns about how performance will be evaluated under the Operation's new work conditions;

16. Some illegal Mexican immigrants residing and working in El Paso find it more difficult as a result of the Operation to visit friends and relatives in Mexico and then return to El Paso;

17. Once across the border, illegal crossers appear less likely to be apprehended by the Border Patrol than they were before the Operation; and

18. Some of the pressure to cross the border illegally in the past from Juárez to El Paso has derived from inconveniences in obtaining Border Crossing Cards; some of the current pressure results from persons who desire to cross temporarily and who meet the requirement necessary to obtain a BCC except that their employment in the informal sector means they do no possess the kinds of papers necessary to verify employment.

Assessment

Based on an examination of a wide variety of evidence, there is little doubt that Operation Hold-the Line has curtailed crossings into El Paso. According to the Border Patrol, the number of illegal crossings prior to the Operation was in the neighborhood of eight thousand per day (as based on photographs taken at selected points at selected times along the

border). Since the Operation, apprehensions have declined from about seven hundred a day in the comparable preblockade months of fiscal year 1993 to about two hundred a day in the months after the blockade.

It is difficult to know how such figures on apprehensions correspond to reductions in the number of border crossers (in part because the same individual can be apprehended more than once and because some crossers may be staying longer periods in El Paso). This is especially true in the post-Operation months when the usual relationships between the amount of enforcement effort and apprehensions seem to have reversed their previous pattern. However, the number of crossers probably also has been cut substantially. This curtailment of illegal crossers into El Paso includes both workers and nonworkers. Our ethnographic data indicate that the former have been less affected than the latter. But the Operation has also changed the crossing patterns of those who cross intending to work.

The Operation has resulted in other intended and unintended effects as well. One intended effect was to reduce street vending by Mexican nationals in El Paso's downtown commercial district and in certain residential neighborhoods close to the border. The Operation seems to have been successful in reducing the participation of illegal crossers in this activity. One study, conducted by the University of Texas at El Paso, interviewed forty-six of the several hundred downtown street vendors before the blockade and found that 41 percent of these referred to themselves as "illegals" who lacked papers to work in the United States (Staudt 1994). One of the unintended effects of the Operation, as suggested by interviews with residents of Juárez as noted above was to encourage some Juárez commuter workers, particularly women domestic workers, to find places to live in El Paso in order to keep their jobs. This does not necessarily imply a complete abandonment of Juárez as their principal residence, but rather an effort to reduce the number of times they must make an illegal crossing per week or per month. The data examined in Chapter III on bridge crossings showed patterns consistent with this outcome.

Overall, based on the anecdotal and other evidence, we conclude that the Operation has been more successful in curtailing illegal migration among local crossers than among long-distant migrants. The latter can go around the line, either with the help of *pasamojados* or by choosing another entry point along the 1,900-mile border. Moreover, Operation Hold the Line makes the apprehension of long-distance migrants passing though El Paso even less likely, insofar as Border Patrol agents formerly deployed inland are now deployed right on the border. And among local crossers, differences in the extent to which the Operation has been successful exist by type of crosser. It seems to have been successful among certain illegal crossers/illegal workers (particularly street vendors and others like older female domestic workers for whom crossing has become especially difficult), and (especially) juvenile crossers. These types of crossers tend to be the poorest of the Juárez crossers.[69] Long distance labor migrants and legal crossers/illegal workers typically have greater financial resources as their disposal; otherwise they could not finance their long-distance migration or qualify for a Border Crossing Card. Legal crossers/illegal workers, as long as they have valid crossing documents and believable reasons for entering the United States, are perhaps even more free to work illegally, given the decreased presence of the Border Patrol throughout the city of El Paso. And by all accounts, those illegal crossers, including nonlabor crossers, who are well-integrated into the social fabric on both sides of the border, can still find ways to cross, including obtaining false documents and staying for longer periods with friends and relatives (who may also be illegal) in El Paso. Those nonworking crossers who have been entering the United Sates to give birth may have been deterred somewhat as evidenced by the small decline observed in births. But what has gone down the most, apparently, is the participation of illegal crossers in petty crime and street vending in south El Paso, activities most associated with juvenile crossers and other youths and adults from Juárez who sought to extend their information economic subsistence activities to the U.S. side.

[69] See Chapter VIII for information about socioeconomic heterogeneity within these categories.

Policy Implications

The principal stated objective of Operation Hold the Line was to eliminate illegal border crossings by persons from Mexico into the United States in the El Paso sector. Several broad lines of strategy might be drawn to achieve this policy objective, not all of which are mutually exclusive:

1. Illegal crossings might be physically deterred through increased policing or placement of barriers along the border (such as fences, trenches, walls, etc.);

2. The benefits of both legal and illegal border crossing could be absolutely reduced by eliminating sources of employment and consumption in the Untied States to illegal or insufficiently documented Mexican residents (by requiring fraudulent-proof identification, for example, and by requiring employers to check prospective employees' IDs);

3. The benefits of both legal and illegal border crossing could be relatively reduced by lowering disparities between the two sides of the border with regard to wages, prices, and the availability of goods, services, and jobs;

4. The ease of illegal crossing could be reduced relative to legal crossing by making legal crossing documents easier and less expensive to obtain;

5. The cost of legal crossing could be lowered relative to illegal crossing by increasing the number of legal ports of entry to the United States and reducing border-crossing fees; and

6. Illegal border crossing could be legalized.

Of these five broad lines of strategy, numbers 2, 3, 5, and 6 fall outside the purview of the local districts and sectors of the INS/Border Patrol. Numbers 2 and 5 would require action by the U.S. Congress, and number 3 would require concerted international cooperation between the U.S. and Mexican governments, as well as among industries in both countries. Number 5 would depend upon actions by other department/agencies of the Executive Branch of the U.S. government as well as the Mexican federal government (which collects northbound tolls). Strategy number 1 is the one emphasized in Operation Hold-the Line. Number 4, because it falls within the purview of the INS Border patrol in the El Paso district, could receive greater consideration given the relationship between legal and illegal crossings.

The research results hold several other implications, four of which in particular warrant discussion. One is that strategies number 1 and 4 often need to be considered together because of the relationship between legal and illegal crossings. As noted in Chapters I and II, the formulation of immigration policy needs to take into account that legal and illegal migration to the United States are often interrelated, particularly in the case of Mexican migration. Policies that restrict one can increase pressure for the other, and *vice versa*. In the case of El Paso/Juárez before Operation Hold the Line, the difficulty and inconvenience of obtaining BCCs led to increased numbers of persons crossing illegally. Many other crossed illegally, and continue to do so, because they meet the requirements for obtaining a BCC but are not able to provide the papers verifying that they do. Thus, border control strategies that make illegal crossings more difficult (as is the case with Operation Hold the Line) may increase the propensity to cross legally among those holding valid BCCs, and thus increase the traffic at, and pressure on, bridge check points. They also increase the desirability of obtaining BCCs to cross legally. Stated differently, closing what many have called the "safety valve" of illegal Mexican migration often serves to increase demand for legal migration, whether in the form of those seeking to settle as permanent immigrants or those seeking local border crossings into El Paso. The failure to take steps to meet the demand for local commuter border crossings is likely, in turn, to increase pressure for illegal migration.

The members of the research team frequently heard that a need existed before and continues after Operation Hold the Line to place more INS and U.S. customs personnel at the bridges to speed the pace of legal crossings. Increased personnel also are

needed to process BCC applications. Many observers in El Paso who support the goals and strategies of Operation Hold the Line remarked that it was unfortunate that effort had been devoted to curtailing illegal crossings but not to facilitating legal crossings. To the extent that the Operation is successful in curtailing illegal crossings, and especially certain kinds of illegal crossings, perhaps it will also serve to focus increased attention on the need to facilitate legal crossings. And, as the flow of certain kinds if illegal crossers diminishes, it may focus attention on a major remaining group whose members possess strong motivations to cross illegally—those who want to shop and visit friends and relatives in El Paso and who now meet the residency and employment criteria for a BCC but do not have papers to verify this because they work in the informal economy. Developing ways for such persons to cross legally, however, would involve the risk that crossers might abuse such a privilege for permanent illegal migration purposes and to obtain access to jobs and social services, rather than for temporary shopping or visitation.

Current holders of the BCC could retain and use their documents through their current expiration date or as long as they remain valid, without having to pay a fee. Not changing the status of current BCC holders could avoid creating disincentives for Juárez residents to shop and conduct business in El Paso. By legalizing the crossing of additional Juárez residents of financial means, El Paso businesses might also increase their sales to Mexican consumers. The border crossing licensing fee, if set at the proper level, need not discourage potential cross-border shoppers, either. The large business done with Mexican shoppers by such discount houses as Sam's Warehouse and Price Club, which have a membership fee, demonstrates that collecting a fee and making sales are not mutually exclusive propositions.

The second (and related) implication of the findings is that border control strategies and reward system design and implementation must acknowledge the multiplicity of different kinds of border crossers. As the United States and Mexico increase trade with one another as a result of NAFTA, it becomes more important that the border not become a bottleneck to the legal flow of goods and people necessary for the further growth of trade. Our field interviews indicated that individual Border Patrol agents informally engage in practices that involve related kinds of distinctions when they overlook the illegal crossings of persons they know are going to El Paso to work rather than to "cause trouble." If the logic implied by such practices were extended to the level of more formal border control strategies, it might lead to efforts to find new ways both to facilitate legal crossings and to develop border control strategies that penalize neither Mexicans who want to cross legally for legitimate reasons nor Mexican-Americans whose appearance makes Border Patrol agents think they might be illegal migrants.

It is also our conclusion that Operation Hold the Line has been more successful in curtailing some kinds of El Paso crossers than it has in slowing long-distance labor migration. The Commissioner of the INS, Doris Meissner, has announced that strategies similar to Operation Hold the Line will soon be implemented in all sectors west of El Paso. If the main objective of extending the Operation is to stop illegal labor migration to the United States, the question might be raised about the degree to which this will be effective without similar strategies being put into place along the entire United States border with Mexico. If the main objective, however, is to deter temporary crossers whose destinations are U.S. communities along the border, then operations similar to the one that has been in force in El Paso over the past eight months would seem to hold greater promise of success.

The third major implication flowing from the findings of this research is that, whatever the degree of effectiveness of Operation Hold the Line, its continued effectiveness will increasingly depend on finding ways to deploy and motivate Border Patrol personnel and that take into account that the new border control strategy appears to involve agents in long periods of inactivity as a result of their holding fixed positions from which they watch for crossers. This inactivity not only appears to be causing boredom, it seems to be raising anxiety that the new strategy does not entail the kinds of activities for which agents have traditionally been evaluated and

considered for promotion. As Operation Hold the Line is extended to other sectors, some sort of modified deployment strategy might be necessary to maximize long-term effectiveness.

The strategy implemented by Chief Reyes in El Paso of stationing agents right on the border, rather than having them search for illegals who have already entered the city, has received considerable national publicity. Some observers have expressed puzzlement that this new strategy has not been tried sooner and elsewhere. This reaction reflects a misunderstanding about the number of agents required to implement a border saturation strategy like Operation Hold the Line. Initiating such a strategy in El Paso seemingly required all the resources the sector could muster and then some. Supplementary funds were approved for overtime pay and agents were pulled off other assignments (such as employer sanctions investigations and desk jobs) and redeployed on the border. Operation Hold the Line is a very labor-intensive strategy and it seems evident that it has stretched to the limit the ability of the El Paso sector to carry out the functions it was performing before the Operation began. And as reported in Chapter VII, the long shifts served by agents appear to be harming morale and perhaps reducing their effectiveness.

In truth, the Border Patrol has probably never had a sufficient number of agents to implement border saturation strategies on a widespread scale. In FY 1994, Border Patrol agents numbered an estimated 4,343, the largest number in the history of the service. In FY 1984, by contrast, the number of agents was 2,333, a number probably insufficient to implement a strategy like Hold the Line. After the passage of the Immigration and Control Act of 1986, however, the number grew to 4,074 by FY 1988, an increase of 34.7 percent over FY 1985. Since then the number has declined, dropping to 3,684 by FY 1991, after which it jumped by 10.2 percent to 4,061 agents in FY 1992. Thus, if the present level of resources in the Border Patrol is stretched considerably by Operation Hold the Line in El Paso, this is also likely to be the case as the strategy is extended to other sectors.

Resources are all the more likely to be strained if efforts are made to redeploy agents so as to cut back the number of consecutive hours spent on what amounts to guard duty at the border. In the military, to achieve maximum vigilance at guard posts, troops are rarely assigned to more than two hours of guard duty at a time . While Operation Hold the Line may not require the intensity of vigilance necessary in the military, there is a real possibility that eight hours is too long for maximum effectiveness. Implementing shorter shifts would undoubtedly require more personnel, especially to the degree that the Border Patrol will continue to fulfill all the other responsibilities it has been allocated in recent years. At a minimum, it would seem worthwhile to conduct field experiments and evaluations to ascertain the most effective ways to deploy agents in field situations like Operation Hold the Line.

The fourth issue for which the results of this study hold implications concerns the question of how to evaluate evidence about the effectiveness of a change in policy or strategy such as that involved in Operation Hold the Line. As noted in Chapter III, observing changes over time in outcomes that are expected as a result of policy changes amounts to conducting quasi-experiments in which before-after comparisons are drawn. The difficulty of such comparisons for the observer, of course, is in making as sure as possible that observed postevent changes can be attributed to shifts in policy rather than to changes in other factors with which postevent changes might be associated. The results of this research demonstrate the need for care and caution in making judgments about such changes, particularly when the outcome that is being observed is itself changing over time because of factors having nothing to do with the change in policy.

Two examples from the El Paso situation are instructive. One of these was seized upon by supporters of Hold the Line as evidence the Operation was successful and the other was embraced by opponents as indication it was not. These examples involve crime statistics and birth data. It is easy to misread the meaning of these because each has been changing over time, but in different directions. Crime rates in El Paso, as elsewhere, have generally

been declining in recent years. This means comparisons of rates for post-Operation months with rates for the previous pre-Operation year will necessarily show a decline and thus appear to indicate a reduction in crime as a result of the Operation. Numbers of births, on the other hand, have been increasing, especially births in the Mexican-origin population. This means comparisons of the number of post-Operation births with the number from the previous year will show an increase if the Operation has had no effect on births, or they will show no change in births if the Operation has reduced the number of Mexican-origin births by an amount roughly equal to the annual secular increase.

The first of these relatively unsophisticated comparisons appears to show the Operation was working as intended; the second seems to indicate it was not. However, when crime and birth data are analyzed using procedures that take into account the longer-term trends in each of the variables, the results are different. The crime data generally show smaller effects of the Operation on major crime than the crude comparisons, whereas the birth data show that births seem to have declined by about 5 to 10 percent. This demonstrates that both supporters and opponents of policy changes should be cautious in claiming evidence that upholds a certain point of view. All sides to an issue are entitled to an assessment that strives to be as objective as possible and that seeks to use the best possible research methods in its work. Even such objective efforts are inevitably incomplete, however, especially when they involve assessments of ongoing processes as is the case here. Thus, continued monitoring of Operation Hold the Line and its effects is both necessary and important.

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RESEARCH PAPER

Immigrant Quality and Assimilation: A Review of the Literature

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U.S. COMMISSION ON IMMIGRATION REFORM

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RESEARCH
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Immigrant Quality and Assimilation: A Review of the Literature

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YALE UNIVERSITY
MAY 1995

U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH
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Introduction

This review summarizes the conclusions reached by recent studies of immigration to the United States. The central questions that motivate this literature are: How has the character of immigrants changed over time? How have these immigrants been assimilated and performed economically in the United States? What demands have immigrants placed on public services and income transfer programs? What consequences have immigrants had for native-born workers? These questions span a large field of study, and references and discussion of major issues of interpretation and uncertainty are of necessity selective.

Our knowledge of the answers to these questions is limited. One source of uncertainty stems from gaps in nationally representative data on refugees, on legal and illegal immigrants, and on emigrants leaving the United States by their origin, immigration status, and duration of residence in the United States. If resolution of these uncertainties would affect important choices before the United States, the cost of collecting more adequate data on immigration and emigration should be weighed carefully by Congress. Uncertainty in our answers also can arise from the limitations in the methods used by researchers studying these questions. In such cases it is not always possible to demonstrate how methodological improvements in an original study would affect its conclusions without time-consuming replication and extension of the basic research. It is generally not possible, therefore, to judge which methodological shortcoming in the existing literature will affect a particular conclusion. At several points, an indication is given as to the direction the bias might take.

The first section discusses how characteristics of cohorts of immigrants that enter the United States at different times can be compared, both with earlier or later immigrants and with native-born Americans. The appropriate reference groups are not clear, in part because immigrant subgroups cannot be distinguished and the native counterpart is not always obvious. The second section describes the conclusions from studies that attempt to quantify the assimilation process, where the standard practice is to compare the economic productivity or earnings of immigrant and native workers, although consideration of how well the children of the immigrants are assimilated might bring us closer to the long-run effects of immigration. Section three discusses the social consequences of legal and illegal immigration and the unresolved problems we have in assessing these consequences from local labor market studies. Finally, the

characteristics and assimilation of immigrants can be affected by immigration policies that can emphasize family reunification or skill-based selection of immigrants or humanitarian assistance to refugees. Policies that reduce the flow of legal immigration also can influence the flow of illegal immigration and those seeking refugee status. A final section recapitulates the findings.

The Quality of an Immigrant Cohort

The simplest and perhaps most adequate measure of quality of a cohort of immigrants entering the United States in a specific time period is the distribution of education in this population. Starting with the 1940 Decennial Census of the Population, representative data are available on both the years of educational attainment and the earnings of the U.S. resident population, often by immigrant status. Education has become the primary predictor of the wage rate, and education is linked to the productivity of people in both home and labor market activities. Education obtained by immigrants in their country of origin may be less relevant to the productive opportunities in the United States than that which native-born Americans receive. The quality or relevance of that education may differ, for example, by origin country (e.g., by GNP per capita) and, most notably, if the language of instruction is English (Jasso & Rosenzweig 1986, 1990a). Despite the incomparability of education between and among immigrants born abroad and natives born here, years of schooling is the most powerful single explanatory variable known to account for productivity in the U.S. labor market and elsewhere in the world. Education of parents also is critical for predicting the health and schooling attainment that the children of immigrants and natives obtain (Schultz 1984). Thus, in both the short run and over the immigrant's life cycle, education forecasts his or her own productivity; in the long run it forecasts the assimilation of the immigrant's children into the productive mainstream of the U.S. economy and society. The alternative to education as an indicator of quality is occupation. Occupations are, however, more elusive because individuals often change their occupation over their lifetime and because the economic meaning of occupation as a basis for social stratification and productivity changes over time.

The average years of education of immigrants entering the United States has decreased relative to native-born Americans of the same age and sex (Borjas 1992). In

1940, immigrant men had .8 more years of schooling than native-born men, and by 1980 they had .7 fewer years of schooling. Although the education of these immigrants increased from 9.5 years of schooling in 1940 to 12 years of schooling in 1980, that of the native population increased more rapidly. This deterioration in the schooling of immigrants *relative* to natives is associated with the changing composition of immigrants by region of origin, with the decline in the share coming from Europe (from 60 percent in the 1940s to 10 percent in 1981-1986) being replaced by a rising share from Asia, Mexico, and, more recently, other countries in Latin America (Abowd & Freeman 1991; Funkhouser & Trejo 1993). It also undoubtedly is related to the increased share of immigrants who are illegal (Fix & Passel 1994).

These estimates of education probably are are not seriously biased because virtually all individuals report their education in the Census. The margin of undercount of immigrants, and perhaps especially illegal immigrants, probably is greater than for natives, but this is not likely to be a serious source of bias in estimating the level or trend in education of the two populations. However, it should be noted that the distribution of education of immigrants is far from uniform. Recent changes suggest an increased concentration of immigrants with more education than native Americans (more than sixteen years completed) and far more with education levels below the average of natives (eight or fewer years). Consequently, the average education of immigrant cohorts masks a substantial degree of heterogeneity, and recent problems of assimilation of immigrants in the lower tail of the education distribution deserve emphasis (Fix & Passel 1994; Chiswick & Sullivan 1995; Simon & Akbari 1995). A large share of these recent less-educated immigrants are undoubtedly in the United States illegally, but data are not available to characterize this group.

Productivity of Immigrants

The comparison of the earnings of immigrants and natives is much more difficult than the comparison of education. First, everyone does not work in the labor force. There are a variety of reasons to think that the rules governing self-selection into the labor force may be different for the immigrant and native, and perhaps different for legal and illegal immigrants. Moreover, comparisons of earnings are generally restricted to exclude the self-employed, and one often observes that a

larger proportion of immigrants are self-employed than are natives. There also is a tendency for individuals to shift from being a wage earner to self-employed as they accumulate business capital and labor market experience, which is naturally correlated with their age. Thus, immigrant workers may be observed less often to be wage earners than natives, and they may shift out of wage-earning jobs and into self-employment as they are assimilated into the United States at a faster rate over their life cycle than do natives. It is not possible to know for certain whether these individuals, both natives and immigrants, who decide to work for wages are more or less productive than those who do not work for wages. It might seem reasonable to expect that the more successful are able to accumulate capital and have the motivation to become self- employed. Such a tendency would understate the productivity of immigrants relative to natives, and this understatement of immigrant assimilation could grow with duration in the United States. This source of bias downward in measured quality and the rate of assimilation of recent immigrant cohorts appears to be particularly noticeable among whites and Asians (Yuengert 1989). In general, most comparisons of native and immigrant earnings in the literature ignore the sample selection bias due to excluding self-employed and nonworkers. Adjustment for this source of sample selection bias is expected to improve the relative earnings of immigrants and increase immigrant earnings for those who have had more time in the U.S. to assimilate. How this self-employment bias might have changed from 1940 to 1990 is not well documented, but warrants more research.

A final source of bias in following the assimilation of an immigrant cohort over time after it has arrived in the United States is return migration or emigration. Those returning may be either the more successful immigrants with relatively high earnings or the less successful immigrants with relatively low earnings. Consequently, the uncertainty surrounding assimilation estimates increases with duration of U.S. residence and growth in return migration. As the size of an entering cohort of immigrants is observed to decline from one Census to the next, and this decline is faster than can be explained by mortality, this cohort attrition can be attributed either to return migration or to a tendency for persons to increase their underreporting of immigrant status with duration of residence. A statistical explanation is needed for how this form of cohort attrition varies across Censuses, by country of origin, by education, and by sex. Until we have better data on emigra-

tion from the United States by birth origin and date of entry into the United States, the existing data will have difficulty clarifying these various life-cycle processes that could substantially affect immigrant/native comparisons of earnings or what is reported as the rate of assimilation of immigrant cohorts. This is a second source of bias in assimilation estimates that requires more study.

Immigrant hourly earnings of men who had arrived in the five years before the 1940 Census are 1 percent more than the earnings of natives age twenty-five to forty-four in the 1940 Census. The analogous immigrants in 1980 reported wages 26 percent below this native-born American comparison group in the 1980 Census (Borjas 1992). As with the education trends, much of this pattern can be related to the shift in composition of immigrants by origin country, from Europe to Asia and Latin America. Since 1980, the wage structure in the United States has shifted markedly against the least educated workers, increasing the wage premium paid for workers with a college education. The proportion of immigrant cohorts in 1970 and 1980 with twelve or fewer years of schooling is greater than for the native population, and it comes as no surprise that these immigrants are disproportionately from Latin America. Wages declined for these less educated immigrants during the 1980s as they did for equally educated native-born Americans (LaLonde & Topel 1992).

After the 1980 Census, it is possible to trace changes in the education and earnings of immigrants relative to natives in the immigrant supplements to the monthly Current Population Surveys [CPS] in 1979, 1983, 1986, and 1989. These data are analyzed by Funkhouser and Trejo (1993). From the early 1980s to 1987-1989, the average educational attainment and hourly earnings of immigrants improved relative to native males age eighteen to sixty-one, reversing the downward trend of earlier decades. Funkhouser and Trejo also note an increase in the share of immigrants coming from Europe and from some areas of Asia during the 1980s. The proportion of less-educated immigrants continued to increase in the 1980s, but these increases were only among those coming from Hispanic areas other than Mexico. It may be argued that because of its more detailed income questions and better-trained enumerators, the CPS elicits more accurate information on hourly earnings than does the Decennial Census. If the CPS is a more precise source of data on earnings than the Census, future comparisons of the earnings of immigrants and natives should rely more extensively on

analyses of the CPS files. One hypothesis offered by Funkhouser and Trejo for the upsurge in better-educated European and Asian immigrants in the 1980s is the previously noted increase in the relative wage premia offered to highly educated workers in the U.S. labor market (Murphy & Welch 1992). They conclude that the Immigration Reform and Control Act of 1986 is not the primary cause for this improvement in the quality of immigrant cohorts during the 1980s because the change in composition begins before this act was passed and is evident in regions that are not the primary concern of the legislation.

The basic regularity first noted by Chiswick (1978), and then replicated in many settings around the world, is that immigrants increase their earnings more rapidly than natives after their arrival in a destination. Chiswick noted that after a decade, the earnings of immigrants to the United States had roughly caught up to those of natives, and thereafter immigrants tend on average to outperform natives. Different groups, however, experienced very different earnings profiles relative to natives depending on their self-selection, their match of skills relevant to the U.S. labor market, and their likelihood of becoming a return migrant (Jasso & Rosenzweig 1986). Borjas (1985) found that later cohorts of immigrants caught up to the earnings of natives more slowly than Chiswick estimated and attributed this to a lower "quality" of subsequent immigrant cohorts. This slower assimilation of later cohorts of immigrants can also be associated with the shifting composition of immigrant origins. Borjas' (1987) analysis was designed to deal with the self-selection of emigration, but excluded many origin countries from which two-thirds of the foreign born who entered the United States from 1975 and 1980 came and did not include literacy, which is widely associated with migration (Schultz 1982) among the conditioning variables. Jasso and Rosenzweig (1990a) show, based on a much larger sample of immigrants and countries of origin, that when these omissions are corrected, a pattern of positive self-selection of the emigrants emerges more strongly than in Borjas' (1987) study. If the estimates of Jasso and Rosenzweig are accepted, then part of the lower level of "assimilation" of later cohorts of immigrants to the United States might be due to the increased rate of positively selected emigration.

By the very nature of the distinction between legal and illegal immigrants, representative data that describe these two groups are scarce. In practice, most studies of the education and earnings of immigrants and natives simply combine le-

gal and illegal immigrants along with refugees. Only a few investigations actually use records of legal immigrant cohorts from the INS in combination with other representative surveys and censuses to trace the assimilation of legal immigrants (e.g., Jasso & Rosenzweig 1986).

The Social Costs of Legal and Illegal Immigration

Despite the convincing evidence that immigrants are productive after arriving in the United States and that their earnings converge with duration of residence here toward the earnings level of natives with the same education, do the migrants nevertheless impose social costs on native Americans? These social costs could be of two types. Do they consume more services from the public sector than they pay for in taxes? And, do they reduce the employment and wage opportunities and amenities for some native-born Americans? First it should be clear that illegal immigrants are not eligible for federal welfare and income transfer programs in the United States as they are in some European countries. Even legal immigrants cannot apply for welfare for their first five years in the United States or they risk deportation. Only refugees are eligible for welfare programs and, indeed, have been the beneficiaries of other special programs designed to assist them in their resettlement.

Given the previously documented decline in the education and earnings of immigrants relative to natives from 1940 to 1980, it is not unexpected that immigrants in the 1950s, 1960s, and 1970s were less likely than natives to draw upon the welfare system (Tienda & Jensen 1986; Simon 1989), but that this pattern appears to have reversed by the 1990s (Borjas 1994). In the earlier Censuses, the welfare participation rate of immigrants rises with the duration of residence in the United States, either due to the satisfaction of eligibility requirements or because immigrants were converging toward the behavior of other Americans in their willingness to depend on welfare. There is much greater welfare participation among refugees than among nonrefugee immigrants, as we might expect from the intent of legislation. Even after twenty years in the United States, 14 percent of refugees arriving in 1965-1969 are still on welfare, according to the 1990 Census, compared with 7.4 percent of all native households (Borjas 1994, Tables 1 and 3).

The accounting exercises that are offered in the literature to represent the taxes paid and benefits received by immigrants are difficult to evaluate and reflect widely varying assumptions (Fix & Passel 1994). Figures suggest that the balance is less favorable for the native taxpayer in 1990 than it was in 1950, when immigrants came predominantly from Europe and had a higher educational attainment than native-born Americans. There are also factors working in the opposite direction. If many immigrants return to their origin country after a period of residence in the United States, it is likely that they do not recoup their contributions to the social security trust fund.

For young immigrants other than refugees, the taxes they pay probably roughly equal the discounted value of the benefits they receive. Moreover, many of these benefits are designed to improve the health and future productivity of the children of immigrants. This is a social investment the United States may want to make. Such generational accounts are less rewarding in the case of immigrants who enter the United States toward the end of their productive careers, many of whom enter under an immigration visa provision justified for family reunification. For this older group, five years of residence in the United States may qualify them to apply for a retirement pension under Supplemental Disability Insurance, which is funded from Social Security, and then secure Medicare coverage. In such cases, taxpayers are subsidizing family reunification of elderly immigrants to a substantial extent, and the transfer of public funds is not justifiable as an investment in the future productivity of Americans.

In addition to any net drain on (or contribution to) public resources that immigrants may impose on (make to) native-born Americans, the immigrant worker may depress the wage rate available to natives who seek work in similar activities. Alternatively, immigrant labor may raise the returns on physical capital and complement the returns to certain other groups of native workers who occupy different types of jobs than do immigrants. Many studies have sought to estimate how the concentration of immigrants in a local labor market affects the wage in that market for native workers. Most studies that are able to find such an immigrant cross-wage effect on native workers find the effect to be negligibly small (OECD 1993; Fix & Passel 1994; Zimmermann 1994). However, migrants do substitute for themselves in the sense that they lower the wages that other migrants receive on average in a regional labor market. But few studies find much evidence that immigrants substitute for any distinguishable group of native workers, except per-

haps among unskilled workers during periods of recession (Card 1990; LaLonde & Topel 1992; Altonji & Card 1991; Fix & Passel 1994). It has long been hypothesized that unskilled labor could be a complement for more skilled or educated labor. Evidence of this pattern is found with regard to unskilled immigrant labor by Gang and Rivera-Batiz (1993), who estimate that a 1 percent increase in unskilled labor due to immigration raises the returns to education by three-fourths of a percentage point. If the wages of domestic labor are inflexible, immigration might be expected to lead to higher unemployment rates or lower labor force participation rates among native workers. But neither has been found. A concentration of immigrants in the labor force is associated with an increase in the proportion of the population in the labor force (Altonji & Card 1991). One effect of a concentration of immigrant workers in a region of the United States is an increase in the outmigration from that region of native workers to other parts of the U.S. labor market. Thus, the mobility of native workers may dilute the wage-depressing effect one might expect to find among less-skilled native workers in regions such as Texas, California, or Florida with a large proportion of immigrant workers.

To complete the range of possible effects of immigration, the timing of immigration and the choice of destination (even by refugees) are likely to be responsive to economic conditions in the host country and the alternative labor markets within that country. This is more obvious in the European context where an individual on leaving one country then has a choice of destinations among others countries, and the net flow of immigrants is sensitive to where the best opportunities are to be found (Zimmermann 1994). The composition of migration may also change according to changes in the structure of wages in different destinations (Funkhouser & Trejo 1993). If immigrants decide to locate in relatively high local labor markets in the United States, it is not surprising that the local concentration of immigrants is not strongly (inversely) correlated with wage outcomes for natives or for immigrants.

The unresolved problem with virtually all empirical studies of the labor market consequences of immigration is that they examine the correlation between the number or share of immigrants in local labor markets and other employment or wage outcomes in those markets. This approach is valid only if the allocation of immigrants across local labor markets is random and no other compensating adjustments occur. These adjustments might take the form of outmigration of natives, as noted earlier, or changes in local prices, such as increases

in housing costs or in congestion costs of using public services (e.g., schooling), (Sala-i-Martin 1994) or in decreases in the prices of services, such as child care, that immigrants are likely to provide. In the longer run, any changes in local wages and prices would be expected to give rise to movements in capital as well as further migration of labor.

To analyze correctly the consequences of immigration requires the economist to devise a way to identify the distinguishable effects of shifts in the derived demand for labor from the effects of exogenous shifts in the supply and regional allocation of immigrant labor. I have not found any satisfactory analysis of the consequences of immigration that provides a basis for empirically identifying these general equilibrium effects. For example, Card's (1990) study of the Mariel Boatlift exploits this exogenous event to trigger a supply shift of immigrant labor and thus focuses attention on a natural experiment. But immigrants (and natives) nonetheless choose where to settle, and these simultaneous decisions are unavoidably contaminated by their responsiveness to regional demand factors. Research in this area has concluded that immigration has no major effects on local labor market outcomes. This finding, however, is fragile because the analytical methods used in these studies do not provide convincing empirical evidence on the difficult central question.

Policy Choices

First, how should the United States determine the aggregate flow of immigrants? Second, how should this flow be allocated? Third, what resources should be expended to curb illegal immigration?

Political pressures restrict migration, especially during recessions when domestic levels of unemployment are relatively high and real wages are not likely to be rising. For this reason it might be reasonable to have the quota of immigration legislated to vary pro-cyclically with the business cycle, and thereby dampen cyclical movements in unemployment and wages. The share of the immigration quota provided for the purposes of family reunification in the United States appears to be high compared with other industrially advanced countries (OECD 1993). However, countries that have relied more heavily on skill-based admissions of immigrants, such as Canada, do not appear to have obtained a very different mix of immigrants than the United States. If immigration visas are awarded to applicants with skills that are designated to be scarce, annual calculations based on the wage

premia for each skill group in the Current Population Survey could be used to determine such "scarce skills." This mechanism should moderate the increasing spread of wages between education and skill groups that has occurred in the United States since 1980 (Murphy & Welch 1992). This fine-tuning of the composition of immigration would remove this issue from perennial political debates and might mitigate somewhat the growing income inequality that faces the U.S. society.

There will continue to be excess demand for immigration to the United States, even if Latin American growth in the 1990s returns to the respectable pace of the 1960s or 1970s. Resources should be appropriated to interdict illegal immigrants only to the extent that these resources can be shown to be effective. There is always an alternative approach, one that fosters further liberalization in the world trading economy. Strengthening the institutions that promote freer international trade in commodities and enhance long-term capital mobility may help to absorb the excess demand for immigrating to the United States, while also increasing world output.

Summary

The educational attainment of cohorts of immigrants to the United States has increased over time from 1940 to 1980. But that increase has not been as rapid as that among native-born Americans. Consequently, the difference in average years of education between natives and immigrants increased. This trend appears to have reversed in the mid 1980s according to the CPS data analyzed by Funkhouser and Trejo (1993), with a resurgence in immigration from Europe. It will be important to document if this improving trend in educational attainment of immigrants relative to natives continued up to the 1990 Census and into the 1990s.

Some part of the decline from 1950 to 1980 in immigrant-native relative education is probably due to the growth in the share of illegal immigration in total immigration. But without better data on who is a legal and illegal immigrant, this conclusion about the consequences of illegal immigration must remain tentative. The decrease in average education of the immigrant population entering the Uni-ted States compared with the native population is probably less important than the growing heterogeneity of immigrants, with

a substantial inflow of immigrants who are both relatively well-educated (beyond college) and poorly-educated (less than high school). The former group presents few special problems for assimilation, whereas the latter may present a special challenge.

Comparisons of the earnings of immigrants and natives are subject to several additional sources of uncertainty and probable bias that cloud the adequacies of cohort assimilation comparisons. Because earnings are only observed for a possibly unrepresentative sample of wage earners, the comparisons reported in the literature that show earnings of recent immigrants falling relative to those of natives may be biased. It is my opinion that the omission of self-employed probably understates the earnings capacity of immigrants relative to natives, and this understatement might increase with duration of residence in the United States, underestimating the rate of assimilation of immigrant cohorts in recent decades.

A second source of bias is caused by return migrants. Lacking direct data on emigrants from the United States according to when they first immigrated to the United States and from where they came, it is difficult to adjust the comparisons of immigrant cohorts and natives for these self-selected return migrants who have left the cohort between one census and the next census enumeration. If the return migrants are positively selected, as some studies suggest, then the immigrant cohort's earnings comparisons over time are biased downward, and the true rate of assimilation of immigrants is more rapid than our estimates have indicated.

The evidence of the effects of immigrants on natives is not compelling. Estimates of what immigrants consume in the way of public services appear roughly to balance their tax payments. Many of these public services involve investments in the health and schooling of the children of immigrants that the society should encourage. However, the taxes immigrants pay flow primarily to the federal government while the benefits are often funded at the local and state government levels, creating hardships that the federal system should explicitly address.

Many studies have not been able to find evidence that a concentration of immigrants in a local labor market depresses employment or wage opportunities for local groups of native-born Americans. But these studies do not confront adequately the problem of separating the consequences of the immigrant supply from the local labor market demand con-

ditions that probably contributed to where the immigrants settled. Among the outcomes that need to be evaluated are, in addition to wages and employment, the resulting changes in various prices and capital movements. This is a major challenge to imbed the immigration issue within a general equilibrium model of regional growth that can be estimated directly from data on multiple regional economies within the United States over time.

Unskilled Americans, who have seen their job prospects erode since 1980 and their real wages fall, have an understandable concern that the government should protect their livelihoods. But immigration does not appear to be a large part of this broad national problem of a growing imbalance between our educational system and the skills it provides to our workforce and the demands of the economy for more highly skilled, better educated workers. Dealing with this more fundamental problem requires more innovative educational and social programs. Building barriers to immigration would not seem to be justified by current research, although raising the skill composition of immigrants could make a minor contribution to reducing wage inequality and improving job prospects for the least skilled and educated native-born American workers who have recently lost much ground.

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Immigration Emergencies: Learning from the Past, Planning for the Future

Gretchen Bolton

U.S. COMMISSION ON IMMIGRATION REFORM

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GRETCHEN BOLTON

REFUGEE POLICY GROUP
FEBRUARY 1994

U.S. COMMISSION ON IMMIGRATION REFORM

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INTRODUCTION

The development of American immigration and refugee policies and procedures in the twentieth century has been characterized by *ad hoc* administrative measures and incremental legislative steps. Thus, when faced with the new and unexpected situation of a direct influx of large numbers of Cubans, Haitians, and Central Americans during the 1980s, legislation, administrative procedures, and contingency planning based on the previous crisis were overcome by events. Based on lessons from the U.S. experience in this period, this paper sheds light on policy development, legal statuses available for immigration emergencies, resettlement management, and return programs. The experiences in 1980 regarding Cuban and Haitian entrants and in 1988-89 regarding Central Americans are used to illustrate these points.

A selected list of legal, logistical, institutional, and financial systems or remedies that may play a role during an immigration emergency should help structure a discussion of policy options. This paper attempts to review various aspects of preparedness, institutional responses, long-term adjustments, and special cases that must be considered in addressing immigration emergencies. In discussing these components of the Cuban-Haitian crisis and the Central American influx, the paper focuses on:

- Expectations on the eve of the Cuban-Haitian crisis in 1980 and in relation to the expansion of direct migration from Central America to the U.S. in the ensuing years;
- Results and impact of such expectations on existing procedures;
- Legislative and administrative changes instituted during that period;
- Lessons that can be distilled from the U.S. experience with immigration emergencies in the 1980s.

Defining an Immigration Emergency

At the outset, it may be useful to look at different definitions of an immigration emergency for which extraordinary policies and procedures must be developed. The Federal Emergency Management Agency [FEMA], which was called into action to manage the Marel crisis in 1980, is normally expected to follow specific procedures to define the kinds of emergencies in which it takes responsibility:

State disaster officials request Preliminary Damage Assessments [PDAs]; state governors ask the President to declare a major disaster when supplemental federal assistance is required; FEMA evaluates PDAs and advises the President, not on the basis of the numbers affected, nor on the basis of cost estimates (which are considered unreliable), but rather on the basis of uninsured needs not met by state, local, and voluntary recovery efforts.

This formulation of criteria and procedures was intended for a recovery effort following a discrete event, like a hurricane or earthquake, not for the management of influxes of large numbers of people, where the crises might be ongoing, nor for a crisis with legal and international repercussions. However, the FEMA focus on local needs, its immediate access to funding, and its "mission assignment" capability to call upon seventeen other agencies and departments of the federal government to detail personnel to assist in an emergency, made it a very useful—and perhaps the essential institution at the time—to spearhead efforts to manage the Mariel crisis.

A report of the Cuban-Haitian Task Force [CHTF], looking back at its experience in 1980, suggested a simpler definition of an immigration emergency: "a future possible influx of persons . . . who will require large-scale social services." Another definition from the time was an influx of unpredictable numbers and of unpredictable duration.

In legislating procedures for use of the newly created Department of Justice Immigration Emergency Fund in 1990, the Congress left it to the Attorney General to prescribe scenarios that constituted an immigration emergency. The INS Proposed Rule on the Immigration Emergency Fund (Nov. 5, 1993) established procedures governing requests for a Presidential declaration of an immigration emergency, but again did not provide a clear definition. In addition, the Attorney General was given authority to provide for local assistance up to $20 million of the $35 million fund even in the absence of an emergency where (a) more than 1000 asylum applicants arrived in one quarter of a year and (b) there was danger to lives, property, safety, or welfare of residents.

The definition of a refugee or migration emergency meant to trigger funding from the Emergency Refugee and Migration Assistance fund [ERMA] of the Department of State is a Presidential designation of an "unexpected, unforeseen refugee or migration emergency" which is deemed to be in the national interest. "Unfore-

seen" is defined as "not predictable enough to seek an appropriation from Congress in advance." The criteria that trigger the use of ERMA are, thus, lack of funds in the budget and no reprogrammable funds. The Department of State has reserved use of the fund since 1980 for overseas emergencies, not domestic border crises.

These definitions of an emergency significantly are largely objectively quantifiable and expected to trigger certain responses. Different agencies and departments of government use different definitions depending on the response that they are capable of making and the policy and tradition they bring to it. INS, for example, operates from a definition focused almost entirely on the difficulties of processing and control, the hardship an influx of migrants might bring to American residents, and the question of legal status—in other words, a border enforcement point of view.

FEMA looks at local crisis management issues: recovery needs requiring resources beyond the capacity of the local community. The CHTF, in the period that it was becoming more attached to the Department of Health and Human Services [HHS] Office of Refugee Resettlement [ORR], was more concerned with the well-being of the migrants themselves and of their social service needs. The Department of State, under the authority of the President, looks at unanticipated costs and "the national interest," objective and subjective criteria that are motivated by foreign policy rather than by domestic concerns and that focus on emergencies in other countries.

In this paper, preparedness for the immigration emergencies of the 1980s is evaluated by the extent to which expectations were closely related to the realities of history and current conditions, the accuracy and timeliness of information reaching an appropriate level to trigger action, and the degree to which contingency planning was in line with national laws and values and coordinated in a manner to ensure uniform compliance and cooperation among the relevant federal and state agencies and departments and local voluntary groups.

THE 1980 CUBAN-HAITIAN IMMIGRATION EMERGENCY

Federal Expectations, Information, and Preparedness

Despite some obvious indicators that things were changing, the nation on the eve of the Mariel crisis did not consider itself a country of first asylum for refugees. President Carter said, on May 14, 1980, in the middle of the crisis, "Our laws never contemplated and do not adequately provide for people coming to our shores directly for asylum . . ." It was anticipated that traditional U.S. generosity to those fleeing political persecution could be exercised in a deliberate, orderly, and planned migration and resettlement program.

The model of an orderly and internationalized resettlement program so recently in the national consciousness was the U.S. response to the Vietnamese boat people landing in Thailand, Malaysia, Indonesia, and the Philippines. Except for the initial exodus from Vietnam in 1975, when refugees stayed briefly at reception centers on the West Coast of the United States and four military camps around the U.S. while awaiting transfer to sponsors or relatives, refugees were selected and processed in holding camps abroad and brought to the U.S. only when they could be delivered directly to sponsoring families or voluntary organizations. Boat people did not land on U.S. beaches; that kind of chaos and tragedy was not expected here. The U.S. had the luxury of time and planning in the selection and resettlement program.

Further, following the Geneva Conference on the boat people situation in Southeast Asia in the summer of 1979, the U.S. was one of a number of countries that pledged resettlement numbers, and although the U.S. pledged the most numbers of any single country (14,000 a month), there was a sense of joint responsibility in the internationalized program.

The U.S. had experienced its most massive and long-lasting refugee resettlement program in the Cuban Refugee Program, which had lasted for nearly fifteen years from 1959 to 1973. This program, established by the Attorney General's parole authority and then through special legislation and outside the usual immigrant visa quotas, brought 800,000 Cubans to the U.S. In the earliest period, Cuban

exiles arrived by air, through various visa arrangements, or on their own cognizance without special assistance. After suspension of commercial air travel from 1962 to 1965, when U.S.-Cuban relations were at their lowest point, Fidel Castro suddenly opened the port of Camarioca for one month in 1965. Just as they were to do fifteen years later, Cuban-Americans plied the straits in small boats to rescue some 5,000 family members until President Johnson formalized an "air bridge" orderly migration program (the "Freedom Flights") that was to bring 50,000 Cubans a year to the U.S. for the next eight years. While arrivals had essentially stopped in 1973 when Castro brought that program to an end, a plan for phasing out the last Cuban refugee resettlement services over a period of six years was entering its third year when the Mariel crisis occurred.

The Refugee Act of 1980

Congress and the federal government had been working together in the years preceding 1980 to establish for the first time permanent statutory authority for the acceptance and resettlement of refugees in such orderly migration programs. The Refugee Act of 1980, signed into law March 17, 1980, which amended the Immigration and Nationality Act of 1965 to bring it in line with current practices and international norms of refugee assistance, was intended to put into place a contingency plan and procedures that would be sufficiently flexible to be responsive to unforeseen emergency refugee situations.

During the previous thirty years, refugees had been resettled in the U.S. on the basis of group designations in each overseas emergency under the parole authority of the Attorney General, with a presumption in favor of those fleeing communist countries. Resettlement assistance and adjustment of status to permanent resident had been made available through country-specific legislation on a case-by-case basis.

Due to Congressional dissatisfaction with the *ad hoc* legislative and administrative practices, the 1980 law for the first time incorporated into U.S. law the international legal definition of a "refugee" according to the Geneva Convention of 1951, without the ideological baggage of the Cold War. [See **Appendix** for full definition.] With the intention of using the services of the U.N. High Commissioner for Refugees [UNHCR] in the country of first asylum abroad for protection and designation of those refugees requiring resettlement, the act provided procedures for selection and processing on an indi-

vidual basis of those refugees whose admission to the U.S. is "justified by humanitarian concerns . . . or is otherwise in the national interest." For the first three years that the legislation was in force, a "normal flow" of refugees up to 50,000 could be admitted to the U.S. annually. The President was to consult with Congress annually concerning planned admissions in excess of that number and immediately in case of an unforeseen emergency refugee situation. Proposed Admissions for FY 1980 started at a high of 217,000 because of current concerns for Indochinese "boat people" and Soviet Jews.

Provision was made for the coordination of this complex program through the newly-created office of the U.S. Coordinator for Refugees, an Ambassador-at-large under the authority of the Secretary of State. At the same time, legal status determinations for resettlement of refugees were to be carried out under the authority of the Attorney General, as delegated to the Immigration and Naturalization Service [INS].

The 1980 legislation also created the Office of Refugee Resettlement in the Department of Health and Human Services under the general policy guidance of the U.S. Coordinator to fund and carry out programs for domestic resettlement of, and assistance to, refugees. Such programs were to include employment training and placement, English language training, cash assistance as well as supplemental security income benefits [SSI], and response to such special needs as health, social services, and care for unaccompanied refugee children. Services were to be subcontracted largely to voluntary resettlement assistance agencies or to be 100 percent reimbursable by the federal government to the states.

With the passage of a systematic program for all refugees, the Indochina Migration and Refugee Assistance Act of 1975, one of the pieces of special legislation still on the books from the earlier era, was repealed. However, while the assistance program for earlier Cuban refugees was being phased out, the new legislation did not repeal the special legislation for Cubans, but merely amended the Cuban Adjustment Act of 1966 to conform with the one-year adjustment provisions of the new refugee act. The 1966 act and its potential for future use in adjusting the status of Cuban entrants to permanent residency was not a matter of discussion in the Conference Committee concluding negotiations on the new legislation.

The criterion for acceptance as a refugee—a well-founded fear of persecution in the home country for various reasons—was

established as the basis for adjudicating asylum applications for individuals *after* their entry into the U.S. as well. The Refugee Act of 1980 went further than the U.N. in allowing for the designation as refugees of certain persons still in their own country in certain circumstances, thus allowing for in-country processing and orderly movements of would-be refugees when the exit of politically sensitive people and family members could be negotiated in preference to imprisonment and persecution. This important provision was useful in the following years in setting up the Overseas Departure Program from Vietnam, Moscow processing of Soviet Jews, and the processing and movement of selected refugees directly from such Western Hemisphere countries as Cuba, El Salvador, Haiti, and Nicaragua.

The new Act did not, however, anticipate in any manner a direct influx of large numbers of people in little boats arriving on U.S. beaches and applying for asylum. In designating the number of asylees who could adjust their status to permanent resident under the new legislative authority, the Congress anticipated the possibility of only 5,000 *bona fide* asylees being accepted for adjusted status in FY 1980 from among aliens already in this country.

Camarioca: The Cuban Precedent, the Cuban Presentiment?

The incident at the port of Camarioca clearly had been forgotten by Congress and the Administration in Washington. However, when Castro brought the air bridge program to an end in 1973, some 135,000 approved refugees had been left behind. The flow of migrants from Cuba to the U.S. was at its lowest point during the period from 1973 to 1978. Only 18,000 people successfully made the trip through third countries or by entering the U.S. illegally.

With the beginnings of a thaw in U.S.-Cuban relations in 1978, "Interest Sections" were opened in each nation's capital to conduct diplomatic business, and between October 1978 and March 1980, a total of 22,168 former political prisoners and their families were allowed to migrate from Cuba to the U.S. Negotiations aimed at easing relations with Cuba in the fall of 1979 included discussions about expansion of this program to a possible larger orderly migration program. Economic conditions in Cuba had declined, the desire to emigrate had been whetted by visits now permitted from exile relatives, and Castro was eager to export those most likely to foment dissent in Cuba.

Later in 1980, the House Permanent Select Committee on Intelligence was to accuse the Carter Administration of an intelligence failure due, in part, to Castro's March 8, 1980 speech intimating that a repeat of Camarioca could occur if negotiations broke down. The Department of State, however, believed "that the reopening of Camarioca did not seem imminent," and instructed the Interests Section to brief Cuban officials on the Refugee Act of 1980, which, they believed, would provide for the more rapid processing that the Cuban Government was seeking. [See Copeland, R. 1981. The 1980 Cuban Crisis: Some Observations. *Journal of Refugee Resettlement* (August).]

Whether this was an intelligence failure or failure to act on intelligence received is not clear, but it is clear that no one in authority recognized that a crisis was imminent. Significantly, however, at that time the President was deeply distracted by the Iran hostage crisis and the deteriorating U.S. economy. No early warning system can be effective if those in charge are not in a position to pay attention and act on the warning.

Growing Numbers of Haitian Arrivals

If the arrival in south Florida from 1973 on of Haitians in small boats was noted outside the local community, it was in the courts where Haitian rights activists were fighting for fair hearings for Haitian asylum applicants. The small group of Haitians was being managed not through the generous refugee and asylum procedures offered to those fleeing communist countries but, rather, through the border enforcement procedures of the INS applied in an inconsistent, *ad hoc* manner. Until 1977, a year when only 274 Haitians had been apprehended entering the U.S., the INS had detained Haitians until deportation hearings.

In 1977, appeals from Haitian rights advocates bore fruit; the INS reversed course and released imprisoned Haitians without bond, giving them work authorization while they were awaiting asylum and deportation hearings. The new policy and procedures, along with a tightening up in official policy in the Bahamas (where Haitians had also sought asylum), caused an increase in the flow of Haitian boat people to the U.S. from 274 in 1977 to 1,815 in 1978, a growing backlog of cases at INS offices, and strain on local social and health care services. There was a backlog of some 20,000 asylum applicants from all sources by fall 1979.

In response, the INS again reversed course in 1978, reinstituting detention, cancelling

work authorization, and setting up an expedited deportation hearing process with little representation available for the Haitian asylum applicant. U.S. Federal District Judge James King imposed a temporary injunction against the INS to suspend this practice in July of 1979 and ruled in July 1980 that, "The decision was made among high INS officials [note: *only* INS officials are mentioned] to expel Haitians, despite whatever claims to asylum individual Haitians might have. . . . This program, in its planning and executing, is offensive to every notion of constitutional due process and equal protection."

At the time of the onset of the Mariel crisis in April, 1980, the INS was still in limbo as to how it would be permitted to respond to the growing Haitian influx, which had increased by 2,522 additional arrivals in 1979 and already surpassed that number in the first three and one-half months of 1980.

Occupation of the Peruvian Embassy: An International Crisis

A number of fast moving situations thereafter were beyond American control. When on March 28 a busload of Cubans seeking political asylum crashed through the gates into the Peruvian embassy compound in Havana killing a Cuban guard in the shooting that followed, Castro, in an effort to embarrass the Peruvians, announced that those seeking to leave Cuba would be allowed to do so. The antagonism toward Peru and a number of other Latin American governments had come about because they had been offering Cubans political asylum if they came to the embassies, but had not been willing to move ahead with an orderly migration program with the Castro government (contrary to the procedures preferred by the U.S.).

As the number of Cubans massed at the Peruvian Embassy in Havana in increasingly inhumane and untenable living conditions grew to more than 10,000, the government of Peru, supported by Venezuela, Costa Rica, and the United States, requested assistance of the Intergovernmental Committee for European Migration [ICEM][1] for an internationalized resettlement effort. Responding to the appeal from ICEM for resettlement numbers from

[1] ICEM underwent two name changes in the 1980s, first dropping "European" from its name to become the Intergovernmental Committee for Migration [ICM] reflecting its growing international responsibilities, and later being renamed the International Organization for Migration [IOM]. This paper uses the name or initials in effect at the time of the events discussed.

governments around the world, the U.S. offered to resettle 3,500 Cuban refugees, the largest number offered by any of the participating countries. The other quotas established by April 30 were Argentina 300, Australia 200, Austria 50, Canada 300, Costa Rica 300, Ecuador 200, Federal Republic of Germany 278, Peru 1,000, Spain 500, and Venezuela 500. In addition, financial contributions of some $768,000 for the resettlement program, plus unspecified additional transportation costs, were pledged by the U.S. and by the countries where quotas were established.

Costa Rica, with ICEM assistance, agreed to provide a staging area for prescreening and transit for the Cubans. With the acquiescence of the Cuban government, ICEM initiated an airlift from Cuba to Costa Rica and onward to the other countries on April 16, 1980. On April 18, with only 677 Cubans transported, Castro precipitously cut off the flights to Costa Rica and within three days opened the Port of Mariel to all those wishing to leave. (There was one more flight on April 24, bringing the total airlifted to San Jose to 773. Another 484 persons were able to go to Spain on direct commercial flights from Havana, and ICEM arranged transit flights from San Jose for 387 for resettlement in Peru by May 15.)[2]

Castro was reacting to an international public relations disaster and an internal economic crisis. The question arises whether at this point the U.S. could have done anything within its humanitarian tradition without threatening either other foreign policy initiatives to forestall the measures Castro took to take the heat off his government or the overwhelming response of Cuban-Americans in Florida who went out in their boats to bring their relatives and friends over. Castro's goal was to embarrass the U.S. and other countries that were gaining political mileage at Castro's expense through the international resettlement program. By mixing undesirable criminals or individuals released from mental hospitals with the dissidents and family reunification cases, and by overwhelming the State of Florida, Castro succeeded. For months to come, despite two international conferences in San Jose, Costa Rica, Castro would be re-

[2] Different sources quote different numbers of Cubans moved from Havana in the airlift. This paper relies on the statistics issued by ICEM at the time of the airlift. Discrepancies—for example, much higher figures in the *Report of the Cuban-Haitian Task Force*, November 1980—may be due to the inclusion of numbers of released Cuban political prisoners who had left Havana earlier in 1980 and were not actually occupants of the Peruvian Embassy compound or part of the ICEM airlift.

sponsive neither to further calls for an orderly migration program nor calls for adherence to the norms of international law and customary international courtesies.

Under such circumstances, the contingency plans laid out in the Refugee Act of 1980, starting with the internationalization of the resettlement effort, had questionable efficacy. The Act did not anticipate the use of refugees as a weapon by one country against another, much less the mockery of a generous refugee policy through imposition of "undesirables"—criminals and the mentally ill—on the recipient country.

The Post-Mariel Limits of Internationalization

Just as the Refugee Act of 1980 did not anticipate large numbers of refugees or asylum-seekers landing directly on the U.S. shores, so it did not anticipate that the prevailing international attitude in such a circumstance would be that this was now an American problem and no major international effort was required. UNHCR and a number of European governments were extremely reluctant to make an all-out effort toward internationalizing the resettlement program once the Cubans were in a country that, more than any other country in the world, seemed fully capable of providing adequate first asylum and resettlement and was obviously the destination of choice.

The UNHCR also had not been able to respond positively to requests from Latin American countries to assist with the asylum seekers in the Peruvian Embassy compound in Havana, at least in part because by the narrow Geneva Convention definition of refugee (as opposed to the expanded designation allowed by U.S. law) these people had not yet left their country of origin. At that time and in this particular crisis, the U.S. Department of State was involved in an effort to urge the UNHCR toward a broader commitment and interpretation of its mandate, but without immediate success.[3] On the basis of appeals from major donors, the UNHCR did agree to provide limited funds for care and maintenance of the Cubans in transit in Costa Rica. Questioned on the eligibility of Cubans for refugee status and resettlement assistance under the UNHCR mandate, a spokesman

[3] The UNHCR has since that time interpreted its mission more broadly to include peoples displaced or threatened within their own countries who require protection and/or resettlement, e.g., the Kurds in Iraq following the Gulf war and the Bosnians in war-torn former Yugoslavia.

replied as late as April 25, 1980, that UNHCR would pay its share in the cost of a humanitarian operation in Costa Rica and Peru and that the question of eligibility would eventually be studied by UNHCR later when migrants had arrived in countries of resettlement. No funding for Cubans resettled in the U.S. was ever made available by the UNHCR.

ICEM had the more flexible mandate to assist refugees *and migrants* without definition at the request of its member governments through fully reimbursable programs rather than through annual grants to a general fund. Thus, ICEM was able to provide processing and transportation assistance from Havana to Costa Rica and later was to take responsibility for outprocessing and transportation to U.S. sponsors from each of the U.S. holding camps on contract with the U.S. "In these circumstances," the U.S. Coordinator for Refugees, Ambassador Victor Palmieri, stated, "an organization like ICEM is . . . indispensable. It is an organization that we have found in Indochina, in our operations with the Soviet Jews and Eastern Europeans in Vienna and Rome, and now with our Cubans to be flexible, responsive and cost effective. Indeed, it is an organization which, if it did not exist, we would have to have invented . . ."

While the U.S. leaned heavily on ICEM for specific logistical services, the agency of choice for internationally accepted refugee protection and advocacy was the UNHCR, and the U.S. expected some benefits at the time of its national crisis in return for its large financial commitments to the UNHCR. After further negotiations the UNHCR did eventually take over from ICEM the limited screening and interviewing of Cubans for third- country resettlement from U.S. holding camps, but once the Cubans were in the U.S. only a few hundred were ever successfully resettled elsewhere, despite the pledged resettlement numbers. Those who had been taken initially to Peru did not become permanently resettled for some time, some eventually making their way to the U.S. after a considerable period of discontent.

Failed Expectations

The image on television of chaos and of criminals and mental patients being imposed on the "freedom flotilla" led to a turning point in American attitudes, even though the actual number of excludable undesirables may have been only a few thousand out of more than 124,000 Cubans who came. The prevailing attitude of generosity to refugees among the pub-

lic and in the Carter Administration was overtaken by a feeling of insecurity and lack of control at the borders as well as weakness at being the fall guy for Castro's dirty tricks. The imperfect coordination of refugee and asylum procedures and the inconsistency of U.S. Administration policies from one bureaucracy to another within the federal government also were revealed when the boat arrivals of Cubans and of Haitians were inevitably linked. In the aftermath, the mood of the country toward refugees turned from sympathy to anxiety, and Members of Congress and professionals in the field of assistance to migrants and refugees spoke of "compassion fatigue."

In summary, in April 1980, when the Cubans began to arrive, neither refugee resettlement policy and procedures administrated by the office of the U.S. Coordinator for Refugees and the Department of State's new Refugee Programs Bureau, nor immigration policies and procedures and border enforcement administrated by INS provided any guidance for immediate action at the federal level. Controversy occurred as well over the mandates and responsibilities of international organizations. Expectations were not in line with historic reality and current conditions, and available information or "early warnings" were ignored.

A number of critics have pointed to a double standard at work in the operation of U.S. immigration, refugee, and asylum programs—racial discrimination and politically motivated determinations of status. At the same time as officials of the newly created Refugee Programs Bureau at the Department of State and as Members of Congress who had worked many years on the issue were congratulating themselves on the institution of a nonpolitical definition of refugee, an official of the Haitian desk at the Department of State opined that the U.S. could not accept Haitians as refugees because it was on friendly terms with the Duvalier government. It is not necessary to imply negative motivations to the policy inconsistencies of 1980. This particular situation points to a lapse in communication among the various agencies and departments and the independence and irregularity of accountability of the separate bureaucracies. Deeply ingrained bureaucratic attitudes, like pieces of heavy earth-moving equipment, are especially difficult to turn in new directions without a firm coordinating hand and advanced planning.

Response and Impact in Florida

At the outset, South Florida's response to the "freedom flotilla" was swifter and more generous than the federal response. It had been only five years since the Cuban "freedom flights" had been cut off. The HHS Cuban Refugee Center in Miami was still in operation at 75 percent of its former capacity despite the reduced number of arrivals in the years preceding the new crisis. The Center, the state of Florida, and the local governments, with the assistance of Cuban-American volunteers, established a registration procedure in Key West as boats landed and a processing center in Tamiami to centralize and coordinate the effort to place the new arrivals with their families or with other Cubans in the U.S. Voluntary agencies with prior experience in sponsoring and resettling refugees from Cuba came to the assistance of the local groups. The Cuban-American community raised more than $1 million nationwide and donated food and clothing.

More than 54 percent of the Cubans who arrived between April and June 1980 were resettled with family in this manner without major delay or detention, but the crisis overwhelmed the local effort. FEMA was called in on April 27, and holding centers in military facilities outside the South Florida area were opened during a five-week period in May and June with the cooperation of the Department of Defense: Eglin Air Force Base, Florida; Fort Chaffee, Arkansas; Fort Indiantown Gap, Pennsylvania; and Fort McCoy, Wisconsin.

Although FEMA was already present, on May 5, Governor Robert Graham of Florida formally requested that the President declare a state-of-emergency in Florida. President Carter issued the emergency declaration the next day and also authorized use of the ERMA fund from the Department of State to help cover resettlement costs.

The positive expectations among the Cuban-American community in South Florida were soon strained by Castro's actions. It had been a group of prominent Cuban exiles, the Committee of 75, who had spearheaded efforts toward both better and more open relations and communication between Cuba and America in 1978-1979 and expanded migration. When the Peruvian Embassy was occupied, the exiles in South Florida advocated the admission of all 10,000 asylum-seekers. As numerous first-person reports testify, Cuban-Americans were also the first to feel the shock and disappointment when they viewed their efforts to provide transit to dissidents and relatives manipu-

lated by a cynical leader who included political prisoners and mentally ill among the migrants.

Despite the eagerness of Cuban-Americans to accept their relatives and compatriots at the outset of the crisis, Florida state and local officials questioned how they were going to be able to resettle large numbers of people without massive federal assistance, as had been provided in the earlier Cuban Refugee Program. Florida had been uniquely receptive in absorbing Cuban refugees during the past twenty years, but conditions had also been changing. The growth of the city of Miami from a pleasant tourist mecca to the so-called capital of Latin American trade and banking in that same period of time had been accompanied by growing crime, drug trafficking and money laundering. Further, the new arrivals had lived twenty years under communism. They were less educated, more dependent, and less prepared to adjust to a modern capitalist society.

By mid-May 1980, the problem population that Castro had imposed on the boat owners of the freedom flotilla was beginning to be obvious on the streets of Miami and in the holding camps. Hardened criminals and mental patients released from Cuban hospitals were the most obvious group, but there were also large numbers of unaccompanied minors and the Dade County school system estimated more than 15,000 school-age children would require special facilities. At the height of the crisis when upwards of 10,000 Cubans were arriving in one week, mistakes were made, and many Cubans who had been released without sponsors or whose sponsors had deserted them were becoming street people.

Managing the Crisis

At a hearing in May 1980, members of the Senate Judiciary Committee of both parties, led by Senator Edward Kennedy and responding to appeals from relief organizations, most notably the U.S. Catholic Conference, operating in Florida, advocated application of the new Refugee Act to the Cuban and Haitian arrivals, calling on the administration to let the UNHCR help in screening and designating the refugees within U.S. camps in the same manner as is done abroad. They also called upon the administration to use the Refugee Act to trigger administrative procedures and 100 percent reimbursement of states for job and language training, health care and social services in the process of resettlement equivalent to those currently available to Indochinese refugees. Such an approach would have put into operation immediately the services of ORR/

HHS as well as the Reception and Placement services of the Bureau of Refugee Programs in the Department of State.

Because of a traditional assertion of U.S. sovereignty once aliens were on U.S. territory, the Administration would not accede to the request for the involvement of the UNHCR even in advisory opinions on asylum status for the new arrivals in the U.S., and the UNHCR was less than eager as noted to assist even in third-country resettlement.

A desire to deter potential new arrivals and reassert border controls played a major role in policymaking in an effort to retake the initiative lost through Castro's treachery. The administration was unwilling to admit either Cuban or Haitian boat people as refugees for fear of setting a precedent for other groups. In addition, the chaotic situation in South Florida and the lack of an adequate number of trained INS officials to adjudicate individual cases, not to mention officials in the Department of State's Bureau of Human Rights and Humanitarian Affairs who were required by INS regulations to provide advisory opinions, mitigated against applying the new Refugee Act. The question of funding also hung heavy over the Administration. Focussing on reducing tensions in the Miami community, the Administration wished to avoid any appearance of rewarding the illegal migrants.

Refugees by Any Other Name . . .

For these reasons, as well as in response to critics of apparent unequal treatment of Cuban and Haitian boat people, and in anticipation of Judge King's final ruling, Ambassador Palmieri announced on June 20, 1980, the *ad hoc* designation for both groups of "Cuban-Haitian Entrants (status pending)," under six-month renewable parole authority of the Attorney General. All Cubans who had arrived from April 21 to June 19 and were in INS proceedings were covered by the new designation as well as all Haitians who were in INS proceedings as of June 19. (The status was later extended to include Cuban and Haitian arrivals from June 20 to October 10.)

The Attorney General's parole authority allowed a more flexible, not to mention cost- and time-efficient, procedure of granting temporary status on a group basis, which the Refugee Act with its individual determinations had been intended largely to replace. The Refugee Act specifically proscribed use of parole authority for anyone who could be defined as a "refugee." The "entrant" sta-

tus thus allowed the Administration to sidestep the refugee resettlement benefits requirements of the Act and create an *ad hoc* administration for the resettlement program.

A supplemental appropriation was passed on July 2, and the Cuban-Haitian Entrant Act of 1980 was submitted to the Congress by the Administration on July 31, authorizing 75 percent reimbursement of expenses to the states, as opposed to the 100 percent provided for in the Refugee Act. Senator Kennedy countered on August 5 with his own Entrant Act declaring Cubans and Haitians to be refugees eligible for benefits through the Refugee Act and providing for 100 percent federal reimbursement to the states as specified by the Act. Disagreement between the Administration and Congress was resolved on October 10, 1980, when the Administration belatedly supported special authorizing legislation that was embodied in the so-called Fascell-Stone Amendment to the Refugee Education Assistance Act of 1980.

This oddly-placed piece of legislation provided the first statutory legal definition of Cuban-Haitian entrants, extending coverage back to arrivals since November 1979. More importantly, it stipulated that they would all be treated as refugees, without regard for any future status designation, for the purposes of providing them domestic assistance under the terms of the Refugee Act of 1980 and reimbursing states and localities at 100 percent. Funding authorized by this act was included in the Supplemental Appropriations, Continuing Resolution for FY 1980 and in FY 1981 budget requests.

Thus, a period of uncertainty as to status, benefits, and federal reimbursement of costs came to an end for the most part. The Cuban and Haitian Entrants of 1980 were basically treated like refugees, despite the difference in label and in legislative authority. There never was any intention or sufficient political will to deport any of the new arrivals except those clearly excludable for reasons of criminal activity.

Even were there not forceful lobbies for the states most affected by the resettlement process—and especially Florida— as well as a Cuban-American lobby for their compatriots, the Department of State knew very well that Thailand and other Southeast Asian countries of first asylum were watching closely how America was going to treat *its* boat people. The U.S. could not afford to do anything to cause renewed mistreatment and push-offs of desperate Vietnamese refugees landing in those countries and upset the equilibrium so carefully negotiated the previous year.

The question of regularizing the status of Cuban-Haitian Entrants was left open for a future date and was not resolved until the resurrection in 1984 of the Cuban Adjustment Act of 1966, which, as amended in 1976, allows for Cubans who have been in the U.S. for at least one year to apply for adjustment of status to permanent resident at the discretion of the Attorney General. This special country legislation is unique in that it does not have a cut-off date. It remains in force, although such *ad hoc* country-specific procedures are not favored by Congress. The limitations on the Attorney General's parole authority written into the Refugee Act of 1980 were intended to reduce the necessity for relying on special legislation, but despite repeated efforts the Cuban Adjustment Act of 1966 has never been repealed.

The Cuban-Haitian Task Force

Administratively, there were some awkward results. The CHTF, which was formally brought into being on July 15, 1980, was an entirely new bureaucratic institution, comprised of officials detailed from more than ten different federal agencies, including FEMA for overall funding and mission assignment authority, ORR/HHS for refugee resettlement services, the Department of State for international policy and overall coordination, the Department of Justice and INS for legal status processing, the Department of Defense for holding camps in four different locations, the Department of Education, the Department of Transportation, among others.

Initially, in contrast to the INS response to the trickle of Haitian boat people in the 1970s, the CHTF was under the authority of the Secretary of State and the U.S. Coordinator for Refugees, who was seated in the Department of State. This set-up also contrasted significantly with the earlier Cuban program, which was essentially coordinated from the Department of Health, Education and Welfare [HEW, which preceded HHS]. The crisis had started in Cuba as an international refugee situation, and it continued to have important foreign policy implications. Both the Administration and Congress wanted to use the new structure of the U.S. Coordinator's office to the extent possible, despite its lack of experience or expertise in working with the large number of federal, state, local, and private entities involved. In a confusion of authority, however, which actually helped to strengthen his position with other agencies and departments, the Task Force Director also reported directly to the Presidential Assistant for Intergovernmental Affairs in the White House.

The CHTF continued to rely in large part for funding of camps, staff, and services through the authority of FEMA, which was given the lead role at the outset of the emergency for the practical reasons mentioned above. At the other end of the spectrum, the CHTF reimbursed states and localities for services rendered and subcontracted services to a variety of voluntary refugee resettlement agencies and local community service organizations, which were vital partners in the resettlement process.

Without the authority of the plan of assistance authorized by the Refugee Act, CHTF found one aspect of the resettlement program particularly irksome—the question of unaccompanied minors for whom no guardianship authority was available. The Refugee Act specifically designates to ORR/HHS the role of guardianship for unaccompanied refugee children. Without legislative authority, ORR/HHS would not take on the responsibility for several months. The history of the CHTF reveals that the Task Force repeatedly had to create *ad hoc* assistance to the minors and to sign special contracts with the states for their care.

Among other unanticipated problems that the CHTF faced were the criminal element of the Cuban influx and disruptive actions leading to riots in camps, broken sponsorships leading to a "tent city" in Miami, the need for special legislation to obtain authorization and funding, as well as to settle status questions and care and placement of the mentally ill.

Without a refugee designation for the Cuban and Haitian influx, the Office of the U.S. Coordinator for Refugees in the Department of State began a slow and inevitable withdrawal from resettlement and relief operations as arrivals wound down over the summer after the institution in May of Coast Guard interception and fining of vessels travelling to and from Cuba. The effort to continue internationalizing the crisis also languished. In the long run, one year later, by July 1981, the CHTF was merged with ORR at HHS, its logical home once the emergency period was past and resettlement services and aid to problem cases were the main ongoing requirements.

A full discussion of CHTF management and responsibility is beyond the scope of this overview, but it may be worthwhile for those involved in contingency planning to review the *Report of the Cuban-Haitian Task Force*, November 1, 1980. *Decision and Structure: U.S. Refugee Policy in the Mariel Crisis* by Mario Antonio Rivera also gives a complex and theoretical, but at the same time sympathetic and enlightening, discussion of bureaucratic

politics during the Cuban-Haitian crisis. The CHTF leadership did not have an easy time of it, having to depend on diplomacy and negotiating skills, rather than statute and full authority, to gain assistance from other agencies and departments in solving the myriad problems thrust upon them.

The End of the Emergency

By the time Castro closed Mariel Harbor on September 26, 1980, a total of 124,779 Cubans and 7,785 Haitians had entered the country. On October 9, the United States Interests Section in Havana officially resumed Immigrant Visa Operations for orderly, legal migration. While there was great disappointment in some circles that the new Refugee Act had failed its first test, others in the federal bureaucracies involved, notably those working with the CHTF, congratulated themselves on the flexibility and creativity of their response operations. Questions of how to establish more effective early warning systems and contingency planning as well as entry status determinations for immigration emergencies, were raised that to this day have not been answered.

With the end of the Cuban crisis, the Haitian migration did not end, but rather moved into a new phase. The largest monthly number of Haitians arriving on boats in 1980 was 2,280 in October, when only 10 more Cubans arrived. While monthly Haitians arrivals diminished somewhat after that time, they continued larger than prior to 1980 until the policy of Coast Guard interdiction of boats at sea and temporary detention of arrivals was instituted in the second half of 1981. By 1982, the numbers were smaller than in 1988-1989.

The Coast Guard interdiction was part of a new "program proposal" or contingency plan announced by then Acting Commissioner of INS Doris Meissner to the Senate Judiciary Sub-Committee on Immigration and Refugee Policy on July 31, 1981. The plan combined strong prevention measures to preclude a recurrence of the Mariel crisis with the first legislative proposal to regularize the status of the Cuban-Haitian Entrants. It also signalled that the lead role in any future crisis of direct arrivals in the U.S. under the Reagan Administration would move from the Department of State and the U.S. Coordinator for Refugees to the Immigration and Naturalization Service of the Department of Justice. The story of arrivals from Central America in South Texas in 1988-1989 is a case in point.

THE CENTRAL AMERICAN INFLUX ON THE SOUTHERN BORDER

Anticipation, Information, and Policy Options

Throughout the 1980s and 1990s, the fear and anticipation of a major invasion of illegal economic migrants and asylum seekers from Central America animated federal immigration and refugee policy initiatives and border enforcement.[4] By 1984, according to the UNHCR, more than 300,000 refugees were displaced and living in camps both inside and outside their home countries in Central America and Mexico. Just as President Carter's remark in May 1980 that the U.S. would greet the Mariel Cubans "with open arms" became a focal point for political responses positive and negative to the Cuban crisis, so President Reagan helped set the national agenda when he said that the civil wars to the south would "create a tidal wave of refugees—and this time they'll be 'feet people' and not boat people—swarming our country seeking safe haven . . ." These remarks fed anxieties arising from the Cuban and Haitian influxes and set up a polarization of attitudes—sympathetic or antagonistic— toward the growing numbers fleeing the Central American civil wars and their resulting economic distress.

In 1982, the INS moved ahead with its "Mass Migration Emergency Plan" primarily for South Florida in 1982, which involved mostly the same preventive measures announced by Acting Commissioner Meissner the previous year: (1) interdiction of boats bringing migrants by sea; (2) detention of those who elude interdiction until their status was adjudicated; and (3) deportation of all who were not eligible for resettlement. A plan for a major revision of immigration legislation entitled the Immigration Reform and Control Act [IRCA] preoccupied the Administration and Congress for several years before its passage in 1986, leaving a plan for mass immigration control on the U.S.-Mexican border in draft during that period.

Proposals for the new legislation came about because of the growing perception that illegal migration to the U.S. from all

[4] The question of "undocumented migrants and migrants in an irregular situation" was also high on the international agenda, with a major intergovernmental conference hosted by ICM in Geneva in April 1983. A comparative look at the policies of European countries in this connection is in order but outside the scope of this paper.

around the world, but mostly from south of the border, was out of control. The numbers of illegal residents in the U.S. was variously estimated from three to ten million persons. The omnibus reform bill was also the second stage of the immigration and refugee reform effort that started with the Refugee Act of 1980 and the studies prepared by the Select Commission on Immigration and Refugee Reform from 1979 to 1981. The IRCA legislation approached border control on two fronts: on the one hand, stronger regulation and enforcement, including sanctions against employers of illegal aliens; on the other hand, provision of, among other measures, a time-limited amnesty program for the many illegal aliens already in the U.S. The concept was that once the U.S. could get a handle on the undocumented alien population already in long-term residence and provide them with a humane option to legalize their status, then the U.S. could intensify its enforcement efforts to prevent future illegal arrivals.

The intensifying civil strife in Central America during the 1980s and the resulting refugee crisis served to confound these immigration enforcement expectations. The Department of State responded to the refugee crisis in Central America by continuing to assert that the tradition of regional hospitality and asylum was a viable solution in Central America, although contingent on the availability of international funding. Very few refugees processed in the region were accepted for resettlement in the U.S. under the Department of State's refugee program. Despite U.S. and international funding in the region, a General Accounting Office [GAO] report from July 1984 suggested that resources in Central America were insufficient to care for all those in need in the region.

Expanding Legal Categories for Migration Emergencies: A Trend for the Eighties

As early as 1981, a movement began to extend some form of temporary legal status to those fleeing violence who arrived in the U.S. and were not eligible for asylum status. At the extreme was the sanctuary movement, in which churches asserted a right to provide temporary protection to such asylum-seekers without color of law. In Washington, bipartisan political forces were lining up in support of either an administrative status of “extended voluntary departure” [EVD] for Salvadorans and Nicaraguans or for a broader, legislated status offering “safe

haven" to those fleeing civil strife in their home countries and needing temporary protection.

EVD is a discretionary measure providing temporary relief from deportation for individuals or groups already in the U.S. Granting temporary work authorization as well, it is applied administratively by the Department of Justice when the Department of State determines that conditions in the countries of origin are "unstable" or "unsettled" or show a pattern of "denial of rights" that would put returnees in danger even if they did not have a "well-founded fear" of individual persecution according to the definition of a refugee. Since 1960, EVD status had been given for shorter or longer periods of time to citizens of fourteen countries: Cuba; Czechoslovakia; Cambodia; Vietnam; Laos; Lebanon; Ethiopia; Hungary; Romania; Iran; Nicaragua; Uganda; Afghanistan; and Poland.

For both political and practical reasons, however, there was strong resistance in the Reagan Administration to the application of EVD to Salvadorans and other Central Americans in the 1980s. First, there was the potential size of the problem, the vision of hundreds of thousands of feet people arriving at the southern border and their immigration impact. The problem, which was not resolved in proposing such a temporary status, was how to get the migrant to return to his home country when conditions improved. With the granting of work authorization, EVD became an obvious option for those seeking to circumvent the employment limitations of IRCA. It hardly seemed feasible that INS successfully could lift work authorization and institute deportation proceedings for several hundred thousand Central Americans once conditions improved in their home countries.

Second, there were political and perceptual differences as to the conditions in El Salvador and Nicaragua. The Administration, and those who felt the Administration was on the right track in supporting the Salvadoran government and opposing the Nicaraguan government, portrayed conditions as improving in El Salvador while human rights abuses in Nicaragua had become institutionalized. Those who opposed Administration policies harkened back to the black days of the Salvadoran death squads in 1979-1983 and continued to feel the situation in El Salvador was unstable and dangerous. They protested the fact that much larger percentages of Nicaraguans received favorable decisions on their asylum applications than Salvadorans and accused the Administration of playing politics with human lives. The return of Salvadorans to El Salvador under present conditions, they

protested, was tantamount to "refoulement" (forced return) and a violation of U.S. international obligations under the U.N. Protocol on Refugees.

To answer critics of the U.S. policy of deportation or voluntary return of illegal Salvadoran migrants who did not present an adequate case for asylum, the Department of State contracted with ICM, as an independent international organization, for a program of reception assistance and follow-up for the returnees in order to monitor whether they faced security problems upon their return. Should security problems arise, ICM was to offer them assistance in migrating to other countries. ICM was at that time prescreening and assisting Salvadorans who might be accepted for special "safe haven" status in Canada and Australia, among other countries.

In May 1987, another GAO report concluded that the extent of problems experienced by returned Salvadorans was not determinable on the basis of the data which ICM, the U.S. Embassy in San Salvador, and various human rights and church organizations were able to collect. While the Department of State was quoting ICM data as if it showed that returnees had run into little or no personal danger upon return, ICM was wary of making broad assumptions from its limited data and asserted logistical limitations to its methods, which were based on meeting short-term material assistance needs, not legal protection or human rights criteria. The other organizations had collected data at different, and thus incomparable, times in the fluid and changing situation and on incomparable populations. While there was disagreement on the extent of individually targeted violence in El Salvador, there was more general agreement on all sides of the political spectrum that returnees to El Salvador would face the same range of violence that others in El Salvador faced during the civil war.

In the second half of the decade, as illegal arrivals continued to trickle in along the long and porous southern border, critics of the Administration began to propose legislation to put carefully delineated procedures and criteria for a "safe haven" status into law, rather than leaving the only protection against deportation in times of conflict, barring refugee or asylum status, to the discretionary authority of any particular administration. Country-specific legislation for Salvadorans and Nicaraguans (the Moakley-Deconcini bill) was passed four times by the House of Representatives but, under threat of filibuster, never reached the Senate floor for a vote. A new general status, Temporary Protected Status [TPS], was finally enacted

into law in the Immigration Act of 1990 [IMMACT] and applied first to Salvadorans.

Other remedies utilized were extensive court challenges of INS asylum adjudication procedures. On April 29, 1988, a U.S. District Court judge ordered the INS to stop "employing threats, misrepresentation, subterfuge, and other forms of coercion to induce Salvadorans to accept 'voluntary departure' to El Salvador." The judge held that the 1980 Refugee Act should be interpreted to mandate that those in deportation proceedings had a right to be informed of the possible remedy of applying for asylum to obtain relief from deportation.

Misguided Policies in South Texas 1988-1989

All this controversy aside, it was not until 1988 that mass numbers of asylum-seekers sought again to enter the U.S. in an uncontrolled manner as in Florida in 1980. Even then, the "crisis" atmosphere that pervaded South Texas briefly in 1988-1989 could be said to have been caused by an ill-advised, but largely misinterpreted *ad hoc* statement of Attorney General Edwin Meese and by localized policy changes by the INS District Office in South Texas. All the Attorney General had said was that Nicaraguan applicants for asylum who had fled their country on the basis of a well-founded fear of persecution would be considered positively. But, this restatement of basic asylum policy was taken both by Nicaraguans and by some INS officials in its context without mention of Salvadorans as a political indication that Nicaraguans would receive preferential treatment for their asylum applications.

As a result, apprehension of illegal Nicaraguans along the South Texas border jumped exponentially, reaching nearly 50 percent of all border apprehensions, or 14,243 persons, in the Harlingen District by the last six months of 1988. Probably due to greater availability of information on the asylum process and work authorization following the District Court decision, asylum requests from all groups from Central America—Salvadorans, Guatemalans and Hondurans, as well as the Nicaraguans—grew to exceed 50,000 for FY 1988, according to a Congressional staff report, which also predicted that if arrivals and applications for asylum continued to increase at the same rate, there would be 100,000 in FY 1989, a figure that was beginning to look more like the Cuban crisis numbers.

At first, most of the asylum seekers arriving in the Rio Grande Valley of South Texas received work authorization and were allowed to travel to their intended destinations to stay with family or friends and to apply for asylum with the local INS office. But, as numbers increased, facilities in such locations as Miami and Los Angeles, where there were anchor communities of Central Americans acting as magnets, became overburdened, and local communities as well as the INS began to fear no end in sight to the influx.

In response, the INS District Director in South Texas instituted a series of control and deterrence mechanisms on December 16, 1988, requiring that all asylum applicants file their applications immediately at the INS Harlingen facility and have their initial interview there before travelling to any other location. A roadblock on the highway out of the Valley effectively kept aliens from travelling north without proper papers.

Unforeseen Consequences: Bringing the Long-Expected Crisis

Applications for asylum quickly rose to some 6,000 a month at the Harlingen INS office, which was not equipped to handle the numbers, and backlogs of asylum applicants were quoted as high as 20,000. These numbers may seem relatively minor compared to the 100,000 Cuban entrants in April and May 1980, but the homeless migrants were very obvious in the small cities of Harlingen and Brownsville. With national media watching, they were wandering the streets, sleeping out in front of the INS facility, illegally squatting in an abandoned motel, and camping out in vacant lots by the end of December, despite a sudden spate of cold weather.

The border communities, which were already suffering from economic depression, with 18 percent unemployment, were outraged and sought relief from the unfair burden put on them by INS procedures. The travel restrictions imposed by the INS forced the asylum-seekers to stay in the Valley rather than allowing for the natural distribution of the social burden to other parts of the country where family and friends could assist the new arrivals. Some in the border communities reacted with hostility to the newcomers and the situation was getting explosive. Thus, an *ad hoc* plan to relieve burdens on other communities and INS offices, while attempting to deter new arrivals, had actually become in large part the cause of a localized immigration emergency in South Texas.

National media and humanitarian and human rights groups emphasized the suffering of the asylum-seekers and the alleged violations of their due process rights that the new INS system appeared to cause. INS was accused of failing to follow its own rulemaking by not giving adequate notice of proposed procedural changes that would have allowed the community to testify to the social consequences of the new policy and would have provided time for raising any legal challenges to the procedures.

Because of the paucity of legal services in the Valley, the travel restrictions deprived asylum applicants adequate information and legal counsel concerning their rights under American law. In 1989, there were only three lawyers in the Rio Grande Valley able to offer *pro bono* legal services to the asylum-seekers and only three in private practice who would assist for a fee. Four voluntary groups providing legal assistance also utilized three or four volunteer paralegals among them at any one time. Taxi drivers and other unscrupulous individuals were profiteering from the asylum applicants, filling out obviously fraudulent applications for them at a price, which applicants were willing to pay in hopes just to get out of the Valley and join relatives elsewhere.

At least two of the voluntary groups were politically motivated in opposition to U.S. policies and actions in Central American and refused to serve Nicaraguans, whom, they were convinced, were Contras or Contra deserters, and whom, they felt, had the protection of the Attorney General in any case. An outside observer independently interviewing some of the asylum seekers noted that this political assumption was false. Many of the Nicaraguans were indeed deserters, but from forced conscription and re-enlistment into the Sandinista army. Basically nonpolitical, they fled their country in disillusionment and despair at the continuing civil war and impossible living conditions for their families. A Congressional staff study group concurred with the view that there was no single reason for the sudden escalation in Central American arrivals, noting that it appeared that many were now simply "giving up" on their homelands.

Crisis Resolution

Class action litigation undertaken jointly by both community and out-of-state attorneys resulted in a temporary restraining order from the U.S. District Court in January 1989 requiring the INS to revert to its previous policy of allowing asylum-seekers to be transferred to other districts. The overload of asylum seekers in the Valley dispersed around the country early

in 1989, "scattered to the four winds," as Attorney General Thornburgh described it. INS reported that of 2,541 applicants in Harlingen who had requested that their files be transferred for adjudication to Miami, only 371 appeared for their interviews in Miami 14 days later.

While the restraining order was in effect, INS and the Department of Justice had time to develop a plan for addressing the rising number of "frivolous" asylum applications from Central Americans. On February 20, 1989, when the restraining order was lifted, INS announced and instituted a program with the necessary staffing which, in brief, provided for accelerated adjudication of affirmative asylum claims, immediate detention and initiation of deportation proceedings for applicants whose claims appeared frivolous or without apparent merit, and holding camps for those detained for deportation or awaiting appeals.

The Community Relations Service of the Department of Justice was mandated to insure that families were kept together, which was possible in facilities managed by the American Red Cross, and that adequate juvenile facilities were available for unaccompanied minors. Three such centers were funded in rural areas or small towns not far from Harlingen, and the unaccompanied minors, mostly single male teenagers, were cared for in relatively pleasant surroundings for a few weeks until they could be processed out to relatives or foster families willing to act as guardians while asylum applications were processed. The INS alien detention facility for single adults was located at Bayview, Texas, in a prison-like setting.

The care with which the new program was developed and instituted made it immune to further successful class action legal challenges, and the program, which attained its goals from the INS point of view, resulted in significant deterrence to potentially frivolous asylum applications from Central Americans, while expediting affirmative applications with merit. After the 9,502 pending asylum applications from January and February 1989 were dispersed, there were only 975 cumulative applications in the Rio Grande district through October 23, 1989. These figures compare to 28,541 affirmative asylum applicants in 1988.

Apprehensions thus dropped precipitously after the deterrent effect of the new procedures kicked in. Guatemalan and Honduran monthly apprehensions leveled off at or below monthly levels at the end of 1987. Figures for Salvadoran apprehensions in September, October, and November 1989 were significantly lower than comparable months two years earlier in

1987, while Nicaraguan numbers remained about double the 1987 monthly levels but ceased accelerating.

The bipartisan Senate subcommittee staff report declared the new INS policy toward South Texas "appropriate" and "effective in deterring frivolous asylum applications," although "certain adjustments" were recommended to assure greater opportunities for nonfrivolous applicants. The report also noted that the local community had been remarkably tolerant of the Central Americans, while at the same time local leaders were understandably impatient with the sluggish federal response. In Harlingen itself, as crowds of Central American asylum applicants gathered around the INS office and were eating, sleeping, and carrying out personal functions in public while saving their places in line for processing of their applications, the town mayor even went so far as to padlock the INS office for code violations.

What is distinctive about the South Texas situation, as in the case of the initial Haitian arrivals ten years earlier, is the *ad hoc* nature of the federal response. Then INS Commissioner Alan Nelson was known to give considerable leeway in authority to INS District Directors. The emergency contingency plans proposed in the early 1980s were not finalized until the 1990s. In the meantime, INS District Directors appeared to be in a tug-of-war with Federal District Courts, formulating enforcement and deterrent policies without much attention to the niceties of rulemaking procedures and then having to pull back from them in the middle of a crisis.

Unlike the Cuban crisis, there was never any intention to consider the asylum seekers in South Texas for paroled entry as a group. However, the long and tedious process of individual asylum adjudication and appeal, not to mention deportation hearings for those denied asylum, meant that most of those seeking asylum would remain in the U.S. for some time, even under the accelerated procedures. Delay was, indeed, a strategy of choice used by attorneys handling asylum cases. A study by the GAO in January 1987 concluded that, even when asylum applications were denied, few denied applicants were actually being deported.

A class action suit originally brought in 1985, *American Baptist Churches v. Thornburgh*, was finally settled in December 1990, with the agreement by the U.S. government to readjudicate the asylum claims of all Salvadorans and Guatemalans who had been denied since 1980 because of discriminatory treatment in government determinations of asylum, deportation, and EVD. The settlement of

the so-called "ABC" case, combined with the TPS, has meant that only a very small percentage of Central Americans who arrived in the 1980s have ever been deported. Nearly 200,000 originally registered for "ABC" or TPS (the registration requirements were combined to save on costs); four years later, with repeated extension of the status or delay of deportation they still are in the country even though the civil war and economic crisis which precipitated their migration is largely over.[5]

THE 1980s EXPERIENCE

Lessons Learned

For a coordinated federal response and Presidential declaration of a national immigration emergency, no consistent definition without color of separate bureaucracies appears to have emerged from the experiences of the 1980s. The President, rather is left with a palette from which he can pick or choose depending upon which agencies he wishes to activate. All of the following might be part of the definition:

- Imminent danger either to the lives of those arriving or to residents in the community of arrival, or both;
- Capacity of local officials and local offices of federal agencies to manage a benchmark number of direct arrivals within a limited period of time;
- Security and social services required and their availability locally; legal status or potential legal status of the immigrants; manner of arrival and physical condition of those arriving; economic and/or social impact on the community;
- Duration or potential duration of the crisis; and
- International and domestic political repercussions.

The lack of more specific triggering devices and the bureaucratic politics of the federal response appears to contribute significantly to what some have called the federal molasses and to the frustration of local communities in the face of an influx. In the Cuban crisis, it took weeks before a strong federal presence took over reception, processing, housing, and security in Florida, and it was months before the question of federal reimbursement of services to states and localities was resolved through legislation introduced by a Florida congressman.

Some of the delay is probably inherent in the nature of the crisis, both in the objective, but unpredictable, numerical aspects of an influx of people and in the more subjective legal and foreign policy aspects that must be considered. Flexible policymaking has characterized the U.S. approach to immigration and refugee admissions and is unlikely to be eliminated entirely through contingency planning, if experience is any guide, because of this mixture of humanitarian, legal, and foreign policy considerations, and because of the participation in the decisionmaking of a variety of institutions with different agendas. While response may be delayed, there are some times when such delays are useful. The delegation of authority for quick response to federal district officials, as in the South Texas situation, resulted in inappropriate and inhumane actions and a social and legal crisis that might have been avoided.

Another question is raised by the South Texas situation in which the immigrants were allowed to disperse to other regions of the country: Was there ever a real emergency? Except for the pressures on INS District Offices of processing large numbers of asylum applications, it is not clear that the country or even the South Texas region was ever overwhelmed by the influx until movement was restricted to a limited region. Attorney General Thornburgh's remarks that the asylum-seekers were mostly scattered to the four winds never to be seen again imply that the country could absorb the illegal immigrants without major distress or federal assistance.

In contrast, the large numbers of Cubans arriving *and* desiring to settle in South Florida presented a major social and economic problem, even when the community was enthusiastic about resettling them.

Aspects of Contingency Planning

Once an immigration emergency is recognized, prompt action is paramount to avoid human tragedy and/or political disaster. Both the Cuban-Haitian and the Central American influxes demonstrated a confusion in priorities and authorities just at a time when clear thinking and action would have been helpful. Evidence from these two crises points to the following areas where advance decisions for contingency planning in the case of an immigration emergency are needed.

1. **Clear articulation of the national interest.** Criteria shold be developed to use in determining whether legal, humanitarian, or foreign policy

concerns should take precedence. Such criteria may include in the foreign policy area: a balancing of U.S. domestic impact against the conditions in the country of origin of the migrant; the circumstances of departure and personal condition of the illegal entrant; and international standards and treaty obligations, as well as bilateral relations. From a humanitarian, domestic point of view, consideration should be given to: the size of the group and the predictability of the flow; other immediate international options; and relationship with existing ethnic communities in the U.S. that could relieve federal, state, or local authorities of immediate responsibility for a short or long stay.

Legal consideration may have to be delayed in order to meet these value-oriented criteria and to serve the overall national interest. Court cases in the 1980s pushed INS toward more humane and equitable procedures, and the public debate over status issues that resulted in TPS legislation in 1990 made it clear that humanitarian concerns are a major component of the national interest.

Whatever the legal status of the Cuban influx, humanitarian and political circumstance dictated a policy of acceptance, and relationships with the Cuban-American community made possible the immediate resettlement of the majority of those arriving. Had a decision been made at the outset to follow this path of least resistance, then refugee services through existing procedures might have been made available immediately. Indecision and inconsistency in policies, combined with negative media portrayals, contributed to the national anxiety.

2. **Recognition of the nature of services needed.** If resettlement or temporary protection of the arriving group seems the most likely solution, determination should be made as to whether they are to be treated and provided services like refugees or like immigrants, whatever their eventual legal status.

   Refugees have particular characteristics of vulnerability caused by sudden flight: no material preparation in advance ("leaving with just the clothes on their backs"); an involuntary or unplanned migration based on fear, not anticipation of a chosen new life; and estrangement from family members and culture. Both the procedures laid out in the Refu-

gee Act of 1980 to ease resettlement and an experienced cadre of federal officials, state, local, and voluntary agencies consider these factors in planning for reception and placement, health services, housing, orientation, and income-producing activity for the refugee. If the arriving group has refugee-like characteristics, as the Cuban group did, then it would appear more practical to activate immediately the existing refugee services rather than penalize the group, jeopardize successful resettlement through delays or diminution of services, and place unwarranted burdens on impacted communities.

Immigrants arriving voluntarily on a legal or illegal basis, on the other hand, may have existing contacts and planned resources for integrating themselves into the economy and finding their place in the culture. The cost of individual *refugee* resettlement can be discussed in concrete terms; the cost of *immigrant* resettlement cannot be discussed except in the most general terms because the immigrant is largely free-living. In the long run, the smaller group of illegal arrivals in South Texas and other asylum-seekers who trickled in during the 1980s followed the immigrant pattern of resettlement, dispersing themselves around the country and using their own contacts to resettle and find work, whether or not they ever regularized their legal status.

Community concentration and impact, as well as aggregate numbers and conditions of the migrants, also must be considered in determining whether to activate federal services. State and local governments view refugees and indigent migrants as a segment of the dependent population that may require cash assistance, medical services, job training, and schools. Gradual increases or changes in such populations can be accommodated, but a sudden influx, as in South Florida *and* South Texas, is seen as an imposition of a federal problem on the local community, demanding consultation between federal and local officials on policy and on federal impact assistance.

3. **Adequacy of legal criteria.** Only once these primarily humanitarian and domestic considerations are resolved for mass arrivals, can questions of legal status and procedures adequately be approached. As was seen in the South Texas situation, legal status issues and procedural changes took precedence over hu-

manitarian concerns and community impact, resulting in a crisis that could have been avoided. In the Cuban situation, the attempt to emphasize international responsibility faltered and was finally buried by the burdens of the domestic situation.

While a clear articulation of the national interest in case of an immigration emergency was not forthcoming in the 1980s, legal categories open for discussion included: immigrant, refugee, asylee, and parole status; the special Cuban-Haitian entrant (status pending); the possibility of EVD; "safe haven;" and TPS. This proliferation of categories may be seen as a reflection of the difficulties in reaching a "merciful" determination using legal statutes and procedures. It may be that the Geneva Convention definition of a refugee is not adequate for U.S. situations, or at least not when applied on an individual basis.

New INS procedures, promulgated in the 1990s with careful regard for the instructions of the courts, are considerably less biased in asylum determinations, but the applicant still faces long waits for adjudication and, as in the case of the Salvadorans, still is unlikely to be deported quickly if turned down. Americans may have to listen to their own voices on the question of status. Is the U.S. really willing to take punitive steps against large numbers of people coming to this country in an immigration emergency?

4. **Alternatives to domestic resettlement.** While it is beyond the scope of this paper to discuss alternatives to domestic resettlement in detail, a few remarks are in order. Contingency planning requires advance thought as to the potential for third-country resettlement or internationalization, deterrence, detention, interdiction at sea and deportation. In addition, although the issues have yet to be effectively approached, various forms of return assistance to those whose status has come to an end because of improvements in their home country should be considered. There are international models that combine return assistance to the individual migrant and his family with economic development assistance to the country of return.

5. **Handling of special cases.** Every mass movement of peoples has a

different demographic composition. On the basis of experience in other refugee or mass immigration emergencies, models of assistance to women, children, single men, invalids, the mentally ill, and criminal elements may be available and should be considered in contingency planning. The Refugee Act of 1980 made specific provision for unaccompanied refugee children in recognition of the frequency with which this special group appears in refugee movements and of the special services they require. Because the Refugee Act was not used at the outset for setting up a services for the Cuban entrants, the needs of unaccompanied minors initially were not met adequately, even though they could have been anticipated. Marielito Cubans, who had come from prisons or mental hospitals, exhibited extreme characteristics not necessarily normal among mass immigration populations.

6. **Preparation and coordination.** In 1993, the Department of State proposed the abolition of the position of U.S. Coordinator for Refugees that had been created by the Refugee Act of 1980. There has not been a political whimper to greet its demise. In the years since 1980, the Coordinator, usually a political appointee with little experience with the extensive federal bureaucracy, could not carry out fully his/her role. Even at the time of the Cuban-Haitian crisis, the Director of the CHTF reported both to the Coordinator's office and to the White House.

The problem with this separate permanent office for a coordinator is that the working staffs are in other offices, departments, or agencies, and under other supervision, rules, and traditions. At the Department of State, the Coordinator relied for substance and operations on the Refugee Bureau, which was headed by a Director with Assistant Secretary status. The Coordinator's position was even weaker in relation to every other department and agency. In 1981, the Select Commission had recommended that the Coordinator's office be in the White House. Whoever is appointed by the President to coordinate an immigration emergency must have the authority and experience in the government to carry out the responsibility effectively.

Final Remarks

An immigration emergency is by its very nature an unanticipated situation. Contingency planning may anticipate different kinds of emergencies, project special situations concerning individual countries, and make plans for deterrents or management. Both the Department of State and the Department of Justice have established committees to do so. If successful, contingency planning—both administrative and legislative—will avert an emergency. There is no such thing as budgeting for contingencies, nor can the President be certain in advance which agency or department should lead in any specific emergency. What is certain is that clear values and goals, a national interest, must be articulated that all will adhere to when carrying out what, of necessity, may be *ad hoc* procedures if, and when, an emergency occurs.

APPENDIX

Refugee Act of 1980 Definition of Refugee

The term 'refugee' means (A) any person who is outside any country of such person's nationality or in the case of a person having no nationality, is outside any country in which such person last habitually resided, and is unable to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, or (B) in such special circumstances as the President after appropriate consultation . . . may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. The term 'refugee' does not include any person who ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

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RESEARCH PAPER

Immigration's Impact on U.S. National Security and Foreign Policy

Kenneth J. Franzblau

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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U.S. Immigration and Foreign Policy

KENNETH J. FRANZBLAU

OCTOBER 1997

U.S. COMMISSION ON IMMIGRATION REFORM

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INTRODUCTION

This paper examines the relationship between U.S. immigration, foreign policy, and national security. It assumes that the primary interest of the United States is its national security and that the ultimate goal of U.S. foreign policy is to promote U.S. national security. The paper outlines the ways in which immigration has been affected by the national security interests and foreign policies of the United States as well as the way in which immigration has affected national security concerns and resulting foreign policy.

NATIONAL SECURITY

The initial difficulty in determining whether immigration to the United States constitutes a national security threat is determining what constitutes national security. Terms such as "national interest" and "national security" do not have a universally agreed-upon meaning. The term "security" covers a range of goals so wide that highly divergent policies can be interpreted as politics of security (Wolfers 1982:118).

Traditional notions of national security are represented by theorists such as Hans J. Morgenthau for whom the national interest contained ". . . two elements, one that is logically required and in that sense necessary, and one that is variable and determined by circumstances" (Morgenthau 1982:972). The survival of the state is the necessary element of national interest and the minimum requirements of the national interest are the integrity of the nation's territory, its political institutions, and its culture (Morgenthau 1982:973). It was this theory of national security that held sway—largely uncontested—throughout the Cold War period.

Since the 1980s—and accelerating with the end of the Cold War—the content of national security concerns has expanded from the traditional focus on military threats to borders and governments to include nonmilitary sources of insecurity (Rogers & Copeland 1993:12). An example of this more expansive notion is advanced by Richard Ullman who considers as a threat to a state's security any actions or events that "threaten significantly to narrow the range of policy choices available to the government of a state or to private, non-governmental entities (persons, groups, corporations) within the state" (Ullman 1983:133).

In a similar vein, the January 31, 1992 Summit Declaration of the United Nations Security Council acknowledged that threats to international peace and secu-

rity can come from nonmilitary sources of instability in the economic, social, humanitarian, and ecological fields and that such conflicts fall within the Security Council's sphere of action. The Declaration also called for election monitoring, human rights verification, and repatriation of refugees as integral parts of the Security Council's efforts to maintain international peace and security (Rogers & Copeland 1993:12).

However, these recent broadened ideas of national security stretch the concept to a point where its application would lead to illogical results. Under the recent definitions, a military attack against the United States is equivalent to a totalitarian regime refusing to allow a United States-based human rights organization to operate in its country. Clearly the former represents a threat to national security and warrants a military response. Just as clearly, the latter does not. Therefore, this paper treats national security as it has been defined in the traditional sense. As will be demonstrated, immigration can be a threat to traditional ideas of national security even if one concludes it has not yet posed such a threat to the United States.

The recently expanded definitions of national security, therefore, elevate interests that Morgenthau would have considered as variable or secondary to necessary and make it easier to classify immigrants and refugees as national security threats. Morgenthau wrote that a state can never compromise or trade a primary interest. Yet the history of United States immigration and refugee policy is a series of compromises and trade-offs. Thus, it is fair to conclude that for the United States immigration is a variable interest, one which at any particular time it chooses to regard as a national interest (Morgenthau 1958:66).

Some argue that current immigration poses a threat to U.S. national security. They see immigration as a threat to the language and culture, destroying the sense of nationhood. Others believe immigrants an economic threat, taking jobs from U.S. citizens and imposing prohibitive costs by their use of social services. Still others draw a relationship between immigration and terrorism or increased crime.

Alternatively, some argue that immigration bolsters our national security. Access to talent in a properly-regulated immigration system strengthens American resources in science and the humanities. Examples abound of American-immigrant Nobel laureates, renowned inventors, business leaders, and scientists who have made immeasurable contributions to our prosperity (U.S. Commission on Immigration Reform 1995:23). For example, the

admission of scientists fleeing from Germany and Italy before World War II was instrumental in the United States being the first to produce atomic weapons and gave the U.S. a distinct advantage in nuclear research. Highly-skilled immigrants supply talented workers for America's world-class medical establishment, engineering sector, and higher education (U.S. Commission on Immigration Reform 1995:22). These immigrants enhance the research and development capacity of U.S. firms and bring foreign language skills, contacts, knowledge, and experience that appear to offer a unique advantage in a global business community.

Strong immigrant support for family values strengthen and reinvigorate American values. Immigrants often play important and visible roles at the highest levels of the U.S. military and federal and local government. Renowned immigrant artists, performers, and athletes strengthen and diversify cultural institutions (U.S. Commission on Immigration Reform 1995:23). The United States has been the world's largest multiethnic and multicultural society, successfully integrating new immigrants from diverse heritages.

MIGRANT EFFECTS

Myron Weiner identified five broad categories in which refugees or migrants may be perceived as either a threat or a benefit to the sending country, to the receiving country, or to relations between the two (Weiner 1992/93:105-06).

Opposition to Home Country Government

When refugees and migrants are opposed to the regime of their home country, they can threaten relations between sending and receiving countries in several ways. A host country's decision to grant asylum based on a finding that a fear of persecution exists may be treated by the home country as interference in its affairs. The People's Republic of China responded in this manner to the 1990 U.S. congressional debate over whether Chinese students should be permitted to remain in the United States because of persecution in China. When a host country actively supports a refugee group's effort to overthrow the homeland government, such as in the Bay of Pigs or United States support for the *contras* against the Nicaraguan

government, tensions are certain to be exacerbated. However, whether the national security of the host state is threatened depends on the abilities of the home country to respond against the host. For example, although the Cuban government may object to the opposition activities of Cuban-Americans, Cuba lacks the ability to pose a credible threat to U.S. national security. Nevertheless, the activities of migrants still can create foreign policy problems for host countries, even if those problems do not pose a threat to national security.

Immigration from hostile nations also can advance U.S. national security. Immigrants from these countries can be a valuable source of intelligence, they can use their freedoms here to publicize repressive or discriminatory practices at home, they can fundraise and supply opposition political movements supported by the United States and in the extreme case, such as the Bay of Pigs, provide the personnel for military action or covert operations against U.S. enemies.

Immigrants also can strengthen America's political and economic ties with other nations. The knowledge they bring with them and their ties to their home country enhance the ability of the United States to understand other countries and cultures. Immigrants also can disseminate information about the U.S. that may improve other countries' understanding of us. Immigration from friendly countries can serve as a safety valve that increases the political stability of these states.

Political/Security Threat

The second category identified by Weiner is perception of migrants or refugees as a political threat or security threat to the regime of the host country. This was exemplified in the bombing of the World Trade Center by a group of Middle Eastern immigrants and asylum seekers and the murder of several CIA employees, both in the fall of 1992. Although incidents of this nature have been relatively isolated, the perception of a link between immigration and terrorism leads to legislative action such as the Violent Crime Control and Law Enforcement Act of 1994 and the Antiterrorism and Effective Death Penalty Act of 1996 that responded to perceptions of problems, including asylum abuse by potential terrorists, the inability to remove criminal aliens from the United States, and porous borders that make illegal entry far too easy.

Legislators from diverse ends of the political spectrum, such as Lamar Smith (R-TX), Chairman of the House Subcommittee on Immigration and Claims and Edward M. Kennedy (D-MA) can

sound remarkably similar on these subjects: Smith said "our immigration laws and procedures are being overwhelmed by applicants for asylum, many of whom are making fraudulent claims and some of whom are terrorists (U.S. House of Representatives 1996:1); Kennedy said "a clear sign of the crisis in illegal immigration is that we have lost control over the process for removing illegal, and especially, criminal aliens from the United States" (U.S. Senate 1993:1). The 1997 arrest of Ghazi Abu Maizar in Brooklyn for plotting to bomb the New York City subway system, after being caught three times trying to sneak into the United States and then being released pending an asylum application that acknowledged that Israel considered him to be a terrorist, demonstrates the degree of difficulty in addressing this problem (Barry 1997:1). The ease with which radical Islamic preacher Sheik Omar Abdel Rahman entered and exited the United States, despite being on the Department of State's watch list of potential security threats, and the use of the asylum process to remain in the U.S. by those involved in the World Trade Center bombing and murder of the two CIA employees clearly spurred legislative action.

The United States, like any host country, will remain vulnerable to reprisals (such as terrorist attacks) from sending countries who believe that the United States is too supportive of opposition political groups. Terrorist attacks also may be a response to U.S. foreign policy actions, such as support for a particular country, economic embargo, or military action. Although the relative paucity of such attacks by immigrants to date is strong evidence that U.S. national security is not currently threatened by immigration, more intensive measures to prevent the entry of potential terrorist threats is warranted.

Immigrant groups also may pose a security threat to host countries by smuggling arms or people, forming alliances with domestic opposition groups, or participating in drug trafficking. Palestinians became an important political force in Jordan and Lebanon and, ultimately, engaged in armed conflict in those countries. When a host country arms refugees for their struggle against the home country, they create risks that the refugees may seek to dictate the host country's policies toward the sending country or invite armed intervention from the sending country. Hutu refugees who launched attacks against Rwanda from Zaire undoubtedly were instrumental in provoking Rwandan support for Zairian rebels who recently overthrew the regime of Mobutu Sese Seko.

Another threat is the smuggling of aliens into a country. Smuggling into the U.S. from China is estimated to be as high as several hundred thousand people per year (Zimmerman 1995:101). Not only is the smuggling illegal, those smuggled in often are forced to endure abusive living and working conditions while they, and or their friends and relatives, attempt to pay smugglers' fees that can be as high as $35,000 per person (Burdman 1993:A1). The recent case of deaf Mexicans in New York City, the drowning of smuggled Chinese immigrants after the grounding of the smuggling ship Golden Venture, the smuggling and virtual enslaving of illegal aliens by employees of the Georgia Peach Harvester Lane Packing Company all attest to the breadth of this problem. In 1993, in response to such incidents, President Clinton declared the problem to be a national security threat and charged the National Security Council with responsibility for dealing with it (Russell 1995:83-4).

Smuggling of immigrants into the United States is believed to be a $3 billion per-year business (Burdman 1993:A1). Groups engaged in smuggling also are linked to narcotics trafficking. The immense profits to be made in smuggling immigrants has attracted established crime rings that now control the smuggling trade. Efforts to control the smuggling trade have led to gang warfare in the United States, as in the murder of four members of the Fuk Ching gang in New Jersey in 1993 (Hanley 1993:B1). In response to the criminal nature of these activities, the Violent Crime Control and Law Enforcement Act of 1994 increased the penalties for most alien smuggling offenses.

Cultural Threat or Contribution

A violation of the norms of the host country may be regarded as a threat to basic values and a threat to national security. How a host community defines itself and how they decide who can be admitted into the community will determine the rights and privileges of those permitted to enter and whether the host culture regards a migrant community as potential citizens.

These host country norms often are reflected in a state's citizenship laws, those based on *jus sanguinis*, citizenship based on that of the parents, regardless of place of birth and *jus soli*, citizenship based on place of birth. The United States recognizes both the *jus soli* and *jus sanguinis* doctrines (Goldstein & Piazza 1996:519). Thus, United States citizenship may be acquired by either birth or naturalization. Persons born here automatically are citizens; in most situations a child born

abroad to U.S. citizens also is considered a U.S. citizen. U.S. naturalization law requires applicants to demonstrate knowledge of the U.S. Constitution and form of government and swear an oath of allegiance, thus political knowledge and loyalty are sufficient norms for citizenship. This is a valuable method of assimilating new immigrants as it requires a conscious choice and effort for immigrants to obtain U.S. citizenship.

Regardless of the manner in which citizenship is obtained, most societies react with alarm when they perceive that there are too many immigrants who do not share the culture and national identity of the host population. The United States has suffered from this perception periodically throughout its history. Racist theories held that certain nationalities were culturally inassimilable and racially inferior (Fuchs 1983:300). The 1882 Chinese Exclusion Act, the 1907 "Gentlemen's Agreement" with Japan, and the U.S. Immigration Act of 1924 all resulted from pseudoscientific assaults on immigration that claimed that the most recent immigrants came from inferior racial stock and were handicapped in ways that would make them unfit for American civilization (Morris 1985:18).

While more refined, much of the criticism of current U.S. immigration is based on the perception of a cultural threat (Massey 1995:631; Brimelow 1995:249, 18; Nelson 1994:94). Perception of a cultural threat to national security has led to proposed constitutional amendments that would deny citizenship to those born in the United States to noncitizens It also has led to the passage of English only or "official English" laws in several states and a 1996 attempt in the U.S. House of Representatives to make English the official language of the United States.

These arguments ignore the ability of United States culture and society to assimilate large numbers of people from diverse countries of origin. Despite past fears concerning the effects of immigration on the social fabric of the United States, few socioeconomic differences now separate the descendants of immigrants from Europe (National Research Council 1997:S-10). With the convergence of socioeconomic status across generations, most immigrants disperse from the ethnic neighborhoods where they first tend to settle and integrate with the overall population. Residential movements have parallels in intermarriage among immigrant groups. Today, the descendants of immigrants from various European countries and of various religions, once so distinct they were referred to as races, have intermarried to such an extent as to virtually erase differences in education, income, and occupation (National Research Council 1997:S-10).

Much the same is true concerning English language ability. Proponents of the cultural threat to national security believe that the sense of nationhood is lost when people do not speak a common language. For them, linguistic diversity is tantamount to national disunity. Language becomes a symbol and serves as a means of communication and also "a means of communion" (King 1997:64). According to the 1990 census, 94 percent of U.S. residents speak English reasonably well. Three-fifths of the immigrants who arrived in the 1980s spoke English well or very well. Not many immigrants see their first language survive into the second generation. The common lament of first generation immigrants is that their children are not learning their language and are losing the culture of the parents (King 1997:64). A majority of third-generation Mexican-Americans living in the United States speak only English. Further,

> No religious, ethno-religious, or purely ethnic group of any size has ever attacked basic American political values. Nor has any tried to form an ethnic party. Nor has any group ever tried to prevent its children and grandchildren from learning English, except for some unsuccessful efforts among rural Germans and Scandinavians (Fuchs 1983:293).

Moreover, the extraordinary number of immigrants now naturalizing probably will serve to accelerate the assimilation process. Adoption of the U.S. Commission on Immigration Reform's recommendations for the Americanization of new immigrants also would serve to reduce the perceived cultural threats from immigrants (U.S. Commission on Immigration Reform 1995:175). That report found that:

> The benefits of naturalization are even more compelling for American society as a whole than for the new citizen. . . . Naturalization, then, goes far beyond providing new citizens with benefits. It is about ensuring the vitality of this nation through the inclusion of new members and through cohesion of our nation's peoples, ensuring continuity of our past, present, and future (U.S. Commission on Immigration Reform 1995:178-179).

The contributions of immigrants to various aspects of American culture are too numerous to mention. In painting, sculpture, music, dance, scholarship, fashion, popular entertainment, and sports, immigrants have brought elements of their own culture and have embraced, reinterpreted, and reinvigorated American culture to produce a product, which although

uniquely American in its formation, has near universal appeal. American music, film, and fashion have become increasingly popular throughout the world as they exalt American values in a context readily understandable to people all over the planet. Alternatively, aspects of culture brought by immigrant groups survive intact. Residents of the United States can listen to music such as salsa and reggae and enjoy scores of different cuisines. The presence of the culture of immigrants expands the recreational and leisure activities available to United States citizens and enhances our knowledge and appreciation of other cultures and peoples. Ultimately, this enhances the ability of Americans to communicate, travel, and conduct business abroad, enriching us socially and economically.

Most immigrants come to the United States with a commitment to the American values of liberty, democracy, and equal opportunity. The United States has united immigrants and their descendants into the most successful multiethnic nation in history. In turn, core American values are strengthened by the inclusion into society of people who, in many cases, made great sacrifices in pursuit of these ideals.

Social or Economic Burden or Contribution

Migrants may be perceived as a social or economic burden because of the fiscal costs they impose or because of their purported social behavior, such as criminality or welfare dependency. Societies may fear that the number of people entering are so numerous that they will create a substantial economic burden by straining housing, education, and transportation facilities. In advanced industrial societies, services provided by the welfare state to newcomers may generate resentment. The willingness to bear these costs is likely to be low if the host government believes that the government of the sending country is "dumping" its unwanted population on the receiving country, although historically this has not been a significant element in the flow of migrants from the Third World to advanced industrial countries (Weiner 1992/93:114-15).

The perception that immigrants receive social welfare benefits for which they are ineligible or manipulate the asylum process to delay their removal from the United States results in laws designed to stop these perceived abuses. The Personal

Responsibility and Work Opportunity Reconciliation Act of 1996, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and Proposition 187 in California in 1994 are all responses to the perception that immigrants abuse public benefits. The Antiterrorism and Effective Death Penalty Act of 1996 sought to address the problem of asylum abuse.

Much of today's debate concerning immigration in the United States centers on the perception of migrants as social or economic burdens. However, it is far from clear that they are either. There have been numerous attempts to estimate the costs and benefits of immigration. Invariably, the results prove highly controversial and are challenged on conceptual, methodological, or philosophical grounds. For example, three recent studies by Donald Huddle, Jeffrey J. Passel, and the Center for Immigration Studies [CIS] estimated the net fiscal costs of providing public services to immigrants. According to Huddle and CIS, immigrants receive more in government benefits than they pay in taxes; Passel found the opposite (Vernez & McCarthy 1996:54). The recent National Research Council study found that under most scenarios, the long-run fiscal impact of immigration is strongly positive at the federal level, but substantially negative at the state and local levels. The federal impact is shared evenly across the country, but negative state and local impacts are concentrated in those states that receive most of the new immigrants, thus incurring net fiscal burdens for native residents of these states while residents of most states reap net fiscal benefits (National Research Council 1997).

The National Research Council study also found that immigration produces net economic gains for domestic residents. Immigrants increase the supply of labor and help produce new goods and services. However, as they are paid less than the total value of these new goods and services, domestic workers as a group gain (National Research Council 1997:S-3). However, there may be losers as well as gainers among different groups of U.S. residents. Along with immigrants, the gainers are owners of productive factors that are complementary with the labor of immigrants whose incomes will rise. Consumers who buy goods and services produced by immigrant labor also benefit. The losers may be less-skilled domestic workers who compete with immigrants and whose wages will fall (National Research Council 1997:S-4).

> The evidence points to the conclusion that immigration has had a relatively small adverse impact on the wage and employment opportunities of

> competing native groups. This effect does not appear to be concentrated in the local areas where immigrants live, but instead is dispersed across the United States. This dispersal comes about in part because competing native workers migrate out of the areas to which immigrants move (National Research Council 1997:S-5).

Overall, in the massive and complex U.S. economy, immigration is unlikely to have a very large effect on relative earnings or gross domestic product *per capita*. The impacts of immigration on the economy are relatively modest. The domestic gain may be on the order of $1 billion to $10 billion per year. Although this gain may be modest relative to the size of the U.S. economy, it remains a significant positive gain in absolute terms (National Research Council 1997:S-5).

Attempts to draw empirical conclusions about the relation between immigration and crime rates founder on problems of measurement. Crime rates measured from the 1960s show no obvious link with trends in immigration. Studies at the local level have found no association of immigration concentrations with crime rates except high rates of nonviolent crime near the borders (National Research Council 1997:S-10).

Hostage

The fifth category identified by Weiner is the holding of migrants as hostages, creating risks for the sending country, as when Iraq used Westerners living in Iraq as shields against armed attack during the Gulf War. This situation has not applied to the United States as a receiving county of immigrants and, therefore, is beyond the scope of this paper.

RELATIONSHIP BETWEEN IMMIGRATION, FOREIGN POLICY AND NATIONAL SECURITY

Immigration, foreign policy, and U.S. national security are closely intertwined. Immigration policy could be changed according to circumstances, but always with the larger goal of advancing U.S. national security. Foreign policy often has used immigration as a tool to advance U.S. national security. Emigration from communist enemies was promoted with the goal of destabilizing those countries; it was discouraged from repressive Cold War allies to avoid U.S. association with a country's policies that forced its own people to flee. The activities of immi-

grants also can change perceptions of national security and thus impact foreign policy. U.S. foreign policy also can unintentionally cause migratory movements; alternatively, migratory movements can affect foreign policy by creating humanitarian crises that require a response or national security threats resulting from large numbers of migrants arriving in a short period of time.

Resulting Migratory Movements

The most prominent examples of U.S. foreign policy-induced migratory movements occurred during the Cold War era. To advance the national security goal of preventing the spread of communism, U.S. intelligence services engaged in a campaign to encourage defections from behind the Iron Curtain as a means of destabilizing communist regimes. In the 1950s, the Voice of America's extensive coverage of stories of escape and consistent contrasting of the horrors of life behind the Iron Curtain to the attractions of the West was at least partially responsible for the continuing movement of escapees into the West (Loescher & Scanlan 1986:34,36).

Similarly, the United States encouraged emigration from Cuba as an essential part of a much broader set of U.S. policies that sought first to roll back and then to prevent the spread of the Cuban Revolution (Zolberg, Suhrke & Aguayo 1989:188). At the signing of the Immigration Act of 1965 in front of the Statue of Liberty, President Johnson said, "I declare this afternoon to the people of Cuba that those who seek refuge here in America will find it" (Dominguez 1992:41). In response to the exodus of Cubans from Mariel in 1980, President Carter declared, "We'll continue to provide an open heart and open arms to refugees seeking freedom from communist domination and from economic deprivation brought about primarily by Fidel Castro and his government" (Dominguez 1992:45).

United States policies toward immigration from Cuba demonstrate that immigration policy depends on the perception of its effect upon U.S. national security. During the Cold War, when preventing the spread of communism from Cuba into the Western Hemisphere was a primary foreign policy goal, Cuban emigration was encouraged. Cubans arriving in the United States were automatically treated as refugees and enthusiastically welcomed. With the end of the Cold War, the collapse of the Cuban economy, and the inability of Cuba to export revolution to countries adopting free market economic policies and democratic political reforms,

Cuban immigration is not viewed as a national security concern. Without the overriding Cold War national security concerns that previously encouraged and welcomed Cuban migrants, the domestic political concerns advanced by Florida's political leadership gained primacy and brought about a drastic change in U.S. policy. The exodus of Cubans in 1994 resulted in an agreement between the United States and Cuba wherein the United States agreed to increase the quota for Cuban immigrants to 20,000 per year and Cuba agreed to prevent undocumented emigrants from leaving.

However, not all migratory movements caused or contributed to by U.S. foreign policy actions are by design. Generally, migrant flows occasioned by U.S. foreign policy were accidental, reflecting a historic lack of attention to migration from the makers of foreign policy.

The massive resettlement of Indochinese in the United States from 1975 on—a by-product of the Vietnam War—provides a dramatic example of the unanticipated immigration consequences of foreign policy (Zolberg 1995:129).

Because of U.S. political, economic, and military involvement from the mid-1950s through 1975 in South Vietnam, our recruitment and training of agents in Laos, and our intensive bombing campaign in Cambodia, the United States felt a profound sense of obligation to the hundreds of thousands of Indochinese who feared for their safety once Communist governments came to power in these countries. The U.S. rescue operation that began with the 1975 fall of South Vietnam became a long-term international commitment that by 1986 had resulted in the resettlement of some 1.5 million Indochinese, more than 750,000 of whom came to the United States (Loescher & Scanlan 1986:121).

United States Central America foreign policies also are cited as a cause for emigration. As the dominant foreign actor in Central America for more than one hundred years, the United States intervened militarily on numerous occasions and supported repressive governments. United States-owned businesses have been dominant in the region, and U.S. trade, aid, and development policies have been instrumental in the area's economic development. Whether one takes the position that the outpouring of people from El Salvador and Guatemala in the 1980s was a refugee movement from brutal militaries supported by the United States, economic migration of people seeking employment opportunities, or a combination thereof, there can be little disagreement that U.S. policies toward the region added considerably to the incentives for migration.

In the 1980s a stated rationale for U.S. policy towards Central America was to prevent the movement of migrants to the United States. President Reagan stated in June 1983 that if the United States were to acquiesce in the establishment of a "string of anti-American Marxist dictatorships" in Central America "the result could be a tidal wave of refugees—and this time they'd be feet people, not boat people—swarming into our country seeking a safe haven from communist repression to the south" (Loescher and Scanlan 1986:192).

The use of U.S. foreign policy in an attempt to prevent emigration from Central America in the 1980s was not unique. In response to Haitian migration to the United States, the United States and Haiti reached an agreement in 1981 permitting the interception of boats leaving Haiti by United States vessels as a condition for Haiti receiving U.S. aid (Zolberg 1995:145). In the wake of the 1991 military coup that overthrew the government of President Aristide, thousands attempted to flee Haiti. President Bush invoked the 1981 agreement and over the next sixteen months 30,000 Haitians were interdicted at sea and diverted to either Guantanamo Bay or Haiti.

The *bracero* program between the United States and Mexico is an example of foreign policy unintentionally stimulating a nonrefugee migration to the United States. Bilateral agreements during both World Wars provided that Mexicans could come to the United States for temporary work to meet manpower shortages. The World War II agreement developed into the *bracero* program that continued until 1964. "The *bracero* program is generally agreed to have stimulated permanent legal immigration by temporary workers and their families who acquired permanent legal status, as well as illegal immigration by those who chose to migrate unlawfully along pathways and networks established by legal temporary workers" (Teitelbaum 1985:31).

U.S. foreign policy—political, military, and economic—was instrumental in the migration of Dominicans to the United States. From 1961 to 1966 the United States sought to limit political tensions in the Dominican Republic where government instability was seen as an opportunity for radical revolution. The United States supported efforts to remove dictator Rafael Leonidas Trujillo. In 1965, the United States intervened militarily and occupied the country for seventeen months, in many respects governing the Dominican Republic during this period (Mitchell 1992:101). After Trujillo was deposed, Dominican emigration to the United States increased markedly as the United States believed a liberal immigra-

tion policy would reduce urban unemployment and political pressures. The reestablishment of U.S. sugar quotas in 1982 subsequently wreaked havoc with the Dominican economy; total export tonnage to the United States dropped from an average of 815,335 tons for the period 1975 to 1981 to about one-fourth that level at the end of the 1980s (Zolberg 1995:153). The economic hardship resulting from U.S. sugar quotas led to a doubling in the demand for visas and expanding Dominican migration to the United States.

Another important foreign policy tool impacting upon immigration is the United State's symbolic position as the world's preeminent immigration country. The significance of this factor for foreign policy was probably most apparent in comparison with the former Soviet Union's tradition of emigration. Our immigration tradition has a privileged place in American myth and national self image that is reflected in the positive image the United States projects abroad of national generosity, attractiveness, and toleration. This image is one of the most potent but least appreciated foreign policy assets of the United States (Miller & Papademetriou 1983:166). Not surprisingly, a consequence of this image projected abroad is its magnet effect upon potential migrants throughout the world that certainly has contributed to increased immigration (Miller & Papademetriou 1983:166).

Foreign Policy Responses

The effect of immigration on the foreign policy of a receiving country is determined by a number of considerations: if the numbers of immigrants are small or they are otherwise easily assimilated into society, the impacts on the foreign policy of the host country are likely to be small; if immigrants gain entry through the appropriate legal processes, the effect on foreign policy also may be negligible. However, if the receiving country perceives that either the level of immigration is too high or that substantial numbers of immigrants are entering the country outside its legal framework, then an entire range of foreign policies may be implemented to reduce immigration. The United States has availed itself of many of these foreign policy options.

Unauthorized migration is generally the result of a combination of "push" and "pull" factors. The pull factors include the prospects of employment and better wages, freedom, physical security, the opportunity for easy remittal of earnings to home countries, and ineffective immigration enforcement. Push factors include lack of employment, poor wages and working conditions, separation from family members, civil conflict, and political, social, and religious repression (U.S. Commission on Immigration Reform 1994:174).

Policymakers have begun to consider the impact of trade, foreign aid, and investment strategies on push factors of emigration. However, much remains to be done in this area.

Economic Policy Responses

The United States also has used trade policy to influence emigration. The Jackson-Vanik amendment to the Trade Reform Act of 1974 originated in response to the Soviet Union imposing an "education tax" that required Soviet Jewish emigrants to pay compensation to the state for the costs of higher education. Jackson-Vanik, passed in December 1974 tied trade benefits for Communist countries, including "most favorable nation" tariff treatment, credit, credit guarantees, and investment guarantees, to the removal of obstacles to emigration (Loescher & Scanlan 1986:93). However, Jewish emigration from the Soviet Union fluctuated as a function of the general state of relations between the superpowers (Zolberg 1995:137).

The North American Free Trade Agreement [NAFTA] included provisions for the temporary movement of personnel between the signatory countries. NAFTA had the effect of establishing an additional nonimmigrant category of professionals permitted to enter the United States temporarily. Similarly, the Uruguay round of the General Agreement on Tariffs and Trade [GATT] for the first time included a General Agreement on Trade Services that provided for easier entry for investors, managers, executives, and other professionals. Perhaps more importantly, the effect NAFTA would have on immigration became a major part of the debate. Opponents claimed the dislocations caused by NAFTA, particularly in rural areas of Mexico, would lead to an increase in illegal immigration. Proponents argued that NAFTA would stimulate Mexico's economy, increase jobs and wages, and thereby reduce critical push factors of emigration. The effect of trade policy on immigration thus was expressly acknowledged.

The recommendations of the Commission for the Study of International Migration and Cooperative Economic Development [the Asencio Commission] makes clear the importance of trade and investment policies to emigration to the United States. Mandated by the Immigration Reform and Control Act of 1986 to examine the conditions in countries that contribute to unauthorized migration to the United States and to explore mutually beneficial, reciprocal trade and investment programs to alleviate such conditions, the Asencio

Commission stated the problem directly, "the issue for many countries is stark: they either export goods and services to create jobs at home, or they export people" (Commission For The Study of International Migration and Cooperative Economic Development 1990:xvi).

The Commission was equally clear in its recommendations to solve the problem of unauthorized immigration. It found that a program of trade and investment directed toward the long-term alleviation of push factors in migrant-sending countries in the Western Hemisphere would increase political stability in the region and increase the markets for U.S. exports by reducing unauthorized immigration. Among its principal recommendations was NAFTA. Also recommended were accelerating the Caribbean Basin Institute [CBI] by easing limitations on beneficiary products, revitalizing the Central American Common Market, encouraging exports of manufactured goods with quota allocations for textiles, apparel, and steel to be shifted in favor of Mexico and CBI beneficiary countries, improving access to U.S. markets for sending country's agricultural products (including partial restoration of Caribbean Basin sugar quotas pending a return to a free market situation), coproduction strategies, increased investment, and support for technology transfers and job creation through Section 936 of the Internal Revenue Code for CBI countries. Although movement has been slow on many of the Asencio Commission's recommendations, it is readily apparent that immigration to the United States is now an important consideration in the making of U.S. foreign economic policy. Immigration considerations also entered the debate on the CBI, financial assistance to Mexico after the 1994 peso devaluation, and the Border Industrialization Program with Mexico (Diaz-Briquets 1995:175).

In conjunction with trade and investment policies, foreign assistance can be used to achieve immigration-reducing objectives. The Asencio Commission recommended involving local organizations in project preparation of foreign assistance programs, assessment of the potential immigration impact of development projects, evaluation of their actual impact after implementation, and channeling of more funds through private voluntary organizations.

However, trade, investment, and foreign assistance policies that seek to reduce emigration pressures must confront the dilemma that over the short term these policies are likely to increase emigration (Diaz-Briquets 1995:174). Conditioning trade and investment policy and foreign assistance on short-term reductions in immigration will undercut their potential

long-term success. Only over time will economic development reduce demographic pressures, improve labor conditions, and result in rising wages and living standards so that people do not feel compelled to emigrate. Spain, Japan, Italy, and Malaysia are all examples where economic development transformed migrant-sending countries into countries that attract immigrants from other nations (Diaz-Briquets 1995:175). However these countries also are proof that the success or failure of development efforts is principally determined by the domestic policy choices a country makes.

Military Responses

Immigration concerns also have affected the use of the U.S. armed forces. In response to perceived immigration crises, United States forces began interdicting Haitians at sea in 1981. By 1993, more than 60,000 Haitians were interdicted and returned to Haiti or taken to camps at the U.S. military base in Guantanamo. In 1994, the U.S. government, in a major policy reversal, began interdicting Cuban rafters attempting to reach South Florida by sea. In fear of another Mariel type exodus, more than 35,000 people were picked up by the U.S. Coast Guard in the summer of 1994 (Newland 1995:197). Immigration fears were used to justify military support to Nicaraguan *contras* and the government of El Salvador throughout the Central American crises of the 1980s.

Concerns over unauthorized immigration have contributed to the militarization of the border between the United States and Mexico, although this was motivated primarily by concerns with drug smuggling. Military rhetoric, tactics, strategy, technology, equipment, and personnel are now part of the effort to staunch the flow of unauthorized immigration. Helicopters, intrusion detection and surveillance hardware, advanced communications systems, and increases in border patrol agents and facilities have been used in the effort to decrease unauthorized immigration (Dunn 1996:44-5). The United States also provided funding to Mexico for a land interdiction program to prevent Central Americans from reaching the United States. As a result, Mexican apprehensions and deportations of undocumented immigrants jumped from 14,000 in 1988 to an estimated 160,000 in 1990 (Dunn 1996:95).

The most prominent use of U.S. military force in response to a perceived immigration crisis was the intervention in Haiti in September 1994. On May 19, 1994, President Clinton included among U.S. interests that would justify an intervention in

Haiti the likelihood of a "massive outflow" of refugees to U.S. shores. Four days before the intervention the President said:

> Three hundred thousand more Haitians, 5 percent of their entire population, are in hiding in their own country. If we don't act, they could be the next wave of refugees at our door. We will continue to face the threat of a mass exodus of refugees and its constant threat to stability in our region, and control of our borders (Newland 1995:202).

A number of arguments have been advanced to justify military intervention in refugee-producing situations. For example, human rights violations by a government against its citizens violates the sovereignty of the people and the offending government cannot thereafter claim that intervention violates its sovereignty because the real violation of sovereignty was the government's mistreatment of its own citizens (Keely 1996:1060 quoting Reisman). Human rights violations carried out or tolerated by a government or carried out when a government is incapable of stopping it almost invariably lead to internal displacement and eventual refugee flows across borders (Keely 1996:1060). The threat of refugees to the stability of receiving countries provides an argument justifying self-defensive actions under the U.N. charter. "Provoking refugee flows can rise to the equivalent of aggression" (Keely 1996:1060 quoting McCalmon). "A country may defend itself by forceful intervention in another state to end human rights violations and prevent imminent refugee flows that threaten its security (Keely 1996:1060).

Such theories have been used to support interventions authorized by the United Nations Security Council pursuant to Chapter VII of the U.N. Charter. In 1991 and 1994, the Security Council invoked transborder refugee flows to justify international action in Iraq and Haiti respectively. The Security Council authorization of U.S. intervention in Somalia in 1992 took note of the large numbers of refugees displaced by the conflict and called for repatriation of refugees as part of the U.N. operation (Dowty & Loescher 1996:63). U.N.-authorized interventions in Rwanda in 1994 and in Kurdish areas of northern Iraq in 1991 both explicitly took note of the large numbers of refugees and displaced persons created by those crises (Dowty & Loescher 1996:65).

Established foreign policy agencies of the United States could be used in preparation for such immigration emergencies as those of the Vietnamese boat people and the large numbers fleeing periodically

from Cuba, Haiti, and Central America. Most humanitarian emergencies that generate large-scale movements of refugees and other displaced persons are predictable to some degree. United States intelligence services and the Department of State are well placed to analyze events in potential migrant-sending countries and make recommendations to prevent massive emigrations. Preventive actions after identification of a potential large-scale emigration of people can involve a wide array of strategies ranging from diplomacy, to economic sanctions, to military intervention (U.S. Commission on Immigration Reform 1997:13). Emergency responses often involve the use of military forces for rescue operations and military bases for housing displaced persons.

Multilateral Approaches

Controlling immigration to the United States calls for a multilateral approach. Although a fundamental aspect of sovereignty is the control of borders and the unilateral right to determine who may enter the state, transportation and communication advances, long-established migration patterns, and increasingly interdependent political and economic relations mean that only a multilateral approach can address current immigration concerns effectively.

Because there are numerous problems related to immigration that can only be addressed effectively through multilateral solutions, we should expect, and hope, to see increased approaches of this nature. Problems that will require multilateral approaches for effective resolution include the smuggling of peoples across the border, the deportation of criminal aliens in a manner to insure that they do not return, harmonization of exit and entry rules, the prediction, prevention, and response to immigration emergencies, support for human rights and democracy building in potential migrant-sending countries, peacekeeping operations, programs aimed at reconstruction of sending countries following civil wars and civil conflict, resettlement of refugees, and coordination of efforts between sending and receiving countries to address pressures for unauthorized migration and environmental degradation.

Although United States responses to immigration have been largely unilateral, there are significant historical examples of bilateral/multilateral approaches to immigration problems: the "Gentlemen's Agreement" with Japan in 1907; agreements with Mexico during both World Wars and the *bracero* agreement; migration agreements in 1965, 1984, and 1995 with a Cuban government with which the

United States did not have diplomatic relations; the 1981 agreement with Haiti; and the Comprehensive Plan of Action in 1989 to address the pushback of Indochinese refugees. Most of these agreements were reached *ad hoc* in response to an immediate crisis. Unfortunately, they did not result in a coherent policy that could be applied in future situations.

Today the United States engages in a number of multilateral regimes concerned with refugees and migration. The working group of the U.S. Mexico Binational Commission promotes bilateral dialogue on migration through recurring communication and exchange of information and addresses mutual migration problems through cooperative mechanisms. Mexico's consultation with the Asencio Commission and lobbying by Mexican authorities in the United States on political and economic matters, which did not occur prior to the NAFTA negotiating process, shows an increasing acceptance of bilateral approaches to issues that affect both countries. NAFTA created a number of institutional arrangements that have breathed new life into established consultation groups. Both sides of the joint Border Liaison Mechanism have taken steps to reduce smuggling of immigrants. The bilateral engagement with Mexico on migration issues that began before NAFTA has increased since its passage.

Within the Western Hemisphere there is now an established regional mechanism for discussion of migration issues. In 1996, a multilateral approach to Western Hemisphere migration issues, known as the Puebla Process, was begun with the Regional Conference on Migration held in Puebla, Mexico. Canada and the Central American states joined the United States and Mexico. In recognition that a comprehensive and objective approach to the origins, manifestation, and effects of regional migration would contribute to a better understanding of this phenomenon, the participating governments entered into a series of agreements on a wide range of issues affecting migration. These include promoting economic and social development, encouraging states with common borders to establish mechanisms for dialogue at various levels of government, and preventing the trafficking in migrants.

At the group's Second Regional Conference on Migration in March 1997 in Panama, the parties agreed to establish the Regional Consultation Group on Migration and adopted the Plan of Action designed to insure the timely achievement of agreements reached at the 1996 meeting. Also participating in the Panama meeting were such multinational organizations as the International Organization for Migration [IOM], the Economic Commission for Latin America and the Carib-

bean, the Inter-American Development Bank, and the Office of the United Nations High Commissioner for Refugees [UNHCR].

The Puebla Process is an important development in addressing Western Hemisphere migration concerns because the established organizations dealing with migration issues were not well equipped for the task. UNHCR has as its primary mandate the protection of and assistance to refugees. The International Organization for Migration has a mandate to assist all types of migrants but focuses on the provision of transport to individuals who are being resettled or who are returning to their home countries. The complex circumstances that characterize many mass movements do not fit well with either organization's current mandate or capacities (U.S. Commission on Immigration Reform 1994:179).

Environmental degradation, droughts, floods, and famines compel people to flee across international borders. Rapid population growth in migrant-sending countries and measures leading to economic development have led to considerable environmental degradation and erosion of natural resource bases. There already have been mass migrations within and between countries as a result of desertification, floods, and threats of inundation from rising sea levels (Weiner 1992:92-93). Finding effective solutions to these problems may require multilateral approaches.

A study of Mexico has found that the inability to farm because of land degradation or desertification can result in rural unemployment and general poverty that in turn can lead to migration (Schwartz & Notini 1994:18). The Mexican government also has observed that there is a strong tendency for people to migrate from the arid and semi-arid areas of the country that contain twenty million inhabitants with scarce possibilities for work (Schwartz & Notini 1994:18). There has been insufficient research, education, and training in Mexico to remedy problems caused by existing agricultural practices. The relationship between migration and soil degradation is complex and may exacerbate the destruction of fragile ecosystems in Mexico. The costs of migration to a family may also be less than the environmental investment needed to increase the productivity of farmland (Schwartz & Notini 1994:28).

Deforestation in Haiti has led to soil erosion that has contributed to the massive emigration from that country (Mathews 1989:168). Traced through its effects on agriculture, energy supply, and water resources, tropical deforestation impoverishes about one billion people. This

pattern is endemic throughout Central and South America (Mathews 1989:165). U.S. policies to limit immigration will have to take into effect such environmental impacts. Policies designed specifically to prevent environmental degradation in potential migrant-sending countries may be necessary to control migration.

IMMIGRANT/ ETHNIC GROUP INFLUENCE

The role of immigrants and ethnic groups in the foreign policymaking process of the United States has engendered much debate. The idea that the ethnic composition of the United States is critical in the making of its foreign policy was expressed by Nathan Glazer and Daniel P. Moynihan (1975:23):

> Without too much exaggeration it could be stated that the immigration process is the single most important determinant of American foreign policy. This process regulates the ethnic composition of the American electorate. Foreign policy responds to that ethnic composition. It responds to other things as well, but probably first of all to the primal factor of ethnicity.

This argument subsequently was described as "plausible" by a member of the Senate Foreign Relations Committee (Mathias 1981:979). It also has been said that "domestic ethnic pressures on foreign policy formulation loom large in the United States, affecting foreign policies toward settings as diverse as Northern Ireland, the Turkish-Greek conflict, the Middle East, Cuba, Mexico, Haiti, and Poland, to name only a few of the obvious cases" (Teitelbaum 1984:441). Charles B. Keely identified three reasons why the activities of ethnic lobbies are suspect: those influential in foreign policymaking see ethnic lobbies as an obstacle; ethnic groups are perceived as single-issue lobbies; and nativists (defined as an those in intense opposition to an internal minority on the ground of its foreign connections) consider lobbying activities on part of a foreign government as un-American (Keely 1995:231-32).

Equally persuasive arguments are made that immigrants and ethnic groups have only a limited impact on the making of U.S. foreign policy (Gerson 1977:55):

> Ethnic pressures on foreign policies, with accompanying claims of success or failure, have

> led to false beliefs at home and abroad that the policies were based on domestic ethnic considerations. Seldom, if ever, have major U.S. foreign policy decisions been affected by *purely* ethnic considerations.

Similarly, an examination of the effect that immigrant groups had upon U.S. foreign policy between the two World Wars found that ". . .the impact of the one upon the other has been greatly exaggerated" (Jonas 1990:67).

> Despite being criticized, they are not indisputably a detriment to or subversive of the national interests. They are not all powerful or a force out of control. They can be an effective check, and provide viewpoints that may be otherwise overlooked (Keely 1995:241).

An examination of particular cases reveals that while ethnic lobbies may influence U.S. foreign policy, several factors constrict such influence. An ethnic lobby may have success in the foreign policymaking process when the policy in question affects the homeland of the particular ethnic group, where the issue involved does not threaten U.S. national security, where there is no equally effective lobbying effort against the proposed policy, or where the proposed policy is within the mainstream of overall U.S. foreign policy.

Much has been written of the influence of the Greek-American lobby in contributing to the U.S. arms embargo imposed on Turkey after it invaded Cyprus in 1974. "[T]he Greeks, with a powerful ethnic lobby mobilized for their cause, held the upper hand in Washington" (Mathias 1981:987-88). One newspaper columnist, in a not untypical opinion, deplored the "ethnic foreign policy making" that culminated in the arms embargo as a "rising menace" tantamount to communism in its potential destabilization of U.S. foreign policy (Hicks & Couloumbis 1977:86).

However, these responses overlooked critical factors that led to the imposition of the arms embargo. Turkey had violated the Foreign Military Sales Act by using U.S.-supplied arms in their invasion of Cyprus. Greece, like Turkey, was also a member of NATO. The Greek lobby also had merit on its side, the invasion of a sovereign country violates international law. Congressman John Brademas, a leading congressional proponent of the embargo, said:

> If we members had not been able to put together a compelling case, in terms of law, policy and

> morality, we would not have been effective. But on the other hand, without the kind of support we got from the Greek community, our case might not have been sufficient to win the day (Hicks & Couloumbis 1977:86).

Those who claimed that the Greek lobby was the determining factor in the congressional decision to cut off military aid to Turkey are incorrect (Hicks & Couloumbis 1977:110). While the Greek lobby clearly had an impact on the decision to impose the arms embargo, it would not have prevailed had its position not been consistent with U.S. law and foreign policy principles. In any event, the embargo was gradually relaxed in the two years immediately following its imposition and was repealed entirely in 1978.

Another major ethnic entity credited with notable success in influencing U.S. foreign policy is the Cuban lobby, which has focused primarily on toppling Castro and reversing the revolution (Keely 1995:237). "For many years a key consideration among Washington policy makers addressing U.S.-Cuban relations has been the strong opposition of the Florida congressional delegation—pressed by the large and influential Cuban constituency in the state—to any moves toward normalization unless they are balanced by major changes in Cuban foreign and domestic policies" (Teitelbaum 1985:47). No other immigrant group to the United States has been able to use its opposition to its home government to influence U.S. foreign policy as effectively (Newland 1995:204).

A Bush administration official said of the role of the Cuban-American National Foundation, the voice of hard-line Cuban-Americans, "[t]he foundation has had a chilling effect on the debate. Anytime anyone starts to think creatively about Cuba we're told: What do you want to do, lose South Florida for us?" (Newland 1995:205).

However, even a well-financed and well-organized lobby like the Cuban-Americans is successful because their goals are consistent with larger U.S. foreign policy interests. Their anticommunism was well matched to the U.S. policies of the Cold War era. A communist regime in Cuba was seen as a major threat to U.S. national security and overthrowing the Castro government was a major U.S. foreign policy goal throughout the 1960s. Even after the collapse of the Soviet Union, the United States still treats Cuba as an implacable enemy and continues the economic embargo.

With the resulting changed post-Cold War political environment, immigration from Cuba no longer is seen as advancing U.S. national security. This diminishes the effectiveness of the Cuban lobby. The 1994 interdiction of fleeing Cubans at sea by the U.S. Coast Guard, and the subsequent agreement in 1995 between the United States and Cuba to prevent people from leaving Cuba would have been unthinkable ten years earlier. Passage of the Helms-Burton law, which tightens the economic embargo against Cuba, was aided by the outrage provoked by the shooting down by the Cuban Air Force of two planes operated by the Miami exile group Brothers To The Rescue. As long as the Castro regime denies its citizens basic human rights and refuses to democratize, there will remain a substantial congruence of interests between U.S. foreign policy and the goals of hard-line Cuban-Americans that will insure a degree of success in their lobbying effectiveness. However, without the national security threat presented by Cuba during the Cold War, the lobby's effectiveness will be diminished and counterbalanced by other competing interests.

The Jewish-American community's influence on United States policy toward Israel represents another effective ethnic lobbying effort. "The American Israel Public Affairs Committee [AIPAC], the Jewish-American community's most powerful voice is often used as an example to emulate among other ethnic lobbies in the United States. Although there are many policy differences between the United States and Israel, the United States government has been extraordinarily supportive of Israeli government policies. AIPAC is held responsible for most of this support" (Keely 1995:236).

However, the influence of the Jewish-American lobby does not alone explain the strong U.S. support for Israel. Israel remains the United States' most loyal and only democratic ally in a volatile region of the world of great strategic importance to the United States. Most analysts believe that support for Israel is in the interest of the United States. Mathias (1981:993) described the relationship between the lobbying activities of Jewish-Americans and support for Israel as being in the U.S. national interest:

> This is not to suggest that Congress supports Israel for no better reason than fear of the Israel lobby; on the contrary, I know of few members of either house of Congress who do not believe deeply and strongly that support of Israel is both a moral duty and a national interest of the United States.

Perhaps the most controversial example of the influence of the Jewish-American community was the passage of the Jackson-Vanik amendment to the Trade Reform Act of 1974. Because it believed human rights concerns would interfere with its policy of détente, the Nixon administration consistently eschewed human rights intercession with the Soviets unless domestic political pressure forced it to act (Loescher & Scanlan 1986:91-92). However, many members of the Jewish community in the United States and key members of Congress feared that détente was being pursued without adequate attention to human rights concerns.

The effects of Jackson-Vanik on at least the short-term national security interest of U.S-Soviet relations is widely seen as negative. Jackson-Vanik's linkage of nondiscriminatory trade with free emigration so angered the Soviets that they canceled the 1972 Soviet-American trade agreement, stopped payment on World War II lend-lease debts, and reduced the number of Jews permitted to emigrate (Mathias 1981:995). Jackson-Vanik strained overall U.S.-Soviet relations and left the impression that a gamble was taken for the sake of human rights and emigration goals without regard for other, and possibly larger, issues of geopolitical stability (Keely 1995:237).

Ethnic groups' influence on U.S. policy generally is limited to the narrow objective of securing access to the United States for members of the nationality or ethnic group abroad (Miller & Papademetriou 1983:180). According to Teitelbaum and Weiner (1995:26):

> American ethnic groups can claim considerable success, since the 1960s at least, in the framing and resolution of public debate about the criteria for immigrant and refugee admission, the elements of law underlying control of immigration, and the feasibility and seriousness with which immigration enforcement efforts have been granted.

Examples of this influence include the Jackson-Vanik Amendment, the Morrison-Lautenberg Amendment that lowered the definitional barriers for "refugees" only for Soviet Jews and Evangelical Christians, the Refugee Act of 1980, the Cuban Adjustment Act of 1966, and "diversity" visas pursuant to the 1990 Immigration Act.

Despite the fact that ethnic groups in the United States traditionally have pursued policies consistent with U.S. national interests, there appears to be much consternation about the role that post-1965

Immigration Act immigrants, largely Latin American and Asian, will play in the foreign policymaking process. Mexican-Americans, for example, have not indicated greater interest than other ethnic groups in issues related to their homeland or Latin America generally, and those who have long been in the United States exhibit the same reduction in ethnic group identity as any other group. Mexico does not appeal to U.S. citizens of Mexican origin to support Mexico's interests in this country. Mexican-American attitudes towards immigration do not appear to be determined by concern for Mexico. Nor do Mexican-Americans view the problems facing the United States substantially different than the general public (Glazer 1985:212-14). There is no evidence that the retention of Mexican cultural practices has prevented Mexican-Americans from identifying with the U.S. political system (de la Garza 1985b:238). U.S. culture and politics continue to be powerful assimilative forces.

Mexican-American participation in the U.S. political process is remarkably similar to that of other ethnic and immigrant groups. It is affected by the same forces: education, income level, and the desgree of participation in professions from which political leaders are drawn. These factors have served to limit the political influence of Mexican-Americans, as was true of other immigrant and ethnic groups in the past (Glazer 1985:224). As Mexican-American naturalization rates increase and Mexican-Americans increase their role in the policymaking process, their activities will come under increased scrutiny. However, there is nothing to indicate that the role of Mexican-Americans in the policymaking process will be different in any material respect from other immigrant groups and their descendants.

Immigrants from Latin America or Asia are unlikely to coalesce into monolithic groups. The political differences between Cuban-Americans and Mexican- Americans, for example, means that a broad-based Latin American ethnic lobby is unlikely to form. Serious tensions exist between Mexican-Americans and Mexican émigrés (de la Garza 1985a:97). Similarly, historical differences between Koreans, Japanese, Chinese, and Vietnamese makes a broad Asian-American political lobby unlikely. Successful integration into U.S. society is a prerequisite to successful influence on public policy; however full integration may diminish the interest of ethnic groups in their culture or countries of origin (Teitelbaum & Weiner 1995:26).

SENDING COUNTRY INFLUENCE

The mere presence of an immigrant group in the United States might cause that group's home country to insert itself into the foreign policymaking process of the United States when issues affecting its nationals are involved. Although Mexican government policy until the mid-to-late 1980s was "to have no policy" on the issue of illegal immigration to the United States, Mexico still negotiated the World War I, World War II, and *bracero* employment agreements with the United States. In 1982, in response to Senate passage of the Simpson-Mazzoli immigration bill by a vote of 80 to 19, the Mexican Senate adopted a strongly worded resolution on "this grave matter that negatively affects our good neighbor relations," expressing its alarm and concern for the repercussions that would impact both countries if the Simpson-Mazzoli legislation were passed. Undocumented Mexican migration was called a "transcendent matter that should not be considered from a unilateral perspective, but rather should be treated from a bilateral and even multilateral perspective" (Teitelbaum 1984:449).

In 1984, then Mexican President Miguel de la Madrid wrote:

> The situation of Mexican migrant workers in the United States has been, and continues to be, of special interest [to Mexico]. We have reiterated our support for the rights and interests of Mexican nationals abroad. We have no intention of meddling in the legislative processes of the United States. But we express our concern over measures such as the Simpson-Mazzoli bill which could affect the social, labor, and human rights of numerous Mexicans, whose daily work and efforts represent considerable benefit to the U.S. economy (Teitelbaum 1985:32-3).

As Mexico began to liberalize its economy and play a more active role in world economic affairs, it also increased its engagement with the United States on migration issues. Today the Mexican government pursues three major objectives in regard to migration: protection of the rights of emigrants; avoidance of abrupt changes in United States immigration policy; and recognition for Mexican migrant contributions to the United States. As emigration issues increasingly require a multilateral approach it is to be expected that sending countries will seek participation in the U.S. foreign policymaking process as it affects these matters.

One example of migrant-sending countries seeking participation in the U.S. policymaking process was the lobbying of President Clinton on immigration issues by foreign heads of state during his 1997 trip to Latin America and the Caribbean. A joint statement concerning immigration was issued with President Zedillo in Mexico. In a speech in Mexico City, President Clinton felt compelled to defend recent U.S. laws affecting immigration. In Cost Rica, the President of El Salvador, Armando Calderon Sol, proposed an amnesty for some immigrants from Central America. Central American leaders expressed concerns that the 1996 Illegal Immigration Reform and Immigrant Responsibility Act would compel the return of hundreds of thousands of immigrants from the United States, causing damage to local economies by creating strains on the job market and the loss of remittances from the United States. In both Mexico and Costa Rica, President Clinton pledged to seek a change in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 that would force illegal immigrants to return home while they waited for legal status (Bennet 1997:A6). In Barbados, Caribbean leaders offered pointed criticism of U.S. immigration policies.

The increased number of deportations of legal and illegal immigrants from the United States because of criminal convictions has resulted in increasing crime and pressures on the criminal justice systems in their home countries. Throughout Central America and the Caribbean government officials have expressed anger and frustration at a crisis they regard as caused by the United States and beyond their ability to control (Rohter 1997:A1). Several regional leaders raised this issue with President Clinton during his May trip to the region.

Some ambassadors of Asian governments to Washington have acted as bridges to their own immigrant communities and have sought to encourage their former nationals in the United States to lobby on their behalf on issues that affect the sending country. Some Asian embassies and their intelligence organizations have monitored the activities of their citizens or former citizens in the United States (Weiner 1990:194). The 1984 murder of Henry Liu in San Francisco, a Chinese-American who had written a book critical of Taiwanese President Chiang Ching-Kuo, resulted in the arrest and conviction of the former head of Taiwan's intelligence service for plotting the murder.

Both the People's Republic of China and the Republic of China have attempted to use the presence of Chinese-Americans to advance their state's interests. Both gov-

ernments take the view that overseas Chinese are migrants who retain ties to China and eventually will return home. This bond legitimizes efforts by the two Chinese governments to seek assistance from the overseas Chinese (Weiner 1990:197).

The presence of forty thousand Chinese students in the United States led the People's Republic of China to inject itself into the debate over the proposed Chinese Student Protection Act after the Tiananmen Square killings in June 1989. In vetoing the bill, President Bush expressed his hope that China would object less to his administrative action to protect the students than the vetoed legislation (Pear 1989:A24). In 1996, U.S. law enforcement agencies received evidence that the People's Republic of China planned to try to influence U.S. elections by contributing money to political campaigns. It is unclear whether such donations were made and whether any such money was laundered by Asian-Americans; congressional hearings into these allegations continue (Rosenbaum 1997:B9).

The Indian government has encouraged the Indian community in the United States to support Indian foreign policy objectives in Washington actively, seeking, for example, to persuade Congress not to provide military assistance to Pakistan (Weiner 1990:203-04).

Despite such efforts, migrants are not automatically instruments of their home countries' foreign policies. Substantial numbers of the immigrant groups in the United States from such countries as Vietnam, China, the Philippines, Korea, and Cuba fled their countries of origin as a result of persecution. Not only are they unwilling to advance the interests of their home countries, on many occasions they make up opposition political groups that pressure the United States to insist on free elections, respect for human rights, and democratic reforms in their home countries.

Foreign politicians seek political support and monetary contributions from their countrymen residing in the United States. Dominican presidential candidates campaigned in New York City during their 1996 elections. The winner Leonel Fernandez Reyna grew up in New York City. In 1978, Ecuadoran presidential candidate Jaime Roldos campaigned in New York City and in 1980, Italian parliamentary candidates vied for absentee votes in the United States. Israel may have as many as 500,000 citizens living in the United States, which would probably be the most significant case within the United States of an expatriate community's political influence (Miller & Papademetriou 1983:169-70). It is not apparent that the campaign activities of foreign politicians on U.S. soil have had

any effects on the foreign policymaking process in the United States.

Increasing nationalization rates raise the issue of dual citizenship. There is no internationally agreed-upon principle governing dual citizenship. Therefore, the effect of an individual's acquisition of another citizenship on his or her existing citizenship varies widely (Goldstein & Piazza 1996:517). For some countries, citizenship may carry with it an obligation to perform military service or pay taxes. Citizenship may be a prerequisite to property ownership, employment, social welfare benefits, or university attendance. Dual citizenship is more tolerated than explicitly accepted by both the U.S. and many other governments. The U.S. State Department notes:

> . . . while recognizing the existence of dual nationality and permitting Americans to have other nationalities, the U.S. Government does not endorse dual nationality as a matter of policy because of the problems it may cause. Claims of other countries upon dual national U.S. citizens often place them in situations where their obligations to one country are in conflict with the laws of the other (Goldstein & Piazza 1996:518).

The concern over dual citizenship is that it may weaken the allegiance or commitment of an individual to the country where he or she is naturalized. For the United States, the assimilative process advanced by naturalization may be diminished. However, should dual citizenship prove to be a problem, it could be addressed by treaty as some countries have already done (Goldstein & Piazza 1996:519).

While dual citizenship currently does not pose a problem for U.S. foreign policymaking, it is an issue that bears watching. Ireland recently changed its nationality laws to allow for dual citizenship. Colombia, Ecuador, Turkey, and Italy have done the same. In December 1996, constitutional amendments were passed that, when implemented, will allow Mexicans to naturalize in another country without automatically losing Mexican citizenship.

Immigrants and ethnic groups do influence U.S. foreign policy, but in a circumscribed manner. The success of ethnic lobbies in influencing U.S. foreign policy is limited to those circumstances where the policy in question affects the homeland of the ethnic group, where the issue involved does not threaten U.S. national security, where there is no equally effective lobbying effort against the proposed

policy, and where the proposed policy is within the mainstream of overall U.S. foreign policy. If any of these circumstances is absent, the proposed policy will likely fail.

Ethnic lobbies are part of the U.S. political scene. They are historically mainstream in their objectives. Ethnic lobbies serve as a useful voice and can even be a corrective to conventional wisdom. They have the same right to present views concerning the national interest as other Americans (Keely 1995:242). There is no reason to believe that as the post-1965 immigrant groups become more active in the policymaking process their behavior will differ from that of earlier ethnic groups.

CONCLUSION

Whether one subscribes to traditional or modern ideas of national security, it is fair to conclude that under certain circumstances immigration can pose a threat to national security. Immigration is closely intertwined with foreign policy and national security, with each acting upon and being influenced by the other. To advance national security, U.S. foreign policy has been used to stimulate or inhibit migratory movements. The historical lack of attention by foreign policy decisionmakers to immigration has resulted in unintended migration to the United States. Virtually every type of foreign policy tool—economic, military, trade, or propaganda—has been used at one time or another to respond to concerns arising from immigration.

The perception of and response to immigration by U.S. policymakers is seen in the context of U.S. national security. During the Cold War era when communism posed a clear and imminent threat, immigration policy was used to stimulate defections from communist countries and inhibit it from repressive allies. In the post-Cold War era, where no such obvious and imminent threat exists, immigration policy has become more restrictive in response to domestic political perceptions.

Immigrants and their descendants attempt to influence U.S. foreign policy in the same manner as other interest groups. However, historically their successes have been limited almost entirely to those situations where their goals were consistent with prevailing U.S. national security needs. The presence of immigrants in the United States creates situations where foreign governments become involved in attempting to influence U.S. foreign policy and immigration policy either to protect their countrymen in the U.S. or their national interests that may be advanced by the

presence of their nationals in the United States.

As advances in travel and communication make migrations increasingly easy, the ramifications of foreign policy decisions upon immigration will need more than ever to become an established part of the foreign policy decisionmaking process. The connections and implications between these issues need more focused attention. Addressing migration concerns effectively requires multilateral approaches and cooperation with international agencies.

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RESEARCH
PAPER

U.S. COMMISSION ON IMMIGRATION REFORM
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U.S. COMMISSION ON IMMIGRATION REFORM

THE IMPACT OF THE IMMIGRATION ACT OF 1990 ON U.S. IMMIGRATION

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In this study the impacts of the Immigration Act of 1990 are estimated. The "impacts" that are the focus of the study are numbers and various shares of legal U.S. immigrants compared to an estimate of what corresponding numbers and shares would have been in 1995 and 1996 if the "old" immigration law had remained in force. The study is concerned only with part of U.S. immigration, but a large part. Refugees are eliminated from the analysis along with certain groups of immigrants whose admittance was due to a "one-time" program that is inherently impossible to model. Thus, immediate relatives of U.S. citizens, family-based restricted immigrants, employment-based restricted immigrants, and certain special immigrants are studied. In every case, principals are distinguished from derivatives, and where necessary to address a specific issue, other distinctions are made in the data, such as age, occupation, country or region of birth, adjustments by nonimmigrant entry class, new immigrants versus adjustments of status, and specific immigrant entry class

Aspects of the Immigration Act of 1990

Effective October 1, 1991, U.S. immigration law changed considerably. These changes were the result of the Immigration Act of 1990 which, while retaining the basic principles of the earlier legislation, provided the most comprehensive change in legal immigration since 1965. Data on which we base our forecasts relate to the old law. The new law has many similarities to the earlier law. For example, the new law, like the old, provides for the unrestricted immigration of certain immediate relatives of U.S. citizens. The new law places more emphasis on employment considerations, but the old occupation preferences (third and sixth) also place emphasis on the same types of considerations. Under the old law legal resident aliens were able to reunite with immediate members of their family under the second preference, and a similar preference (though expanded in terms of available visas) also is available under the new law.

Moreover, the new law provides for "diversity" immigrants and explicitly excludes from this class any natives of countries that are oversubscribed.

Several changes made by the 1990 Act are of particular relevance. Under the previous law, the annual allocation of numerically restricted visas was 270,000. The 1990 Act established a "flexible" worldwide cap on family-based, employment-based, and diversity immigrant visas. Beginning in fiscal year 1995, after a "transition" period during which the annual quota was set at 700,000 the worldwide limit is 675,000. Separate ceilings are set for each of the immigrant categories: for family-sponsored visas, 480,000; for employment-based visas, 140,000; and for diversity visas, 55,000. While immediate relatives of U.S. citizens remain exempt from numerical limitation, the number of spouses, minor children and parents of U.S. citizens are subtracted from the overall numbers available for family sponsorship. However, under no circumstances can the number of numerically restricted family-sponsored visas be less than 226,000. Therefore, if the number of immediate relatives of U.S. citizens exceeds 254,000 (i.e., 480,000 - 226,000), the flexible worldwide cap of 675,000 may be pierced.

In addition to setting a higher overall limit on admissions, the 1990 Act altered the per-country limitations used to determine how many immigrants may enter the United States each year. Previously, the per-country quota was set at 20,000 visas per year. The 1990 Act provides that family-based and employment-based visas made available to citizens of a single independent foreign state may not exceed 7 percent of the total available. Given the minimum of 226,000 family-sponsored and 140 employment-based allocations, the per-country ceiling for an independent country is raised to 25,620. Additional flexibility is provided for potential migrants by the fact that the 7 percent per-country limit is not subdivided between family-sponsored and employment-based allocations.

In many respects the new law concerning family-based immigrants is similar to the previous law. Immediate relatives of U.S. citizens remain exempt from numerical limitation. Moreover, the annual floor of 226,000 numerically restricted family-sponsored visas represents only a relatively small increase over the 216,000 available within the previous law's family-related preference categories. However, the new law makes certain provisions that should alter the mix of immigrants within the family-sponsored categories. The major change in the family-sponsored categories involves spouses, minor children and unmarried adult children of permanent resident aliens (i.e., second preference). For these immigrants, the new law increased the allotment from 70,200 to at least 114,200. Moreover, at least 77 percent of these visas are designated for spouses and minor children of permanent resident aliens and three-quarters of these are not subject to per-country limits. The other family-based categories (i.e., first, fourth, and fifth preference), either had their allocation remain essentially unchanged (i.e., fifth) or reduced by the new law.

While maintaining the strong orientation toward family reunification that characterized the 1965 Amendments, the new law accommodates more skill-based immigrants, and it provides for more source-country diversity. Prior to the 1990 Act, 54,000 visas were available for occupation-based immigrants. The new law allows up to 140,000 employment-based visas and also places more emphasis on skilled migrants within this category. The so called "diversity" immigration allocation was made available for the first time by the 1990 Act (although a relatively small number of diversity visas were allocated by means of a lottery before the new law took effect). The diversity immigrant allocations are designed to facilitate the entry of potential migrants from countries adversely affected by the 1965 law. Effective in 1995, the diversity quota is 55,000. These 55,000 visas are to be allocated to natives of a country that has sent fewer than 50,000

immigrants to the United States over the previous five years. No single country may receive more than 7 percent (3,850) of the number available worldwide. To be eligible for a diversity visa, a prospective immigrant must have at least a high school education or its equivalent and at least two years of work experience in an occupation that requires at least two years of training or experience. Diversity immigrants are therefore a kind of occupational immigrant.

Table 1 bridges immigration under the old law and immigration under the Immigration Act of 1990. Data in this table are averages for 1990 and 1991 (the last years of the old law), 1992-1994 (the three transition years of the new law), and 1995 and 1996 (the first two years during which the more or less permanent cap and quota numbers were in effect). Between 1990-1991 and 1995-1996, immigration subject to the numerical cap increased by 27.0 percent from 535,993 to 681,209. Family-based immigration increased by 16.9 percent to 528,551, whereas employment-based immigration increased by 72.3 percent to 101,418. Immigration not subject to the numerical cap fell by 7.7 percent, and in 1995-1996 accounted for 16.3 percent of total immigration compared to 21.1 percent during 1990-1991.

Whereas total immigration subject to the numerical cap increased somewhat due to the new law, many of the percentages noted above did not change markedly with the exception of the percentage increase in employment-based immigrants. Thus the Immigration Act of 1990 appears clearly to have had the effect of boosting employment-related immigration, which was one of the major objectives of the new law. This conclusion is further substantiated in the analysis provided below. However, professionals with an advanced degree (employment 2nd preference principals) have declined steadily since the first year that the new law was in effect: 58,401 in 1992, 29,468 in 1993, 14,432 in 1994, 10,475 in 1995 and 8,870 in 1996. This pattern suggests a pent-up demand for entry by such individuals that was relieved the Immigration Act of 1990.

Data and Methodology

As noted above, the goal of this study is to determine the extent to which the Immigration Act of 1990 changed the number and composition of various types of legal U.S. immigrants relative to what they would have been if the former law remained in effect. The "old law" was operational from FY 1968 through FY 1991 and thus allows the development of a considerable history of legal entrants. Because data are available on each legal resident alien accepted by the United States for FY 1972 through FY 1991, we are able to generate 20 annual observations for any cross classification that is possible given the information reported in the Immigration and Naturalization Service's Public Use Tapes. However, due to the different treatment of the Eastern and Western Hemispheres until 1976, the study's historical background consists of data beginning with 1977.

Simple linear extrapolation is the methodology used in this study to predict what immigration of various types under the old immigration law would have been had it continued through 1995 and 1996. The form of forecasting equation is

$$IMM_{it} = \quad _0 + \quad _1 T + e_{it,\ ,}$$

where IMM_{it} is immigration of type i in year t, T is a simple time trend (1, 2, . . .,15), and e_{it} is random errors. Each forecast refers to 1995 and 1996, which values are forecasted by carrying the time trend to 19 and 20 respectively. With the estimated constant term (or intercept) and the estimated coefficient on T, which indicates the direction and strength of the trend, each estimated relationship yields a "predicted value" that represents immigration under the old law if the 15-year trend continued for four (1995) and five (1996) more years. These values then are compared to a corresponding comparable value that occurred under the Immigration Act of 1990 (for 1995 and 1996). Comparable classes of immigrants, or the mapping from the old law to the new law, are

reported in Appendix A. The ratio of "actual" to "predicted" yields an estimate of the percentage difference that exists for the new law compared to the old law.

For those immigrant classes subject to a ceiling under the old law, various shares were forecasted (e.g., principals versus derivatives). The ceilings were assumed to have been met, so that the issue became not how many but rather who was admitted under the ceiling. Even when predictions are developed for aggregate numbers, the ceilings are recognized in the components that make up the aggregate prediction.

All forecasting regressions and all corresponding forecasts distinguish "principals" and "derivatives." Principals enter the United States by dint of their relationship with a U.S. citizen or resident alien, or by dint of their skills, whereas derivatives enter as the spouses and/or minor children of the principals.

Estimating linear trends is not without shortcomings. First, in certain instances nonlinear relationships may provide better fits than linear relationships. Second, in other cases step functions may fit the historical data better, and by imposing a linear trend on the data such a pattern could impose a strong trend to a relationship that would better be carried forward at a constant level. Third, certain categories of immigration occurred under a ceiling. Nevertheless, trends may be apparent under the ceiling as levels approached the maximum. In such cases ceiling levels are preferable to extrapolating the trend. Finally, some behavioral model may underlie the historical data. The problem with using more complex forecasting models is that forecast values of the independent variables of the model must be used to generate out-of-sample forecasts and these may be unavailable.

The advantage of using a similar linear trend is its simplicity. The trend line is easily extrapolated out of sample and the technique can be applied to numerous 15-year series required for this report. However, the assumptions that underlie the approach should be kept in mind.

Appendix A contains considerable detail on the methodology used here, as well as the mapping of immigrant classes from the old law to the new law. In what follows, we begin each section with a specific question regarding immigration under the new law relative to the old law.

What is the difference between actual and predicted total immigration for 1995 and 1996? The Immigration Act of 1990 appears to have slightly increased total immigration for 1995 (by 4.4%) and to have greatly increased that for 1996 (by 35.2%). The respective ratios of actual to predicted are 1.044 and 1.352. In Table 2 and in subsequent tables, a ratio of 1.0 indicates that actual equals predicted, whereas values less than 1.0 indicate that the new law yielded immigration of type i that was less than predicted under the old law. Values greater than 1.0 indicate that the new law increased immigration compared to the numbers expected under the old law. Table 2 also indicates that whereas the actual numbers are greater than those predicted for both principals (1.4% and 33.1% for 1995 and 1996, respectively) and derivatives (14.2% and 42.3%, respectively), the derivatives rose relatively more than the principals with the consequence that the share of total immigration accounted for by derivatives increased compared to that predicted under the old law (by 9.4% in 1995 and 5.2% in 1996). (Appendix A provides further detail on the methodology used to generate predicted values.)

In Table 3, the above question is addressed by occupation. This table shows that professional, technical, and kindred (or PTK) immigration was increased considerably by the Immigration Act of 1990. For both principals and derivatives each component of the PTK group (i.e., other professional, health professional, and technical specialty) increased relative to

predicted values. The same conclusion holds for the managerial and executive group. For principals, other occupational groups are generally down (except operators, fabricators, and labors – up 41.8% in 1996; farming, forestry, and fishing – up 5.2% in 1996; and services – up 2.9% in 1996). All occupational categories of derivatives increased relative to predicated values (except farming, forestry, and fishing, which is down each year).

Table 3 has two components. Table 3A provides shares of all immigrants who report an occupation. Thus, for each year values in the columns for predicted and actual shares sum to 100% for principals and derivatives taken as a whole. Shares in Table 3B sum to 100% for principals and to 100% for derivatives. In each table the shares refer only to those immigrants who report an occupation. For principals, each table indicates a strong increase in the shares for the PTK groups, as well as for managers and executives. Thus, the Immigration Act of 1990 not only increased the numbers of highly educated and skilled individuals relative to what they would have been under the old law, but also it tilted the overall composition of U.S. immigration toward the more highly skilled groups. Moreover, for derivatives, relatively large increases occurred in both the numbers of highly skilled immigrants and the percentages of such individuals compared to what was expected under the old immigration law.

Table 4 is similar to Table 3, except that Table 4 breaks out two age groups that correspond to working ages (20-34, 35-64). Principals among the PTK immigrants tend to be concentrated in the younger ages, whereas principals among managers and executives tend to in the older ages. Among derivatives, the most highly educated and skilled individuals tend to be concentrated in the older age categories.

The next series of questions relates to employment-based immigration. Under the old law the employment preferences (often called "occupational preferences") were the third (P3) and sixth (P6) preferences. These are the preference categories used for forecasting purposes.

To what extent have EB1 versus EB2 versus EB3 visa issuances increased the skill composition of U.S. immigration? These categories refer to aliens with extraordinary ability, outstanding professors or researchers, and multinational executives and managers (EB1 or E1); professionals holding advanced degrees (EB2 or E2); and skilled workers and professionals as well as needed unskilled workers (EB3 or E3). Table 5 reports four groupings (or mappings) of the data relating to the old and new laws: (1) E1/P3; (2) E3/P6; (3) (E1 + E2)/P3; and (4) (E1 + E2 + E3)/(P3 + P6). These groupings allow comparisons between the highest skills (E1 and P3) and skills in short supply (E3 and P6), as well as other comparisons that are more general, but remain within the employment preferences. The preference categories that require the very highest skills and/or education (E1and P3) suggest that for both 1995 and 1996 both principals and derivatives (who came with principals admitted under the employment preferences) were down considerably relative to the predictions. The shortfall of principals in 1995 was 0.546 of the predicted number and in 1996 was 0.892 in employment-based preference EB1 compared to what would have been expected under old preference category P3. (The respective shortfall in derivatives was 0.724 in 1995, but in 1996 an increase occurred of 12.7%).

For skills in short supply (E3 and P6), the numbers are up considerably. For principals EB3 admittances in 1995 were 130.5% higher than anticipated and in 1996 were 189.4% higher. When the mappings are expanded to include all employment preferences (E1 + E2 + E3 relative to P3 + P6), principals also were up sharply for both 1995 and 1996 (55.0% and 117.2%, respectively). Derivatives too were up, but by correspondingly smaller percentages (37.3% for

1995 and 90.5% for 1996). In Table 5, the figures for derivatives indicate nothing about the skills of derivatives because this group of immigrants does not need to satisfy any skill requirement (and indeed most of them report this occupation as our category 9, which is "homemakers, unknown, retired, etc.").

Table 5 also reports EB4 admissions, which under the old law were numerically exempt special immigrants. Under the new law they are also special immigrants, including ministers and others. These immigrants were forecasted by means of a simple time trend (unconstrained), which yields predicted 1995 and 1996 values for them. Under the Immigration Act of 1990 these immigrants are up in numbers for both principals (63.8% in 1995 and 90.7% in 1996) and derivatives (3.2% in 1995 and 13.5% in 1996).

Are the derivatives of the new employment-based categories more skilled than those of the old occupational preferences? This question is addressed by examining occupation-specific forecasts based on the sum of P3 and P6 with occupation-specific actuals based on the sum of E1, E2, and E3. Table 6 corresponds to Table 5, except that in Table 6 occupations are distinguished and EB1, EB2, and EB3 taken as a whole relative to the forecast for P3 and P6 is shown. For principals, as expected, the professional, technical, and kindred (PTK) as well as the managerial and executive groups show major increases. Health professionals stand out as the group with the largest increases for both 1995 and 1996. The answer to this question appears to be a clear "yes." Among derivatives, in 1996 health professionals (numbering 916) were 535.6% over the predicted number. Other professionals (1,375 in 1996) were 305.9% greater than predicted, and technical specialty workers (1,711 in 1996) were 145.1% greater than predicted. Most derivatives fall in the "homemaker, unknown, retired, etc." class, but among those who report an occupation the PTK groups, especially health professionals, are up considerably.

However, the numbers in these groups are understandably small compared to their counterparts among the principals.

Has "dual intent" on adjustments from nonimmigrant entry classes (in particular from H1, H1B, and L) increased skill composition? Table 7 addresses this questions. Table 7A reports principals and Table 7B shows derivatives of these principals. Principals are further divided into new entrants and those who adjust their status, with those who adjust distinguished as H1B, L1, and other adjuster. Among nonimmigrant entry classes, H1B refers to specialty occupations (and under the old law referred to admissions of "distinguished merit or ability"), and L1 refers to intracompany transferees. In addition to H1B, the H1 category includes registered nurses (H1A). Regarding H1B adjusters, the answer to the question is that professional groups, as well as managers and executives, definitely are up compared to what is predicted under the old law. For L1s, managers and executives are up, but PTK workers are not heavily represented in this group. Other adjusters are in the various high-skill occupations, but they are up in most other occupations as well. With the exception of the "other professional" category, new immigrants are lower than expected or are only slightly higher (in 1996 only). Although their numbers are not great, derivative adjusters increased skilled immigration, but less-skilled immigration also. Derivatives of new immigrants clearly increased skills.

How did the composition of source countries change due to the fact that the Immigration Act of 1990 did not subject three quarters of FB2As to per country limits? Under the Immigration Act of 1990, the former second preference became the second family based preference class (FB2). This preference class is for spouses and children of legal permanent residents. The Act further distinguishes between FB2A (spouses and children under 21 years of age) and FB2B (unmarried children 21 years of age and older). Table 8 reports information

relating to this questions. Mexico received the major benefit from the three-quarter exclusion from country limits. In 1995, Mexico alone had 51,502 FB2A admissions (relative to a predicted number of 3,740). In 1996, actual FB2A admissions from Mexico were 86,390 compared to a predicted number of 3,424. The Philippines also benefitted from FB2As, but benefitted more from FB2Bs. In short, source-country composition was strongly tilted toward Mexico and to a lesser extent toward the Philippines due to the exclusions from country limits.

Did the Immigration Act of 1990 increase the overall numbers of family-based immigration? Table 9 distinguishes principals and derivatives both for family-based numerically restricted immigration and for numerically exempt immediate relatives of U.S. citizens. The family-based restricted under the old law (Preference Classes P1, P2, P4, P5) entered under a numerical limitation that was in the late 1980s and early 1990s about 216,000 per year. Thus, for this group we predicted shares of principals (derivatives) under an annual limit of 216,000. However, immediate relatives of U.S. citizens were (and are) exempt from quota limits. Thus, immediate relatives were predicted by means of an unconstrained linear regression.

Family-based restricted principals increased considerably relative to predicted numbers (29.1% in 1995 and 68.6% in 1996). Immediate relatives of U.S. citizens were below the predicted number in 1995 (0.775), but slightly above in 1996 (1.024). In terms of shares, during 1995 and 1996 numerically restricted principals increased by 40.2% and 44.0%, respectively, relative to predicted shares. Family-based restricted derivatives fell relative to predicted numbers (0.875 in 1995 and 0.965 in 1996). **Do the above numbers differ by restricted/exempt?** From the above discussion, we can see that the answer is “yes” for numerically restricted immigrants (and strongly so), but is “no” for numerically exempt immigrants. Overall, the Immigration Act of 1990 increased immigrant numbers.

The final block of questions relates to diversity issues.

Did the Immigration Act of 1990 result in more diversity by country of birth? Tables 10, 11 and 12 relate to this question. Table 10 shows principals (9A) and derivatives (9B) by class of immigrant and country or region of birth. Country/region predictions are based on forecasts of shares (constrained to sum to 1.0) for those groups that enter under a restriction. The number of restricted employment-based principals in 1995 and 1996 exceeds predictions for most countries/regions, but especially for China, which for each year had over 10 times the predicted number. The Philippines, Canada, India, Africa, and Europe all had 1995 and 1996 numbers well in excess of their predicted numbers.

Family-based restricted principals exceeds predictions especially for Mexico, but for the Philippines as well, which were due primarily to the FB2A visas discussed above. For principals, exempt immediate relatives in 1995 were below the predicted numbers, but in 1996 were above for many countries/regions.

The most notable increase in employment-based derivatives was for China, but Canada and India also had relatively large increases. The largest relative increase (compared to predicted numbers) in restricted family-based numbers was for Africa , but the total numbers for Africa are small in comparison to other regions/countries.

The answer to the question immediately above depends upon perspective. The major source of U.S. immigrants is Mexico, and Mexico had by far the largest increases in 1995 and 1996 relative to predicted numbers. These increases were due in part to FB2A category of admissions discussed above. For example, restricted family-based principals from Mexico accounted in 1995 for 10.0% of admissions listed in Table 10 and in 1996 for 11.9%. However,

more immigrants are originating in most other parts of the world and in this sense immigration is becoming more diverse.

What is the skill composition of the new permanent diversity program? Table 11 sheds more light on the diversity questions by breaking out countries that were not qualified for "diversity visas" from those that were. (The set of diversity-qualified countries may change over time, but we took Mexico, Philippines, and India as not diversity qualified.) Table 11 reports simple cross tabs for diversity immigrants versus non-diversity immigrants from diversity-qualified countries and for immigrants from non-diversity qualified countries. In each case principals are distinguished from derivatives and occupational detail is provided. For diversity-qualified countries, diversity immigrants accounted for higher shares of the PTK groups and for smaller shares of the less skilled occupational groups. This statement holds for principals and derivatives. Thus, the qualifications for the diversity program appear to have increased skills. The non-diversity qualified countries tend to have greater shares of immigrants in less-skilled occupations than diversity-qualified countries, but health professionals is an exception.

Table 12 provides overall predictions for the various occupational groups for diversity-qualified and non diversity-qualified countries and for principals versus derivatives. For principals from diversity-qualified countries, the diversity programs appear to have increased skills. The high-skilled occupational groups all tend to have actual values in excess of predicted values for diversity-qualified countries. So do the derivatives from these countries, but for them all occupational groups tend to have risen relative to predicted numbers (although the increases are relatively largest for those with the highest skills). The permanent diversity programs thus appear to have increased skilled immigration compared to what it would have been under the old immigration law.

Table 1. Average Immigrant Admissions by Major Category: FYs 1990-1996

Category of Admission	**1990-91**	**1992-94**	**1995-96**
TOTAL	**680,058**		**813,730**
SUBJECT TO THE NUMERICAL CAP	**536,502**		**681,209**
	143,557	**150,591**	
Refugees and Asylees	118,222		121,615
Other		28,653	10,907
FAMILY-BASED IMMIGRANTS		**513,295**	**528,551**
Immediate Relatives of U.S. citizens (NX)	234,392	246,769	260,395
Spouses and children	172,509	185,582	202,855
Parents	61,883	61,187	57,541
Children born abroad to alien residents (NX)	2,317	2,010	1,777
Family-sponsored preference immigrants (NR)	215,319	217,287	266,148
Unmarried sons/daughters of U.S. citizens	15,623	12,829	18,046
Spouses and children of LPRs	X	120,473	163,685
Married sons/daughters of U.S. citizens	26,933	22,590	23,164
Siblings of U.S. citizens	63,857	61,349	61,254
Legalization dependents (NR)	X	47,230	231
	58,859	**128,834**	
Priority workers	X		22,420
Professionals w/ adv. deg. or of advanced ability		34,100	14,469
	X	70,738	
Special immigrants	4,520		7,291
Investors		362	738
	27,147	113	
Needed skilled or unskilled workers (Old 6th)	27,192		X
	25,616		**53,018**
	X	36,145	
Nationals of adversely affected countries (NR)	16,320		X
Natives of underrepresented countries (NR)		294	X

provisions of the Immigration Reform and Control Act of 1986

Source: For 1990-94--U.S. Commission on Immigration Reform (1995), Chart 1: for 1995-1996--U.S. Immigration and Naturalization Service (1997), Table 4 and 5.

Table 2. Principals and Derivatives: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals	431,873	438,072	1.014	76.9%	74.7%	0.972	439,490	584,795	1.331	76.9%	75.7%	0.984
Derivatives	129,711	148,097	1.142	23.1%	25.3%	1.094	131,660	187,316	1.423	23.1%	24.3%	1.052
Total	561,584	586,169	1.044	100.0%	100.0%	1.000	571,151	772,111	1.352	100.0%	100.0%	1.000

Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 3A. Principals and Derivatives by Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
1. professional, technical, and kindred												
a. health professional	9,182	14,103	1.536	4.4%	7.0%	1.599	9,353	16,551	1.770	4.4%	6.1%	1.380
b. other professional	8,858	11,549	1.304	4.2%	5.7%	1.357	8,618	16,353	1.898	4.0%	6.0%	1.480
c. technical specialty	19,186	21,206	1.105	9.1%	10.5%	1.151	19,500	27,758	1.423	9.1%	10.1%	1.110
2. managerial and executive	17,936	20,113	1.121	8.5%	9.9%	1.168	18,029	26,443	1.467	8.5%	9.7%	1.144
3. sales	11,262	8,424	0.748	5.3%	4.2%	0.779	11,673	10,934	0.937	5.5%	4.0%	0.731
4. administrative support	17,475	13,453	0.770	8.3%	6.6%	0.802	17,555	16,367	0.932	8.2%	6.0%	0.727
5. precision production	18,972	13,042	0.687	9.0%	6.4%	0.716	19,126	17,274	0.903	9.0%	6.3%	0.704
6. operators, fabricators, and laborers	34,010	31,127	0.915	16.1%	15.4%	0.953	34,165	48,445	1.418	16.0%	17.7%	1.106
7. farming, forestry, and fishing	10,089	9,341	0.926	4.8%	4.6%	0.964	10,217	10,747	1.052	4.8%	3.9%	0.820
8. service	43,141	33,233	0.770	20.5%	16.4%	0.802	44,422	45,715	1.029	20.8%	16.7%	0.803
9. homemakers, unknown, retired, etc.	244,790	262,481	1.072				250,106	348,208	1.392			
Derivatives												
1. professional, technical, and kindred												
a. health professional	910	1,844	2.026	0.4%	0.9%	2.110	891	2,435	2.733	0.4%	0.9%	2.131
b. other professional	678	2,096	3.094	0.3%	1.0%	3.221	613	3,124	5.100	0.3%	1.1%	3.977
c. technical specialty	2,597	3,928	1.513	1.2%	1.9%	1.575	2,615	5,359	2.049	1.2%	2.0%	1.598
2. managerial and executive	2,286	3,311	1.448	1.1%	1.6%	1.508	2,254	4,259	1.889	1.1%	1.6%	1.474
3. sales	1,236	1,523	1.232	0.6%	0.8%	1.283	1,270	2,068	1.628	0.6%	0.8%	1.270
4. administrative support	1,928	2,591	1.344	0.9%	1.3%	1.399	1,882	3,440	1.828	0.9%	1.3%	1.426
5. precision production	1,927	2,225	1.155	0.9%	1.1%	1.202	1,902	2,842	1.494	0.9%	1.0%	1.166
6. operators, fabricators, and laborers	3,513	3,913	1.114	1.7%	1.9%	1.160	3,517	5,491	1.561	1.6%	2.0%	1.218
7. farming, forestry, and fishing	1,945	1,434	0.737	0.9%	0.7%	0.768	1,980	1,841	0.930	0.9%	0.7%	0.725
8. service	3,653	3,999	1.095	1.7%	2.0%	1.140	3,758	6,082	1.618	1.8%	2.2%	1.262
9. homemakers, unknown, retired, etc.	109,965	121,233	1.102				111,588	150,375	1.348			

Note: Shares refer to shares of those who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 3B. Principals and Derivatives by Occupation: Actual and Predicted Immigration with Intra-Category Shares, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
1. professional, technical, and kindred												
a. health professional	9,182	14,103	1.536	5.1%	8.7%	1.721	9,353	16,551	1.770	5.1%	7.5%	1.474
b. other professional	8,858	11,549	1.304	4.9%	7.2%	1.461	8,618	16,353	1.898	4.7%	7.4%	1.581
c. technical specialty	19,186	21,206	1.105	10.6%	13.1%	1.238	19,500	27,758	1.423	10.6%	12.6%	1.186
2. managerial and executive	17,936	20,113	1.121	9.9%	12.5%	1.256	18,029	26,443	1.467	9.8%	12.0%	1.222
3. sales	11,262	8,424	0.748	6.2%	5.2%	0.838	11,673	10,934	0.937	6.4%	5.0%	0.780
4. administrative support	17,475	13,453	0.770	9.7%	8.3%	0.863	17,555	16,367	0.932	9.6%	7.4%	0.777
5. precision production	18,972	13,042	0.687	10.5%	8.1%	0.770	19,126	17,274	0.903	10.4%	7.9%	0.752
6. operators, fabricators, and laborers	34,010	31,127	0.915	18.8%	19.3%	1.025	34,165	48,445	1.418	18.6%	22.0%	1.181
7. farming, forestry, and fishing	10,089	9,341	0.926	5.6%	5.8%	1.037	10,217	10,747	1.052	5.6%	4.9%	0.876
8. service	43,141	33,233	0.770	23.8%	20.6%	0.863	44,422	45,715	1.029	24.2%	20.8%	0.857
9. homemakers, unknown, retired, etc.	244,790	262,481	1.072				250,106	348,208	1.392			
Derivatives												
1. professional, technical, and kindred												
a. health professional	910	1,844	2.026	4.6%	7.4%	1.600	891	2,435	2.733	4.5%	7.1%	1.567
b. other professional	678	2,096	3.094	3.4%	8.4%	2.444	613	3,124	5.100	3.1%	9.1%	2.925
c. technical specialty	2,597	3,928	1.513	13.1%	15.7%	1.195	2,615	5,359	2.049	13.2%	15.5%	1.175
2. managerial and executive	2,286	3,311	1.448	11.6%	13.2%	1.144	2,254	4,259	1.889	11.4%	12.3%	1.084
3. sales	1,236	1,523	1.232	6.3%	6.1%	0.973	1,270	2,068	1.628	6.4%	6.0%	0.934
4. administrative support	1,928	2,591	1.344	9.8%	10.4%	1.062	1,882	3,440	1.828	9.5%	10.0%	1.048
5. precision production	1,927	2,225	1.155	9.7%	8.9%	0.912	1,902	2,842	1.494	9.6%	8.2%	0.857
6. operators, fabricators, and laborers	3,513	3,913	1.114	17.8%	15.6%	0.880	3,517	5,491	1.561	17.8%	15.9%	0.896
7. farming, forestry, and fishing	1,945	1,434	0.737	9.8%	5.7%	0.582	1,980	1,841	0.930	10.0%	5.3%	0.533
8. service	3,653	3,999	1.095	18.5%	16.0%	0.865	3,758	6,082	1.618	19.0%	17.6%	0.928
9. homemakers, unknown, retired, etc.	109,965	121,233	1.102				111,588	150,375	1.348			

Note: Shares refer to shares of those immigrants within the category (e.g. Derivatives) who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 4A. Principals and Derivatives by Age and Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals, Age 20-34												
1. professional, technical, and kindred												
a. health professional	5,882	8,426	1.432	2.8%	4.2%	1.484	5,955	9,654	1.621	2.8%	3.5%	1.259
b. other professional	5,292	6,864	1.297	2.5%	3.4%	1.343	5,090	9,432	1.853	2.4%	3.4%	1.439
c. technical specialty	10,036	10,667	1.063	4.8%	5.3%	1.101	10,113	13,518	1.337	4.8%	4.9%	1.038
2. managerial and executive	7,979	8,165	1.023	3.8%	4.0%	1.060	8,047	10,350	1.286	3.8%	3.8%	0.999
3. sales	6,825	4,627	0.678	3.3%	2.3%	0.702	7,056	5,834	0.827	3.3%	2.1%	0.642
4. administrative support	11,642	8,093	0.695	5.6%	4.0%	0.720	11,629	9,639	0.829	5.5%	3.5%	0.644
5. precision production	10,820	6,613	0.611	5.2%	3.3%	0.633	10,850	9,080	0.837	5.1%	3.3%	0.650
6. operators, fabricators, and laborers	22,232	16,373	0.736	10.6%	8.1%	0.763	22,318	26,686	1.196	10.5%	9.8%	0.928
7. farming, forestry, and fishing	4,291	3,105	0.724	2.0%	1.5%	0.750	4,299	3,530	0.821	2.0%	1.3%	0.638
8. service	26,072	17,362	0.666	12.4%	8.6%	0.690	26,891	23,523	0.875	12.7%	8.6%	0.679
9. homemakers, unknown, retired, etc.	97,076	86,155	0.888				99,289	115,767	1.166			
Principals, Age 35-64												
1. professional, technical, and kindred												
a. health professional	3,433	5,515	1.606	1.6%	2.7%	1.664	3,484	6,627	1.902	1.6%	2.4%	1.477
b. other professional	3,261	4,561	1.399	1.6%	2.3%	1.449	3,245	6,754	2.081	1.5%	2.5%	1.616
c. technical specialty	8,684	10,090	1.162	4.1%	5.0%	1.203	8,896	13,699	1.540	4.2%	5.0%	1.196
2. managerial and executive	9,224	11,443	1.241	4.4%	5.7%	1.285	9,317	15,395	1.652	4.4%	5.6%	1.283
3. sales	3,854	3,358	0.871	1.8%	1.7%	0.902	4,013	4,564	1.137	1.9%	1.7%	0.883
4. administrative support	5,505	5,064	0.920	2.6%	2.5%	0.953	5,628	6,391	1.136	2.6%	2.3%	0.882
5. precision production	7,372	5,914	0.802	3.5%	2.9%	0.831	7,500	7,571	1.010	3.5%	2.8%	0.784
6. operators, fabricators, and laborers	10,154	11,845	1.166	4.8%	5.9%	1.208	10,245	17,810	1.738	4.8%	6.5%	1.350
7. farming, forestry, and fishing	4,330	4,484	1.036	2.1%	2.2%	1.073	4,420	5,382	1.218	2.1%	2.0%	0.945
8. service	15,118	14,259	0.943	7.2%	7.0%	0.977	15,573	19,644	1.261	7.3%	7.2%	0.979
9. homemakers, unknown, retired, etc.	58,754	56,969	0.970				60,611	76,673	1.265			
Derivatives, Age 20-34												
1. professional, technical, and kindred												
a. health professional	197	712	3.607	0.1%	0.4%	3.736	188	932	4.965	0.1%	0.3%	3.854
b. other professional	160	831	5.186	0.1%	0.4%	5.371	152	1,265	8.340	0.1%	0.5%	6.475
c. technical specialty	462	1,304	2.822	0.2%	0.6%	2.922	426	1,855	4.353	0.2%	0.7%	3.380
2. managerial and executive	380	750	1.976	0.2%	0.4%	2.046	353	981	2.776	0.2%	0.4%	2.155
3. sales	341	519	1.524	0.2%	0.3%	1.578	346	730	2.112	0.2%	0.3%	1.640
4. administrative support	439	903	2.056	0.2%	0.4%	2.130	385	1,259	3.270	0.2%	0.5%	2.538
5. precision production	564	722	1.280	0.3%	0.4%	1.325	555	1,003	1.808	0.3%	0.4%	1.404
6. operators, fabricators, and laborers	1,011	1,266	1.253	0.5%	0.6%	1.297	998	2,017	2.021	0.5%	0.7%	1.569
7. farming, forestry, and fishing	308	267	0.866	0.1%	0.1%	0.897	304	348	1.144	0.1%	0.1%	0.888
8. service	1,198	1,474	1.230	0.6%	0.7%	1.274	1,229	2,454	1.997	0.6%	0.9%	1.550
9. homemakers, unknown, retired, etc.	10,324	16,691	1.617				10,274	23,682	2.305			
Derivatives, Age 35-64												
1. professional, technical, and kindred												
a. health professional	735	1,109	1.508	0.4%	0.5%	1.562	749	1,460	1.951	0.4%	0.5%	1.514
b. other professional	628	1,245	1.983	0.3%	0.6%	2.054	621	1,827	2.942	0.3%	0.7%	2.284
c. technical specialty	2,034	2,540	1.249	1.0%	1.3%	1.293	2,094	3,399	1.623	1.0%	1.2%	1.260
2. managerial and executive	1,869	2,507	1.341	0.9%	1.2%	1.389	1,875	3,225	1.720	0.9%	1.2%	1.335
3. sales	776	920	1.186	0.4%	0.5%	1.229	802	1,243	1.549	0.4%	0.5%	1.203
4. administrative support	1,347	1,566	1.162	0.6%	0.8%	1.204	1,370	2,057	1.502	0.6%	0.8%	1.166
5. precision production	1,233	1,307	1.060	0.6%	0.6%	1.098	1,237	1,617	1.307	0.6%	0.6%	1.015
6. operators, fabricators, and laborers	2,086	2,260	1.084	1.0%	1.1%	1.122	2,115	3,044	1.439	1.0%	1.1%	1.117
7. farming, forestry, and fishing	1,252	983	0.785	0.6%	0.5%	0.813	1,287	1,246	0.968	0.6%	0.5%	0.752
8. service	2,097	2,222	1.060	1.0%	1.1%	1.098	2,178	3,276	1.504	1.0%	1.2%	1.168
9. homemakers, unknown, retired, etc.	11,099	15,274	1.376				11,284	20,224	1.792			

Note: Shares refer to shares of those immigrants who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 4B. Principals and Derivatives by Age and Occupation: Actual and Predicted Immigration with Intra-Category Shares, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals, Age 20-34												
1. professional, technical, and Kindred												
a. health professional	5,882	8,426	1.432	5.6%	10.3%	1.841	5,955	9,654	1.621	5.6%	8.7%	1.544
b. other professional	5,292	6,864	1.297	5.0%	8.4%	1.666	5,090	9,432	1.853	4.8%	8.5%	1.765
c. technical specialty	10,036	10,667	1.063	9.5%	13.0%	1.366	10,113	13,518	1.337	9.5%	12.1%	1.273
2. managerial and executive	7,979	8,165	1.023	7.6%	10.0%	1.315	8,047	10,350	1.286	7.6%	9.3%	1.225
3. sales	6,825	4,627	0.678	6.5%	5.7%	0.871	7,056	5,834	0.827	6.6%	5.2%	0.788
4. administrative support	11,642	8,093	0.695	11.1%	9.9%	0.893	11,629	9,639	0.829	10.9%	8.6%	0.789
5. precision production	10,820	6,613	0.611	10.3%	8.1%	0.785	10,850	9,080	0.837	10.2%	8.1%	0.797
6. operators, fabricators, and laborers	22,232	16,373	0.736	21.1%	20.0%	0.946	22,318	26,686	1.196	21.0%	23.9%	1.139
7. farming, forestry, and fishing	4,291	3,105	0.724	4.1%	3.8%	0.930	4,299	3,530	0.821	4.0%	3.2%	0.782
8. service	26,072	17,362	0.666	24.8%	21.2%	0.856	26,891	23,523	0.875	25.3%	21.1%	0.833
9. homemakers, unknown, retired, etc.	97,076	86,155	0.888				99,289	115,767	1.166			
Principals, Age 35-64												
1. professional, technical, and Kindred												
a. health professional	3,433	5,515	1.606	5.1%	7.8%	1.527	3,484	6,627	1.902	5.1%	6.8%	1.347
b. other professional	3,261	4,561	1.399	4.8%	6.4%	1.330	3,245	6,754	2.081	4.7%	6.9%	1.474
c. technical specialty	8,684	10,090	1.162	12.9%	14.2%	1.104	8,896	13,699	1.540	12.9%	14.1%	1.090
2. managerial and executive	9,224	11,443	1.241	13.7%	16.1%	1.179	9,317	15,395	1.652	13.5%	15.8%	1.170
3. sales	3,854	3,358	0.871	5.7%	4.7%	0.828	4,013	4,564	1.137	5.8%	4.7%	0.805
4. administrative support	5,505	5,064	0.920	8.2%	7.1%	0.874	5,628	6,391	1.136	8.2%	6.6%	0.804
5. precision production	7,372	5,914	0.802	10.9%	8.3%	0.763	7,500	7,571	1.010	10.9%	7.8%	0.715
6. operators, fabricators, and laborers	10,154	11,845	1.166	15.0%	16.7%	1.109	10,245	17,810	1.738	14.9%	18.3%	1.231
7. farming, forestry, and fishing	4,330	4,484	1.036	6.4%	6.3%	0.984	4,420	5,382	1.218	6.4%	5.5%	0.862
8. service	15,118	14,259	0.943	22.4%	20.1%	0.896	15,573	19,644	1.261	22.6%	20.2%	0.893
9. homemakers, unknown, retired, etc.	58,754	56,969	0.970				60,611	76,673	1.265			
Derivatives, Age 20-34												
1. professional, technical, and kindred												
a. health professional	197	712	3.607	4.1%	8.9%	2.183	188	932	4.965	4.0%	7.8%	1.979
b. other professional	160	831	5.186	3.3%	10.3%	3.138	152	1,265	8.340	3.2%	10.6%	3.324
c. technical specialty	462	1,304	2.822	9.5%	16.2%	1.707	426	1,855	4.353	9.0%	15.6%	1.735
2. managerial and executive	380	750	1.976	7.8%	9.3%	1.196	353	981	2.776	7.4%	8.2%	1.107
3. sales	341	519	1.524	7.0%	6.5%	0.922	346	730	2.112	7.3%	6.1%	0.842
4. administrative support	439	903	2.056	9.0%	11.2%	1.244	385	1,259	3.270	8.1%	10.6%	1.303
5. precision production	564	722	1.280	11.6%	9.0%	0.774	555	1,003	1.808	11.7%	8.4%	0.721
6. operators, fabricators, and laborers	1,011	1,266	1.253	20.8%	15.8%	0.758	998	2,017	2.021	21.0%	16.9%	0.806
7. farming, forestry, and fishing	308	267	0.866	6.3%	3.3%	0.524	304	348	1.144	6.4%	2.9%	0.456
8. service	1,198	1,474	1.230	24.6%	18.3%	0.745	1,229	2,454	1.997	25.9%	20.6%	0.796
9. homemakers, unknown, retired, etc.	10,324	16,691	1.617				10,274	23,682	2.305			
Derivatives, Age 35-64												
1. professional, technical, and kindred												
a. health professional	735	1,109	1.508	5.5%	7.1%	1.292	749	1,460	1.951	5.5%	7.0%	1.265
b. other professional	628	1,245	1.983	4.7%	8.0%	1.699	621	1,827	2.942	4.6%	8.7%	1.908
c. technical specialty	2,034	2,540	1.249	15.3%	16.3%	1.070	2,094	3,399	1.623	15.4%	16.2%	1.053
2. managerial and executive	1,869	2,507	1.341	14.0%	16.1%	1.149	1,875	3,225	1.720	13.8%	15.4%	1.116
3. sales	776	920	1.186	5.8%	5.9%	1.016	802	1,243	1.549	5.9%	5.9%	1.005
4. administrative support	1,347	1,566	1.162	10.1%	10.1%	0.996	1,370	2,057	1.502	10.1%	9.8%	0.974
5. precision production	1,233	1,307	1.060	9.3%	8.4%	0.908	1,237	1,617	1.307	9.1%	7.7%	0.848
6. operators, fabricators, and laborers	2,086	2,260	1.084	15.7%	14.5%	0.928	2,115	3,044	1.439	15.6%	14.5%	0.933
7. farming, forestry, and fishing	1,252	983	0.785	9.4%	6.3%	0.672	1,287	1,246	0.968	9.5%	6.0%	0.628
8. service	2,097	2,222	1.060	15.7%	14.3%	0.908	2,178	3,276	1.504	16.0%	15.6%	0.976
9. homemakers, unknown, retired, etc.	11,099	15,274	1.376				11,284	20,224	1.792			

Note: Shares refer to shares of those immigrants within the category (e.g. Derivatives, Age 35-65) who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 5. Principals and Derivatives for Employment Based Preferences: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
EB1 vs. P3	12,341	6,733	0.546	8.8%	3.7%	0.425	12,379	11,047	0.892	8.8%	4.4%	0.492
EB3 vs. P6	9,840	22,684	2.305	7.0%	12.5%	1.794	9,639	27,897	2.894	6.9%	11.0%	1.595
EB1+EB2 vs. P3	12,341	11,685	0.947	8.8%	6.5%	0.737	12,379	19,917	1.609	8.8%	7.8%	0.887
EB1+EB2+EB3 vs. P3+P6	22,181	34,369	1.550	15.8%	19.0%	1.206	22,018	47,814	2.172	15.7%	18.8%	1.197
EB4	1,788	2,929	1.638	1.3%	1.6%	1.273	1,832	3,494	1.907	1.3%	1.4%	1.057
EB5		174			0.1%			395			0.2%	
Derivatives												
EB1 vs. P3	14,659	10,613	0.724	10.4%	5.9%	0.563	14,621	16,472	1.127	10.4%	6.5%	0.621
EB3 vs. P6	17,160	27,561	1.606	12.2%	15.2%	1.250	17,361	34,859	2.008	12.3%	13.7%	1.106
EB1+EB2 vs. P3	14,659	16,136	1.101	10.4%	8.9%	0.857	14,621	26,064	1.783	10.4%	10.3%	0.982
EB1+EB2+EB3 vs. P3+P6	31,819	43,697	1.373	22.7%	24.2%	1.069	31,982	60,923	1.905	22.7%	24.0%	1.050
EB4	3,689	3,808	1.032	2.6%	2.1%	0.802	3,834	4,350	1.135	2.7%	1.7%	0.629
EB5		366			0.2%			641			0.3%	

Note: Shares refer to shares of employment based immigrants

Note: Estimates for EB4 are based on the formerly exempt special categories now part of it

Table 6A. Principals and Derivatives for Employment Preference by Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
1. professional, technical, and kindred												
a. health professional	725	6,794	9.366	2.7%	20.7%	7.570	719	7,658	10.647	2.7%	15.4%	5.727
b. other professional	4,805	5,201	1.082	18.1%	15.9%	0.875	4,831	8,714	1.804	18.1%	17.6%	0.970
c. technical specialty	2,338	4,013	1.716	8.8%	12.2%	1.387	2,329	6,386	2.742	8.7%	12.9%	1.475
2. managerial and executive	4,229	7,158	1.693	16.0%	21.8%	1.368	4,267	10,917	2.559	16.0%	22.0%	1.376
3. sales	232	322	1.387	0.9%	1.0%	1.121	228	367	1.611	0.9%	0.7%	0.866
4. administrative support	773	697	0.902	2.9%	2.1%	0.729	781	972	1.245	2.9%	2.0%	0.670
5. precision production	1,367	1,471	1.076	5.2%	4.5%	0.869	1,337	2,841	2.125	5.0%	5.7%	1.143
6. operators, fabricators, and laborers	980	1,317	1.344	3.7%	4.0%	1.086	980	1,576	1.609	3.7%	3.2%	0.865
7. farming, forestry, and fishing	10	133	13.182	0.0%	0.4%	10.655	9	220	24.735	0.0%	0.4%	13.305
8. service	6,332	6,064	0.958	23.9%	18.5%	0.774	6,468	7,959	1.231	24.2%	16.0%	0.662
9. homemakers, unknown, retired, etc.	1,325	1,199	0.905				1,299	204	0.157			
Derivatives												
1. professional, technical, and kindred												
a. health professional	171	765	4.482	0.6%	2.3%	3.623	144	916	6.356	0.5%	1.8%	3.419
b. other professional	356	883	2.481	1.3%	2.7%	2.005	339	1,375	4.059	1.3%	2.8%	2.184
c. technical specialty	712	1,234	1.732	2.7%	3.8%	1.400	698	1,711	2.451	2.6%	3.5%	1.319
2. managerial and executive	807	957	1.186	3.0%	2.9%	0.959	814	1,278	1.569	3.1%	2.6%	0.844
3. sales	323	384	1.189	1.2%	1.2%	0.961	330	508	1.539	1.2%	1.0%	0.828
4. administrative support	389	660	1.696	1.5%	2.0%	1.371	355	809	2.277	1.3%	1.6%	1.225
5. precision production	565	302	0.535	2.1%	0.9%	0.432	574	572	0.997	2.2%	1.2%	0.536
6. operators, fabricators, and laborers	910	805	0.885	3.4%	2.5%	0.715	939	1,258	1.339	3.5%	2.5%	0.720
7. farming, forestry, and fishing	85	101	1.184	0.3%	0.3%	0.957	85	147	1.728	0.3%	0.3%	0.929
8. service	1,275	1,071	0.840	4.8%	3.3%	0.679	1,313	1,983	1.510	4.9%	4.0%	0.812
9. homemakers, unknown, retired, etc.	25,290	36,535	1.445				25,161	50,366	2.002			

Note: The new fourth and fifth employment based preference classes are not included in this table

Note: Shares refer to shares of employment based immigrants (excluding the new EB4 and EB5 categories) who report an occupation

Table 6B. Principals and Derivatives for Employment Preference by Occupation: Actual and Predicted Immigration with Intra-Category Shares, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
1. professional, technical, and kindred												
a. health professional	725	6,794	9.366	3.4%	25.8%	7.481	719	7,658	10.647	3.4%	19.2%	5.657
b. other professional	4,805	5,201	1.082	22.8%	19.7%	0.865	4,831	8,714	1.804	22.8%	21.8%	0.958
c. technical specialty	2,338	4,013	1.716	11.1%	15.2%	1.371	2,329	6,386	2.742	11.0%	16.0%	1.457
2. managerial and executive	4,229	7,158	1.693	20.1%	27.1%	1.352	4,267	10,917	2.559	20.1%	27.3%	1.360
3. sales	232	322	1.387	1.1%	1.2%	1.108	228	367	1.611	1.1%	0.9%	0.856
4. administrative support	773	697	0.902	3.7%	2.6%	0.720	781	972	1.245	3.7%	2.4%	0.661
5. precision production	1,367	1,471	1.076	6.5%	5.6%	0.859	1,337	2,841	2.125	6.3%	7.1%	1.129
6. operators, fabricators, and laborers	980	1,317	1.344	4.7%	5.0%	1.073	980	1,576	1.609	4.6%	3.9%	0.855
7. farming, forestry, and fishing	10	133	13.182	0.0%	0.5%	10.528	9	220	24.735	0.0%	0.6%	13.143
8. service	6,332	6,064	0.958	30.1%	23.0%	0.765	6,468	7,959	1.231	30.5%	19.9%	0.654
9. homemakers, unknown, retired, etc.	1,325	1,199	0.905				1,299	204	0.157			
Derivatives												
1. professional, technical, and kindred												
a. health professional	171	765	4.482	3.1%	12.0%	3.799	144	916	6.356	2.6%	9.5%	3.592
b. other professional	356	883	2.481	6.6%	13.8%	2.103	339	1,375	4.059	6.2%	14.3%	2.294
c. technical specialty	712	1,234	1.732	13.1%	19.3%	1.468	698	1,711	2.451	12.8%	17.7%	1.385
2. managerial and executive	807	957	1.186	14.9%	15.0%	1.005	814	1,278	1.569	14.9%	13.3%	0.887
3. sales	323	384	1.189	6.0%	6.0%	1.008	330	508	1.539	6.1%	5.3%	0.870
4. administrative support	389	660	1.696	7.2%	10.3%	1.438	355	809	2.277	6.5%	8.4%	1.286
5. precision production	565	302	0.535	10.4%	4.7%	0.453	574	572	0.997	10.5%	5.9%	0.563
6. operators, fabricators, and laborers	910	805	0.885	16.8%	12.6%	0.750	939	1,258	1.339	17.2%	13.0%	0.757
7. farming, forestry, and fishing	85	101	1.184	1.6%	1.6%	1.004	85	147	1.728	1.6%	1.5%	0.976
8. service	1,275	1,071	0.840	23.5%	16.7%	0.712	1,313	1,983	1.510	24.1%	20.6%	0.853
9. homemakers, unknown, retired, etc.	25,290	36,535	1.445				25,161	50,366	2.002			

Note: The new fourth and fifth employment based preference classes are not included in this table

Note: Shares refer to shares of employment based immigrants (excluding the new EB4 and EB5 categories) within the category (principal or derivative) who report an occupation

Table 7A. Principals by Adjustment Status and Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals, New												
1. professional, technical, and kindred												
a. health professional	6,099	5,978	0.980	1.1%	1.1%	0.980	6,160	6,479	1.052	1.1%	1.2%	1.052
b. other professional	3,914	4,836	1.236	0.7%	0.9%	1.236	3,698	5,587	1.511	0.7%	1.0%	1.511
c. technical specialty	13,357	12,191	0.913	2.4%	2.2%	0.913	13,533	14,598	1.079	2.4%	2.6%	1.079
2. managerial and executive	11,696	10,319	0.882	2.1%	1.8%	0.882	11,691	11,857	1.014	2.1%	2.1%	1.014
3. sales	8,427	5,468	0.649	1.5%	1.0%	0.649	8,710	6,742	0.774	1.6%	1.2%	0.774
4. administrative support	13,327	9,773	0.733	2.4%	1.7%	0.733	13,346	11,194	0.839	2.4%	2.0%	0.839
5. precision production	17,122	9,383	0.548	3.0%	1.7%	0.548	17,260	10,112	0.586	3.1%	1.8%	0.586
6. operators, fabricators, and laborers	30,392	20,048	0.660	5.4%	3.6%	0.660	30,556	23,100	0.756	5.4%	4.1%	0.756
7. farming, forestry, and fishing	9,763	8,742	0.895	1.7%	1.6%	0.895	9,864	9,404	0.953	1.8%	1.7%	0.953
8. service	32,063	17,429	0.544	5.7%	3.1%	0.544	32,780	19,303	0.589	5.8%	3.4%	0.589
9. homemakers, unknown, retired, etc.	165,297	162,163	0.981				167,794	176,604	1.053			
Principals, H1B												
1. professional, technical, and kindred												
a. health professional	1,020	4,935	4.839	0.2%	0.9%	4.839	1,040	5,181	4.981	0.2%	0.9%	4.981
b. other professional	2,646	4,110	1.553	0.5%	0.7%	1.553	2,757	6,592	2.391	0.5%	1.2%	2.391
c. technical specialty	1,694	2,439	1.440	0.3%	0.4%	1.440	1,767	3,519	1.991	0.3%	0.6%	1.991
2. managerial and executive	1,053	1,910	1.814	0.2%	0.3%	1.814	1,102	2,585	2.346	0.2%	0.5%	2.346
3. sales	47	82	1.730	0.0%	0.0%	1.730	50	124	2.496	0.0%	0.0%	2.496
4. administrative support	209	213	1.019	0.0%	0.0%	1.019	220	314	1.428	0.0%	0.1%	1.428
5. precision production	73	78	1.064	0.0%	0.0%	1.064	77	165	2.148	0.0%	0.0%	2.148
6. operators, fabricators, and laborers	53	63	1.183	0.0%	0.0%	1.183	55	83	1.519	0.0%	0.0%	1.519
7. farming, forestry, and fishing	12	17	1.442	0.0%	0.0%	1.442	12	16	1.315	0.0%	0.0%	1.315
8. service	200	136	0.680	0.0%	0.0%	0.680	208	205	0.986	0.0%	0.0%	0.986
9. homemakers, unknown, retired, etc.	845	424	0.502				886	440	0.497			
Principals, L1												
1. professional, technical, and kindred												
a. health professional	4	0	0.000	0.0%	0.0%	0.000	4	2	0.482	0.0%	0.0%	0.482
b. other professional	237	121	0.510	0.0%	0.0%	0.510	234	178	0.760	0.0%	0.0%	0.760
c. technical specialty	38	57	1.515	0.0%	0.0%	1.515	39	76	1.966	0.0%	0.0%	1.966
2. managerial and executive	1,181	2,467	2.089	0.2%	0.4%	2.089	1,194	4,217	3.532	0.2%	0.8%	3.532
3. sales	54	26	0.479	0.0%	0.0%	0.479	55	36	0.652	0.0%	0.0%	0.652
4. administrative support	73	20	0.275	0.0%	0.0%	0.275	75	34	0.453	0.0%	0.0%	0.453
5. precision production	23	11	0.474	0.0%	0.0%	0.474	24	16	0.667	0.0%	0.0%	0.667
6. operators, fabricators, and laborers	11	9	0.796	0.0%	0.0%	0.796	11	17	1.489	0.0%	0.0%	1.489
7. farming, forestry, and fishing	2	0	0.000	0.0%	0.0%	0.000	2	3	1.400	0.0%	0.0%	1.400
8. service	68	18	0.265	0.0%	0.0%	0.265	70	21	0.298	0.0%	0.0%	0.298
9. homemakers, unknown, retired, etc.	226	76	0.336				235	67	0.285			
Principals, Other Adjusters												
1. professional, technical, and kindred												
a. health professional	2,638	3,190	1.209	0.5%	0.6%	1.209	2,770	4,889	1.765	0.5%	0.9%	1.765
b. other professional	2,130	2,482	1.165	0.4%	0.4%	1.165	2,060	3,996	1.940	0.4%	0.7%	1.940
c. technical specialty	4,578	6,519	1.424	0.8%	1.2%	1.424	4,650	9,565	2.057	0.8%	1.7%	2.057
2. managerial and executive	4,178	5,417	1.297	0.7%	1.0%	1.297	4,292	7,784	1.814	0.8%	1.4%	1.814
3. sales	2,693	2,848	1.057	0.5%	0.5%	1.057	2,802	4,032	1.439	0.5%	0.7%	1.439
4. administrative support	4,166	3,447	0.827	0.7%	0.6%	0.827	4,267	4,825	1.131	0.8%	0.9%	1.131
5. precision production	1,878	3,570	1.901	0.3%	0.6%	1.901	1,891	6,981	3.692	0.3%	1.2%	3.692
6. operators, fabricators, and laborers	3,821	11,007	2.881	0.7%	2.0%	2.881	3,835	25,245	6.583	0.7%	4.5%	6.583
7. farming, forestry, and fishing	259	582	2.251	0.0%	0.1%	2.251	252	1,324	5.261	0.0%	0.2%	5.261
8. service	10,362	15,650	1.510	1.8%	2.8%	1.510	10,786	26,186	2.428	1.9%	4.7%	2.428
9. homemakers, unknown, retired, etc.	77,744	99,818	1.284				81,008	171,097	2.112			

Note: Shares refer to shares of those immigrants who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 7B. Derivatives by Adjustment Status and Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Derivatives, New												
1. professional, technical, and kindred												
a. health professional	889	1,221	1.374	0.2%	0.2%	1.374	882	1,541	1.747	0.2%	0.3%	1.747
b. other professional	518	1,250	2.415	0.1%	0.2%	2.415	467	1,759	3.770	0.1%	0.3%	3.770
c. technical specialty	2,243	2,806	1.251	0.4%	0.5%	1.251	2,257	3,631	1.609	0.4%	0.6%	1.609
2. managerial and executive	2,019	2,427	1.202	0.4%	0.4%	1.202	1,981	2,948	1.488	0.4%	0.5%	1.488
3. sales	1,155	1,153	0.998	0.2%	0.2%	0.998	1,179	1,445	1.225	0.2%	0.3%	1.225
4. administrative support	1,856	2,022	1.089	0.3%	0.4%	1.089	1,822	2,587	1.420	0.3%	0.5%	1.420
5. precision production	1,858	1,879	1.011	0.3%	0.3%	1.011	1,822	2,049	1.124	0.3%	0.4%	1.124
6. operators, fabricators, and laborers	3,415	2,804	0.821	0.6%	0.5%	0.821	3,395	3,244	0.956	0.6%	0.6%	0.956
7. farming, forestry, and fishing	1,875	1,408	0.751	0.3%	0.3%	0.751	1,894	1,803	0.952	0.3%	0.3%	0.952
8. service	3,368	2,596	0.771	0.6%	0.5%	0.771	3,436	3,113	0.906	0.6%	0.6%	0.906
9. homemakers, unknown, retired, etc.	94,771	86,283	0.910				95,821	100,403	1.048			
Derivatives, Adjusters												
1. professional, technical, and kindred												
a. health professional	82	623	7.619	0.0%	0.1%	7.619	85	894	10.559	0.0%	0.2%	10.559
b. other professional	225	846	3.759	0.0%	0.2%	3.759	225	1,365	6.056	0.0%	0.2%	6.056
c. technical specialty	354	1,122	3.173	0.1%	0.2%	3.173	357	1,728	4.837	0.1%	0.3%	4.837
2. managerial and executive	182	884	4.846	0.0%	0.2%	4.846	184	1,311	7.130	0.0%	0.2%	7.130
3. sales	28	370	13.264	0.0%	0.1%	13.264	28	623	22.635	0.0%	0.1%	22.635
4. administrative support	106	569	5.371	0.0%	0.1%	5.371	100	853	8.509	0.0%	0.2%	8.509
5. precision production	11	346	31.309	0.0%	0.1%	31.309	10	793	83.082	0.0%	0.1%	83.082
6. operators, fabricators, and laborers	5	1,109	205.441	0.0%	0.2%	205.441	5	2,247	424.146	0.0%	0.4%	424.146
7. farming, forestry, and fishing	1	26	17.990	0.0%	0.0%	17.990	1	38	27.454	0.0%	0.0%	27.454
8. service	121	1,403	11.581	0.0%	0.2%	11.581	123	2,969	24.073	0.0%	0.5%	24.073
9. homemakers, unknown, retired, etc.	10,827	34,950	3.228				10,955	49,972	4.562			

Note: Shares refer to shares of those immigrants who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Table 8. Principals and Derivatives for the FB2 Admission Class by Country/Region of Birth: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals, Admission Class FB2A												
Canada	18	195	10.823	0.0%	0.2%	5.141	0	256		0.0%	0.2%	
Mexico	3,740	51,502	13.771	7.9%	51.4%	6.541	3,424	86,390	25.232	7.3%	63.0%	8.577
China	2,004	2,311	1.153	4.2%	2.3%	0.548	1,907	1,951	1.023	4.1%	1.4%	0.348
India	2,909	4,813	1.655	6.1%	4.8%	0.786	2,787	3,721	1.335	6.0%	2.7%	0.454
Philippines	0	2,004		0.0%	2.0%		0	2,547		0.0%	1.9%	
Remainder of Asia and Oceania	8,572	8,877	1.036	18.0%	8.9%	0.492	8,168	8,696	1.065	17.5%	6.3%	0.362
Africa	1,156	1,647	1.424	2.4%	1.6%	0.677	1,109	1,714	1.545	2.4%	1.3%	0.525
Caribbean and Central America	22,891	20,903	0.913	48.0%	20.8%	0.434	22,856	23,422	1.025	49.1%	17.1%	0.348
Europe	0	2,483		0.0%	2.5%		0	2,644		0.0%	1.9%	
South America	6,351	5,561	0.876	13.3%	5.5%	0.416	6,338	5,716	0.902	13.6%	4.2%	0.307
Principals, Restricted Family Based												
Canada	137	31	0.226	0.3%	0.1%	0.412	129	39	0.302	0.3%	0.1%	0.486
Mexico	1,466	866	0.591	3.3%	3.6%	1.075	1,455	2,303	1.583	3.3%	8.3%	2.553
China	3,519	1,608	0.457	8.0%	6.7%	0.831	3,577	1,421	0.397	8.0%	5.1%	0.641
India	3,848	1,119	0.291	8.7%	4.6%	0.529	3,986	1,259	0.316	8.9%	4.6%	0.509
Philippines	1,001	6,147	6.141	2.3%	25.4%	11.172	648	4,022	6.204	1.5%	14.6%	10.003
Remainder of Asia and Oceania	13,685	3,488	0.255	31.1%	14.4%	0.464	14,090	4,724	0.335	31.6%	17.1%	0.541
Africa	981	376	0.383	2.2%	1.6%	0.697	1,005	546	0.543	2.3%	2.0%	0.876
Caribbean and Central America	13,137	7,862	0.598	29.9%	32.5%	1.089	13,341	9,449	0.708	29.9%	34.2%	1.142
Europe	908	429	0.473	2.1%	1.8%	0.860	873	587	0.673	2.0%	2.1%	1.085
South America	5,300	2,248	0.424	12.1%	9.3%	0.772	5,451	3,283	0.602	12.2%	11.9%	0.971
Principals, Exempt Immediate Relatives												
Canada	96	53	0.549	0.3%	0.2%	0.695	94	53	0.562	0.3%	0.3%	0.819
Mexico	650	168	0.258	2.3%	0.8%	0.327	665	330	0.496	2.3%	1.7%	0.723
China	556	190	0.342	2.0%	0.9%	0.432	555	248	0.447	1.9%	1.3%	0.651
India	351	2,337	6.665	1.3%	10.6%	8.436	353	1,865	5.279	1.2%	9.4%	7.692
Philippines	1,092	1,778	1.628	3.9%	8.1%	2.060	1,129	1,632	1.446	3.9%	8.2%	2.106
Remainder of Asia and Oceania	2,754	2,123	0.771	9.9%	9.7%	0.976	2,828	1,813	0.641	9.8%	9.2%	0.934
Africa	285	353	1.239	1.0%	1.6%	1.568	295	288	0.977	1.0%	1.5%	1.423
Caribbean and Central America	17,832	12,170	0.682	64.2%	55.4%	0.864	18,611	10,490	0.564	64.5%	53.0%	0.821
Europe	390	242	0.620	1.4%	1.1%	0.784	388	269	0.694	1.3%	1.4%	1.011
South America	3,785	2,545	0.672	13.6%	11.6%	0.851	3,936	2,815	0.715	13.6%	14.2%	1.042

Note: Shares refer to shares of thos immigrants within the enclosing category (e.g. Principals, Admission Class FB2A)

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals												
Family Based Restricted	122,805	158,520	1.291	24.6%	34.4%	1.402	121,199	204,353	1.686	23.8%	34.3%	1.440
Immediate Relatives	283,642	219,868	0.775	56.7%	47.7%	0.842	292,879	299,791	1.024	57.5%	50.3%	0.874
Derivatives												
Family Based Restricted	93,195	81,554	0.875	18.6%	17.7%	0.951	94,801	91,530	0.965	18.6%	15.3%	0.825
Immediate Relatives	523	519	0.992	0.1%	0.1%	1.078	524	660	1.260	0.1%	0.1%	1.077

Note: Shares refer to shares of overall exempt immediate relatives of U.S. Citizens and restricted family based immigrants.

Table 10A. Principals by Broad Admission Class and Country/Region of Birth: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals, Diversity Immigrants												
Canada		9			0.0%			12			0.0%	
Mexico		4			0.0%			1			0.0%	
China		11			0.0%			12			0.0%	
India		30			0.0%			28			0.0%	
Philippines		2			0.0%			5			0.0%	
Remainder of Asia and Oceania		3,531			0.6%			5,158			0.7%	
Africa		8,488			1.5%			11,307			1.5%	
Caribbean and Central America		440			0.1%			445			0.1%	
Europe		8,950			1.6%			11,387			1.5%	
South America		727			0.1%			687			0.1%	
Principals, Restricted Employment Based												
Canada	778	2,097	2.697	0.1%	0.4%	2.697	772	2,995	3.882	0.1%	0.4%	3.882
Mexico	1,115	830	0.744	0.2%	0.1%	0.744	1,144	1,666	1.457	0.1%	0.2%	1.457
China	568	5,767	10.155	0.1%	1.0%	10.155	490	5,158	10.536	0.1%	0.7%	10.536
India	1,394	3,515	2.522	0.2%	0.6%	2.522	1,338	4,886	3.652	0.2%	0.6%	3.652
Philippines	1,652	4,830	2.924	0.3%	0.9%	2.924	1,684	4,480	2.661	0.2%	0.6%	2.661
Remainder of Asia and Oceania	7,518	7,455	0.992	1.3%	1.3%	0.992	7,527	11,253	1.495	1.0%	1.5%	1.495
Africa	946	1,597	1.689	0.2%	0.3%	1.689	930	2,266	2.436	0.1%	0.3%	2.436
Caribbean and Central America	4,524	2,795	0.618	0.8%	0.5%	0.618	4,610	4,735	1.027	0.6%	0.6%	1.027
Europe	3,215	6,188	1.925	0.6%	1.1%	1.925	3,238	9,972	3.080	0.4%	1.3%	3.080
South America	2,473	2,398	0.970	0.4%	0.4%	0.970	2,532	4,191	1.655	0.3%	0.5%	1.655
Principals, Restricted Family Based												
Canada	408	525	1.287	0.1%	0.1%	1.287	332	605	1.821	0.0%	0.1%	1.821
Mexico	11,452	55,847	4.877	2.0%	10.0%	4.877	11,244	92,062	8.187	1.5%	11.9%	8.187
China	8,950	6,263	0.700	1.6%	1.1%	0.700	8,864	6,049	0.682	1.1%	0.8%	0.682
India	8,764	8,944	1.020	1.6%	1.6%	1.020	8,621	9,924	1.151	1.1%	1.3%	1.151
Philippines	4,132	11,223	2.716	0.7%	2.0%	2.716	3,447	9,919	2.878	0.4%	1.3%	2.878
Remainder of Asia and Oceania	28,114	20,894	0.743	5.0%	3.7%	0.743	27,660	23,100	0.835	3.6%	3.0%	0.835
Africa	2,363	3,019	1.277	0.4%	0.5%	1.277	2,262	3,555	1.572	0.3%	0.5%	1.572
Caribbean and Central America	44,362	36,230	0.817	7.9%	6.5%	0.817	44,491	40,967	0.921	5.8%	5.3%	0.921
Europe	0	5,265		0.0%	0.9%		0	6,081		0.0%	0.8%	
South America	14,589	10,310	0.707	2.6%	1.8%	0.707	14,700	12,091	0.823	1.9%	1.6%	0.823
Principals, Exempt Immediate Relatives												
Canada	6,184	5,274	0.853	1.1%	0.9%	0.853	6,273	5,354	0.854	0.8%	0.7%	0.854
Mexico	46,319	21,988	0.475	8.3%	3.9%	0.475	47,583	55,430	1.165	6.2%	7.2%	1.165
China	11,569	10,816	0.935	2.1%	1.9%	0.935	12,001	14,103	1.175	1.6%	1.8%	1.175
India	12,367	9,265	0.749	2.2%	1.7%	0.749	12,991	11,802	0.908	1.7%	1.5%	0.908
Philippines	34,889	22,578	0.647	6.2%	4.0%	0.647	35,827	28,059	0.783	4.6%	3.6%	0.783
Remainder of Asia and Oceania	58,309	41,633	0.714	10.4%	7.4%	0.714	60,241	47,796	0.793	7.8%	6.2%	0.793
Africa	12,500	12,457	0.997	2.2%	2.2%	0.997	13,020	16,106	1.237	1.7%	2.1%	1.237
Caribbean and Central America	43,516	44,345	1.019	7.8%	7.9%	1.019	45,250	56,890	1.257	5.9%	7.4%	1.257
Europe	33,819	31,178	0.922	6.0%	5.6%	0.922	34,588	35,031	1.013	4.5%	4.5%	1.013
South America	24,162	20,334	0.842	4.3%	3.6%	0.842	25,101	29,219	1.164	3.3%	3.8%	1.164

Note: Shares refer to shares of overall immigrants within the four listed broad admission classes

Table 10B. Derivatives by Broad Admission Class and Country/Region of Birth: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Derivatives, Diversity Immigrants												
Canada		136			0.0%			173			0.0%	
Mexico		17			0.0%			14			0.0%	
China		25			0.0%			28			0.0%	
India		92			0.0%			77			0.0%	
Philippines		6			0.0%			12			0.0%	
Remainder of Asia and Oceania		3,166			0.6%			5,101			0.7%	
Africa		5,212			0.9%			9,499			1.2%	
Caribbean and Central America		429			0.1%			554			0.1%	
Europe		8,235			1.5%			12,940			1.7%	
South America		786			0.1%			804			0.1%	
Derivatives, Restricted Employment Based												
Canada	1,147	3,652	3.184	0.2%	0.7%	3.184	1,109	5,399	4.867	0.1%	0.7%	4.867
Mexico	1,892	878	0.464	0.3%	0.2%	0.464	1,942	1,839	0.947	0.3%	0.2%	0.947
China	847	7,990	9.429	0.2%	1.4%	9.429	809	11,196	13.832	0.1%	1.5%	13.832
India	950	3,650	3.842	0.2%	0.7%	3.842	838	5,024	5.995	0.1%	0.7%	5.995
Philippines	3,104	5,343	1.721	0.6%	1.0%	1.721	3,082	4,479	1.453	0.4%	0.6%	1.453
Remainder of Asia and Oceania	10,857	10,336	0.952	1.9%	1.8%	0.952	10,958	14,265	1.302	1.4%	1.8%	1.302
Africa	1,210	2,232	1.844	0.2%	0.4%	1.844	1,190	2,680	2.251	0.2%	0.3%	2.251
Caribbean and Central America	7,167	3,104	0.433	1.3%	0.6%	0.433	7,407	4,588	0.619	1.0%	0.6%	0.619
Europe	4,370	7,417	1.697	0.8%	1.3%	1.697	4,211	11,192	2.658	0.5%	1.4%	2.658
South America	3,792	3,269	0.862	0.7%	0.6%	0.862	3,910	5,252	1.343	0.5%	0.7%	1.343
Derivatives, Restricted Family Based												
Canada	462	769	1.663	0.1%	0.1%	1.663	393	939	2.391	0.1%	0.1%	2.391
Mexico	8,636	6,403	0.741	1.5%	1.1%	0.741	8,873	7,416	0.836	1.1%	1.0%	0.836
China	8,761	3,762	0.429	1.6%	0.7%	0.429	8,923	4,308	0.483	1.2%	0.6%	0.483
India	7,434	8,835	1.188	1.3%	1.6%	1.188	7,515	12,565	1.672	1.0%	1.6%	1.672
Philippines	8,960	6,506	0.726	1.6%	1.2%	0.726	9,205	8,461	0.919	1.2%	1.1%	0.919
Remainder of Asia and Oceania	17,729	19,444	1.097	3.2%	3.5%	1.097	17,429	20,684	1.187	2.3%	2.7%	1.187
Africa	591	1,569	2.654	0.1%	0.3%	2.654	504	1,628	3.227	0.1%	0.2%	3.227
Caribbean and Central America	31,053	22,570	0.727	5.5%	4.0%	0.727	32,131	21,166	0.659	4.2%	2.7%	0.659
Europe	0	4,853		0.0%	0.9%		0	6,313		0.0%	0.8%	
South America	9,240	6,843	0.741	1.7%	1.2%	0.741	9,406	8,050	0.856	1.2%	1.0%	0.856
Derivatives, Exempt Immediate Relatives												
Canada	32	27	0.847	0.0%	0.0%	0.847	32	41	1.290	0.0%	0.0%	1.290
Mexico	82	40	0.487	0.0%	0.0%	0.487	82	60	0.733	0.0%	0.0%	0.733
China	8	7	0.901	0.0%	0.0%	0.901	8	8	0.986	0.0%	0.0%	0.986
India	1	5	3.440	0.0%	0.0%	3.440	1	6	4.330	0.0%	0.0%	4.330
Philippines	271	123	0.454	0.0%	0.0%	0.454	280	117	0.417	0.0%	0.0%	0.417
Remainder of Asia and Oceania	16	50	3.048	0.0%	0.0%	3.048	11	71	6.583	0.0%	0.0%	6.583
Africa	11	21	1.940	0.0%	0.0%	1.940	11	23	2.084	0.0%	0.0%	2.084
Caribbean and Central America	30	58	1.913	0.0%	0.0%	1.913	31	76	2.479	0.0%	0.0%	2.479
Europe	36	153	4.194	0.0%	0.0%	4.194	32	207	6.510	0.0%	0.0%	6.510
South America	35	35	1.002	0.0%	0.0%	1.002	36	51	1.424	0.0%	0.0%	1.424

Note: Shares refer to shares of overall immigrants within the four listed broad admission classes

Table 11. Principals and Derivatives for Diversity Qualified and Non-Diversity Qualified Countries by Occupation, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Principals			Derivatives			Principals			Derivatives		
	Actual	Share	Category Share	Actual	Share	Category Share	Actual	Share	Category Share	Actual	Share	Category Share
Diversity immigrants from diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	954	0.5%	6.5%	421	0.2%	8.0%	1,345	0.5%	6.6%	671	0.2%	8.2%
b. other professional	1,538	0.8%	10.4%	657	0.3%	12.4%	2,121	0.8%	10.5%	1,037	0.4%	12.6%
c. technical specialty	2,798	1.4%	19.0%	992	0.5%	18.8%	4,116	1.5%	20.3%	1,618	0.6%	19.7%
2. managerial and executive	1,718	0.8%	11.7%	621	0.3%	11.8%	1,761	0.6%	8.7%	714	0.3%	8.7%
3. sales	766	0.4%	5.2%	300	0.1%	5.7%	1,192	0.4%	5.9%	522	0.2%	6.3%
4. administrative support	1,435	0.7%	9.7%	491	0.2%	9.3%	2,238	0.8%	11.1%	876	0.3%	10.6%
5. precision production	1,480	0.7%	10.1%	466	0.2%	8.8%	1,956	0.7%	9.7%	667	0.2%	8.1%
6. operators, fabricators, and laborers	1,244	0.6%	8.5%	463	0.2%	8.8%	1,604	0.6%	7.9%	679	0.2%	8.2%
7. farming, forestry, and fishing	129	0.1%	0.9%	50	0.0%	0.9%	231	0.1%	1.1%	103	0.0%	1.3%
8. service	2,658	1.3%	18.1%	823	0.4%	15.6%	3,683	1.3%	18.2%	1,344	0.5%	16.3%
9. homemakers, unknown, retired, etc.	7,436			12,705			8,761			20,868		
Non-diversity immigrants from diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	7,375	3.6%	6.4%	947	0.5%	5.9%	9,673	3.5%	6.5%	1,170	0.4%	5.5%
b. other professional	7,112	3.5%	6.2%	1,053	0.5%	6.5%	10,331	3.8%	6.9%	1,515	0.6%	7.2%
c. technical specialty	15,234	7.5%	13.3%	2,354	1.2%	14.6%	19,418	7.1%	13.0%	2,934	1.1%	13.9%
2. managerial and executive	14,685	7.3%	12.8%	1,977	1.0%	12.2%	19,839	7.3%	13.3%	2,606	1.0%	12.3%
3. sales	6,111	3.0%	5.3%	977	0.5%	6.0%	7,655	2.8%	5.1%	1,199	0.4%	5.7%
4. administrative support	9,759	4.8%	8.5%	1,704	0.8%	10.5%	11,200	4.1%	7.5%	2,033	0.7%	9.6%
5. precision production	9,355	4.6%	8.2%	1,525	0.8%	9.4%	12,156	4.4%	8.2%	1,862	0.7%	8.8%
6. operators, fabricators, and laborers	16,781	8.3%	14.6%	2,181	1.1%	13.5%	24,324	8.9%	16.3%	3,275	1.2%	15.5%
7. farming, forestry, and fishing	5,213	2.6%	4.5%	1,055	0.5%	6.5%	5,629	2.1%	3.8%	1,166	0.4%	5.5%
8. service	23,040	11.4%	20.1%	2,386	1.2%	14.8%	28,896	10.6%	19.4%	3,412	1.2%	16.1%
9. homemakers, unknown, retired, etc.	162,175			82,003			188,399			96,969		
Immigrants from non-diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	5,774	2.9%	12.5%	476	0.2%	8.8%	5,533	2.0%	8.2%	594	0.2%	7.9%
b. other professional	2,899	1.4%	6.3%	386	0.2%	7.1%	3,901	1.4%	5.8%	572	0.2%	7.6%
c. technical specialty	3,174	1.6%	6.9%	582	0.3%	10.7%	4,224	1.5%	6.3%	807	0.3%	10.7%
2. managerial and executive	3,710	1.8%	8.0%	713	0.4%	13.2%	4,843	1.8%	7.2%	939	0.3%	12.5%
3. sales	1,547	0.8%	3.3%	246	0.1%	4.5%	2,087	0.8%	3.1%	347	0.1%	4.6%
4. administrative support	2,259	1.1%	4.9%	396	0.2%	7.3%	2,929	1.1%	4.4%	531	0.2%	7.0%
5. precision production	2,207	1.1%	4.8%	234	0.1%	4.3%	3,162	1.2%	4.7%	313	0.1%	4.2%
6. operators, fabricators, and laborers	13,102	6.5%	28.4%	1,269	0.6%	23.4%	22,517	8.2%	33.5%	1,537	0.6%	20.4%
7. farming, forestry, and fishing	3,999	2.0%	8.7%	329	0.2%	6.1%	4,887	1.8%	7.3%	572	0.2%	7.6%
8. service	7,535	3.7%	16.3%	790	0.4%	14.6%	13,136	4.8%	19.5%	1,326	0.5%	17.6%
9. homemakers, unknown, retired, etc.	92,870			26,525			151,048			32,538		

Note: Shares refer to shares of those immigrants who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.
Note: The Category share refers to shares of those in indicated category (e.g. Principals/Diversity Immigrants from diversity qualified Countries of Birth) who report an occupation (occupation categories 1-8)

Table 12. Principals and Derivatives for Diversity Qualified and Non-Diversity Qualified Countries by Occupation: Actual and Predicted Immigration, 1995 and 1996

	Fiscal Year 1995						Fiscal Year 1996					
	Numbers			Shares			Numbers			Shares		
	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted	Predicted	Actual	Actual/ Predicted
Principals from diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	4,400	8,329	1.893	0.8%	1.5%	1.893	4,470	11,018	2.465	0.8%	2.0%	2.465
b. other professional	7,150	8,650	1.210	1.3%	1.5%	1.210	7,035	12,452	1.770	1.3%	2.2%	1.770
c. technical specialty	15,598	18,032	1.156	2.8%	3.2%	1.156	15,866	23,534	1.483	2.8%	4.2%	1.483
2. managerial and executive	13,295	16,403	1.234	2.4%	2.9%	1.234	13,310	21,600	1.623	2.4%	3.8%	1.623
3. sales	8,860	6,877	0.776	1.6%	1.2%	0.776	9,183	8,847	0.963	1.6%	1.6%	0.963
4. administrative support	13,756	11,194	0.814	2.4%	2.0%	0.814	13,814	13,438	0.973	2.5%	2.4%	0.973
5. precision production	13,757	10,835	0.788	2.4%	1.9%	0.788	13,832	14,112	1.020	2.5%	2.5%	1.020
6. operators, fabricators, and laborers	18,371	18,025	0.981	3.3%	3.2%	0.981	18,333	25,928	1.414	3.3%	4.6%	1.414
7. farming, forestry, and fishing	6,099	5,342	0.876	1.1%	1.0%	0.876	6,225	5,860	0.941	1.1%	1.0%	0.941
8. service	33,675	25,698	0.763	6.0%	4.6%	0.763	34,755	32,579	0.937	6.2%	5.8%	0.937
9. homemakers, unknown, retired, etc.	173,647	169,611	0.977				177,558	197,160	1.110			
Principals from non-diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	4,830	5,774	1.195	0.9%	1.0%	1.195	4,953	5,533	1.117	0.9%	1.0%	1.117
b. other professional	1,511	2,899	1.918	0.3%	0.5%	1.918	1,389	3,901	2.809	0.2%	0.7%	2.809
c. technical specialty	3,443	3,174	0.922	0.6%	0.6%	0.922	3,466	4,224	1.219	0.6%	0.8%	1.219
2. managerial and executive	4,426	3,710	0.838	0.8%	0.7%	0.838	4,504	4,843	1.075	0.8%	0.9%	1.075
3. sales	2,338	1,547	0.662	0.4%	0.3%	0.662	2,424	2,087	0.861	0.4%	0.4%	0.861
4. administrative support	3,606	2,259	0.626	0.6%	0.4%	0.626	3,630	2,929	0.807	0.6%	0.5%	0.807
5. precision production	5,085	2,207	0.434	0.9%	0.4%	0.434	5,166	3,162	0.612	0.9%	0.6%	0.612
6. operators, fabricators, and laborers	15,462	13,102	0.847	2.8%	2.3%	0.847	15,659	22,517	1.438	2.8%	4.0%	1.438
7. farming, forestry, and fishing	3,959	3,999	1.010	0.7%	0.7%	1.010	3,960	4,887	1.234	0.7%	0.9%	1.234
8. service	9,168	7,535	0.822	1.6%	1.3%	0.822	9,366	13,136	1.403	1.7%	2.3%	1.403
9. homemakers, unknown, retired, etc.	70,411	92,870	1.319				71,838	151,048	2.103			
Derivatives from diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	575	1,368	2.381	0.1%	0.2%	2.381	561	1,841	3.280	0.1%	0.3%	3.280
b. other professional	497	1,710	3.444	0.1%	0.3%	3.444	456	2,552	5.601	0.1%	0.5%	5.601
c. technical specialty	1,988	3,346	1.683	0.4%	0.6%	1.683	1,999	4,552	2.278	0.4%	0.8%	2.278
2. managerial and executive	1,443	2,598	1.800	0.3%	0.5%	1.800	1,392	3,320	2.385	0.2%	0.6%	2.385
3. sales	953	1,277	1.340	0.2%	0.2%	1.340	977	1,721	1.761	0.2%	0.3%	1.761
4. administrative support	1,483	2,195	1.480	0.3%	0.4%	1.480	1,440	2,909	2.021	0.3%	0.5%	2.021
5. precision production	1,479	1,991	1.346	0.3%	0.4%	1.346	1,448	2,529	1.747	0.3%	0.5%	1.747
6. operators, fabricators, and laborers	2,109	2,644	1.254	0.4%	0.5%	1.254	2,069	3,954	1.911	0.4%	0.7%	1.911
7. farming, forestry, and fishing	1,571	1,105	0.704	0.3%	0.2%	0.704	1,605	1,269	0.791	0.3%	0.2%	0.791
8. service	2,712	3,209	1.183	0.5%	0.6%	1.183	2,784	4,756	1.708	0.5%	0.8%	1.708
9. homemakers, unknown, retired, etc.	81,777	94,708	1.158				82,737	117,837	1.424			
Derivatives from non-diversity qualified Countries of Birth												
1. professional, technical, and kindred												
a. health professional	370	476	1.286	0.1%	0.1%	1.286	380	594	1.564	0.1%	0.1%	1.564
b. other professional	165	386	2.339	0.0%	0.1%	2.339	148	572	3.858	0.0%	0.1%	3.858
c. technical specialty	564	582	1.031	0.1%	0.1%	1.031	572	807	1.411	0.1%	0.1%	1.411
2. managerial and executive	803	713	0.888	0.1%	0.1%	0.888	824	939	1.140	0.1%	0.2%	1.140
3. sales	265	246	0.929	0.0%	0.0%	0.929	274	347	1.265	0.0%	0.1%	1.265
4. administrative support	460	396	0.860	0.1%	0.1%	0.860	473	531	1.123	0.1%	0.1%	1.123
5. precision production	435	234	0.538	0.1%	0.0%	0.538	447	313	0.701	0.1%	0.1%	0.701
6. operators, fabricators, and laborers	1,356	1,269	0.936	0.2%	0.2%	0.936	1,401	1,537	1.097	0.2%	0.3%	1.097
7. farming, forestry, and fishing	355	329	0.928	0.1%	0.1%	0.928	357	572	1.600	0.1%	0.1%	1.600
8. service	885	790	0.893	0.2%	0.1%	0.893	918	1,326	1.445	0.2%	0.2%	1.445
9. homemakers, unknown, retired, etc.	26,493	26,525	1.001				27,156	32,538	1.198			

Note: Shares refer to shares of those immigrants who report an occupation (occupation categories 1-8)
Note: This comparison excludes refugees and immigrants from certain other admission classes.

Appendix A - Data Processing Notes

The INS Public Use data tapes for the years 1977-1996 served as the source of the underlying data for this study. (Data for the years 1972-1976 were not employed because the Western Hemisphere was treated differently than the Eastern Hemisphere in these years.) These raw data were aggregated into a processed data set whose data dictionary is presented below. The aggregated data and, in some cases, further aggregations thereof were used to produce the number used in the regressions and cross-tabs presented in this study. This appendix describes this process including details such as how the structured missing data present in the data for FY80-FY83 were processed. (The INS Public Use tapes contain flaws for the years 1980-1983 that require attention.)

The data were aggregated as described in the following outline. The outermost level of the outline describes the variables appearing in the processed data set (with difference between the "old" and "new" data indicated.) The deepest level of the outline indicates the actual values the specific variable may take in the processed data set. Where necessary, additional aggregation was performed to recover the inner levels.

I. Class of Admission [10,12]
  A. Employment Based [2,4]
    1. Pre-92 categories [2]
      a) third preference (P3)
      b) sixth preference (P6)
    2. Post-91 categories [4]
      a) EB1 (E1)
      b) EB2 (E2)
      c) EB3 [2]
        (1) skilled (E3A)
        (2) unskilled (E3B)
      d) EB4 [2]

(1) A portion of EB4 which corresponds to certain formerly exempt special classes. Therefore this category is defined both Pre-92 and Post-91 (E4A).
(2) The remainder of the new EB4 category (E4B).

e) EB5 (E5)

B. Family Based [6]
1. Unmarried Sons and Daughters of Citizens (F1) P1/FB1
2. Spouses and unmarried sons and daughters of Permanent Residents. Note: Children were not distinguished from Unmarried Sons and Daughters 21 years and older prior to 1992. In these years the F2A/F2B split will be accomplished for principals based on their age and derivative immigrants are assumed to be in F2B.
a) Spouses and Children (F2A) P2A/FB2A.
b) Unmarried Sons and Daughters 21 years or older (F2B) P2B/FB2B
3. Married Sons/Daughters of citizens (F3) P4/FB3
4. Brothers/Sisters of Citizens 21 years of age or older (F4) P5/FB4

C. Exempt Immediate Relatives (IR)
D. Diversity (DIV)

II. Diversity - Is country of birth a 1996 qualified for diversity country? [2]
A. Yes (Y)
B. No (N)

III. Country of Birth [10]
A. North America (2)
1. Mexico (MEX)
2. Canada (CAN)

B. Asia and Oceania (4)
1. Philippines (PHL)
2. India (IND)
3. China (CHN)
4. Remainder (ASO)

C. Europe (EUR)
D. Africa (AFR)
E. South America (SAM)
F. Caribbean and Central America (CCA)

IV. Occupation [12]
A. Professional Technical and Kindred [3]
1. Health Professionals (H)- contains DOC, HLD, HLT, and NUR.
2. Other Professionals (P)- contains ARC, ENG, MCS, NSC, and SSC.
3. Technical Specialty (T) - contains ART, COU, LAW, LIB, SWK, TCO, TCU, TNH, and TNO.

B. Managerial, Executive (2) - contains EXC.
C. Sales (3) -contains SLS
D. Administrative support (4) - contains ASP.
E. Precision Production (5) - contains PCR.
F. Operators, fabricators, and laborers (6) - contains LAB.

G. Farming, forestry, and fishing (7) - contains FFF.
H. Service (8) - contains SER.
I. Homemakers, unknown, retired, etc. (9) - contains HOU, NOT, UNR, and STC.
J. Structured Missing (U)

V. Age [4]
A. (A1) - contains 0-19
B. (A2) - contains 20-34
C. (A3) - contains 35-64
D. (A4) - contains 65+

VI. Adjuster Detail [5]
A. New (NEW)
B. Adjuster [4]
1. H1 [2]
a) H1A- registered nurse as indicated by admission class RN6 or RN7 (H1A).
b) H1B- other H1 category (H1B).
2. L1 (L1)
3. Others (OTH)
C. Structured Missing (UUU)

VII. Principal/Derivative [2]
A. Principal (P)
B. Derivative (D)

VIII. Gender [2]
A. Male (M)
B. Female (F)
C. Missing (X)
D. Structured Missing (U)

IX. Fiscal Year

To produce the processed data set, we processed the files into an intermediate format that adds two pieces of information to the above: a registered nurse (RN6/RN7) admission class and an age indicator. These fields are used to produce the H1A/H1B and, in pre-92 data, the F2A/F2B distinctions as described above. The additional fields are then removed. Some important notes regarding the H1A/H1B and F2A/F2B split appear later in this appendix.

Distribution of the Structured Missing Data

This section describes the technique used to distribute the structured missing data in the occupation, sex, and adjuster detail variables caused by structured missing data for fiscal years

1980 through 1983. Because of concerns about data strength at the fine level of detail provided by this module, a straightforward technique of distributing the structured missing data has been chosen. To ensure that the data set remains consistent when examined in less aggregated views, we have applied the proportions determined at an aggregate level to the highest level of detail provided.

Consider a module which contains two variables affected by the structured missing data: sex and intended state of residence. Sex and intended state of residence are not relevant in the current study, but they serve to illustrate how the data were treated. The distribution procedure is described graphically in Figure 1. The structured missing data are indicated by the number in the intersection of the structured missing values for sex ('U') and state of intended residence ('UU'). These data are to be distributed into the desired categories for the sex and state. The structured missing data are distributed into the shaded region of Figure 1, which includes all sex/state pairs. On a fiscal-year basis the proportion of missing data that should be allocated to each sex/state pair is determined by dividing the total number of records for that tuple prior to distribution by the total number for all destination pairs to distribution. The data are then distributed at the finest

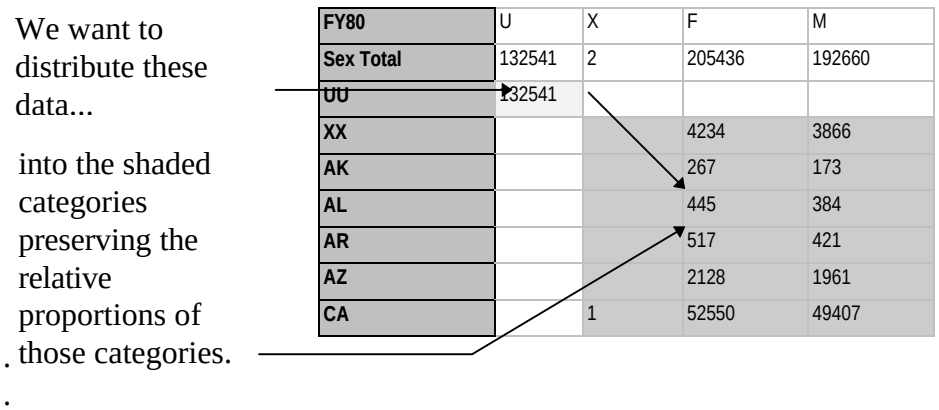

Figure 1: The distribution procedure.

level of detail provided for the module as follows. For each combination of the variables unaffected by the missing information, a table analogous to the one in Figure 1 is formed. Within that table, the structured missing is distributed to the destination pairs in the shaded area according to the proportions determined at the fiscal year level in Figure 1.

Performing the procedure in this manner ensures that the data for each fiscal year are consistent with the overall proportions in the data unaffected by the structured missing data while providing data at the level of detail required by this study. As a side effect, the data after distribution for the years FY80-FY83 include numbers that have a fractional part. This is necessary to ensure that totals after distribution agree with those prior to distribution.

As a check on this procedure, one should observe no change in the category totals for variables other than those affected by this problem. The relative proportions of each category (disregarding the structured missing category) should be the same before and after distribution.

For the processed data sets, the sex, occupation, and adjuster detail variables are those affected by the structured missing data problem.

The H1A/H1B split

The nonimmigrant class of entry field in the INS Public Use data records the most recent entry class for immigrants adjusting their status. The entry class H1 indicates a "Temporary worker of distinguished merit and ability." Beginning in 1992, the documentation indicates that the class H1 is divided into H1A for registered nurses and H1B for "temporary worker with 'specialty occupation'."

The manner in which the post-92 split is recorded in the Public Use data sets is not clear. For 1992 and 1993, the indicated codes are H1A and H1B. Since the field is has only two

characters, there is no distinction. In 1994 and later, the documentation indicates that H1A is coded as S8 while H1B is coded as H1. In these years where the distinction is clearly made in the documentation, the number of immigrants coded as H1A is negligible.

The admission class codes corresponding to H1A are RN6 and RN7 which appear in years 1990 and later. To use this information, the admission codes RN6/RN7 are mapped to a separate value of the admission class variable (namely RNE). The adjuster detail is recorded as H1 rather than making the H1A/H1B distinction. In a post processing step, the immigrants whose adjuster detail is H1 are assigned to H1A if their admission class is RNE and H1B otherwise.

The FB2A/FB2B split

Under IMMACT90 the former second preference class became the second family based preference class: FB2. This preference class is for spouses and children of legal permanent residents. IMMACT90 further distinguishes between FB2A containing spouses and children under the age of 21 and FB2B containing unmarried children 21 years of age and older.

The admission class code appearing in the Public Use Data for the second preference class does not distinguish between children under 21 and those 21 and over. To facilitate comparison between the pre-92 and post-92 data, the following procedure was used. For immigrants whose admission class was that of a child of a legal permanent resident, the age field was examined. Those under 21 were assigned to FB2A while those 21 or older were assigned the FB2B. For immigrants whose admission class was that of a derivative of a child of a legal permanent resident, there was no way of selecting FB2A or FB2B. All such derivatives were assigned to FB2B. In effect, the FB2A/FB2B split was not made for derivatives and this fact is reflected in the analysis.

The estimation procedure

The estimates are based on regressions from fiscal years 1977 through 1991. Simple numerical regressions are appropriate for the exempt categories, but would result in estimates for 1995 and 1996 which exceed certain caps in the old law such as the 27,000 limit for the third (P3) and sixth (P6) preference classes and the 80% limit on restricted family based (FB) immigration. In an effort to reflect the anticipated effects of these caps, the estimates were produced from four separate regressions: P3, P6, FB, and exempt.

The division of a group's immigrants into the P3, P6, FB and exempt categories is based on admission class. P3 and P6 each correspond directly to a value of the admission class variable. FB is the aggregation of the F1, F2A, F2B, F3, and F4 values of the admission class variable. The exempt category is the aggregation of IR, E4A, and RNE (recall that E4A was numerically exempt under the old law.) The remaining categories either do not appear in the historical portion of the data (the DIV and remaining "E" classes), or are excluded from the analysis (the REF and "X" classes.)

For the P3, P6, and FB categories regressions are performed on the share of P3, P6, and FB immigration associated with the group being estimated. For the exempt category a numerical regression is calculated. The raw estimated shares of P3, P6, and FB and the number of exempt immigrants are then estimated for 1995 and 1996. Any negative raw shares or numbers are set to zero. Then the shares are scaled to sum to 1. The estimate for a given group is then the sum of the its exempt estimate, 27,000 times its estimated P3 share, 27,000 times its estimate P6 share, and 216,000 times its estimated FB share.

The Mapping Used for Aggregation

This section describes the mapping used to aggregate the INS Public Use data into the process data sets. The utility used to perform the aggregation uses configuration files which describe how the data appearing in the Public Use Data are to be mapped into the desired variables. The appropriate portions of these configuration files are reproduced below.

Admission Class

```
DIV=DV1,DV2,DV3,DV6,DV7,DV8
E1 =E10,E11,E12,E13,E14,E15,E16,E17,E18,E19,XE3
E2 =E21,E22,E23,E26,E27,E28,ES1,ES6
E3A=E30,E31,E32,E34,E35,E36,E37,E39,EC6,EC7,EC7,EC8
E3B=EW0,EW3,EW4,EW5,EW8,EW9
E4A=SD1,SD2,SD3,SD6,SD7,SD8,SE1,SE2,SE3,SE6,SE7,SE8,SEH,SEK,SF1,SF2,SF6\
  SF7,SG1,SG2,SG6,SG7,SH1,SH2,SH6,SH7,SJ2,SJ6,SJ7,SK1,SK2,SK3,SK4,SK6,SK7\
  SK8,SK9,SL1,SL6,SR1,SR2,SR3,SR6,SR7,SR8
E4B=SM0,SM1,SM2,SM3,SM4,SM5,SM6,SM7,SM8,SM9
E5 =C51,C52,C53,C56,C57,C58,E51,E52,E53,E56,E57,E58,I51,I52,I53,I56,I57\
  I58,R51,R52,R53,R56,R57,R58,T51,T52,T53,T56,T57,T58
F1 =A11,A12,A16,A17,B11,B12,B16,B17,F11,F12,F16,F17,K23,K24,KR4,KS4,P11\
  P12,P16,P17,XF3
F2A=B20,B21,B22,B23,B26,B27,B28,BX1,BX2,BX3,BX7,BX8,C20,C21,C26,CX1,CX2\
  CX3,CX6,CX7,CX8,F21,F22,F23,F26,F27,F28,FX1,FX2,FX3,FX6,FX7,FX8,K21,KN4\
  NA3,P21,P26
F2B=B24,B25,B29,C24,C25,C29,F20,F24,F25,F29
F2X=C22,C23,C27,C28,P22,P23,P27,P28
F3 =A31,A32,A33,A36,A37,A38,B31,B32,B33,B36,B37,B38,BX6,C31,C32,C33,C36\
  C37,C38,C41,C42,C43,C46,C47,C48,F31,F32,F33,F36,F37,F38,K25,K26,KT4,KU4\
  P41,P42,P43,P46,P47,P48
F4 =A41,A42,A43,A46,A47,A48,F41,F42,F43,F46,F47,F48,P51,P52,P53,P56,P57\
  P58
IR =AR1,AR6,CF1,CF2,CR1,CR2,CR6,CR7,IB1,IB2,IB3,IB6,IB7,IB8,IF1,IF2,IR0\
  IR1,IR2,IR3,IR4,IR5,IR6,IR7,IR8,IR9,IW1,IW2,IW6,IW7,MR0,MR6,MR7,XR3
P3 =K22,KP4,P31,P32,P33,P36,P37,P38
P6 =P61,P62,P63,P66,P67,P68
REF=AS6,AS7,AS8,C7P,CH6,CNP,CU0,CU6,CU7,CU8,CU9,CUP,IC6,IC7,LA6,M83,M93\
  NP2,NP7,P71,P72,P76,R86,RE6,RE7,RE8,RE9,Y64
RNE=RN6,RN7
X66=Z66
XAM=AM1,AM2,AM3,AM6,AM7,AM8
XCH=CB1,CB2,CB6,CB7,LB1,LB2,LB6,LB7
XDV=AA1,AA2,AA3,AA6,AA7,AA8
XIN=NP8,NP9
XLG=W16,W26,W36
XNP=NP0,NP1,NP5,NP6,OP1,OP6
XOT=DT1,DT2,DT3,DT6,DT7,DT8,HK1,HK2,HK3,HK6,HK7,HK8,VI0,VI5,VI6,VI7
XSA=SA1,SA2,SA3,SA6,SA7,SA8
XSW=S16,S26
XXE=DS1,S13,SC1,SC2,SC6,SC7,XA3,Z03,Z13,Z33,Z43,Z56,Z83
XXX=XB3,XN3,Z11,Z41,Z57,Z91
```

Note: The admission class variables assigns all possible admission class codes to some category. In addition to the categories described in the data dictionary and the RNE class used for

H1A/H1B, there is a refugee class REF and several special classes indicated by the first letter X. The REF and "X" classes are not included in any of the tables. The F2X class lists admission categories which are F2B after FY91 but are ambiguous prior to FY92. The previous section describes how this category is used.

Country of Birth Diversity Qualified

```
N=582-582,260-260,247-247
Y=100-245,248-259,261-581,583-999
```

Country/Region of Birth

```
MEX=582-582
CAN=574-574
PHL=260-260
IND=247-247
CHN=245-245,299-299
ASO=201-244,248-259,261-298,403-474
EUR=100-199,501-501
AFR=301-399
SAM=601-696
CCA=502-502,504-533,575-581,583-586
XXX=900-999,700-700
```

Occupation

Prior to FY83:

```
P=001-023,034-055,091-096,150-162
H=061-076
T=024-033,056-056,080-090,100-145,163-196
2=200-255
3=260-296
4=301-396
5=401-446,452-582
6=601-751,753-760,762-796
7=450,752,761,801-846
8=901-986
9=995-995,X10-X60
U=
```

FY83 and later:

```
P=ARC,ENG,MCS,NSC,SSC
H=DOC,HLD,NUR,HLT
T=TCU,TCO,COU,LIB,SWK,LAW,ART,TNH,TNO
2=EXC
3=SLS
4=ASP
5=PCR
6=LAB
7=FFF
8=SER
9=HOU,UNR,STC,NOT
U=
```

Age Group

```
A1= 0-19
20=20-20
```

```
A2=21-34
A3=35-64
A4=65-98
XX=UU-UU,99-99
```

Note: The special case of 20 is used as part of the FB2A/B split described in the previous section.

The 20 age group is joined with the A2 age group in the post-processing step.

Adjuster Detail

Prior to FY92:

```
NEW=  |
H1 =H1
L1 =L1
OTH=A1,A2,A3,B1,B2,C1,C2,C3,C4,D1,D2,E1,E2,F1,F2,G1,G2,G3,G4,G5\
  H2,H3,H4,I1,J1,J2,K1,K2,L2,M1,M2,N1,PR,RE,S9,TC,WB,WI,WT,UU,99,CT
```

FY92 and later:

```
NEW=  |
H1B=H1
H1A=S8
L1 =L1
OTH=A1,A2,A3,B1,B2,C1,C2,C3,C4,D1,D2,E1,E2,F1,F2,G1,G2,G3,G4,G5\
  H2,H3,H4,I1,J1,J2,K1,K2,L2,M1,M2,N1,PR,RE,S9,TC,WB,WI,WT\
  CC,CH,CP,DA,DE,DT,GB,N8,N9,O1,O2,O3,P1,P2,P3,P4,OP,Q1,R1,R2\
  S1,S2,TB,TD,TN,W1,W2,UU
```

Note: In both cases, new immigrants are indicated by spaces in the field. The vertical bar character informs the processing software that the spaces are significant rather than just white space.

Sex

```
M=1,M
F=2,F
X=9,U
```

Principal/Derivative

```
D=A12,A17,A32,A33,A37,A38,A42,A43,A47,A48,AA2,AA3,AA7,AA8,AM2,AM3,AM7,AM8\
  AS7,AS8,B12,B17,B20,B23,B25,B28,B32,B33,B37,B38,BX3,BX8,C20,C23,C25,C28\
  C32,C33,C37,C38,C42,C43,C47,C48,C52,C53,C57,C58,CF2,CU7,CX3,CX8,DT2,DT3\
  DT7,DT8,DV2,DV3,DV7,DV8,E10,E14,E15,E19,E22,E23,E27,E28,E30,E34,E35,E39\
  E52,E53,E57,E58,EC7,EC8,EW0,EW4,EW5,EW9,F12,F16,F17,F20,F23,F25,F28,F32\
  F33,F37,F38,F42,F43,F47,F48,FX3,FX8,HK2,HK3,HK7,HK8,I52,I53,I57,I58,IB3\
  IB8,IC7,IF2,K21,K22,K23,K24,K25,K26,KN4,KP4,KR4,KS4,KT4,KU4,LB1,LB2,LB6\
  LB7,NP2,NP7,NP9,P12,P17,P23,P28,P32,P33,P37,P38,P42,P43,P47,P48,P52,P53\
  P57,P58,P62,P63,P67,P68,R52,R53,R57,R58,RE7,RE8,RE9,RN7,SA2,SA3,SA7,SA8\
  SD2,SD3,SD7,SD8,SE2,SE3,SE7,SE8,SF2,SF7,SG2,SG7,SH2,SH7,SJ2,SJ7,SK2,SK3\
  SK4,SK7,SK8,SK9,SM0,SM2,SM3,SM5,SM7,SM8,SR2,SR3,SR7,SR8,T52,T53,T57,T58\
  VI7,XA3,XE3,XF3,XN3,XR3
P=A11,A16,A31,A36,A41,A46,AA1,AA6,AM1,AM6,AR1,AR6,AS6,B11,B16,B21,B22,B24\
  B26,B27,B29,B31,B36,BX1,BX2,BX6,BX7,C21,C22,C24,C26,C27,C29,C31,C36,C41\
  C46,C51,C56,C7P,CB1,CB2,CB6,CB7,CF1,CH6,CNP,CR1,CR2,CR6,CR7,CU0,CU6,CU8\
  CU9,CUP,CX1,CX2,CX6,CX7,DS1,DT1,DT6,DV1,DV6,E11,E12,E13,E16,E17,E18,E21\
```

```
E26,E31,E32,E36,E37,E51,E56,EC6,EC7,ES1,ES6,EW3,EW8,F11,F21,F22,F24,F26\
F27,F29,F31,F36,F41,F46,FX1,FX2,FX6,FX7,HK1,HK6,I51,I56,IB1,IB2,IB6,IB7\
IC6,IF1,IR0,IR1,IR2,IR3,IR4,IR5,IR6,IR7,IR8,IR9,IW1,IW2,IW6,IW7,LA6,M83\
M93,MR0,MR6,MR7,NA3,NP0,NP1,NP5,NP6,NP8,OP1,OP6,P11,P16,P21,P22,P26,P27\
P31,P36,P41,P46,P51,P56,P61,P66,P71,P72,P76,R51,R56,R86,RE6,RN6,S13,S16\
S26,SA1,SA6,SC1,SC2,SC6,SC7,SD1,SD6,SE1,SE6,SEH,SEK,SF1,SF6,SG1,SG6,SH1\
SH6,SJ6,SK1,SK6,SL1,SL6,SM1,SM4,SM6,SM9,SR1,SR6,T51,T56,VI0,VI5,VI6,W16\
W26,W36,XB3,Y64,Z03,Z11,Z13,Z33,Z41,Z43,Z56,Z57,Z66,Z83,Z91
```

Impact of Federal Welfare Reform on Immigrants

U.S. Commission on Immigration Reform
July 28, 1997

FINAL REPORT

Impact of the Federal Welfare Reform on Immigrants

Prepared for:

U.S. Commission on Immigration Reform
July 28, 1997

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I. OVERVIEW

This report was prepared by The Lewin Group for the U.S. Commission on Immigration Reform. This report is based on findings from a survey of key informants in five states (California, Florida, Illinois, New York and Texas) conducted to determine the effects of federal changes to welfare policy as a result of the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104 –193, PRWORA). The survey, funded by the John D. and Catherine MacArthur Foundation, focused on the impact of changes to the following federal programs: food stamps, Supplemental Security Income (SSI), Temporary Assistance to Needy Families (TANF), and the Medicaid program (with the exception of emergency medical services), as well as on changes to state and local programs. Interviews were conducted from April through June 1997. Survey findings were updated through July 24, 1997. An executive summary and five detailed state reports accompany this overview.

This overview summarizes findings from the five state survey in the following areas:

Provisions of PRWORA that apply to immigrants

Political environment and state decisionmaking regarding PRWORA

State and local implementation of PRWORA

Impact of welfare reform on state and local governments, local economies, health and social service providers, and immigrants

Provisions of PRWORA

In August 1996, the 104th Congress of the United States passed historic welfare reform legislation that has had enormous consequences for states. Among the changes contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 are specific restrictions on welfare programs and federal public benefits for immigrants. Title IV of PRWORA sets forth new requirements on the states to discontinue benefits and deny eligibility for federal, state and local welfare programs to specific classes of immigrants, including qualified immigrants, non-qualified immigrants, and illegal immigrants.

Title IV of PRWORA intersects with federal immigration law (i.e. Illegal Immigration Reform and Immigrant Responsibility Act of 1996), particularly as it relates to the designation or determination of immigration status. States are now required to understand the intricacies of immigration law in order to process applications by immigrants for welfare benefits.

Political Environment and State Decisionmaking Regarding PRWORA

In order to respond to the Welfare Act, states are required by their constitutions and by administrative practice to make a host of legislative and policy decisions with respect to the various federal, state and public benefits that immigrants receive. This is a challenging task because the criteria established in PRWORA for denying and limiting benefits to immigrants

are not uniform across programs.

Furthermore, despite the enactment of PRWORA, there is still a high level of uncertainty at the federal level surrounding immigrant eligibility for SSI and Medicaid. States are faced with the task of responding to the immigrant-related provisions of PRWORA in the absence of final decisions around major issues (e.g. whether SSI benefits will be restored for all or a fraction of legal immigrants) at the federal level.

As part of their response to PRWORA, many states and localities have legally challenged the denial of benefits for immigrants and are strongly advocating that the federal government reassumes its responsibility in this area. States argue that since they are not responsible for "immigration policy", they should not be faced with the responsibility of having an "immigrant policy", i.e. determining whether immigrants may receive benefits and paying for those benefits.

There is consensus that the objective of reducing federal responsibility for immigrants under these provisions will result in an unprecedented cost transfer to the states. In turn, some states will transfer liability for the costs to localities.

States are currently making complex and unprecedented decisions regarding federal programs in three areas: (i) immigrant eligibility decisions, i.e. whether immigrants should be covered and which types of immigrants should be covered; (ii) the level of benefits to be offered to immigrants; (iii) administrative decisions, i.e. whether to create new state programs or reform current programs to serve immigrants.

State and Local Implementation of PRWORA

The criteria for denying and limiting benefits to immigrants in PRWORA are not uniform across federal programs. The lack of uniformity and the complexity of program designs create a significant administrative burden on states to fashion program-specific eligibility changes, including management of information and the development of new tracking and monitoring systems for all affected programs.

Among the five states we surveyed, there is considerable variation in the extent to which decisions have been made. The legislative sessions in Florida, Illinois and Texas have ended. On the other hand, in California and New York, the legislatures are in session and there are still many uncertainties. In this section, we present an overview of the legislative and policy decisions that these five states have made through this point in time. States continue to debate about how to respond to the immigrant provisions of PRWORA. When the federal budget is approved, states may have to both reconsider their positions and evaluate issues they have not addressed yet. Additionally, once PRWORA is fully implemented, states will have to confront its impacts on immigrants.

Among the five states in this study, there is a wide range of responses to the immigrant provisions of the Welfare Act. Texas appears to be at one end of the spectrum. This state seems to be "in denial" of the devastating effects that PRWORA will have on the immigrant

population. On the other hand, Illinois falls on the other end of the spectrum, having already made several important decisions regarding immigrants. California, Florida and New York fall between Texas and Illinois with regard to reaching consensus around immigrant eligibility and program changes necessary to replace benefits for immigrants.

States are making decisions about eligibility for three major types of immigrants: qualified immigrants (as defined by the Welfare Act) who entered the country before the enactment of PRWORA (i.e. August 22, 1996), non-qualified immigrants, and legal immigrants who entered the country after the enactment of the Act (hereinafter referred to as new immigrants). State decisions concerning the four main federal programs are summarized below.

SSI: Only Illinois has decided to replace SSI for a fraction of qualified immigrants (i.e. those who were receiving benefits prior to August 22, 1996). Similarly, only Illinois will replace SSI for a fraction non-qualified immigrants--it will cover those individuals who were receiving benefits prior to the enactment of the Act. No state has decided to replace SSI for new immigrants.

Food Stamps: No state has decided to replace food stamps for qualified immigrants who entered the United States before the enactment of PWRORA, non qualified immigrants or new immigrants.

TANF: All states in the survey have decided to cover under TANF qualified immigrants who entered the country prior to August 22, 1996. No states have decided to cover non-qualified immigrants or new immigrants (during the five-year federal ban) for TANF at state cost.

Medicaid: All states in the survey will cover pre August 22, 1996 qualified immigrants under their Medicaid programs. However, no state will cover post August 22, 1996 qualified immigrants or new immigrants at state cost.

In addition to making decisions about immigrant eligibility, replacement of programs for immigrants and the respective level of benefits, states need to develop systems that track information on immigrants. Currently, states rely on the Systematic Alien Verification for Entitlements (SAVE) Program, a single federally-developed information system that can provide information on immigrant status. This is an inter-governmental information-sharing service for agencies and institutions that was developed pursuant to Section 121 of the Immigration Reform and Control Act of 1986 (IRCA). However, states now need information systems that can track immigrant categories and exemption criteria as defined in the Welfare Act. States are currently waiting for the U.S. Attorney General to develop verification criteria and procedures, and then they will have a year to make their systems conform to the new guidelines.

Impact of welfare reform on state and local governments, local economies, health and social service providers, and immigrants

The effects of the immigrant related provisions of the Welfare Act will be far reaching. State and local governments will face new responsibilities, an unprecedented cost transfer from the

federal government, and complicated administrative decisions. State projections of the number of immigrants who will become ineligible by type of public program apply only to current caseloads. Neither the states nor the federal government has the capacity at present to project the number of qualified, non-qualified and new immigrants who may need assistance but will not be eligible for public benefit programs in future.

The number of current recipients who will lose benefits as well as the cost to the states of losing those federal funds is significant. In California, 345,000 immigrants will lose food stamps; and 243,720 will lose SSI. In Florida, 97,658 immigrants will lose food stamps; 54,000 will lose SSI; 503 will lose TANF; and 3,062 will lose Medicaid. In Illinois 39,000 immigrants will lose food stamps; 22,000 will lose SSI; 1,698 will lose TANF; and 2,379 will lose Medicaid. In New York, 130,000 immigrants will lose food stamps; and 80,000 will lose SSI. In Texas, 140,937 immigrants will lose food stamps; 34,892 will lose SSI; about 37,061 will lose the state optional Medicaid benefits and 33,725 will lose SSI-linked Medicaid benefits. For those states that provided estimates, the loss of federal funds due to the immigrant provisions of PRWORA will be considerable. Under the Welfare Act, the most significant financial loss to the states will be the loss of SSI and food stamp funds. For food stamps and SSI, Florida will lose nearly $311 million per year, while Illinois and Texas will lose about $150 million each.

Local economies will be seriously affected by the direct loss of benefits as well as the indirect economic impact associated with diminished household incomes, purchasing power and workforce productivity.

Community-based social service and health care providers are likely to face an increased demand for their services as immigrants are denied public benefits. Whether the financial and structural capacity of these providers will be sufficient to offer a safety net to immigrants remains to be seen. Providers are also concerned that immigrants, qualified and nonqualified, may not seek necessary medical care due to the fear of being reported to the INS or fear of jeopardizing one's chances of obtaining citizenship. These fears could pose a serious health problem to the states and localities if immigrants do not receive care for infectious or communicable diseases like tuberculosis.

Immigrant families will be the most negatively impacted by PWRORA. The effects on immigrants include fear and confusion, diminished household incomes, increased food and housing insecurity, reduced access to health care and other social services, and changing incentives regarding naturalization, assimilation and family reunification strategies. The weakening of immigrants' socio-economic status and well-being will have a detrimental effect not only on immigrants themselves but on those U.S. citizens who are members of immigrant families and households as well as on communities where immigrants constitute a substantial fraction of the population, work force and social fabric.

II. INTRODUCTION

In April 1997, The Lewin Group received a grant from The John D. and Catherine T. MacArthur Foundation to conduct a survey of key informants in five states to determine the effects of federal changes to welfare policy as a consequence of Congressional enactment in 1996 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104 - 193). Lewin also received funding from the U.S. Commission on Immigration Reform to prepare a report summarizing the findings from the five state survey.

The states included in the survey are California, Florida, Illinois, New York, and Texas. The number of immigrants residing in these five states collectively represents approximately 75% of the total number of immigrants currently living in the U.S.

This report summarizes the findings from the five state survey. Accompanying this Executive Summary are separate state reports which provide detailed findings from each of the states studied. Also attached in separate volumes are appendices for each of the states that include official documents, research papers, and other supporting materials that describe legislative, judicial, administrative, and other findings or activities outlined in each of the state reports.

This Executive Summary is organized into the following sections:

Project Purposes and Methods

State Policy Options

State Decisions and Actions

Actual and Expected Impacts on Immigrants

State Efforts to Monitor Impacts

Conclusion

Appendices

III. PROJECT PURPOSES AND METHODS

In August 1996, the 104th Congress of the United States passed historic welfare reform legislation that has had enormous consequences for states. Among the changes contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, (hereinafter referred to as PRWORA or the Welfare Act), are specific restrictions on welfare programs and federal public benefits for aliens (hereinafter also referred to as immigrants). Title IV of PRWORA (See Appendix I) sets forth new requirements on the states to discontinue benefits and deny eligibility for federal welfare programs to specific classes of immigrants, including qualified immigrants, non-qualified immigrants, and illegal immigrants. (Appendix I)

Title IV sets forth the basis of national policy concerning welfare benefits for immigrants including specific restrictions and exceptions regarding eligibility for federal benefits; eligibility for state and local benefits; attribution of income and affidavits of support for immigrants establishing eligibility; general provisions regarding verification and communication between states, local and federal authorities regarding immigrants and law enforcement; conforming amendments related to assisted housing; and earned income credit denied to unauthorized employees. A brief summary of the discontinuation of benefits by federal and state program for specific classes of immigrants is provided in Appendix II.

In its entirety, Title IV intersects with federal immigration law (i.e. Illegal Immigration Reform and Immigrant Responsibility Act of 1996), particularly as it relates to the designation or determination of immigration status. States are now required to understand the intricacies of immigration law in order to process applications by immigrants for welfare benefits. Currently, even the description of who is a "legal, qualified alien" creates confusion among many state workers unfamiliar with conditions surrounding entry to the U.S. by non-citizens and the role of the Immigration and Naturalization Service in the determination of immigration status. For qualified aliens, the distinctions drawn among asylees, parolees, refugees, persons with deportation withheld, and determination of minor children suffering abuse or cruelty and in need of welfare benefits altogether create ample opportunity for dismay and confusion at the local level of welfare program administration.

In addition, provisions of PRWORA regarding new eligibility requirements for immigrants requires substantial documentation by the applicant to establish all of the requirements, including residency and income provisions. One particular section of the law requires the attribution of sponsor income and resources for aliens with sponsorship. These requirements require significant understanding of immigration law and procedures and also impose new requirements to review the income and resources not only of the alien but of his/her sponsor which states have rarely performed.

Practically, states report that the enforcement of Title IV of PRWORA creates new types of work to determine an applicant's immigration status for which they are unprepared and untrained. State respondents also report that the type of work required to process applications for benefits now borders on the exercise of federal powers regarding a determination of an individual's immigration status. This intersection with federal responsibilities concerns the states and will continue to be an issue for states and localities.

Nearly one year since the passage of PRWORA, governors, legislators, agencies, interest groups, and citizens in each of the states are struggling to come to grips with the complexity of the federal law, the interaction of provisions in PRWORA with changes in federal immigration law, the range of policy and program alternatives available to the states to respond to PRWORA, and the expected impact of policy and program changes on immigrants.

Study Questions

The Lewin Group was commissioned to conduct a phone survey of key informants in five states with the highest proportion of resident immigrants to determine the impact of federal welfare policy on immigrants, including attention to impacts at the local level. The main study questions were as follows:

1. What changes are states planning in response to federal policy changes that discontinue immigrants from specific federal programs and federal/state programs?

2. How are counties and service providers responding to the federal and state welfare reforms?

3. How will the state and county welfare reforms affect the costs to states, counties and providers, particularly with respect to substitution of funds for withdrawn federal payments, and also with respect to other social (i.e. human) costs?

4. What are the problems that states, counties and providers report they will face in responding to welfare reform that were previously unforeseen by government officials?

5. What distinctions, if any, are states making to determine eligibility for welfare programs under their reforms with regard to an individual's immigration status, age, disability level, or employment status?

6. What are the direct effects of the policy changes, including health care delivery (access to care, payment for care, cost of care, and quality of care) for immigrants at the community level?

7. Are there state and local plans to monitor and assess the impact of policy changes?

Key Sources and Interviewees

Lewin developed a list of key informants in each of the states, drawing from several areas of the public and private sectors: government officials at the state and local levels charged with implementing state welfare reforms, service providers, research organizations, and advocacy groups. The officials contacted included key staff to Governors, Special Assistants on Welfare Reform, sponsors of key state legislation, state budget officers, agency heads in health care and welfare, legislators and legislative staff, state Attorneys General, County Commissioners, Boards of Supervisors, and other local officials charged with planning and executing local-level reforms.

Lewin initially contacted between 35 and 125 individuals in each of the states, depending on the size of the state, number of localities with significant immigrant populations, and the degree of local involvement in shaping state responses to the federal welfare changes. From the over 350 initial contacts, we developed about 200 key sources and conducted about 100 full interviews to produce the state reports. Key sources and interviewees are listed in Appendix III.

Lewin developed a structured interview protocol to guide each of the interviews. The protocol was sent in advance to each interviewee or group of interviewees, where we had multiple informants participating in a single interview (Appendix IV). Because of the complexity of the issues, the evolving nature of state decisionmaking and action in the implementation of welfare reform, and the uncertainty posed by ongoing federal budget negotiations concerning retention of certain key provisions of PRWORA affecting immigrants, informants had a need to speak well beyond the allotted time. In most cases, the interviews exceeded 60 minutes, some requiring follow-up interviews to complete the interview protocol and to secure additional referral sources.

Respondents welcomed the project effort and were extremely generous with their time, referrals, insight, and advice. A number of individuals contacted expressed interest in the study but declined to participate. Most of these non-respondents stated that since the status of decisionmaking was still in flux in their respective states, they did not want to engage in speculation or conjecture as to what the ultimate legislative decisions would be. Responses from each of the interviews were synthesized and are contained in separate state reports. The outline for each of the state reports is provided in Appendix V.

The following sections summarize findings from the state interviews. This report attempts to capture the high-level commonalties among the states and report on the significant differences with regard to decision processes, policy frameworks, program options, implementation of state and local decisions regarding welfare reforms affecting immigrants, and impacts on individuals and communities. Detailed state reports are attached to this Executive Summary. The state reports include findings from the many interviews conducted for each state and also include official records and proceedings describing the legislation and administrative procedures states have adopted or intend to adopt to implement welfare reform at the state and local level of government.

IV. STATE POLICY OPTIONS

In order to respond to the Welfare Act states are required by state constitutions and administrative practice to make a host of legislative and policy decisions with respect to the various federal, state and public benefits that immigrants receive. Various reasons why these changes pose challenging and protracted deliberations are discussed below.

The criteria established in PRWORA for denying and limiting benefits to immigrants are not uniform across programs. For example, food stamps and the Supplemental Security Income (SSI) program, which are entirely funded by the federal government, have been discontinued for legal immigrants, including qualified immigrants, with the exception of five categories of immigrants. For Temporary Assistance for Needy Families (TANF) program -- now a block grant according to PRWORA -- and Medicaid -- still an entitlement program funded by both the federal and the state governments -- states have the option of continuing to cover qualified immigrants who entered the United States before August 22, 1996.

Despite the enactment of PRWORA, there is still a high level of uncertainty at the federal level surrounding immigrant eligibility for SSI and Medicaid. The federal budget agreement

(April 1997) would restore SSI to those immigrants who become disabled after entering the United States; eliminate restrictions on SSI and Medicaid for qualified immigrant children; delay the ban on food stamps for current recipients from April 1, 1997 to September 30, 1997; and extend the exception for refugees and asylees from five to seven years. However, members of Congress continue to debate the extent of the restoration of benefits for immigrants. Most of the discussions have focused on the SSI program. Two particular amendments were passed to the Senate version of the Balanced Budget Act. The first amendment would exempt qualified immigrants who come in the future and are too disabled to naturalize from the SSI restrictions. The second amendment would allow Amerasians to receive SSI and all other benefits during their first seven years in the United States. While the Senate version passed a few amendments revising provisions impacting immigrants, the House version of the Balanced Budget Act did not include any such provisions. The conference committee is currently meeting to iron out the differences between the House and the Senate bills. According to the National Law and Immigration Center, the House and Senate Republican conferees decided to support the provisions least favorable to immigrants in cases where the House and Senate versions of the bill diverge. As of July 23, 1997, the bill would provide SSI to qualified immigrants who were receiving SSI on August 22, 1996; all other classes of immigrants are not qualified and therefore face the termination of their benefits. These decisions are not final, however, until the White House and the Congress complete their negotiations over the balanced budget bill.

Several governors and congressional members feel strongly that the federal government should reassume its responsibility and restore SSI and food stamps benefits for legal immigrants. States are afraid of taking action to replace those benefits with state funds while there is still no resolution at the federal level. It is felt that by assuming this responsibility, states would be weakening their position vis-à-vis the federal government. On the other hand, states face internal pressures to protect immigrants by replacing benefits. Pro-immigrant legislators, social service providers and advocacy groups argue that, although the federal government should ultimately be responsible, with the enactment of PRWORA, "the ball is now on the states' court." There are indications that large sectors of the population view as unacceptable the human, public health and economic costs of denying assistance to poor legal immigrants. For example, in California, a recent survey of registered voters showed that 92 percent support public benefits for legal immigrants[1].

There is consensus that the immigrant provisions of the Welfare Act represent an unprecedented cost transfer from the federal government to the states. Besides the direct costs of providing benefits, there would be significant administrative costs if states were to establish their own programs to serve immigrants. For example, if a state wanted to replace food stamps it would need to create a new program for immigrants, while citizens will continue to be served by the U.S. Department of Agriculture (USDA) food stamps program. Another possibility would be for the states to contract out the provision of benefits for immigrants with the federal government. Currently, a federal bill (HR1469), which has not been passed yet,

[1] The survey, conducted by the Service Employee International Union, polled a sample of registered voters who have voted in recent elections about various topics--the questions on public benefits for legal immigrants constituted a small section of the questionnaire. The results of this survey will be available soon.

contains language permitting states to contract with USDA to continue providing food stamps to legal immigrants.

In addition to the cost-shifting issue, states question whether the federal government has the right to force states to make decisions about public benefits for immigrants. States argue that "immigration policy", i.e. determining and enforcing the conditions under which non-citizens can enter and reside in the country legally, is a federal responsibility. Therefore, states should not be faced with the responsibility of having an "immigrant policy", i.e. determining whether immigrants, whom they did not admit, may receive benefits. Nor should states be asked "to act as agents of the INS". An individual interviewed for this study illustrated this paradox by suggesting that if the federal government wants to decentralize immigrant policy, it should also be willing to decentralize immigration policy.

Policy options regarding federal programs

The decisions that states need to make regarding federal programs can be classified in three types:

1) Immigrant eligibility decisions, i.e. whether immigrants should be covered and which types of immigrants should be covered.

2) Economic decisions, i.e. determining the level of benefits to be offered to immigrants.

3) Administrative decisions, i.e. whether to create new state programs or reform current programs to serve immigrants.

SSI

According to the welfare act, with the exception of five immigrant categories, all non-citizens will lose eligibility for SSI. However, as discussed above, there is still great uncertainty around the continuation of the SSI program for immigrants. States will have to decide whether to establish a state-funded program to replace benefits for those immigrants who will eventually lose SSI. The range of decisions that states need to make are summarized in Table 4.1.

Table 4.1: Range of State Decisions Regarding Replacement of SSI for Immigrants

Immigrant eligibility decisions
Whether to wait until the federal budget is passed and it is clear which types of immigrants will lose SSI.
Whether to create a state program to replace SSI. If this program is created before the federal budget is passed, the state will have to estimate which types of immigrants are less likely to be covered by the federal government.
Whether to cover only qualified aliens as defined in the Welfare Act or all legal aliens (qualified and non-qualified).
Whether to cover only qualified (legal) immigrants who entered the country before the

enactment of PRWORA (current immigrants) or cover all qualified (legal) immigrants regardless of their date of entry.
Whether to subject state-funded coverage for qualified (legal) immigrants who entered the country after the enactment of PRWORA (new immigrants) to deeming.
Economic decisions
Level of benefits.
Administrative decisions
Structure of state program to replace SSI.
If there are state programs linked to SSI (e.g. in-home support services, Medicaid), state may want to de-link eligibility to allow immigrants losing SSI to continue receiving benefits/services under those programs.

Food stamps

According to the Welfare Act, with the exception of five immigrant categories, all non-citizens will lose eligibility for food stamps. States will have to decide whether to establish a state-funded program to replace food stamps. The range of decisions that states need to make are summarized in Table 4.2.

Table 4.2: Range of State Decisions Regarding Replacement of Food Stamps for Immigrants

Immigrant eligibility decisions
Whether to discontinue food stamps for immigrants by April 1, 1997 or promote recertification of immigrants to receive food stamps to delay discontinuation.
Whether to create a state program to replace food stamps.
Whether to cover only qualified aliens as defined in the Welfare Act or all legal aliens (qualified and non-qualified).
Whether to cover only qualified (legal) immigrants who entered the country before the enactment of PRWORA (current immigrants) or cover all qualified (legal) immigrants regardless of their date of entry.
Whether to subject state-funded coverage for qualified (legal) immigrants who entered the country after the enactment of PRWORA to deeming.
Economic decisions
Level of benefits.
Administrative decisions
Whether to extend recertification periods as far as possible, but in any event not later than August 22, 1997. This option is from the waiver the USDA Food and Consumer Service issued subsequent to the enactment of PRWORA. The waiver allows States to extend certification periods for aliens currently receiving Food Stamps for up to 12 months, or up

to 24 months in the case of elderly and disabled aliens, but not past August 22, 1997.
Whether to seek a waiver from USDA to exempt able-bodied, childless adults between the ages of 18 and 50 from the Federal welfare provisions if those individuals live in a county with an unemployment rate greater than 10 percent. Also, counties could qualify for a different waiver because of their designation as "labor surplus areas."
If HR1469 is passed, whether to contract with USDA to continue providing food stamps to immigrants who lose assistance or create state program to replace food stamps.
Structure of state program to replace food stamps.

TANF

According to the Welfare Act states are authorized to determine the eligibility of qualified aliens for TANF. Federal funds may be used for covering qualified immigrants. States may use their own funds to cover non-qualified and new immigrants. The range of decisions that states need to make are summarized in Table 4.3.

Table 4.3: Range of State Decisions Regarding Continuation & Replacement of TANF for Immigrants

Immigrant eligibility decisions
Whether to continue covering qualified immigrants. Federal funds may be used for covering qualified immigrants. If the state decides to cover qualified immigrants, the block grant amount received from the federal government, in combination with the corresponding state funds, should be sufficient to cover those immigrants. The state may decide to cover only certain types of qualified immigrants.
Whether to use state funds to cover all legal immigrants (i.e. qualified and non-qualified immigrants). Federal funds may not be used to cover non-qualified immigrants.
Whether to cover only qualified (legal) immigrants who entered the country before the enactment of PRWORA (current immigrants) or cover all qualified (legal) immigrants regardless of their date of entry. During the five year ban, federal funds may not be used to cover new qualified immigrants. After the five-year ban, federal funds may be used to cover qualified immigrants but states must deem the income and resources of the alien's sponsor.
Whether to subject state-funded coverage for qualified (legal) immigrants who entered the country after the enactment of PRWORA to deeming.
Whether to cover citizen children of non-qualified immigrants.
Economic decisions
Level of benefits.
Administrative decisions
TANF implementation decisions around immigrants including:
Whether the state will implement any immigrant-specific programs in regard to work

requirements, e.g. job training programs in appropriate languages Whether the state plans to include any immigrant categories (e.g. refugees) in the fraction of recipients to be exempted from the TANF work requirements If the state decides to cover new qualified or non-qualified immigrants, whether the state will have this spending count towards the "maintenance of effort" requirement for TANF under PRWORA TANF implementation decisions around households composed of non-citizen and citizen members including: Whether new qualified, non-qualified and illegal immigrant parents of citizen children will be eligible for limited assistance Whether new qualified and non-qualified immigrant parents will have to meet work requirements Whether undocumented immigrant parents will be required to meet work requirements through community service, since they are not legally permitted to work in the United States Whether single undocumented immigrant parents will be eligible for child care.

Medicaid

According to the Welfare Act states are authorized to determine the eligibility of qualified aliens for Medicaid. Federal funds may be used for covering qualified immigrants. States may use their own funds to cover non-qualified and new immigrants. Emergency Medicaid must be available to all types of immigrants--including illegal immigrants. The range of decisions that states need to make are summarized in Table 4.4.

Table 4.4: Range of State Decisions Regarding Continuation & Replacement of Medicaid for Immigrants

Immigrant eligibility decisions
Whether to continue covering qualified immigrants. Federal funds may be used for covering qualified immigrants. The state may decide to cover only certain types of qualified immigrants. Whether to use state funds to cover all legal immigrants (i.e. qualified and non-qualified immigrants). Federal funds may not be used to cover non-qualified immigrants. Whether to cover only qualified (legal) immigrants who entered the country before the enactment of PRWORA (current immigrants) or cover all qualified (legal) immigrants regardless of their date of entry. During the five year ban, federal funds may not be used to cover new qualified immigrants. Whether to cover citizen children of nonqualified immigrants and whether to distinguish between children in a family with citizen and nonqualified immigrants children. Whether to subject coverage for qualified (legal) immigrants who entered the country

after the enactment of PRWORA to deeming.
Economic decisions
Level of benefits
Administrative decisions
Whether to establish eligibility criteria (i.e. medically needy) to allow immigrants who lose SSI to continue receiving Medicaid--such criteria may already exist.

Policy options regarding state and county programs

Besides restricting immigrant eligibility for federal programs, the Welfare Act limited immigrant eligibility for state and county programs. States are authorized to determine the eligibility of qualified immigrants who entered the United States before August 22, 1996, for state and county programs. States are also authorized to determine the eligibility of non-immigrants under the Immigration and Nationality Act and aliens paroled into the United States for less than a year. If a state wants state and county programs to cover non-qualified and illegal immigrants, it has to enact a state law after the enactment of PRWORA that affirmatively provides for such eligibility.

State legislative and policy decisions regarding immigrant-related provisions of Welfare Act

As described above, states are faced with making multiple decisions regarding the immigrant-related provisions of the Welfare Act. Among the five states we surveyed, there is considerable variation in the extent to which decisions have been made. The legislative sessions in Florida, Illinois and Texas have ended. On the other hand, in California and New York, the legislatures are in session and there are still many uncertainties. In this section, we present an overview of the legislative and policy decisions that these five states have made through this point in time. This, of course, does not mean that the states in question will not continue debating how to respond to the immigrant provisions of PRWORA. When the federal budget is approved, states may have to both reconsider their positions and evaluate issues they have not addressed yet. Additionally, once PRWORA is fully implemented, states will have to confront its impacts on immigrants.

Among the five states in this study, there is a wide range of responses to the immigrant provisions of the Welfare Act. Texas appears to be at one end of the spectrum. Several interviewees stressed that the state seems to be "in denial" of the devastating effects that PRWORA will have on the immigrant population. On the other hand, Illinois has already made two important decisions, i.e. replacing SSI for a fraction of those immigrants who may lose benefits and continuing prenatal care for all types of immigrants. Furthermore, Illinois appears to be the only state where practically all the range of policy options discussed in Section 2, have been considered. California, Florida and New York are between Texas and Illinois with regard to reaching consensus on a policy framework to determine program changes at the state and local levels of government. A complete discussion of each state is included in the case studies in this report.

Some of the issues that states have not fully addressed yet are whether to use state funds to cover non-qualified legal immigrants, i.e. persons residing in the United States under color of law (PRUCOL immigrants); whether to use state funds to cover immigrants who entered the United States after August 22, 1996 (new immigrants); and whether to subject coverage of new immigrants with state funds to the new deeming provisions.

State legislative and policy decisions regarding federal programs

Below we discuss the decisions that states have made regarding food stamps, SSI, TANF and Medicaid. Tables referenced follow on pages 19 through 22.

SSI

Except for Illinois, none of the states has decided to allocate state funds to replace SSI for those immigrants who will lose benefits. The Illinois legislature has appropriated $10 million to cover 4,192 elderly legal immigrants who applied for SSI before August 22, 1996. At the federal level, the governors and/or congressional members of California, Florida, Illinois and New York have advocated that the federal government restore SSI. To our knowledge, Texas is the only state that has not been openly active at the federal level.

Food stamps

None of the states has made a decision to create a program to replace the food stamp program for immigrants. In California and New York, the creation of such program is being considered. For the time being, Illinois and Florida have decided against this option. Finally, the issue of replacing food stamps with a state-funded program has not been raised in Texas. In general, although the consequences of not restoring or replacing food stamps will be as devastating as the consequences of not restoring or replacing SSI, at the state level there is considerably less political support for food stamps than for SSI. At the federal level, the governor and/or congressional members of California, Florida, Illinois and New York have advocated that the federal government restore food stamps. However, discussions at the federal level have focused on SSI, and advocacy for food stamps has been less vocal. Again, to our knowledge, Texas is the only state that has not been strongly lobbying at the federal level.

Although the replacement of food stamps for legal immigrant has not received as much attention as the replacement of SSI benefits, numerous advocacy groups are deeply concerned about the consequences of denying food stamps to non-citizens.

As illustrated later in this report (see Tables 6.1 and 6.2), in terms of the number of individuals losing benefits, the denial of food stamps will be even more serious than the denial of SSI. In terms of lost federal funds, the loss of SSI would be roughly 150 percent larger than the loss of food stamps for Florida, 130 percent larger for Illinois, and 7 percent larger for Texas -- data for California and New York were not available. However, the amount of federal funds lost for both programs is significant. Additionally, the figures in Tables 6.1 and 6.2 do not

reflect that Congress is likely to restore SSI benefits for at least a fraction of immigrants, while restoring food stamps is not being considered[2].

Besides the direct impact on state finances, food stamp cuts will have a severe effect on legal immigrants' income. For instance, according to California Food Policy Advocates, in the state of California the average immigrant household cut from the program will lose about $70 per person monthly. For immigrant families in Los Angeles and San Francisco, this will represent a reduction in their monthly income of one-fourth and one-third respectively.

Food stamp cuts will result in increased malnutrition. In California, several advocacy groups have stressed that the denial of food stamp benefits to legal immigrants will cause the largest increase in food insecurity since the Great Depression. Food stamp cuts will have serious consequences for both immigrant and citizen children. For instance, in California children represent about one-third of those legal immigrants who are likely to lose food stamps. Furthermore, citizen children whose non-citizen parents and/or siblings will lose food stamps will be negatively impacted by a reduction in their family's ability to purchase food. In turn, increased malnutrition and hunger will give rise to health problems (e.g. anemia, low-birth weight and growth stunting) as well as educational problems.

Finally, the discontinuation of food stamp benefits will have a large negative impact on local economies. In addition to the direct loss of purchasing power, studies have shown that there is a three-fold multiplier effect associated with food stamps[3]. Some local economic interests realize the negative effect that the food stamp cuts may have on them and a few have taken some action to address this issue, e.g. in Houston some grocery stores have begun disseminating information on naturalization because of concerns about potential losses in food stamp revenue. However, none of the individuals interviewed for this study mentioned any efforts on the part of local chambers of commerce or other economic interests to lobby state governments and/or legislatures to replace food stamps. An additional economic impact of the loss of food stamps will be the removal of an implicit subsidy from the federal government to employers. By providing food stamps, the federal government has helped improve the economic well-being, nutritional status, and productivity of important sectors of the workforce. For instance, off-season, food stamps help immigrant farm workers support themselves and their families. Without food stamps, employers are likely to face a less productive workforce. However, interviewees did not note any employer efforts to advocate for the replacement of food stamps.

As mentioned above, in general, at both the state and federal levels, there appears to be more political support for protecting the elderly and disabled population, while both Congress and the public have been less sympathetic towards families and children who will lose food stamps. However, in the months to come, as the effects of the food stamp cuts are fully understood and realized, it is likely that state governments, legislators and local economic interests will advocate more aggressively for the restoration of these benefits and/or take action to replace

[2] President Clinton did not provide for the restoration of food stamps for legal immigrants in his budget proposal.
[3] The size of the multiplier effect comes from the California Food Policy Advocates, the Texas's, Comptroller and the El Paso Chamber of Commerce. The three sources agree that the food stamp multiplier (i.e. the indirect impact on local economies of losing direct food stamp funds) is about 3.0.

them. The announcement by Governor Pataki on July 23, 1997 that New York is likely to replace food stamps at least for children, the elderly or disabled who have legal immigrant status points in this direction[4].

TANF

All states have decided to preserve TANF eligibility for qualified immigrants who entered the country before the enactment of PRWORA. Florida and Illinois already have decided against covering new qualified immigrants, while California and New York are still considering this option. With respect to non-qualified immigrants, Florida, Illinois and New York have decided against it, while California is still evaluating this alternative. In the last legislative session, the Texas legislature did not contemplate coverage for either new qualified or non-qualified immigrants.

States are now considering how to treat families comprised of immigrant parents (qualified and nonqualified) and citizen children. As the above table highlights, in Florida and Illinois, citizen children of nonqualified immigrants will receive benefits and their cases will be referred to as child only cases. These two states are not going to require the nonqualified immigrants to meet any work or community service requirements. The State of Illinois is planning on exempting these children from the five-year time-limit ban; it is not clear whether Florida will also exempt these children from the time limit. Similar to Florida and Illinois, the state of California will provide benefits to citizen children of nonqualified and qualified immigrants. However, in contrast to Florida and Illinois, California will not exempt these nonqualified immigrant parents from the work requirement; rather, these immigrants will be required to participate in community service activities. At this point in time, it is unclear how Texas and New York will treat the citizen children. No additional documentation or information was available.

Table 4.5 Overview of the Immigrant Provisions of the State TANF Plans

	California	Florida	Illinois	New York	Texas
TANF effective date	10/9/96	10/1/96	5/1/97	12/2/96	10/1/96
Time limit	60 mos.	48 mos.	60 mos.	60 mos.	12 continuous mos., 60 mos. lifetime
Provide TANF to qualified immigrants	Yes	Yes	Yes	Yes	Yes
Provide TANF to nonqualified immigrants:					
Who entered the U.S. prior to 8/22/96	No	No	No	No	No
Who entered the U.S. after 8/22/96	No	No	No	No	No
Provide TANF to citizen children of nonqualified immigrant parents	Yes	Yes	Yes	Info N/A	Info N/A
Establish work requirements for nonqualified parents whose citizen children are receiving benefits	Yes, community service	No	No	Info N/A	Info N/A

[4] "Albany Chiefs Near Pact on Food Aid for Immigrants", *The New York Times*, July 24, 1997.

Exempting certain qualified immigrants from work requirements	To be decided	No	To be decided	Info N/A	Info N/A
Subjecting new immigrant eligibility and coverage to deeming	Yes	Yes	Yes	Yes	Yes

Source: State TANF Plans

Under the TANF, states have the option of exempting a segment of the population from the work requirements. At this point in time, it appears that only one state (California) is considering whether to exempt refugees, asylees, or parolees. The remaining states will require qualified immigrants to meet the work requirements. In addition, the states have also stated that they plan on subjecting immigrant eligibility and coverage to deeming as stated in PRWORA.

Medicaid

All states have decided to preserve Medicaid eligibility for all qualified immigrants who entered the country before the enactment of PRWORA. Illinois and Florida have decided against covering new qualified immigrants, while California and New York are still considering this option. With respect to non-qualified immigrants, Florida, Illinois and New York have decided against it, while California is still evaluating this possibility. Texas did not contemplate coverage for either new qualified or non-qualified immigrants.

V. STATE DECISIONS AND ACTIONS

Table 5.1: State Policy Decisions Regarding Replacement of SSI Benefits for Immigrants

State	State will replace SSI for pre 8/22/96 qualified immigrants				State will replace SSI for post 8/22/96 qualified immigrants				State will replace SSI for non-qualified immigrants				Governor has openly advocated the federal government restore SSI		Congressional members have sponsored bills to restore SSI	
	Yes	No	TBD	NC	Yes	No	TBD	NC	Yes	No	TBD	NC	Yes	No	Yes	No
California			X				X				X			X	X	
Florida		X				X				X			X		X	
Illinois	X[1]					X			X[1]				X		X	
New York			X				X			X			X		X	
Texas				X				X				X		X[2]		X

Note: *Yes* indicates that a bill or budget appropriation to replace SSI has been passed; *No* indicates that a bill or budget appropriation to restore SSI did not pass; *TBD* (to be decided) indicates that a decision about a bill or budget appropriation to restore SSI has not been made yet; *NC* (not considered) indicates that a bill or budget appropriation to restore SSI has not been considered.

[1] Covers 4,192 legal (both qualified and non-qualified) immigrants who are **not** disabled and applied for SSI **before** August 22, 1996.
[2] Interviews with the Governor's Office have not been completed. A statement from the Governor's office is forthcoming

Table 5.2: State Policy Decisions Regarding Replacement of Food Stamps Benefits for Immigrants

State	State will replace food stamps for pre 8/22/96 qualified immigrants				State will replace food stamps for post 8/22/96 qualified immigrants				State will replace food stamps for non-qualified immigrants				Governor has openly advocated the federal government restore food stamps		Congressional members have sponsored bills to restore food stamps	
	Yes	No	TBD	NC	Yes	No	TBD	NC	Yes	No	TBD	NC	Yes	No	Yes	No
California			X				X				X			X	X	
Florida		X				X				X			X		X	
Illinois		X				X				X				X	X	
New York			X				X			X			X		X	
Texas				X				X				X		X[5]		X

Note: *Yes* indicates that a bill or budget appropriation to replace food stamps has been passed; *No* indicates that a bill or budget appropriation to restore food stamps did not pass; *TBD* (to be decided) indicates that a decision about a bill or budget appropriation to restore food stamps has not been made yet; *NC* (not considered) indicates that a bill or budget appropriation to restore food stamps has not been considered.

[5] Interviews with the Governor's Office have not been completed; a statement from the Governor's Office is forthcoming.

Table 5.3: State Policy Decisions Regarding TANF Benefits for Immigrants

State	State will cover pre 8/22/96 qualified immigrants (as stated in TANF plan)		State will cover post 8/22/96 qualified immigrants at state's cost				State will cover non-qualified immigrants at state's cost			
	Yes	No	Yes	No	TBD	NC	Yes	No	TBD	NC
California	X				X				X	
Florida	X			X				X		
Illinois	X			X				X		
New York	X				X			X		
Texas	X					X				X

Note: For qualified immigrants, *Yes* indicates this is the state's intent under TANF plan; *No* indicates that this is not state's intent under TANF plan. For new and non-qualified immigrants, *Yes* indicates that a bill or budget appropriation to replace TANF has been passed; *No* indicates that a bill or budget appropriation to restore TANF did not pass; *TBD* (to be decided) indicates that a decision about a bill or budget appropriation to restore TANF has not been made yet; *NC* (not considered) indicates that a bill or budget appropriation to restore TANF has not been considered.

Table 5.4: State Policy Decisions Regarding Medicaid Benefits for Immigrants

State	State will cover pre 8/22/96 qualified immigrants		State will cover post 8/22/96 qualified immigrants at state's cost				State will cover non-qualified immigrants at state's cost			
	Yes	No	Yes	No	TBD	NC	Yes	No	TBD	NC
California	X				X				X	
Florida	X			X				X		
Illinois	X			X				X		
New York	X				X			X		
Texas	X					X				X

Note: For qualified immigrants, *Yes* indicates that state intends to cover these immigrants; *No* indicates that state does not intend to cover these immigrants. For new and non-qualified immigrants, *Yes* indicates that a bill or budget appropriation to replace Medicaid has been passed; *No* indicates that a bill or budget appropriation to restore Medicaid did not pass; *TBD* (to be decided) indicates that a decision about a bill or budget appropriation to restore Medicaid has not been made yet; *NC* (not considered) indicates that a bill or budget appropriation to restore Medicaid has not been considered.

VI. ACTUAL & EXPECTED IMPACTS OF THE WELFARE ACT ON IMMIGRANTS

Estimates of the number of immigrants losing benefits by federal program

Table 6.1 shows estimates of the number of immigrants who are likely to lose benefits. The number of immigrants who will lose SSI will be subject to the final outcome of the federal budget negotiations. For TANF and Medicaid, the five states have opted to cover qualified immigrant who entered the United States before the enactment of PRWORA. Illinois and Florida were able to provide estimates of the number of PRUCOL individuals who will lose TANF and Medicaid because they are no longer eligible under the welfare act. However, the other states did not provide these data.

It is important to note that the estimates provided by the states reflect only the number of *current recipients* who are likely to lose benefits. Furthermore, under PRWORA, except for the exempted categories, legal immigrants who entered the country before August 22, 1996 will not be able to apply for food stamps and SSI. New legal immigrants will not be able to apply for food stamps, SSI, TANF and Medicaid. Therefore, the estimates in Table 6.1 are a conservative estimate of the impact of the Welfare Act on immigrants. Ideally, estimates of the number of immigrants who would apply for benefits if they were still eligible should be added to the number of current recipients losing benefits.

The data in Table 6.1 show that in terms of the number of current recipients losing benefits, the largest impact would be felt by food stamp and SSI recipients. About 750,000 immigrants will lose food stamps in the five states, while about 430,000 immigrants will lose SSI.

Table 6.1: Number of Current Recipients by States to Become Ineligible by Program

	Food Stamps	SSI	TANF	Medicaid
California	345,000	243,720	N/A	N/A
Florida	97,658	54,000	503[a]	3,062 [a b]
Illinois	39,000	22,000	1,698[a]	2,379[a]
New York	130,000	80,000	N/A	N/A
Texas	140,937	34,892	N/A	37,061 (State option); 33,725 (SSI-linked)

California: Data provided by the California Department of Social Services. SSI data do not take into account the provisions of the federal budget agreement.
Florida: AFDC, Food Stamp, and Medicaid data as of January 1997; SSI data as of December 1996. Data provided by the State Department of Children and Families Economic Self-Sufficiency Services Program,
Illinois: Data provided by the Illinois Department of Public Aid. SSI data do not take into account the provisions of the federal budget agreement.
New York: Food stamps data come from USDA; SSI data provided by the State Department of Social Services,
Texas: Data from the Texas Health and Human Services Commission, Report of the Interagency Workgroup on Welfare Reform, November 1, 1996. The 37,061 Medicaid estimate is based on July 1996 caseloads and indicates the minimum number of legal aliens who will be subject to the State's option to continue coverage. The 33,725 Medicaid estimate is based on updated SSI caseloads from January 1997. The figure indicates the number of aged and disabled qualified aliens receiving SSI who were not receiving institutional care and would be likely to lose Medicaid even if the state opted to continue coverage, because their only access to Medicaid was through SSI.
a:/Permanently Residing Under Color Of Law
b:/Not including SSI recipients

Estimates of the costs to the states by federal program

As illustrated in Table 6.2 for those states that provided estimates, the loss of federal funds due to the immigrant provisions of PRWORA will be considerable. For food stamps and SSI, Florida will lose nearly $311 million per year, while Illinois and Texas will lose about $150 million each. As explained above, these figures may change once the federal budget is approved. Under the Welfare Act, the most significant financial loss to the states will be the loss of SSI funds.

Table 6.2: Estimated Costs of Federal Welfare Reform to the States

	Food Stamps	SSI	TANF	Medicaid
California	N/A	N/A	N/A	$16,000 [a]
Florida	$89,064	$221,616	$561	$3,123
Illinois	$46,000	$105,000	N/A	$12,300 [b]
New York	N/A	N/A	N/A	N/A
Texas	$122,200	$130,300	$9,000	$90,000 (State option); $94,600 (SSI-linked)

Notes: Numbers in thousands of dollars. Unless otherwise indicated, figures reflect amount of lost federal funds for current recipients (per year).
California: Data provided by the Legislative Analyst's Office. a:\ Yearly cost to the state of covering new immigrants.
Florida: AFDC, Food Stamp, and Medicaid data as of January 1997; SSI data as of December 1996. Data provided by the State Department of Children and Families Economic Self-Sufficiency Services Program.
Illinois: Data provided by the Illinois Department of Public Aid (IDPA). SSI data do not take into account the provisions of the federal budget agreement. b:\ Yearly cost to the state of covering PRUCOL recipients (estimated by IDPA).
Texas: TANF estimates from Legislative Budget Board, December 1996. SSI, Food Stamps, and Medicaid estimates from the Texas Health and Human Services Commission, Report of the Interagency Workgroup on Welfare Reform, November 1, 1996. The $90 million loss for SSI indicates the dollar value of coverage for legal aliens subject to the State's option to continue coverage. The $94.6 million indicates the dollar value of coverage for aged and disabled qualified aliens receiving SSI who were not receiving institutional care and would be likely to lose Medicaid even if the state opted to continue coverage, because their only access to Medicaid was through SSI.

Impacts on immigrants

Although PRWORA has not been fully implemented, state and county officials, social service providers and pro-immigrant advocacy groups in the five states in this study provided both data and compelling anecdotal evidence suggesting that the Act will have a significant negative impact on the well-being and health of large sectors of the immigrant population. The effects of PRWORA are discussed below.

Fear and confusion among the immigrant population

The Welfare Act has created widespread fear and confusion among immigrants. As discussed earlier, the final form that the immigrant provisions of PRWORA will take has yet to be determined. Even state and county officials, and advocates specialized in welfare and immigration issues find it difficult to fully understand the language and implications of the Act, and to keep track of its evolution. For low-income immigrants, many of whom are elderly, disabled, or not fully proficient in English, the technicalities of PRWORA may be incomprehensible. However, they are aware of the "bottom line", i.e. they will lose their benefits because they are immigrants.

Effects on the socio-economic status of immigrants

By limiting eligibility to various public assistance programs, the Welfare Act will significantly reduce the income of those immigrant families who are currently receiving benefits. The SSI cuts will affect elderly and disabled legal immigrants, while the food stamp cuts will affect young adults and children. As discussed earlier, among legal immigrants, a substantial fraction of current food stamp recipients are children--e.g. in California roughly one-third of immigrants on the food stamp program are children. Furthermore, the Act will make new legal immigrants ineligible for TANF for five years after they enter the country.

PRWORA will not only have a negative effect on non-citizens but it will increase income, housing and food insecurity among U.S. citizens. In mixed households, i.e households composed of both non-citizens and citizens, a reduction in household income due to the immigrant-related provisions of the Act will impact all the members of the household not only the non-citizen ones.

Effects on the Health Status of Immigrants

By reducing the income of immigrant families by limiting SSI, food stamp and TANF eligibility, PWRORA will put immigrants at risk of malnutrition and inferior housing conditions including overcrowding. In turn, these risk factors will increase the likelihood of health problems among immigrants.

The Welfare Act has also reduced immigrants' access to social and health services. First, according to the Act, non-qualified, new qualified and undocumented immigrants will only be eligible for a narrow range of health services. Furthermore, the difficulty in understanding the scope of PRWORA may result in reduced access to services for which immigrants are still eligible. For instance, in several states nursing homes are already turning away immigrants. Illinois and New York have issued clarification letters to long-term care providers to prevent them from denying admission to immigrants. Additionally, the overlap between the Welfare Act and the Immigration Act has the potential of creating disincentives to access health care and other services. For example, service providers reported that immigrants fear that by using health services they may be at risk of deportation and/or jeopardizing their chances of becoming U.S. citizens.

For illegal aliens, one of the main impacts of PRWORA may be the lack of access to prenatal care. Several interviewees noted that the lack of prenatal care will result in higher health care costs, since high-risk pregnancies among undocumented women will go undetected until the women present themselves at emergency rooms to deliver their babies--according to PRWORA, all types of immigrants are still eligible for emergency health care. Furthermore, children born to these women are U.S. citizens and are eligible for Medicaid. The medical costs incurred in serving children whose mothers did not receive prenatal care have been shown to be higher than for those children whose mothers did receive care. Advocates and public health officials in the five states covered in this report noted that national data have demonstrated that for every dollar spent on prenatal care, three dollars are saved in future health care costs.

Despite overwhelming evidence that both from a public health and a financial perspective, prenatal care is highly effective, California and New York plan to discontinue these services for undocumented immigrants. Although the measure has not been implemented yet, providers already report a decline in prenatal care utilization by illegal immigrants. In California, a legal suit against the state government has delayed the implementation of this measure --originally scheduled for July 1st 1997-- at least until September 1st, 1997. In contrast to California and New York, Illinois has decided to preserve prenatal care for illegal immigrants.

Furthermore, PRWORA may give rise to serious public health problems. For instance, according to the Act, both legal and illegal immigrants can receive treatment if they have symptoms of a contagious disease. However, immigrants, especially illegal ones, are afraid of seeking health care. In Texas, some providers noted that language of PRWORA has the potential of increasing the spread of infectious diseases. For instance, individuals with active tuberculosis whose symptoms are mild may be denied treatment. This is a major concern along the Mexico-Texas border where TB prevalence is very high.

Finally, the Welfare Act is already having a severe negative impact on the mental health status of immigrants. Among individuals receiving SSI, the threat of being left without any means to support themselves has resulted in an increased incidence of mental health problems and suicides. Individuals interviewed for this report cited suicide cases as a dramatic illustration of the "unfairness" of the Welfare Act.

Effects on naturalization and assimilation

As explained in the introduction, there is an intersection between PRWORA and the Immigration Act. Immigrants are responding to both pieces of legislation and may find it hard to distinguish between the welfare and the immigration provisions. Both the threat of not being able to access public benefits and the threat of being deported are inducing a large number of immigrants to apply for citizenship. States, counties and community-based organizations are providing assistance to immigrants who want to seek naturalization. The Welfare Act has changed the incentives to become U.S. citizens facing immigrants. It remains to be seen whether these new incentives and the corresponding expected increase in naturalization rates will result in a faster assimilation process.

Furthermore, the deeming provisions of the Welfare Act--including the enforcement of affidavits of support--may change family reunification strategies among immigrants, e.g. by discouraging bringing into the United States elderly family members and/or small children who are more likely to need economic support.

Increased awareness about and mobilization around immigrant issues

Finally, despite all its negative impacts on immigrants, PRWORA may have at least one unintended positive outcome, that pro-immigrant service providers, community-based organizations and advocacy groups are becoming increasingly organized. For example, in California a bipartisan Committee in the legislature charged with summarizing the state options to respond to PRWORA has incorporated in its report the key initiatives of pro-immigrant groups

and legislators. In Illinois, advocacy groups have defined the terms of the debate. In Texas community-based organizations have been instrumental in explaining the implications of the Welfare Act to the state administration and legislature. Given that states are likely to become increasingly responsible for providing benefits and services to immigrants, pro-immigrant groups will have to strengthen their ability to shape the state political and policy responses towards immigrants.

VII.STATE EFFORTS TO MONITOR IMPACTS

At the present time, none of the states interviewed has an official, comprehensive plan to monitor the impacts of welfare reform change on immigrants. In fact, no state has a comprehensive plan to monitor the effects of welfare reform on other segments of the populations affected by this monumental legislation. The few monitoring studies that do exist focusing on the effects of welfare reform are being conducted by private research institutes funded by private philanthropies. Private organizations in New York and Texas have funded a monitoring project with particular focus on the disabled populations. Two states, New York and Florida, are planning to fund monitoring activities, but neither state has had the staff or other resources at their disposal to develop a monitoring approach.

Florida has a number of locally funded efforts to educate immigrant communities about changes in welfare programs. However, these programs do not link to any state efforts to monitor changes in program management or benefit use. In Texas, a number of charities and local governments are tracking changes in food sales as proxy measure of changes in food stamp circulation. There is no state-initiated effort to study the impact of changes in the food stamp program on the local economy or the nutritional status of populations at-risk.

The most immediate, albeit crude, tool available in each state to monitor changes in welfare programs is the monthly or quarterly caseload. These caseload figures are collected by each of the programs. In California and Texas, information on joint state/county-funded and county-only-funded welfare programs have been maintained primarily at the county level. In New York, the responsibility for maintaining information systems for welfare administration is devolving to the counties. Florida and Illinois have maintained centralized information systems for the state-funded welfare programs. However, in Florida county-only welfare programs are maintained by the counties and municipalities.

Clearly, states and counties are faced with several decisions regarding developing the capacity to track welfare program beneficiaries and resource use across localities. With changes in the lifetime limits imposed by the federal legislation and changes in eligibility requirements for immigrants, even the limited information systems currently maintained by states and counties will be inadequate to assure compliance with federal law. At present, of the states included in this study, none has indicated a current effort to integrate county and state information systems to track welfare caseload and benefit use across welfare programs and for specific classes of recipients, including immigrants.

States will have to rely increasingly on systems that track information on immigrants. The single federally-developed information system currently available to states that can provide information

on immigrant status is known as the Systematic Alien Verification for Entitlements (SAVE) Program. This is an intergovernmental information-sharing service for agencies and institutions that was developed pursuant to Section 121 of the Immigration Reform and Control Act of 1986 (IRCA).

Program components include a database of selected immigration status information on approximately 50 million individual non-citizens. The database is updated daily by the INS. States are using this information system to determine primary immigration status. However, states must still develop information systems that track immigrant categories and exemption criteria as defined in the Welfare Act. States are currently waiting for the U.S. Attorney General to develop verification criteria and procedures, and then they will have a year to make their systems conform to the new guidelines.

California, New York, Florida, and Texas are not developing centralized administrative information systems that link immigrants receiving state or local welfare benefits to immigration verification systems. Each county and municipality will be responsible for developing that capability. None of these states has plans to develop the capacity to electronically summarize the information linking immigrants to welfare programs or other tracking systems. Illinois has a centralized system, but immigrant categories are not uniform across programs. The prospects for developing centralized capabilities to monitor changes of welfare reform on immigrants are not bright. State and local resource constraints, competing demands for investments in information systems, and continuing devolution of responsibilities for program administration and financing to local government work against the likelihood that states will put a high priority on building a centralized capability to track the impact of welfare reform for immigrants and other populations affected by this historic change in welfare programs in the United States.

There remain public health interests in monitoring the impact of welfare reform at the state and local levels despite the apparent disinterest or disinclination of governments to fund these activities. The need to track communicable disease and contacts of individuals with communicable disease transcends local and state boundaries. Public health officials and providers may lose the ability to effectively intervene in the management of infectious diseases, many of which show a higher incidence among the poor and among immigrants from selected countries. Despite the limitations of current state and local tracking systems, it is possible to develop simulation techniques to estimate the incidence of disease and the patterns of infection for small areas and large regions to assist in the control of communicable disease among the population at-large. There is an immediate national interest in mitigating the worst effects that restrictions on access to public benefits and medical care may have on at-risk populations among immigrants.

VIII. CONCLUSIONS

The five states in this study are only starting to respond to the immigrant provisions of the Welfare Act. However, the current status of decisionmaking should not be viewed as inaction by the states. With the exception of Texas, all states are assessing various policy options ranging from covering all immigrants to minimizing state responsibility in this area. States are faced with both a significant cost shift from the federal government and the need to make complex decisions about immigrant eligibility. This transfer of immigrant-related costs and policy decisions is

unprecedented and states are challenging the constitutionality of many of the provisions in the Welfare Act, if not the Act in its entirety. Additionally, since states are unlikely to have the ability to completely replace federal benefits, immigrants will have access to lower levels of assistance.

In addition to the transfer of "immigrant policy" to the states, PRWORA raises another important question, i.e. whether it is legitimate to use welfare benefits as an immigration policy tool. First, the Welfare Act assumes that the availability of public benefits constitutes an incentive for immigration to the United States[6]. However, it is questionable whether immigrants factor public benefits into their decision to migrate[7]. Second, PRWORA seeks to reduce public assistance in order to generate incentives for individuals to work. However, for immigrants PRWORA also creates an incentive to naturalize in order to remain eligible for benefits.

Furthermore, a recent report by the National Academy of Sciences has shown that, overall, immigrants make a positive contribution to the U.S. economy. Furthermore, although at the state and local level immigrants have a negative fiscal impact, at the federal level they have a larger positive impact, resulting in an overall positive impact. Therefore, from a fiscal standpoint it should be questioned whether it is acceptable to use immigration status as an eligibility criteria for public benefits.

The effects of the immigrant related provisions of the Welfare Act will be far reaching. State and local governments will face new responsibilities, increased fiscal pressures and complicated administrative decisions. Local economies will be seriously affected by the direct loss of benefits as well as the indirect economic impact associated with diminished household incomes, purchasing power and workforce productivity. Community-based social service and health care providers are likely to face an increased demand for their services as immigrants are denied public benefits. Whether the financial and structural capacity of these providers will be sufficient to offer a safety net to immigrants remains to be seen[8]. Immigrant families will be the most negatively impacted by PWRORA. The effects on immigrants include fear and confusion, diminished household incomes, increased food and housing insecurity, reduced access to health care and other social services, and changing incentives regarding naturalization, assimilation and family reunification strategies. The weakening of immigrants' socio-economic status and well-being will have a detrimental effect not only on immigrants themselves but on those U.S. citizens who are members of immigrant families and households as well as on communities where immigrants constitute a substantial fraction of the population, work force and social fabric.

[6] See PRWORA, Section 400: "Statements of National Policy Concerning Welfare and Immigration".

[7] In the literature, migration flows have been explained as a function of wage and unemployment rate differentials between the origin and the destination country, and as a function of immigrant networks. See Madeline Zavoday. "Welfare and the Locational Choices of Immigrants," Federal Reserve Bank of Dallas Economic Review.. Second Quarter, 1997.

[8] A recent study of the impact of welfare reform in Los Angeles has shown that the capacity of the non-profit sector will be insufficient to fill the subsistence and human service gaps created by welfare reform (Wolch and Sommer, 1997, *Los Angeles in an Era of Welfare Reform*).

IX. LIST OF APPENDICES

Appendix I Title IV Personal Responsibility and Work Opportunity Act of 1996

Appendix II Summary of Restrictions on Eligibility to Public Welfare Benefits

Appendix III List of Key Interviewees and Sources

Appendix IV Interview Protocol

Appendix V Outline for State Reports

Appendix I. Title IV Personal Responsibility and Work Opportunity Reconciliation Act of 1996

Appendix II. Summary of Restrictions on Eligibility to Public Welfare Benefits

Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996
Limitations on immigrants' eligibility for federal, state and local public benefit programs

Federal programs	**Current immigrants** (i.e. aliens entering the country before the enactment of the Act)	**New immigrants** (i.e. aliens entering the country after the enactment of the Act)
"Specified Federal programs"- SSI	**Legal-qualified:** Not eligible Exceptions: refugees; asylees; aliens whose deportation has been withheld; permanent residents (i.e.,. green card holders) who have worked for 40 qualifying quarters and did not receive any means-tested federal public benefits; veterans; aliens on active duty **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)	**Legal-qualified: (**Not Eligible) **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)
"Specified Federal programs" - Food stamps	**Legal-qualified (i.e. permanent residents, asylees, refugees, aliens paroled into the U.S. for at least one year, aliens whose deportation is being withheld):** Not Eligible Exceptions: refugees; asylees; aliens whose deportation has been withheld; permanent residents (i.e., green card holders) who have worked for 40 qualifying quarters and did not receive any means-tested federal public benefits; veterans; aliens on active duty **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)	**Legal-qualified: (**Not Eligible) **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)
"Designated federal programs" –	**Legal-qualified:** State is authorized to determine the eligibility of qualified aliens	**Legal-qualified:** Not Eligible for 5 years beginning on the date of entry into the U.S.

TANF(formerly AFDC), Part A of Title IV of the Social Security Act	Exceptions: Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens whose deportation has been withheld, permanent residents who have worked 40 qualifying quarters, veterans, aliens on active duty (i.e. the eligibility of these aliens is not at the state's discretion) **Legal-non qualified:** Not Eligible **Illegal:** Not Eligible	After 5-year ban, in determining eligibility states must deem the income and resources of the alien's sponsor Exceptions: refugees; asylees; aliens whose deportation has been withheld; veterans; aliens on active duty; Cuban and Haitian refugees **Legal-non qualified:** Not Eligible **Illegal:** Not Eligible
"Designated federal programs" - Medicaid, a state plan under Title XIX of the Social Security Act	**Legal-qualified:** State is authorized to determine the eligibility of qualified aliens Exceptions: Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens whose deportation has been withheld, permanent residents who have worked 40 qualifying quarters, veterans, aliens on active duty (i.e. the eligibility of these aliens is not at state's discretion) **Legal-non qualified**: Not Eligible **Illegal**: Not Eligible	**Legal-qualified:** Not Eligible for 5 years beginning on the date of entry into the U.S. After 5-year ban, in determining eligibility states must deem the income and resources of the alien's sponsor Exceptions: refugees; asylees; aliens whose deportation has been withheld; veterans; aliens on active duty; Cuban and Haitian refugees **Legal-non qualified:** Not Eligible **Illegal:** Not Eligible

"Designated federal programs" - Social services block grant, Title XX of the Social Security Act	**Legal-non qualified:** State is authorized to determine the eligibility of qualified aliens Exceptions: Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens whose deportation has been withheld, permanent residents who have worked 40 qualifying quarters, veterans, aliens on active duty (i.e. the eligibility of these aliens is not at state's discretion) **Legal-non qualified:** Not Eligible **Illegal:** Not Eligible	**Legal-qualified:** Not Eligible for 5 years beginning on the date of entry into the U.S. After 5-year ban, in determining eligibility states must deem the income and resources of the alien's sponsor Exceptions: refugees; asylees; aliens whose deportation has been withheld; veterans; aliens on active duty; Cuban and Haitian refugees **Legal-non qualified:** Not Eligible **Illegal:** Not Eligible
"Federal public benefits"	**Legal-qualified:** eligible **Legal-non qualified:** Not Eligible Exceptions: 1. Emergency medical care (Title XIX of the Social Security Act) 2. Short-term, in-kind disaster-relief 3. Public health assistance (not including Title XIX) for immunizations and treatment of symptoms of communicable diseases 4. Programs specified by the Attorney General that provide in-kind assistance at the community level; do not condition the provision of assistance on the recipient's income; are necessary for the protection of life and safety 5. Housing assistance to the extent that the alien was receiving assistance when the Act was enacted **Illegal:** Not Eligible Exceptions: same as above	**Legal-qualified:** Not Eligible for any *federal means-tested public benefit* for 5 years beginning on the date of entry into the U.S. After 5-year ban, in determining eligibility states must deem the income and resources of the alien's sponsor Exceptions: refugees; asylees; aliens whose deportation has been withheld; veterans; aliens on active duty; Cuban and Haitian refugees Exceptions: 1. Emergency medical care (Title XIX, Social Security Act) 2. Short-term, in-kind disaster-relief 3. Assistance under the National School Lunch act 4. Assistance under the Child Nutrition Act of 1966 5. Public health assistance (not including Title XIX) for immunizations and treatment of symptoms of communicable diseases 6. Payments for foster care or adoption assistance (several conditions apply)

"Federal Public Benefits"		7. Programs specified by the Attorney General that provide in-kind assistance at the community level; do not condition the provision of assistance on the recipient's income; are necessary for the protection of life and safety 8. Several programs of student assistance under the Higher Education Act of 1965 9. Means-tested programs under the Elementary and Secondary Education Act of 1965 10. Benefits under the Head Start Act 11. Benefits under the Job Training Partnership Act **Legal-non qualified:** (Not Eligible) Exceptions: Same as above **Illegal:** (Not Eligible) Exceptions: None
State public benefit programs	**Legal-qualified, aliens who are not non-immigrants under the Immigration and Nationality Act, aliens paroled into the U.S. for less than one year:** State authorized to determine eligibility Exceptions: Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens whose deportation has been withheld, permanent residents who have worked 40 qualifying quarters and did not receive any federal means-tested public benefit, veterans, aliens on active duty (i.e. the eligibility of these aliens is not at state's discretion) State has the authority to provide for attribution of sponsors income and resources to the alien with respect to state programs ("deeming")	**Legal-qualified:** State authorized to determine eligibility Exceptions: Same as for current qualified immigrants **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)

State Public Benefit Programs	**Legal-non qualified, non-immigrants:** [State may determine that non-qualified aliens are eligible for state and local public benefits only through the enactment of a state law after the enactment of the Act that affirmatively provides for such eligibility] Exceptions: 1. Emergency medical care 2. Short-term, in-kind disaster-relief 3. Public health assistance (not including Title XIX) for immunizations and treatment of symptoms of communicable diseases 4. Programs specified by the Attorney General that provide in-kind assistance at the community level; do not condition the provision of assistance on the recipient's income; are necessary for the protection of life and safety **Illegal:** State may determine that illegal aliens are eligible for state and local public benefits only through the enactment of a state law after the enactment of the Act that affirmatively provides for such eligibility	
County programs	**Legal-qualified, aliens who are not non-immigrants under the Immigration and Nationality Act, aliens paroled into the U.S. for less than one year:** State authorized to determine eligibility Exceptions: Until five years after date of entry/grant of asylum/withholding for refugees, asylees and aliens whose deportation has been withheld, permanent residents who have worked 40 qualifying quarters and did not receive any federal means-tested public benefit, veterans, aliens on active duty (i.e. the eligibility of these aliens is not at state's discretion)	**Legal-qualified:** State and county authorized to determine eligibility **Legal-non qualified:** (Not Eligible) **Illegal:** (Not Eligible)

County Programs	**Legal-non qualified, non-immigrants:** [State may determine that non-qualified aliens are eligible for state and local public benefits only through the enactment of a state law after the enactment of the Act that affirmatively provides for such eligibility] Exceptions: 1. Emergency medical care 2. Short-term, in-kind disaster-relief 3. Public health assistance (not including Title XIX) for immunizations and treatment of symptoms of communicable diseases 4. Programs specified by the Attorney General that provide in-kind assistance at the community level; do not condition the provision of assistance on the recipient's income; are necessary for the protection of life and safety **Illegal:** State may determine that illegal aliens are eligible for state and local public benefits only through the enactment of a state law after the enactment of the Act that affirmatively provides for such eligibility	

Notes: Information in parenthesis "( )" indicates that although the respective restriction/exemption is not explicitly stated in PRWORA, that appears to be the implication of the Act.

Appendix III. List of Key Informants: Sources and Interviewees

INTERVIEWEES

California

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Dan Rabovsky
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Susan Drake
National Immigration Law Center

Tonya Broder
National Immigration Law Center

Barbara Earley
Program Assistant
Human Services Agency
San Joaquin County

Elena López-Eldridge
Mexican-American Legal Defense and
Education Fund

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Deputy Director
Health and Human Services Agency
San Diego County

Bob Barton
Chief
Refugee Programs Bureau at the state

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Western Center on Law & Poverty

Larisa Casillas
Interfaith Coalition for Immigrant Rights
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Susan Alba
Commission for Humane Immigrant
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Los Angeles

Florida

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State Department of Health Rehabilitative Services
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Executive Office of the Governor
State of Florida

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Executive Office of the Governor
Assistant to Special Counsel
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State of Florida

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Sid Mohn
Director
Heartland Alliance

Robert Paral
Director
Latino Institute

New York

Efrain Gonzalez
Senate

Kevin Webb
Committee Director for Senator Frank Padavan

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Lobbyist and Consultant
Former NY State Refugee Coordinator

Jim Clyne
Deputy Secretary Speaker for Health
State of New York

Liz Krueger
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Community Food Resource Center

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New York Immigration Coalition

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Scott C. Amrhein
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Greater New York Hospital Corporation

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NYC Mayor's Office on Immigration Affairs

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Association of Municipal Health Officers
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Director
City of Laredo Health Department
Laredo, TX

Hon. Gracie Guzman Saenz
Houston City Council
Mayor Pro-Temp
Houston, TX

Kathy Talkington
Director of Federal Relations
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Texas Department of Health
Austin, TX

Laura Uribarri
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OTHER SOURCES

California

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San Joaquin County

Pat Craig
Craig Associates

John Sciamanana
American Public Welfare Association

Laura Waxman
United States Conference of Mayors

Todd Bland
California Legislative Analyst's Office

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Washington DC Office

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Welfare Programs Division
CA Department of Social Services

Florida

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House of Representatives

John Cosgrove
House of Representatives

Mario Diaz-Balart
Chair of the Ways and Means Committee
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Lois Frankel
House of Representatives
State of Florida

Willie Logan
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House of Representatives
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Appendix IV. Interview Protocol

Impact of the Federal Welfare Policy Reform on the Health of Immigrants in the United States

Survey Questionnaire

(supported by the MacArthur Foundation)

The Lewin Group

April 1997

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3. Is the state providing assistance to immigrants to become naturalized or prove qualified status?7

I. State's (county's) response to changes in federal, state and county public benefits for immigrants

1. What changes are states planning in response to federal policy changes that discontinue immigrants from specific federal programs and federal/state programs?

Federal programs

Nutrition programs

How many immigrants will lose food stamps?

Does the state have plans to assist those immigrants who will lose food stamps? If yes, please describe those plans.

What has been the state policy regarding recertification of immigrants to receive food stamps?

Will the state make other federal nutrition programs such as WIC available to non-qualified immigrants?

SSI

How many immigrants will lose SSI? What is the composition of these immigrants (elderly versus disabled)?

Will SSI-linked programs for immigrants (e.g., personal care services) be preserved? How?

TANF/AFDC

How many immigrants were receiving AFDC? What proportion of legal aliens who were receiving AFDC are qualified aliens (as defined by the Act) and therefore may continue receiving benefits? Does the state plan to allow qualified (eligible) immigrant families to receive TANF? What types of qualified immigrants? How many immigrants will lose TANF (AFDC)?

Please provide us with a copy of the TANF plan for the state or with the waiver if there is one in place.

Will TANF be preserved for future legal-qualified immigrants after the 5-year ban?

What will the state do to cover non-qualified (non-eligible) immigrant families who were previously covered under AFDC? Does the state plan to advocate with federal agencies that this spending count toward the state "maintenance of effort" requirement?

Medicaid

How many immigrants were receiving Medicaid? What proportion of legal aliens who were receiving Medicaid are qualified aliens (as defined by the Act) and therefore may continue receiving benefits? Does the state plan to allow qualified immigrants to be eligible for Medicaid? What types of qualified immigrants? How many immigrants will lose Medicaid?

Will Medicaid be preserved for future qualified immigrants after the 5-year ban?

Will the state try to preserve Medicaid eligibility for those immigrants who will lose categorical eligibility (to Medicaid) because they will lose SSI?

Will the state try to preserve Medicaid eligibility for those immigrants who will lose categorical eligibility (to Medicaid) because they will lose TANF?

Title XX

How many immigrants were receiving social services under Title XX of the Social Security Act? What proportion of legal aliens who were receiving Title XX services are qualified aliens (as defined by the Act) and therefore may continue receiving benefits? Does the state plan to allow qualified immigrants to be eligible for Title XX services? What types of qualified immigrants? How many immigrants will lose Title XX services?

Will Title XX services be preserved for future qualified immigrants after the 5-year ban?

Other

How is the state interpreting the provision that non-qualified and illegal immigrants do not have the right to receive “federal public benefits”? How is the state applying the exceptions specified in the Act (e.g., emergency medical care, immunizations, treatment of symptoms of communicable diseases)?

How is the state interpreting the provision that future qualified immigrants cannot receive any federal means-tested public benefits for five years beginning on the date of entry into the United States? How is the state applying the exceptions specified in the Act (e.g., emergency medical care, immunizations, treatment of symptoms of communicable diseases)?

State programs

Will the state limit the eligibility of qualified aliens to state public benefits? What types of qualified legal aliens? What benefits? Please provide a list of those state public benefit programs that are (were) available to qualified immigrants and note those that will no longer be available.

According to the Act, non-qualified aliens are not eligible to receive state public benefits. How is the state interpreting this provision? Does the state plan to challenge it? What kind of state public benefits were non-qualified immigrants receiving? What will happen to these benefits?

Please provide a list of state public benefit programs that are (were) available to non-qualified immigrants and note those that will no longer be available.

According to the Act, illegal aliens are not eligible to receive state public benefits *unless* a state law is enacted after the enactment of the Act that affirmatively provides for such eligibility. How is the state interpreting this provision? Does the state plan to challenge it? Does state plan to enact a law to provide benefits to illegal immigrants? What kind of state public benefits are (were) illegal aliens receiving? What will happen to these benefits? Please provide a list of state public benefit programs that illegal immigrants are (were) receiving and note those that will no longer be available.

2. How are counties and service providers responding to federal and state welfare reforms?

Will the state limit eligibility of qualified aliens to county public benefit programs? What types of qualified legal aliens? What benefits? Please provide a list of those county public benefit programs that are (were) available to qualified immigrants and note those that will no longer be available.

According to the Act, non-qualified aliens are not eligible to receive local public benefits. How is the state interpreting this provision? Are there counties challenging it? Please provide a list of county public benefit programs that non-qualified immigrants are (were) receiving and note those that will no longer be available.

According to the Act, illegal aliens are not eligible to receive local public benefits. How is the state interpreting this provision? Are there counties challenging it? Please provide a list of county public benefit programs that illegal immigrants are (were) receiving and note those that will no longer be available.

3. How will welfare reform affect the costs to states, counties and providers, particularly with respect to substitution of funds for withdrawn federal payments, and also with respect to other social (i.e. human) costs?

Federal programs

Nutrition programs

How much federal funding will the state lose in food stamps? Will the state / county substitute for food stamps? To what extent? From what sources? At what cost to other programs? What will be the costs for the local economy?

SSI

How much federal funding will the state lose in SSI payments? Will state general assistance payments be used to support immigrants who lose SSI? To what extent? What will be the costs for the local economy?

TANF (AFDC)

Will state funds be used to provide TANF to future qualified immigrants? What funds? How much will this cost?

Medicaid

Will state funds be used to provide Medicaid to future qualified immigrants? What funds? How much will this cost?

If the state plans to preserve Medicaid eligibility or use a state medically needy program for those immigrants who will lose categorical eligibility because they will lose SSI or TANF, what will the costs of these options be?

State and county programs

If the state will be discontinuing state benefits for immigrants, how much will it save by doing so? Will counties have to bear the cost of these discontinued state benefits? What will be the social costs of denying these state benefits? Are there estimates?

If the state/county will be discontinuing county benefits for immigrants, how much will it save by doing so? Who will bear the cost of these discontinued county benefits (e.g., municipalities)? What will be the social costs of denying these county benefits? Are there estimates?

4. What distinctions, if any, are states making to determine eligibility for welfare programs under their reforms with regard to an individual's immigration status, age, disability level or employment status?

In those cases in which the state has the option of determining the eligibility of qualified immigrants (e.g., TANF, Medicaid, state and county benefits), what criteria is the state using to distinguish among different types of qualified aliens?

Prior to the enactment of the Act, did the state or counties distinguish between legal and illegal immigrants? What kind of verification system was in place?

How far along is the state in developing verification rules (i.e., procedures for verifying that an individual is a qualified alien) under the Act?

How is the state (county) training state (county) employees to determine eligibility based on immigration status?

Please describe any problems facing the state/counties in the implementation of verification rules. Have there been any legal challenges?

5. Are there state and local plans to monitor and assess the impact of policy changes?

How does the state/county plan to monitor the effects of the Act? What kind of monitoring activities are taking place for federal programs? For state programs? For county programs?

What kind of baseline information exists for federal, state and county programs?

What kind of information will the state/county collect for federal, state and county programs? What agencies will be responsible for collecting data and tracking the effects of the law? How will the information be used?

Are state/county MIS systems adequate for tracking the effects of the law?

II. Impact of the welfare reform on immigrants, state and county governments, and the community

1. What are the direct effects of the policy changes, including health care delivery (access to care, payment for care, cost of care, and quality of care) for immigrants at the community level?

What state/county agencies have started to turn away immigrants?

What are immigrants doing to replace the benefits they have lost? Where are they turning to (e.g., other governmental levels, non-profit agencies)?

Are there any observable effects of the welfare reform on immigrants, e.g., increased use of emergency rooms, homeless shelters? Please give examples.

Are there groups of legal immigrants getting organized to protest against or legally challenge the welfare Act? Please describe/give examples.

2. What are the problems that states, counties and providers report they will face in responding to welfare reform that were previously unforeseen by federal government officials?

Is the cost of providing services to immigrants being transferred from state to county governments? To other governments?

Is the cost of providing services to immigrants being transferred from state and county governments to the community, e.g., to charity organizations?

Are there any estimates of the “hidden costs” of denying services to immigrants, e.g., babies being born to immigrant mothers who do not have access to prenatal care will represent higher health care costs?

Are there any organizations/groups that have legally challenged the constitutionality of the welfare reform? Please explain.

3. Is the state providing assistance to immigrants to become naturalized or prove qualified status?

Is state/county/other groups providing advice/assistance to immigrants who wish to naturalize?

Is state/county/other groups providing advice/assistance to immigrants who need to prove qualifying quarters?

Are there already state/county agencies exchanging information with the INS on the status of aliens?

Appendix V. Outline for State Reports

IMPACT OF THE FEDERAL WELFARE POLICY REFORM ON IMMIGRANTS IN THE UNITED STATES

STATE REPORT OUTLINE

DRAFT

I. BACKGROUND

1. Size of state foreign born population (both in absolute numbers and with respect to. total state population) (If possible, break down foreign born by citizen vs. non-citizen, and legal vs. illegal)

2. Characteristics of state foreign born population, e.g. countries of origin, date of entry, income, educational level, occupation (If possible, break down foreign born by citizen vs. non-citizen, and legal vs. illegal)

3. Geographic distribution of state foreign born population, i.e. cities/counties with highest immigrant concentrations, both in absolute numbers and percentages (If possible, break down foreign born by citizen vs. non-citizen, and legal vs. illegal)

II. POLITICAL ENVIRONMENT AROUND WELFARE REFORM AND IMMIGRATION

1. Welfare reform and immigration issues that have already been resolved (e.g. preserve TANF for qualified immigrants)

2. Welfare reform and immigration issues that have not been resolved (e.g. benefits for new immigrants and illegal immigrants)

3. The governor's position

4. The federal senators and representatives' position

5. The state legislature's position

6. Budget proposals, bill proposals and other initiatives that address welfare reform and immigration issues

    a. Groups sponsoring these proposals

    b. Issues addressed by these proposals

    c. Issues not addressed by these proposals

7. Tensions between state and counties.

8. Legal challenges

9. Likely outcome of the political process (i.e. most likely decisions regarding issues that have not been resolved)

III. DISCONTINUATION OF FEDERAL PROGRAMS FOR IMMIGRANTS

1. Estimates of the number of legal immigrants losing food stamps, SSI, TANF, Medicaid (discuss differences between different sets of estimates)

2. Cost to the state

   a. Estimates of the cost to the state of replacing federal benefits (discuss differences between different sets of estimates)

   b. Proposals to lessen cost-shifting to state

3. Cost to the counties

   a. Discuss which counties are the most impacted

   b. Estimates of the cost to the counties of replacing federal benefits (focus on most affected counties; be specific, i.e. distinguish between various federal programs: Food stamps, SSI, TANF, Medicaid, other)

   c. Proposals to lessen cost-shifting to counties

4. State's position regarding new immigrants and deeming

IV. DISCONTINUATION OF STATE AND COUNTY PROGRAMS FOR IMMIGRANTS

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RESEARCH PAPER

Potential Sponsorship by IRCA-Legalized Immigrants

Karen A. Woodrow-Lafield

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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RESEARCH
PAPER

Potential Sponsorship by IRCA-Legalized Immigrants

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RESEARCH
PAPER

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U.S. COMMISSION ON IMMIGRATION REFORM

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EXECUTIVE SUMMARY

A particular consideration of the Commission for Immigration Reform is the demand to immigrate to the United States by immediate relatives of aliens lawfully admitted for permanent residence and citizens of the United States. In devising the Immigration Act of 1990, policymakers considered current queues for relative categories and sought a balance among high demand, maintaining the family reunification principle, and establishment of a national level or "cap" on immigration. Given that the large backlogs of the 1980s and 1990s had not been anticipated before the 1965 Amendments to the Immigration and Nationality Act, an ongoing review of legally resident immigrants' requirements for family reunification is worthwhile. This review is timely because recent legislative reforms created sizable new immigrant subgroups (formerly undocumented residents who have been here for more than a decade, formerly undocumented workers in seasonal agricultural services, and diversity immigrants from countries adversely affected by the 1965 Amendments) and expanded admissions under employment-based preference categories.

This research focuses on demand to immigrate legally by relatives of those aliens who, having resided in an unlawful status since before 1982, legalized under the Immigration Reform and Control Act of 1986 [IRCA]. A special survey of these legalized immigrants affords analysis of household composition (including members' legal residence status and relationship to the IRCA-legalized immigrant), distribution of nonresident relatives intending to immigrate to the United States, and intentions to naturalize among IRCA-legalized immigrants. The questions addressed are: What will be the probable numbers and timing of visa petitions under second preference?[1] Assuming that immigrants intending to naturalize do so, what will be the probable numbers and timing of visa petitions under first, third, and fourth preferences, and under exempt immediate relatives categories? Unfortunately, the survey did not include aliens legalized under Special Agricultural Worker [SAW] provisions and the magni-

[1] Family preference categories under the Immigration Act of 1990 are:
1st: Unmarried sons and daughters of U.S. citizens and their children;
2nd: Spouses, children, and unmarried sons and daughters of permanent resident aliens;
3rd: Married sons and daughters of U.S. citizens and their spouses and children;
4th: Siblings of U.S. citizens (at least twenty-one years of age) and their spouses and children.

tude of requirements to be joined by their immediate family members cannot be addressed. IRCA-legalized aliens, both from general and agricultural provisions, are already accountable for substantial numbers of visa petitions for spouses and children and, as shown here, these cohorts could eventually sponsor considerable immigration of their immediate relatives. This work contributes insights to the broader question of family reunification requirements for immigrant cohorts under the Immigration Act of 1990. Several recommendations are included for improving social science and policy analyses of progression to naturalization, impacts for legal immigration of family migration, and possible interconnections of family migration with undocumented immigration to the United States.

INTRODUCTION

For a long time, combined immigration under family preference categories and immigration of immediate relatives of U.S. citizens without numerical limitation has exceeded immigration under occupational preference and other categories. In devising the Immigration Act of 1990, policymakers considered the opinions of immigration experts (U.S. General Accounting Office 1989) that setting an absolute limit on family-based immigration was not feasible. If such a limit had been imposed, the trend of increasing numbers of immediate relative immigration, only partly resulting from the amnesty programs, would have reduced the numbers of family preference visas.

Therefore, the current three-track immigration system has a "piercable cap," a limit of 675,000 that theoretically consists of 480,000 *family-sponsored* immigrant visas, 140,000 *employment-based* visas, and 55,000 *diversity* visas. Refugees and certain other aliens are outside this cap. The "piercability" stems from the artificiality of the 480,000 limit on family immigration. Immigration of immediate relatives, including spouses of citizens, children (under twenty-one years of age) of citizens, parents of citizens twenty-one years of age or older, and orphans adopted by citizens who are at least twenty-one years of age, continues to be exempt from numerical limitation. With a set minimum of 226,000 for family preference visas, the combination of immediate relatives and family preference immigration could exceed the so-called cap. Although the initial piercing had been expected for fiscal 1993 (*Interpreter Releases* 1990), fiscal 1994 marked the initial application of the minimum for family preference visas (U.S. Department of State 1993b).

An important task for the Commission on Immigration Reform is consideration of "the requirements of citizens of the United States and of aliens lawfully admitted for permanent residence to be joined in the United States by immediate family members and the impact which the establishment of a national level of immigration has upon the availability and priority of family preference visas" (Immigration Act of 1990 Section 141, (c), (1), (A)).

In devising the Immigration Act of 1990, policymakers considered current queues for relative categories and sought a balance among: high demand for visas for family members of citizens and aliens; maintaining the family reunification principle; and establishment of a national level or "cap" on immigration. Given that the large backlogs of those waiting for visas in the 1980s and 1990s had not been anticipated before the 1965 Amendments to the Immigration and Nationality Act, an ongoing review of the needs for family reunification is worthwhile. Recent legislative reforms created special needs for this assessment by creating sizable new immigrant subgroups (formerly undocumented residents who have been here for more than a decade, formerly undocumented workers in seasonal agricultural services, and diversity immigrants from countries adversely affected by the 1965 Amendments) and expanding admissions under employment-based preference categories.

Significant contributions to the issue of chain migration have drawn broadly from census data sources in *ex post facto* fashion, but relied on naturalization for a single immigrant entry cohort (Jasso & Rosenzweig 1986, 1989, 1990), focused on naturalization and sponsorship for a small sample with linked records (U.S. General Accounting Office 1988; Heinberg, Harris & York 1989), or studied selected origin groups longitudinally subsequent to immigration (Arnold, et al. 1989). (Also see Goering 1989; Arnold 1989; Teitelbaum 1989; and Passel & Woodrow 1987.)

Immigrants to the United States are a highly heterogeneous group by demographic characteristics, origin country, immigration circumstances, and reasons for emigration, so that large-scale data are really needed to capture this heterogeneity. Immigrant statistics and censuses and surveys have cross-sectional analytic value for delineating events and foreign-born populations (Woodrow 1992), but these sources are inadequate for causal or descriptive multistate modelling of initial migration, duration of residence, naturalization, and sponsorship of immediate relatives over time. Change in the

composition of the kinship network by residence may occur at each stage, and demographic factors of marriage, fertility, and mortality continue to operate. In general, analytic development of models of household and kinship organization is incomplete as there is a complex mosaic of constraints (De Vos & Palloni 1989). Compounding family network change is the additional constraint of legality of immigration to the United States to join the household or kinship organization. International migration dynamics are most appropriately studied with attention to the "families, households, or other culturally defined units of production and consumption" in the new economics of migration (Massey, et al. 1993).

The foreign-born population in the United States was estimated to have at least 17 million parents, children, and siblings living abroad in 1989, with siblings as the most prevalent type (Woodrow-Lafield 1994a; Woodrow & Peregoy 1991). Although this estimate could understate the true number, it is also an overstatement of the potential level of future immigration of immediate family members. First, as the foreign-born universe included at least two million undocumented residents, some of these residents would be ineligible to sponsor any immediate relatives (Woodrow 1992). Second, the actual number of family members seeking to immigrate to the United States is unknown. Third, some foreign-born persons residing here in 1989 would eventually emigrate, making immigration of their family members less likely or possible.

The demand of immediate family members to immigrate legally to the United States is partially reflected in petitioner backlogs for immigrant visas. These counts are available only on an annual basis rather than more frequently as might be possible if petitions were maintained on automated systems. By this indicator, demand increased markedly between January 1, 1990 and January 1, 1994, from 2.5 million to 3.6 million (40 percent) (U.S. Department of State 1994).[2] Actual demand could be higher as not all persons wishing to come to the United States would have filed petitions, given the waiting time and concern that a nonimmigrant visa might be denied if intention to overstay and reside in the United States were suspected. Most of the increase in the backlog is located in the second preference category.

[2] Petitions are removed from consular listings on receipt of immigrant visa or on failure to respond to visa notification within one year.

The 1990 Act has significantly added to the number of visas for the 2A class (issuances during FY 1994 will be close to 50% more than would have been possible under the former provisions of law), and has now virtually equalized the visa waiting period for applicants from all countries. (Previously, there had been substantially earlier cut-off dates for Mexico, Philippines and Dominican Republic applicants.) It is apparent, however, that even with the greater visa availability, the large and rapidly growing waiting list assures continued oversubscription in the foreseeable future, and the prospect of a lengthening delay between the filing of a petition and the applicant's turn for visa issuance being reached. . . .

As is clear from the section below, the major factor contributing to the greatly increased Family 2A visa demand is the filing of petitions for immediate family members by persons legalized under the terms of the Immigration Reform and Control Act of 1986, who began to be admitted to permanent residence in large numbers during 1989. . . .

> Over the next few years, as the petitioners in 2A cases become eligible to apply for naturalization, some may become citizens and thus pending 2A petitions for their spouses and children would be converted automatically into the immediate relative visa category, which is not subject to numerical limit and for which, therefore, there is no waiting period. There is potential for a possible, indeed probable, major increase in immediate relative visas in coming years, therefore, with a corresponding drop in the Family 2A waiting list. It is not possible at present to quantify this prospect, however. (U.S. Department of State 1994:A6)

For general and SAW-legalized immigrants under the Immigration Reform and Control Act of 1986 [IRCA], there were 853,382 petitions as of January 1994 for admission of spouses and children under second preference, of whom 675,626 were Mexico-born petitioners. Other countries with significant numbers were El Salvador (34,293), Haiti (26,277), Guatemala (15,689), India (13,052), and the Dominican Republic (10,645). Mexico, El Salvador, Guatemala, and the Dominican Republic were important source countries

Table 1.

Visa Petitions Filed with The U.S. Department of State by Preference Category: January 1992, 1993, and 1994

Category	January 1992 Total	January 1992 Of Legalization Beneficiaries	January 1993 Total	January 1993 Of Legalization Beneficiaries	January 1994 Total	January 1994 Of Legalization Beneficiaries
Total	2,923,765	268,818	3,393,193	739,774	3,612,121	853,382
Family Preferences	2,751,152	268,818	3,235,270	739,774	3,462,147	853,382
First	42,646	NE	54,779	NE	63,499	NE
Second	894,620	268,818	1,350,655	739,774	1,498,075	853,382
Spouses & children	589,997	268,818	958,839	739,774	1,047,496	853,382
Adult sons & daughters	304,623	NE	391,816	NE	450,579	NE
Third	199,460	NE	218,121	NE	257,110	NE
Fourth	1,614,426	NE	1,611,715	NE	1,643,463	NE
Employment Preferences	172,613		157,923		149,974	
First	535	NE	6,882	NE	8,315	NE
Second	32,452	NE	18,682	NE	11,159	NE
Third	137,809	NE	128,175	NE	125,083	NE
Skilled	50,003	NE	32,813	NE	30,735	NE
Other	87,806	NE	95,362	NE	94,348	NE
Fourth	1,817	NE	4,045	NE	5,241	NE
Fifth	0	NE	139	NE	176	NE

Note: 'NE' designates ineligibility

Sources: U.S. Department of State (1993a, 1993b, 1994)

for generally legalized immigrants. Mexico, Haiti, and India were important source countries for SAW applicants.

During 1992 and 1993, visas were granted respectively to 52,272 and 55,344 dependents of legalization. In 1994, as only 32,776 visas were anticipated for such dependents, only about 140,000 spouses and children of legalized individuals would have been admitted under this special allocation, despite demand by nearly one million spouses and children.

This research focuses on demand to immigrate legally by immediate family members of those who, having resided in an unlawful status since before January 1, 1982, legalized under IRCA. The research questions addressed are: What will be the probable numbers and timing of visa petitions under second preference and, subsequent to naturalization, under first, third, and fourth preferences, and of immigrants under exempt immediate relatives categories?

This research begins to address the issue of future family immigration empirically with special survey data, for a specific cohort, for immediate relatives residing abroad, intending to come to the United States, and already living in the United States, whether lawfully resident or in undocumented status.

Ideally, the composition of immediate family networks would be studied with data compiled from individuals' applications for lawful permanent residence, but these items are not transferred for data files. In lieu of such a resource and given the shortcomings of visa petitions data, special surveys alone can yield answers.

DATA AND METHODS

Pursuant to legislative requirements to study the characteristics of aliens legalized after long-term undocumented residence, the Legalized Population Survey [LPS1], under primary sponsorship of the INS, surveyed about 6,000 respondents in 1988 on their background and socioeconomic characteristics (U.S. Immigration and Naturalization Service 1992; Borjas & Tienda 1993).[3] The Legalized Population Follow-up Survey [LPS2], primarily sponsored by the U.S. Department of Labor, recontacted about 4,000 respondents and

[3] The sampling frame did not include all applicants for legalization, such as late filers or those whose right to apply was unclear.

is a unique longitudinal data source with detailed questions affording analyses of post-legalization experiences. Woodrow-Lafield (1995a, 1995b) outlined changes in household composition (including legal residence status and relationship to the IRCA-legalized immigrant) and described the distribution of nonresident consanguineal relatives intending to immigrate to the United States. For this research, IRCA-legalized relatives' intentions to naturalize are used to set parameters on the extent to which that intending population may immigrate.

Individual-level characteristics may be analyzed as with any survey, utilizing the base weights to achieve population-level results. Because some households included more than one legalized applicant, alternative weights were necessary for accurately representing household or relatives network characteristics, e.g., the household population and the populations nonresident in the household. Family- or household-level characteristics, including relationships that are consanguineal (by blood) and affineal (by marriage), may be analyzed by utilizing the family weights, which are the base weights modified for respondents' reporting of the presence of one or more other legalized individuals within the household. Each legalized individual in a household would be eligible to report every other member of the household in the survey but would not necessarily be eligible to report the same individual family members as the respondent. These weights are used here for analyses of household composition with the caveat that all relationships are defined with respect to the primary applicant or respondent for the household.[4]

For analyzing data on nonresident relatives, consanguineal relatives may be specifically analyzed by accounting for the probability of selection into the sample and the chances that any legalized individual is eligible to report the family relative. A series of questions pertained to the legalized respondent's consanguineal relatives (parents, siblings, and children) who were not residing in the household and were outside the United States. Unfortunately, we do not know whether there were any legalized individuals outside the household who would also be eligible to

[4] As LPS1 did not acquire legalization applicant status for household members, a computer matching algorithm was used with household listings and administrative records of applicants, producing a set of variables for household legal status characteristics, i.e., numbers of legalized applicants, rejected applicants, citizens or lawful permanent residents, and "other," presumably undocumented status (U.S. Immigration and Naturalization Service 1992).

report these non-U.S. resident relatives. For parents and siblings, the family weight is assumed to account for that multiplicity. For children, a weight is used based on whether a legalized spouse is residing with the legalized respondent and, presumably, could report the *same children*. It also accounts for whether a legalized co-resident grandchild might be able to report those individuals as *parents*, and a legalized co-resident child could report the legalized respondent's other children as *siblings*. For siblings, these estimates may be overstated as other legalized individuals outside the household might be eligible to report the legalized respondent's *siblings, e.g., as children*. Legalized grandparents, and, possibly, some of the 'other relatives,' also could report the legalized respon-dent's *parents*. By examining the network of legalized individuals within and outside the household who also are eligible to report immediate relatives of the respondent with the same consanguineal counting rule, the base weight could be appropriately modified to account for multiplicity of reporting and derive more accurate estimates for the respondent's relatives abroad.[5]

To summarize this discussion of weighting and estimation of various relatives, first, estimates for household members should be very accurate. However, complete information is lacking for the most accurate weighting of nonresident relatives of the reporting respondent. For example, if an individual reported a nonresident parent living abroad, we would need to know how many other consanguineal relatives living in the United States and legalized under IRCA could also have reported that parent, with other children as the most likely. If an individual reported a nonresident sibling abroad, we would ideally know how many other siblings, parents, or children of that nonresident were here as legalized aliens. As a surrogate, the number of legalized respondents in the household is used as the multiplicity in developing these estimates of nonresidents.

Estimating the demand of immediate family members to immigrate legally involves both nonresident immediate family members, reported as intending to come to the United States, and resident ones without permission to reside permanently, each with specificity for respondent's intentions to naturalize. These results are presented in direct relationship to family preference categories and eligibility under exempt immediate relatives provisions and with

[5]See Woodrow-Lafield (1995c) for more rigorous questions and multiplicity weighting scheme in estimating the emigrant population.

specificity for the legalized respondent's country.[6] The approach is static rather than dynamically incorporating the range of possible demographic changes between the survey and occurrence of immigration.

Behavioral intentions data are admittedly subject to response error; respondents may have not considered fully their future behavior or a present decision may be changed in the course of future events. For example, fertility expectations may not accurately depict eventual fertility levels (O'Connell 1991). These levels of intended immigration and intended naturalization merit serious consideration for five singular reasons.

First, this cohort has demonstrated major commitment in their most extra-ordinary experience of living here in undocumented status for an extended period. This may portend truly high rates of naturalization and certainly implies higher rates than past measurements that confounded emigration and naturalization. There has already been extensive information exchange with relatives in the home country about the United States. Second, the survey occurred only one to two years before legalized individuals began to reach their dates of eligibility for applying for citizenship so that there may be high correspondence of intentions and behavior. Third, many legalized persons fulfilled their English and civics requirements at application for lawful permanent residence in 1988-1989, perhaps corroborating their intention to naturalize and portending expeditious processing of their applications. Fourth, legalized persons were highly concentrated geographically by state and metropolitan area, and, fifth, their familial ties to their origin countries are substantial.

Regarding the role of geographic concentration, Yang (1994) found that living in sizeable immigrant ethnic communities facilitates naturalization. His analysis also led him to support the hypothesis that unfavorable country-of-origin conditions might provide impetus for citizenship acquisition to help other relatives to immigrate to the United States. The legalized population is strongly representative of such countries as Mexico, El Salvador, and Guatemala, among others, that are unfavorable relative to the United States, i.e., with less developed economic infrastructures for adequate labor force incorporation of their working age populations.

[6] As country of birth was categorized in the LPS2 survey only as "born in Mexico" or "born in a country other than Mexico," country of citizenship is used for analyzing the experiences of legalized persons from countries other than Mexico.

PRESENCE AND FUTURE IMMIGRATION OF SPOUSES AND CHILDREN

The demographic profile of undocumented residents of the United States in 1980 diverged from that of the border-apprehended population as primarily young, male, and Mexican. Rather, the undocumented population included large numbers of women, children, and non-Mexicans (Passel & Woodrow 1984), reflecting family migration and settlement rather than merely circular migration patterns. Analysis of the initial survey of the legalized population by Woodrow-Lafield (1995a, 1995b) described the scope of family migration for the legalized population at amnesty application. These long-term residents not only had 1.8 million relatives living with them, but they also had 4.0 million relatives living elsewhere in the United States. Also remarkable is that there were an estimated 9.6 million relatives living outside the United States (Woodrow-Lafield 1995a, 1995b). Interpreting these numbers in terms of potential demand to immigrate is difficult, because, as noted earlier, these two questions were broadly stated to include all family members, that is, "spouse or partner, parents, children, brothers, sisters, grandparents, grand-children, father-in-law, mother-in-law, brothers-in-law, sisters-in-law." That is, these figures pertain to *consanguineal and affineal* relatives rather than specifically *consanguineal* relatives. Nevertheless, these statistics discount notions of transience about the population.

In 1992, four to five years after amnesty application, legalized households included more spouses and children and fewer other relatives and nonrelatives than at application (Woodrow-Lafield 1995a, 1995b). The reference group of legalized residents included 1,577,000 based on the survey. Composition by residence status is mixed, but members are predominantly entitled to reside permanently in the United States. Among the 2,519,000 persons living in households of legalized persons in 1992,[7] a very high number, 1,432,000 were described as citizens of the United States. Another 248,000 are lawful permanent residents. Another 78,000 were described as having Special Agricultural Worker status and, consequently, en-

[7] These figures are based on family weights that use information on number of legalized persons in the household.

titled to lawful permanent residence[8] and eligible for citizenship beginning in 1994. Many (129,000) are described as under "family fairness,"[9] principally spouses (41,000) and children (66,000). About 95,000 are described as having temporary visas and 385,000 fall within the "other" category. In the earlier survey, there were an estimated 686,000 individuals in this "other" category, presumably including undocumented status.

Although nearly 1.9 million resident family members have, or will have, permanent residence status, many household members may not be so entitled and might have filed visa petitions. Specifically, 136,000 spouses, 223,000 children, 30,000 parents, 130,000 siblings, and 102,000 other relatives (including grandparents and grandchildren) are estimated with status of family fairness, temporary visa, other, or missing.

With questions on nonresident children, parents, and siblings, specific for consanguineal, and weighting to compensate for multiple reporting of the same persons, a set of estimates is derived for these nonresident relatives. In 1992, the legalized population is linked to approximately 60,000 nonresident spouses, 424,000 nonresident children, 901,000 nonresident parents, and 2,843,000 nonresident siblings, totalling 4,229,000. High proportions of spouses (59.4 percent) and children (64.4 percent) are stated as intending to immigrate to the United States, but the total number is only about 309,000. Legalized respondents indicated that lower proportions of parents (25.7 percent) and siblings (25.1 percent) were intending to come to the United States, but the numbers are larger—232,000 parents and 714,000 siblings. The total number of individuals estimated as intending to immigrate is 1,254,000.

With Mexico so strongly represented in the legalization population, that country is likely to be dominant in every country-specific analysis. With these survey data, sampling variability and small numbers preclude a complete country-by-country examination of patterns. In **Table 3**, showing estimates for Mexican-born and other origin legalized respondents, the numbers of consan-guineal family members living outside the United States and intending to come dwarf those figures for relatives of legalized persons from other countries.

[8]Technically, these individuals misreported SAW status as nondenied SAW applicants were automatically converted to lawful permanent residence as of December 1, 1990.

[9]For a discussion of "family fairness," see Baker (1990) and for international guidelines on "family unity," see, Sohn and Buergenthal (1992).

Table 2.

FAMILY MEMBERS BY RELATIONSHIP TO RESPONDENT, CURRENT RESIDENCE, STATUS (FOR HOUSEHOLD MEMBERS), AND INTENTIONS TO COME TO THE UNITED STATES: LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

Category	All Household Members	Immediate Family				Other Relatives						Other Non-relatives
		Total	Respon-dent	Spouses/ Partners	Children	Total	Parents	Siblings	Grand-parents	Grand-children	Other Relatives	
CONSANGUINEAL & AFFINEAL Living in Household	4,096,000	3,016,000	905,000	565,000	1,546,000	772,000	108,000	315,000	7,000	71,000	273,000	307,000
Current Status												
	1,577,000	1,357,000	905,000	253,000	198,000	166,000	38,000	84,000	1,000	3,000	40,000	54,000
Amnesty	78,000	32,000	(X)	23,000	9,000	30,000	4,000	17,000	0	1,000	8,000	16,000
SAW	129,000	107,000	(X)	41,000	66,000	19,000	4,000	8,000	0	0	6,000	4,000
Family Fairness	248,000	135,000	(X)	89,000	46,000	97,000	28,000	44,000	1,000	2,000	21,000	16,000
Permanent Resident	95,000	42,000	(X)	17,000	25,000	38,000	7,000	20,000	0	2,000	9,000	15,000
Temporary Visa	1,432,000	1,133,000	(X)	63,000	1,070,000	217,000	8,000	40,000	1,000	57,000	112,000	81,000
Citizen	385,000	181,000	(X)	67,000	114,000	152,000	16,000	89,000	0	3,000	44,000	52,000
Other	153,000	29,000	(X)	10,000	18,000	54,000	4,000	13,000	4,000	3,000	31,000	70,000
Refused, don't know or not applicable												
CONSANGUINEAL ONLY												
Living Elsewhere in US	--	--	(X)	17,000	--	--	--	--	--	--	--	--
Living Outside US	4,229,000	484,000	(X)	60,000	424,000	3,745,000	901,000	2,843,000	--	--	--	--
Intends to Come	1,254,000	309,000	(X)	36,000	273,000	945,000	232,000	714,000	--	--	--	--

Table 3.

CONSANGUINEAL FAMILY MEMBERS BY RELATIONSHIP TO RESPONDENT
AND INTENTIONS TO COME TO THE UNTIED STATES:
SELECTED COUNTRIES OF CITIZENSHIP, LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

Country and Category	Family Members	Immediate Family			Other Relatives		
		Total	Spouses/ Partners	Children	Total	Parents	Siblings
All Countries (N=1,294,562; H=905,386)							
Living Outside U.S.	4,229,000	484,000	60,000	424,000	3,745,000	901,000	2,843,000
Intends to Come	1,350,000	309,000	36,000	273,000	1,041,000	232,000	809,000
Selected Countries (N=1,097,932; H=744,861)							
Living Outside U.S.	3,445,000	377,000	48,000	329,000	3,068,000	745,000	2,323,000
Intends to Come	1,007,000	228,000	27,000	200,000	779,000	200,000	579,000
Mexico (N=893,449; H=596,131)							
Living Outside U.S.	2,813,000	285,000	37,000	247,000	2,528,000	612,000	1,916,000
Intends to Come	781,000	164,000	21,000	143,000	617,000	163,000	454,000
El Salvador (N=113,386; H=78,268)							
Living Outside U.S.	335,000	45,000	3,000	42,000	290,000	76,000	214,000
Intends to Come	126,000	31,000	1,000	29,000	95,000	21,000	74,000
Guatemala (N=44,077; H=30,695)							
Living Outside U.S.	139,000	19,000	2,000	16,000	121,000	30,000	90,000
Intends to Come	45,000	14,000	1,000	13,000	31,000	9,000	22,000
Colombia (N=19,851; H=16,741)							
Living Outside U.S.	78,000	8,000	1,000	7,000	70,000	14,000	56,000
Intends to Come	22,000	5,000	1,000	4,000	18,000	4,000	14,000
Philippines (N=14,627; H=12,217)							
Living Outside U.S.	53,000	10,000	1,000	9,000	43,000	8,000	35,000
Intends to Come	25,000	8,000	1,000	8,000	17,000	3,000	13,000
Poland (N=12,542; H=10,809)							
Living Outside U.S.	27,000	10,000	2,000	8,000	17,000	5,000	12,000
Intends to Come	8,000	6,000	2,000	4,000	2,000	0	2,000
Unspecified Countries (N=196,630; H=160,525)							
Living Outside U.S.	784,000	107,000	13,000	95,000	677,000	157,000	520,000
Intends to Come	343,000	81,000	9,000	72,000	262,000	32,000	230,000

Six countries (Mexico, El Salvador, Guatemala, Colombia, Philippines, and Poland) account for 81.5 percent of spouses, children, parents, and siblings living abroad and 74.6 percent of those whom respondents state as intending to come to the United States. Relatives of Mexicans living outside the United States number 2,813,000, and 781,000 (about 28 percent) intend to come here to live. Siblings represent the majority of each of these categories, with an astounding estimate of 1,916,000 nonresident siblings and 454,000 siblings intending to immigrate. El Salvadorean legalized persons have about 335,000 spouses and consan-guineal family members abroad, of whom 126,000 would like to immigrate. Guatemalan legalized persons have about 139,000 family members abroad, of whom 45,000 are expected to immigrate to the United States.

Lesser levels of demand for family immigration are evident for legalized persons of Colombian, Polish, and Filipino citizenship, as commensurate with their lesser representation in the amnestied population. Altogether, remaining countries of citizenship account for 784,000 nonresident family members with 343,000 stated as intending to immigrate.

This perspective on numbers intending to immigrate relative to the numbers of nonresident immediate family members brings realism to temper any debate about explosive chain migration for legalized immigrants. By any measure, the numbers of family members expected or desired by their legalized relative to immigrate to the United States have demographic and policy significance. Nevertheless, the magnitude of this intended immigration is much less than the magnitude if all immediate family members living abroad desired to join their relatives in the United States. With the "illusory" character of sibling immigration (Arnold, et al. 1989), the absolute numbers of immediate family members that may immigrate to the United States within the next few years would be significantly lower.

INTENTION TO NATURALIZE AND FUTURE IMMIGRATION

Already into their second decade of U.S. residence, these persons appear as a solidly settled population with many having married and begun childrearing in their first five years of legal residence. Transition to naturalized citizenship is the next legal option in the route to full American status. Eligibility for greater sponsorship of family members for immigrant visas is

generally considered to be a major benefit of acquisition of citizenship. Citizens are able to sponsor unmarried sons and daughters (first preference), married sons and daughters with spouses and children (third preference), siblings with spouses and children (fourth preference), as well as parents, spouses, and children under twenty-one years (immediate relatives provisions).

Very few legalized individuals indicated that they would "probably not" (28,000) or "definitely not" (22,000) apply for U.S. citizenship. The overwhelming majority indicated that they would apply for citizenship, with most responding "yes, definitely" (621,000) or "yes, probably" (355,000). A substantial number (225,000) indicated some uncertainty about whether they would apply for citizenship. If these intentions or expectations become fulfilled, they presage a remarkable shift toward naturalization.

Presumably, those indicating they "definitely" will apply for citizenship will do so early upon eligibility and may be among those having partially fulfilled naturalization requirements. The extent of revision of intentions to apply for citizenship among those stating "probably," "uncertain," "definitely not," or "don't know" may depend on success levels of early applicants for naturalization, primarily the "definitely" category. The roles of individuals as "social actors" in negotiating INS procedures have been highlighted by Hagan and Baker's (1993) evaluation of the legalization program at eight sites nationally. During the legalization application period for both amnesty programs, response levels were moderate initially. As the legalization program proceeded without negative consequences for applicants and as knowledge about the application process, the immediate benefit of work authorization, and advocacy groups' role diffused through social networks in communities, applications increased dramatically (Hagan & Baker 1993). April and May of 1988 were the peak months of applications under general legislation and SAW legislation. After the close of the general legislation application period, SAW applications flowed in during June-November 1988 at gradually increasing levels until dramatically increasing in the final month (Baker 1990).

At the close of 1993, a year with a resurgence of anti-immigration debate (Perotti 1994), the U.S. Immigration and Naturalization Service inaugurated a new policy of actively encouraging legal immigrants to become United States citizens. In the past, the naturalization process has been complex, unfriendly, and lengthy (North 1987; Alvarez 1987), perhaps deterring any immigrants already feeling ambivalent

Table 4.

INTENTIONS TO NATURALIZE:
LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

INTENTION	NUMBER	PERCENT
TOTAL	1, 295,000	100.0
Yes, Definitely	621,000	48.0
Yes, Probably	355,000	27.4
Uncertain, Not Sure	225,000	17.4
Probably Not	28,000	2.2
Definitely Not	22,000	1.7
Refused	1,000	0.1
Don't Know	40,000	3.1
Not Ascertained	2,000	0.2

about severing the home country tie. INS Commissioner Doris Meissner's new policy is to involve "work with private groups to publicize the advantages of citizenship and to expedite the handling of applications. . . . without lowering standards for citizenship . . . she intends to simplify naturalization procedures . . ." (Pear 1993).

Assuming that intentions to naturalize will be realized and that intentions for relatives to immigrate to the United States will reflect visa petitions, an assessment of future immigration of family members of the legalized population is possible. Shown in **Tables 5, 6, and 7** are crosstabulations of nonresident and immigration-intending relatives by intention to naturalize for all legalized respondents, Mexican legalized respondents, and El Salvadorean legalized respondents. There are approximately 1,965,000 nonresident spouses, children, parents, and siblings for

Table 5.

FAMILY MEMBERS LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES
BY RESPONDENT'S INTENTION TO NATURALIZE:
LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	IMMEDIATE FAMILY			OTHER RELATIVES		
		TOTAL	SPOUSES/ PARTNERS	CHILDREN	TOTAL	PARENTS	SIBLINGS
Living Outside U.S.	4,229,000	484,000	60,000	424,000	3,745,000	901,000	2,843,000
Yes, Definitely	1,965,000	233,000	25,000	207,000	1,733,000	416,000	1,317,000
Yes, Probably	1,189,000	119,000	17,000	102,000	1,071,000	261,000	809,000
Uncertain, Not Sure	757,000	78,000	12,000	66,000	679,000	164,000	516,000
Probably Not	97,000	13,000	1,000	11,000	85,000	20,000	65,000
Definitely Not	76,000	20,000	2,000	19,000	56,000	13,000	43,000
Refused	1,000	0	0	0	1,000	0	0
Don't Know	138,000	20,000	4,000	16,000	118,000	28,000	90,000
Not Ascertained	6,000	2,000	0	2,000	4,000	1,000	3,000
Intends to Come	1,254,000	309,000	36,000	273,000	945,000	232,000	714,000
Yes, Definitely	685,000	164,000	17,000	147,000	521,000	126,000	395,000
Yes, Probably	333,000	74,000	9,000	65,000	259,000	66,000	193,000
Uncertain, Not Sure	172,000	44,000	7,000	37,000	128,000	33,000	95,000
Probably Not	24,000	11,000	1,000	10,000	13,000	2,000	11,000
Definitely Not	11,000	5,000	0	4,000	6,000	1,000	6,000
Refused	0	0	0	0	0	0	0
Don't Know	28,000	9,000	2,000	8,000	19,000	5,000	14,000
Not Ascertained	2,000	2,000	0	2,000	0	0	0

legalized persons "definitely" intending to naturalize and another 1,189,000 nonresident relatives for those "probably" intending to naturalize. Of these figures, 685,000 are relatives of "definitely" naturalizing persons intending to come to the United States. Another 333,000 relatives of "probably" naturalizing persons are reportedly intending to come.

Of family members of Mexico-born legalized persons living outside the United States in 1992, more than one million (1,115,000) were related to a respondent "definitely" intending to naturalize and another 893,000 were related to someone "probably" intending to naturalize. Slightly more than one-half million (582,000) were related to a respondent

Table 6.

FAMILY MEMBERS LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES
BY RESPONDENT'S INTENTION TO NATURALIZE:
MEXICO-BORN, LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	IMMEDIATE FAMILY			OTHER RELATIVES		
		TOTAL	SPOUSES/ PARTNERS	CHILDREN	TOTAL	PARENTS	SIBLINGS
Living Outside U.S.	2,813,000	285,000	37,000	247,000	2,528,000	612,000	1.916,000
Yes, Definitely	1,115,000	110,000	12,000	98,000	1,005,000	245,000	760,000
Yes, Probably	893,000	82,000	12,000	70,000	811,000	198,000	613,000
Uncertain, Not Sure	582,000	55,000	9,000	46,000	526,000	125,000	402,000
Probably Not	65,000	9,000	1,000	8,000	56,000	13,000	43,000
Definitely Not	53,000	15,000	1,000	14,000	37,000	8,000	29,000
Refused	0	0	0	0	0	0	0
Don't Know	105,000	14,000	3,000	11,000	91,000	23,000	68,000
Not Ascertained	1,000	0	0	0	1,000	0	1,000
Intends to Come	782,000	165,000	22,000	143,000	617,000	163,000	454,000
Yes, Definitely	373,000	72,000	8,000	64,000	302,000	79,000	223,000
Yes, Probably	235,000	47,000	6,000	41,000	188,000	52,000	136,000
Uncertain, Not Sure	127,000	30,000	5,000	25,000	98,000	26,000	72,000
Probably Not	15,000	8,000	1,000	7,000	8,000	1,000	7,000
Definitely Not	9,000	3,000	0	2,000	6,000	1,000	5,000
Refused	0	0	0	0	0	0	0
Don't Know	23,000	6,000	2,000	4,000	16,000	5,000	12,000
Not Ascertained	0	0	0	0	0	0	0

uncertain about applying for citizenship. Of those family members of Mexican legalized persons reportedly intending to immigrate, more than one-half million were related to someone either "definitely" (373,000) or "probably" (235,000) applying for citizenship.

Among legalized individuals of El Salvadorean citizenship, the estimated numbers of nonresident relatives of those "definitely" and "probably" applying for U.S. citizenship were 162,000 and 95,000, respectively, and the implied numbers intending to come to the United States were 67,000 and 37,000.

Estimated numbers of children living outside the United States and intending to come to the United States by respon-

Table 7.

FAMILY MEMBERS LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES
BY RESPONDENT'S INTENTION TO NATURALIZE:
EL SALVADOR-ORIGIN, LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	IMMEDIATE FAMILY			OTHER RELATIVES		
		TOTAL	SPOUSES/ PARTNERS	CHILDREN	TOTAL	PARENTS	SIBLINGS
Living Outside U.S.	335,000	46,000	4,000	42,000	290,000	76,000	214,000
Yes, Definitely	162,000	22,000	2,000	20,000	140,000	37,000	103,000
Yes, Probably	95,000	9,000	1,000	8,000	87,000	22,000	65,000
Uncertain, Not Sure	53,000	8,000	1,000	7,000	44,000	12,000	32,000
Probably Not	9,000	2,000	0	2,000	7,000	2,000	5,000
Definitely Not	9,000	4,000	0	3,000	6,000	1,000	4,000
Refused	0	0	0	0	0	0	0
Don't Know	7,000	1,000	0	1,000	6,000	1,000	5,000
Not Ascertained	0	0	0	0	0	0	0
Intends to Come	125,000	31,000	2,000	29,000	95,000	21,000	73,000
Yes, Definitely	67,000	16,000	1,000	15,000	51,000	13,000	38,000
Yes, Probably	37,000	7,000	0	7,000	30,000	6,000	24,000
Uncertain, Not Sure	13,000	5,000	0	4,000	9,000	2,000	7,000
Probably Not	3,000	1,000	0	1,000	2,000	0	1,000
Definitely Not	1,000	1,000	0	1,000	0	0	0
Refused	0	0	0	0	0	0	0
Don't Know	3,000	1,000	0	1,000	2,000	1,000	1,000
Not Ascertained	0	0	0	0	0	0	0

dent parent's intentions to naturalize are shown in **Table 7** with detail on marital status and age group (under twenty-one years or twenty-one years or older). The largest number of children living outside the United States are unmarried and younger than twenty-one years despite the legalized respondent's U.S. residence for at least ten years—238,000 (56.1 percent). Of the 177,000 adult children living abroad, a slightly higher number were married (92,000) than unmarried (85,000). A large proportion (65.9 percent) of children intending to come here to live are unmarried and under age twenty-one.

Results for children of Mexico-born and El Salvadorean-citizen legalization respondents have similar patterns to those overall results. Not all of those children living

Table 8.

CHILDREN LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES BY AGE, MARITAL STATUS, AND RESPONDENT'S INTENTION TO NATURALIZE: LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	UNDER 21			21 OR OLDER		
		TOTAL	MARRIED	UNMARRIED	TOTAL	MARRIED	UNMARRIED
Living Outside U.S.	424,000	247,000	9,000	238,000	177,000	92,000	85,000
Yes, Definitely	207,000	114,000	4,000	110,000	93,000	44,000	49,000
Yes, Probably	102,000	64,000	2,000	61,000	39,000	24,000	15,000
Uncertain, Not Sure	66,000	39,000	2,000	37,000	26,000	15,000	11,000
Probably Not	11,000	8,000	1.000	7,000	4,000	2,000	2,000
Definitely Not	19,000	11,000	0	11,000	8,000	4,000	4,000
Refused	0	0	0	0	0	0	0
Don't Know	16,000	11,000	0	11,000	5,000	4,000	2,000
Not Ascertained	2,000	1,000	0	1,000	1,000	0	1,000
Intends to Come	273,000	185,000	5,000	180,000	88,000	34,000	54,000
Yes, Definitely	147,000	92,000	3,000	89,000	55,000	22,000	33,000
Yes, Probably	65,000	49,000	2,000	47,000	17,000	7,000	10,000
Uncertain, Not Sure	37,000	28,000	0	28,000	9,000	4,000	6,000
Probably Not	10,000	7,000	0	7,000	3,000	1,000	2,000
Definitely Not	4,000	3,000	0	3,000	1,000	0	1,000
Refused	0	0	0	0	0	0	0
Don't Know	8,000	6,000	0	6,000	2,000	1,000	1,000
Not Ascertained	2,000	1,000	0	1,000	1,000	0	1,000

outside the United States are stated as intending to come to live here. This is the case even for the largest single category, unmarried younger children, that might be expected to be most dependent.

PROJECTING VISA PETITIONS

To project visa petitions for immediate family members, the essential components are projected numbers of family members (and spouses and children) requiring or desiring to immigrate and aspects of resident relative's eligibility as sponsor, i.e., whether resident alien or naturalized citizen. Known is that a substantial number of legalized immigrants have already filed visa petitions for substantial numbers of spouses and children, many of whom are already living in the United States under "family fairness" protection or with other temporary status. Further, the cohort has

Table 9.

CHILDREN LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES BY AGE, MARITAL STATUS, RESPONDENT'S INTENTION TO NATURALIZE: MEXICO-BORN, LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	UNDER 21			21 OR OLDER		
		TOTAL	MARRIED	UNMARRIED	TOTAL	MARRIED	UNMARRIED
Living Outside U.S.	247,000	143,000	7,000	136,000	104,000	69,000	35,000
Yes, Definitely	98,000	50,000	2,000	48,000	48,000	30,000	18,000
Yes, Probably	70,000	43,000	2,000	41,000	27,000	19,000	8,000
Uncertain, Not Sure	46,000	28,000	2,000	26,000	18,000	12,000	6,000
Probably Not	8,000	5,000	0	5,000	3,000	2,000	1,000
Definitely Not	14,000	8,000	0	8,000	6,000	4,000	2,000
Refused	0	0	0	0	0	0	0
Don't Know	11,000	9,000	0	9,000	3,000	3,000	0
Not Ascertained	0	0	0	0	0	0	0
Intends to Come	143,000	99,000	4,000	95,000	44,000	26,000	18,000
Yes, Definitely	64,000	38,000	2,000	36,000	26,000	16,000	10,000
Yes, Probably	41,000	31,000	2,000	29,000	10,000	6,000	4,000
Uncertain, Not Sure	25,000	19,000	0	19,000	5,000	3,000	2,000
Probably Not	7,000	5,000	0	5,000	2,000	1,000	1,000
Definitely Not	2,000	2,000	0	2,000	0	0	0
Refused	0	0	0	0	0	0	0
Don't Know	4,000	4,000	0	4,000	0	0	0
Not Ascertained	0	0	0	0	0	0	0

exhibited strong levels of desire to naturalize in stated intentions and partial completion of requirements. These are the more certain contributions of the present research. To move beyond this level and project visa petitions to be filed for immediate family members, various assumptions are necessary concerning:

1. The relationship between the legalized immigrant's stated commitment to apply for citizenship and the time lag between naturalization and visa petition;

2. Unmarried sons' and daughters' transition to married status prior to immigration;

3. Transition from child to adult;

4. Spouses and children per married son or daughter;

Table 10.

CHILDREN LIVING OUTSIDE THE UNITED STATES AND INTENDING TO COME TO THE UNITED STATES
BY AGE, MARITAL STATUS, RESPONDENT'S INTENTION TO NATURALIZE:
EL SALVADOR-BORN, LEGALIZED POPULATION FOLLOW-UP SURVEY, 1992

GROUP AND RESPONDENT'S INTENTION TO NATURALIZE	TOTAL	UNDER 21			21 OR OLDER		
		TOTAL	MARRIED	UNMARRIED	TOTAL	MARRIED	UNMARRIED
Living Outside U.S.	42,000	28,000	1,000	27,000	14,000	6,000	8,000
Yes, Definitely	20,000	13,000	1,000	12,000	7,000	3,000	4,000
Yes, Probably	8,000	5,000	0	5,000	3,000	1,000	2,000
Uncertain, Not Sure	7,000	5,000	0	5,000	3,000	1,000	1,000
Probably Not	2,000	2,000	0	2,000	0	0	0
Definitely Not	3,000	2,000	0	2,000	1,000	0	1,000
Refused	0	0	0	0	0	0	0
Don't Know	1,000	1,000	0	1,000	0	0	0
Not Ascertained	0	0	0	0	0	0	0
Intends to Come	29,000	22,000	1,000	22,000	7,000	2,000	5,000
Yes, Definitely	15,000	11,000	1,000	11,000	3,000	1,000	3,000
Yes, Probably	7,000	5,000	0	5,000	2,000	1,000	2,000
Uncertain, Not Sure	4,000	3,000	0	3,000	1,000	0	1,000
Probably Not	1,000	1,000	0	1,000	0	0	0
Definitely Not	1,000	1,000	0	1,000	0	0	0
Refused	0	0	0	0	0	0	0
Don't Know	1,000	1,000	0	1,000	0	0	0
Not Ascertained	0	0	0	0	0	0	0

5. Proportion married of siblings and average number of children per sibling.

Each of these assumptions will be discussed before compiling a schedule of possible visa petitions by family preference category to be filed during fiscal years 1994 through 1998.

The assumption is made that those indicating they will "definitely" apply for citizenship will complete naturalization and will do so relatively quickly, perhaps within three years. Accordingly, this timing is assumed such that one-quarter will become naturalized in 1994, one-half in 1995, and one-quarter in 1996. Anecdotal accounts suggest that the pace of naturalizations already has accelerated in such places as Miami and southern California where there were large numbers of legalizations (Cleveland 1994; McDonnell & Simon 1994). Of those indicating that they

will "probably" apply for citizenship, an overall completion rate of .75 is assumed with completion of naturalization equally in 1995 and 1996. Among those who were "uncertain," the assumption is that one-half will decide to so, split equally between 1996 and 1997. Finally, the assumption is made that one-quarter of those saying they would "probably not" apply for citizenship would do so and become naturalized by 1997. These assumptions are obviously tentative and unsupported, but helpful in devising illustrative projections.

The timing of entry into marriage varies across cultures and marriage timing for sons and daughters living in origin countries and separated from parents already immigrated to the United States might be highly unpredictable. For the purposes here, the assumption is that sons' and daughters' marital statuses at petition will not differ from marital status based on the 1992 response. Also, for children already living in legalized households for whom a petition may be filed, it is not possible to differentiate married from unmarried or even sons and daughters from sons-in-law and daughters-in-law, so all are assumed as unmarried. For purposes of estimation of second preference and immediate relatives' petitions, the assumption is made that children do not age into adulthood prior to immigration. For married sons and daughters, the assumptions are that a visa petition also will be filed for one spouse and that 50 percent of these couples will have one child for whom a petition is filed. For siblings, the assumptions are that 60 percent will be married at time of filing petition and that 50 percent of these will have one child. Even if the survey had acquired information on children of unmarried and married sons and daughters, that number might have changed by the prospective date of immigration as couples had more children or children aged to adulthood.

Finally, the assumption is made that visa petitions already have been filed under second preference for spouses and children estimated as residing in legalized households in 1992. As discussed above, figures for co-resident children are too high, including sons-in-law and daughters-in-law. Although these petitions were competing with those from dependents of SAW legalization, the assumption is made here that these individuals already received a visa during 1992-1994 or that their status will be less likely to be affected by naturalization of their immigrant sponsor. The point is moot as a new petition need not be filed because the petition is automatically shifted upon naturalization.

Despite the necessity of these various assumptions, at this point, serious doubts may have arisen about the value of the ensuing illustrations. In discussing visa petitions possibly to be filed under family preference and immediate relatives categories under sponsorship of immigrants legalized under general provisions, general patterns are noteworthy and minor differences may not be. The foundation for these projections may appear to be simplistic relative to the complex operations of the immigration system, but these have a major advantage over any others in that there are empirical estimates for immediate family members intending to immigrate and there is an empirical gauge for naturalization.

With an accounting for possible numbers of spouses and children of siblings and married sons and daughters, the overall implied number of nonresident immediate family members would be increased to 1,894,000. Siblings, with their spouses and children, could account for 1,356,000 of these. Most of the petitions ensuing from citizenship attainment are shown to be filed in fiscal years 1996 and 1997 according to assumed timing.

Petitions under exempt immediate relatives categories would increase under this scenario, especially during fiscal years 1996 and 1997. Subject to the accuracy of assumptions about coresident spouses' and children's achievement of immigrant visas, there might only be moderate increases for spousal petitions. For children and parents, annually petitions easily could be twice as high as the numbers of immigrant visas granted during fiscal year 1992.

By stipulation, there would be no further impacts for petitioner backlogs under second preference. These illustrative flows for first preference would not create any major delays, as this category is fairly up-to-date. These types of petition flows would probably mean that there would be increases to backlogs under third and, *especially, fourth,* preferences.

For fourth preference, this is particularly a concern as the *most recent cut-off date among countries of chargeability is March 22, 1985* (U.S. Department of State 1995)! Even if all of the 65,000 visas annually were dedicated only to siblings of these legalization beneficiaries, it would take approximately seventeen years to allocate visas to this many siblings with spouses and children as estimated. During that waiting period, some might decide not to migrate, but that source of attrition might be offset by others changing to decide to immigrate or by higher numbers of children.

Table 11.

VISA PETITIONS POSSIBLY TO BE FILED UNDER FAMILY PREFERENCE AND IMMEDIATE RELATIVES CATEGORIES UNDER SPONSORSHIP OF GENERALLY LEGALIZED IMMIGRANTS

Category for Petitioning	Relevant Demand Level			Possible Petitions in Fiscal Year				
	Combined	In U.S.	Intending	Total 1994-1998	1994-1995	1995-1996	1996-1997	1997-1998
Total Family Members	2,472,000	578,000	1,894,000	1,965,000	282,000	849,000	742,000	92,000
Family Preferences	2,267,000	551,000	1,716,000	1,207,000	210,000	501,000	442,000	54,000
First								
Unmarried adult sons and daughters of citizens (and children)	54,000	(A)	54,000	13,000	8,000	2,000	1,000	1,000
Second	551,000	330,000	221,000	---	---	---	---	---
Spouses	161,000	125,000	36,000	(B)	(B)	(B)	(B)	(B)
children, unmarried sons and daughters of permanent resident aliens	389,000 (A)	205,000 (A)	185,000 (A)	(B) (A)	(B) (A)	(B) (A)	(B) (A)	(B) (A)
Third	85,000	(---)	85,000	73,000	14,000	32,000	25,000	3,000
Married sons and daughters of citizens (and spouses and children)	34,000 34,000 17,000	(A) (A) (A)	34,000 34,000 17,000	29,000 29,000 15,000	6,000 6,000 3,000	13,000 13,000 6,000	10,000 10,000 5,000	1,000 1,000 1,000
Fourth	1,577,000	222,000	1,356,000	1,121,000	188,000	467,000	416,000	50,000
Siblings of citizens (and their spouses and children)	830,000 498,000 249,000	117,000 70,000 35,000	714,000 428,000 214,000	590,000 354,000 177,000	99,000 59,000 30,000	246,000 147,000 74,000	219,000 131,000 66,000	27,000 16,000 8,000
Immediate Relatives	---	---	---	417,000	72,000	175,000	151,000	19,000
Parents	259,000	27,000	232,000	192,000	31,000	79,000	72,000	9,000
Children	(C)	(C)	(C)	144,000	23,000	58,000	54,000	9,000
Spouses	(C)	(C)	(C)	81,000	18,000	38,000	24,000	2,000

Note: These estimates are illustrative. See text for explanation.

(A) Given high demand under second preference, assumption is that all unmarried sons and daughters will be transferred to petition under first preference for which demand is much lower.

(B) The assumptions are that visa petitions have already been filed under second preference, will have been largely satisfied in 1992-1994, and that legalized immigrants may be slower to naturalize and sponsor co-residing relatives.

(C) These groups are included above.

The Mexico case shows similar patterns with an implied estimate of 1,210,000 immediate family members nonresident and intending to immigrate to the United States, of whom the majority (862,000) are siblings with spouses and children. This high level of demand would mean that waiting times under this category, now nearly *twelve years*, never would be likely to improve.

These projections are of lesser magnitude for El Salvadorean legalized immigrants, with about 189,000 immediate relatives, mostly siblings with their spouses and children, implied as intending to immigrate.

Demographic population projections grounded in measurement of recent patterns of fertility, mortality, and net immigration seldom achieve high accuracy due to the likelihood of measurement error, erroneous assumptions, or even demographic behavioral shifts by time periods. These projections are unlikely to be error-free for levels and timing of family member visa petitions from legalization beneficiaries under general provisions. Similar projections have rarely been devised. [See Roney (1988) and Harper (1988) for projections of future immigration prepared for background discussion of an earlier version of the Immigration Act of 1990.] With very little empirical information, Warren (1988) estimated that there would be about 300,000 dependents of legalization beneficiaries, relying on an assumption that prior low rates of naturalization for Mexican immigrants would pertain to this special cohort. Teitelbaum (1989) rightly cautioned against assuming that past patterns of naturalization and petitioning would hold. The recent work of Yang (1994) indicates the pitfalls of merely using demographic characteristics to explain naturalization with its influence for social and economic outcomes. Entry cohorts of the past three decades also may differ from historical cohorts in that they may be lifetime migrants. Although the foreign-born population has nearly doubled in 1970-1990, emigration research has not detected any increases (Woodrow-Lafield 1995c).

Now that the appropriate caveats have been cited, the major findings can be freely noted. With these empirical portraits of immediate relatives networks, intentions to immigrate, and naturalization intentions, naturalization may be broadly sought and facilitate family migration from Mexico as well as other countries. These projections have great value for illustrating that there will be *extremely heavy demand for visas under fourth preference* from the legalization cohort. The actual level of demand may be lower if these legalized individuals had one or more siblings

Table 12.

VISA PETITIONS POSSIBLY TO BE FILED UNDER FAMILY PREFERENCE AND IMMEDIATE RELATIVES CATEGORIES UNDER SPONSORSHIP OF GENERALLY LEGALIZED IMMIGRANTS: MEXICO-BORN

Category for Petitioning	Relevant Demand Level			Possible Petitions in Fiscal Year				
	Combined	In U.S.	Intending	Total 1994-1998	1994-1995	1995-1996	1996-1997	1997-1998
Total Family Members	1,629,000	419,000	1,210,000	1,391,000	149,000	526,000	661,000	54,000
Family Preferences	1,466,000	401,000	1,065,000	1,174,000	118,000	442,000	573,000	40,000
First								
Unmarried adult sons and daughters of citizens (and children)	18,000	(A)	18,000	4,000	2,000	1,000	1,000	0
Second	349,000	228,000	120,000	---	---	---	---	---
Spouses	105,000	84,000	21,000	(B)	(B)	(B)	(B)	(B)
children, unmarried sons and daughters of permanent resident aliens	244,000	144,000	99,000	(B)	(B)	(B)	(B)	(B)
	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)
Third	64,000	(---)	64,000	54,000	10,000	23,000	19,000	2,000
Married sons and daughters of citizens (and spouses and children)	26,000	(A)	26,000	22,000	4,000	9,000	8,000	1,000
	26,000	(A)	26,000	22,000	4,000	9,000	8,000	1,000
	13,000	(A)	13,000	11,000	2,000	5,000	4,000	0
Fourth	1,035,000	173,000	862,000	1,115,000	106,000	418,000	554,000	37,000
Siblings of citizens (and their spouses and children)	545,000	91,000	454,000	587,000	56,000	220,000	291,000	20,000
	327,000	55,000	272,000	352,000	33,000	132,000	175,000	12,000
	163,000	27,000	136,000	176,000	17,000	66,000	87,000	6,000
Immediate Relatives	---	---	---	219,000	31,000	85,000	89,000	14,000
Parents	181,000	18,000	163,000	131,000	20,000	53,000	52,000	7,000
Children	(C)	(C)	(C)	72,000	10,000	27,000	30,000	6,000
Spouses	(C)	(C)	(C)	15,000	1,000	5,000	6,000	1,000

Note: These estimates are illustrative. See text for explanation.

(A) Given high demand under second preference, assumption is that all unmarried sons and daughters will be transferred to petition under first preference for which demand is much lower.

(B) The assumptions are that visa petitions have already been filed under second preference, will have been largely satisfied in 1992-1994, and that legalized immigrants may be slower to naturalize and sponsor co-residing relatives.

(C) These groups are included above.

Table 13.

VISA PETITIONS POSSIBLY TO BE FILED UNDER FAMILY PREFERENCE AND IMMEDIATE RELATIVES CATEGORIES UNDER SPONSORSHIP OF GENERALLY LEGALIZED IMMIGRANTS: EL SALVADOREAN ORIGIN

Category for Petitioning	Relevant Demand Level			Possible Petitions in Fiscal Year				
	Combined	In U.S.	Intending	Total 1994-1998	1994-1995	1995-1996	1996-1997	1997-1998
Total Family Members	254,000	65,000	189,000	135,000	18,000	59,000	53,000	6,000
Family Preferences	235,000	61,000	173,000	107,000	18,000	45,000	41,000	4,000
First								
Unmarried adult sons and daughters of citizens (and children)	5,000	(A)	5,000	1,000	1,000	0	0	0
Second	62,000	38,000	24,000	---	---	---	---	---
Spouses	15,000	14,000	1,000	(B)	(B)	(B)	(B)	(B)
children,	46,000	24,000	22,000	(B)	(B)	(B)	(B)	(B)
unmarried sons and daughters of permanent resident aliens	(A)	(A)	(A)	(A)	(A)	(A)	(A)	(A)
Third	4,000	(---)	4,000	3,000	1,000	1,000	1,000	0
Married sons and daughters	2,000	(A)	2,000	1,000	0	1,000	1,000	0
of citizens (and spouses	2,000	(A)	2,000	1,000	0	1,000	1,000	0
and children)	1,000	(A)	1,000	1,000	0	0	0	0
Fourth	164,000	24,000	140,000	102,000	16,000	43,000	40,000	4,000
Siblings of citizens	86,000	12,000	74,000	54,000	9,000	23,000	21,000	2,000
(and their spouses	52,000	7,000	44,000	32,000	5,000	14,000	12,000	1,000
and children)	26,000	4,000	22,000	16,000	3,000	7,000	6,000	1,000
Immediate Relatives	---	---	---	35,000	6,000	15,000	12,000	2,000
Parents	25,000	4,000	21,000	17,000	3,000	7,000	6,000	0
Children	(C)	(C)	(C)	17,000	3,000	7,000	6,000	1,000
Spouses	(C)	(C)	(C)	1,000	0	0	0	0

Note: These estimates are illustrative. See text for explanation.
(A) Given high demand under second preference, assumption is that all unmarried sons and daughters will be transferred to petition under first preference for which demand is much lower.
(B) The assumptions are that visa petitions have already been filed under second preference, will have been largely satisfied in 1992-1994, and that legalized immigrants may be slower to naturalize and sponsor co-residing relatives.
(C) These groups are included above.

living outside their household who, having resided here since before 1982, also received legalization.

Beyond this immediate scenario, introduction of parents as immediate relatives could lead to appearance of petitions shown here under fourth preference, under second preference, and, eventually, under first or third preferences. A pathway for sibling immigration may involve bringing in the parent, who later may sponsor remaining children (Arnold, et al. 1989). This effort is conservative about making explicit projections of that wave of petitioning as it is contingent on so many assumptions about the occurrence and timing of legalized immigrants' and parents' naturalization, among others. The accuracy of any projection diminishes as effects of erroneous assumptions compound over time. A few tentative statements are possible. Depending on family characteristics of siblings, there could be tremendous increases under second preference, possibly even before the year 2000, with many of these petitions spooling into third preference. Petitions filed under the third preference category could increase several-fold in the early part of 2000-2009.

SUMMARY

The ideal source for depicting socioeconomic changes, acculturation, fertility, and family reunification, would be longitudinal data for a full array of immigrant entry cohorts (White 1992) with linkages to original immigrants. However, the processes of sponsorship, naturalization, and family reunification are lengthy. Such a survey or administrative tracking system would be quite costly, would need to be in place for two to four decades, and would always be subject to the bias of incomplete observation of more recent entry cohorts' experiences.

This research draws on an existing dataset with detailed information about numbers, residence, and intended residence for parents, siblings, and children of an immigrant cohort. Although the study population is unique in its long-term residence in undocumented status and the effect that transition to legal status may have on the timing of bringing other family members to the United States, these data offer extraordinary insights to family migration for immigration during the 1990s. It appears that the family preference visa backlog could increase by as much as 100 percent merely as a result of the legalization of 1.7 million aliens under IRCA.

Of what value will this study be in the contemporary discussions about immigration and immigrants? May we assume enough accuracy about these predictions for policy purposes? Keyfitz (1987:237) has stated "Yet standing against this as-

sertion of the absolute impossibility of knowing the future is the absolute necessity of a picture of the future if behavior is to have any sense." For this population subgroup previously destined for an underclass life-style, the picture features massive embracing of American citizenship. Among the benefits of citizenship are greater range of eligibility for sponsorship of family members as immigrants, but political participation will be a more universally received benefit. Patterns of geographic concentration of immigrants in certain states and cities are long-standing and empowerment of these immigrants from undocumented origins in the 1970s may bode well for future urban health.

Several recommendations for federal agencies and policymakers are warranted. The recommendation with the most immediacy is that the U.S. Immigration and Naturalization Service should make an organized field effort to guarantee prompt and complete statistical records for naturalizations for 1994 and subsequent years. If the sea change suggested herein takes place, these data will be extremely relevant for social science studies of assimilation and political behavior. Concurrently with these administrative efforts, initiation of evaluation research, including naturalistic

research, on advocacy groups' role in promoting naturalization and political education is merited (e.g., Hagan & Baker 1993). To sharpen the precision of these projections and the relationship between needs for family reunification and decision to naturalize, the Legalized Population Follow-up Survey and the Legalized Applicants Public-Use File should be updated regularly during 1995-2000 to include administrative data from linked naturalization records.

A recommendation for a third wave survey of the legalized population is an obvious necessity at this critical juncture in the cohort's experience, not merely for traditional assimilation analysis, but also for informing immigration policy more fully. Only with longitudinal data on socioeconomic assimilation would the push-pull aspects of the relationship between settlement success and family reunification be discernible. Only by recontacting these individuals will there be measures of the degree to which parents, children, or siblings may have chosen to settle here as undocumented residents while awaiting an immigrant visa.

One of IRCA's main purposes, curbing undocumented immigration, apparently has not been fulfilled, based on analyses of apprehensions statistics (Bean, et al. 1990), surveys of Mexican sending communities (Donato, Durand & Massey

1992), and assessment of net undocumented immigration in the 1980s (Woodrow-Lafield 1994b; Woodrow 1992). A portion of this failure is due to continuing migration of undocumented farm workers (Martin 1994). Unrealized by policymakers and researchers may be the full extent to which undocumented migration is an integral part of legal immigration to the United States as individuals enter illegally or overstay for the fundamental reason of living with their families. With the exception of sending communities surveys, research on undocumented migration ignores its family character.

Yet family ties may be the critical link in analyzing undocumented migration patterns for the 1990s and into the twenty-first century. Failure of the legal immigration system to afford legal opportunity for family migration may lead to substantial undocumented immigration of family members of this cohort of legalized immigrants who have been settled for a decade. Another survey with similar and expanded questions on residence of family members would be valuable for studying the linkages of legal and undocumented immigration and informing policymakers concerned with enforcement of employer sanctions provisions and border control.

Finally, a similar survey of Special Agricultural Workers is long overdue. The controversy aroused by the unexpected numbers of SAW applicants probably would be relatively diminutive if the scope of undocumented and legal immigration stemming from SAWs were measurable. This population is truly elusive from the demographer's measurement view as SAWs are fully entitled to reside permanently in the United States and yet the extent to which they are resident is unknown.

Characterized as primarily Mexican and young, this population has tremendous potential for introducing wives and children into the United States initially as undocumented migrants, eventually as legal immigrants. In the present, these families may contribute to rural poverty problems (Martin 1994). These families and, to a lesser extent, families of generally IRCA-legalized immigrants, are mixed by legal status with complex implications for access to public benefits programs. Both another follow-up survey of the generally IRCA-legalized immigrants and a SAW survey are most relevant for California and the Los Angeles area with their concentrations of these individuals.

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Temporary Migrants in the United States

Edited by B. Lindsay Lowell

U.S. COMMISSION ON IMMIGRATION REFORM

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RESEARCH
PAPER

TEMPORARY MIGRANTS IN THE UNITED STATES

EDITED BY B. LINDSAY LOWELL

1996

U.S. COMMISSION ON IMMIGRATION REFORM

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PREFACE

Temporary migrants to the United States, known legally as nonimmigrants, have grown in number and importance over the 1980s and 1990s. The Immigration Act of 1990 in particular instituted a number of changes that the U.S. Commission on Immigration Reform is evaluating for its final report to Congress in 1997. This volume represents a significant contribution to the fact-finding efforts undertaken by the Commission to understand the implementation and impact of these policies.

Scholars and policymakers working in the immigration arena have long appreciated the complexity of the different categories of permanent admissions, but only now are they turning their attention to the oftentimes linked temporary system with its rather different complexities. In this volume, leading scholars examine the nonimmigrant system's major visa categories for temporary workers and foreign students. The Commission solicited these authors' contributions to help the Commission identify major policy issues and their solutions. The introductory chapter by B. Lindsay Lowell of the Commission's staff summarizes the authors' observations and recommendations on a range of topics, from the overall system of nonimmigrant admissions to the effects of specific visa categories on U.S. businesses and workers, as well as our universities and students. The chapters here, comprising one of the first collections of scholarly studies on the topic, offer considerable scope and a solid point of departure for policymakers evaluating the nonimmigrant system.

Susan Martin
Executive Director

TEMPORARY VISAS FOR WORK, STUDY, AND CULTURAL EXCHANGE:
INTRODUCTION AND SUMMARY

B. LINDSAY LOWELL

U.S. COMMISSION ON IMMIGRATION REFORM

There always have been those who come to the United States for short stays—to work and conduct business, to study, or to visit and sightsee. No single definition best describes this type of international migrant; they have come to be known for what they are not. With a few notable exceptions (e.g., holders of H-1B and L visas), they are not intending, or not permitted under the terms of their visas, to reside permanently in the United States with the full range of rights granted to "immigrants." Legally they are, therefore, not immigrants, they are "nonimmigrants" whose legal rights and responsibilities are limited to certain activities and whose stay is of limited duration.

The numbers of those on nonimmigrant visas [NIVs] coming to the United States are substantial and, unlike permanent admissions that only now are reaching peak historical levels, they have been growing throughout the century. During the first decade after the turn of the century (1901-1910), 770,000 nonimmigrants were admitted to the United States and that figure grew to 7 million in the decade following World War II.

Year	Total	Tourists
1951-1960 [1]	7,113,023	4,005,028
1961-1970	24,107,224	15,473,400
1971-1980	64,314,041	45,369,373
1981-1990	123,140,403	91,469,272
1991-1994	83,159,275	65,232,217

[1] These data are from special tabulations from the Statistics Office of the U.S. Immigration and Naturalization Service.

Two things are immediately apparent from these data: the rate of growth has been phenomenal with more than a doubling across each of the last three decades and it looks safe to forecast more than a doubling for the 1990s. The greatest share of the NIVs are issued to tourists, counted as temporary visitors for pleasure, who over the past decade have made up nearly three-quarters of all admissions by the Immigration and Naturalization Service [INS]—17 out of a total 22 million in fiscal year 1994 alone.[2] As of fiscal year 1994, the remaining approximately 5 million admissions comprise just more than 3 million temporary visitors for business and less than 2 million assorted other categories of admission, of which 764,000 include those addressed by the authors in this volume.

The U.S. Commission on Immigration Reform has been studying nonimmigrant visas under its mandate to review and evaluate the Immigration Act of 1990. That law created new admission categories and set in place regulations to control the entry and stay of nonimmigrants. Twelve authors describe here a core of temporary visas that authorize specific activities, namely the right to attend U.S. institutions of education, to work or conduct business, or to undertake study or work that comports with exchange agreements with foreign countries. These visa categories are among those with the greatest degree of rights and, with the exception of temporary visitors for business or pleasure, they are the most numerous. They also have not been subject to research by academics and have not received much systematic evaluation by policymakers. The articles in this volume address the lack of systematic study and set forth the policy implications of the available research.

[2] Tourists represent a considerable boon to the U.S. economy. In 1995, an estimated 43.5 million in-bound visitors, a figure that includes tourists for pleasure plus cross-border visitors from Mexico and Canada, spent $76 billion on travel to and in the United States. International tourism provides a net trade surplus of $18 billion (dollars international visitors spend here less dollars U.S. visitors spend outside of the United States) (communication with the Department of Commerce, U.S. Travel and Tourism Administration).

COUNTING TEMPORARY MIGRANTS

Two broad types of visa classes—(1) workers and (2) students and exchange visitors—are most central to today's concerns and are predominantly discussed in this volume (U.S. INS 1996a).

- **Workers.** The sole purpose of these categories of admission is to grant legal authorization to work in the United States. H-1B workers are professionals and highly-skilled individuals in specialty occupations. They are sponsored by employers who must attest that they will fulfill a number of wage and working conditions designed to protect U.S. workers. The visa for agricultural workers (H-2A), although numbers are small, is a constant source of debate. It requires a sponsoring employer and the job must be "certified" beforehand by the U.S. Department of Labor [DOL] as meeting a number of wage and working conditions designed to protect U.S. workers. H-2B visas for temporary nonagricultural workers (limited to 66,000 annually—although only 16,00 were issued in FY 1994) also require labor certification. D visas for foreign crewman require employer attestation unlike E visas for treaty traders and investors that require no labor market test. L visas are for intracompany transferees, workers who are employed by international organizations based in the United States.

The Immigration Act of 1990 created a number of new work visa categories: O visas for aliens with extraordinary ability in sciences, arts, education, business, or athletics, and those assisting in their athletic or artistic performances; P visas for internationally recognized entertainers and athletes, artists or entertainers on an exchange program or under a culturally-unique program; Q visas for participants in international cultural exchange programs; and R visas for religious workers. Additional workers, such as researchers, scholars, *au pairs*, and camp counselors, enter under the J visa [see below].

- **Students and Exchange Visitors).** Both the foreign student (F) and cultural exchange visitor (J) visas are intended primarily to promote both formal education and learning by experience, and both permit limited work authorization. In the case of the foreign student (F), work is generally restricted to campus with one year of off-campus practical training allowed. These visas are issued only to students who are attending INS-accepted institutions. In the case, of exchange visitors (J), whose visa may partly be governed by international agreements, some may only study, while others engage in significant work activity during their stay. The M visa is used for vocational students, who are prohibited from any employment except for postcompletion of studies and practical training.

The Number of Temporary Immigrants

The accompanying table shows three ways of counting nonimmigrants in the fiscal year 1994. The differing methods of measuring these populations demonstrate both notable administrative differences between the collecting agencies, as well as the lack of a single comprehensive measure or set of measures that count nonimmigrants and their implied year-round population in the United States.

INS admission numbers. The first column shows the most commonly cited INS figures on admissions, which are not counts of individuals but, rather, counts of the total number of *entries.* Thus, an individual with a business visa will be counted separately each time he or she enters the U.S. The number of admissions counted is consistent with the INS role in screening persons at entry into the United States and tallying each individual (entry) inspected. Clearly, admission numbers overstate the number of individuals actually involved. The count of NIV admissions or entries is, instead, the result of an administrative process.

State issuance numbers. The Department of State [DOS] counts its issuances of visas to individuals abroad, consistent with its role as the foreign representative of the U.S. Individuals apply for their visa through U.S. embassies and, when the

Counting Nonimmigrants: FY 1994

Class of Admission	Admissions (Entries)	Visa Issuances	Person-Year (Average) Populations
All classes*	22,118,706	5,610,953	1,444,319
Foreign government officials (& families) (A)	105,299	67,190	30,997
Temporary visitors	20,318,933	4,428,011	107,027
For business (B1)	3,164,099	216,825	86,235
For pleasure (B2)	17,154,834	4,211,186	810,067
Transit aliens (C)	330,936	177,815	4,520
Treaty traders and investors (& families) (E)	141,030	30,931	54,657
Students (F1, M1)	390,001	219,941	245,319
Students' spouses/children (F2, M2)	33,720	20,955	27,876
Representatives (& families) to international organizations (G)	74,722	26,525	22,773
Temporary workers and trainees	185,988	104,143	48,815
Specialty occupations (H-1B)	105,899	42,843	31,092
Performing services unavailable (H2)	28,872	25,842	8,562
Agricultural workers (H-2A)	13,185	7,721	3,328
Unskilled workers (H-2B)	15,687	10,400	5,234
Workers with extraordinary ability (O1, O2)	6,484	3,625	2,131
Internationally recognized athletes or entertainers (P1, P2, P3)	28,055	19,938	1,822
Exchange & religious workers (Q1, R1)	7,497	4,372	2,516
Spouses/children of temporary workers and trainees (H4, O3, P4, R2)	43,207	30,584	16,943
Exchange visitors (J1)	216,610	166,639	89,651
Spouses/children of exchange visitors (J2)	42,561	32,151	29,035
Intracompany transferees (L1)	89,189	22,666	20,765
Spouses/children of transferees (L2)	56,048	26,450	24,207

Sources: Admissions (U.S. INS 1996b); Visa Issuances (U.S. DOS 1996); Person-Year Populations (U.S. INS 1996a).

*Categories may not equal total because of omitted categories (e.g., fiancees of U.S. citizens, overlapping Canadian Free Trade Agreement professionals, unknown, NATO officials and professionals, and foreign media).

application is approved by the appropriate agency, DOS issues the visa for admission into the United States. But if INS admission data clearly overcount the true number of individuals who travel with a nonimmigrant visa, DOS issuance figures do not include persons from countries with whom treaties permit that the visa is "waived." Nor do all persons issued a visa necessarily use it to enter the U.S. in the year it was issued. Nor do the issuance figures reflect individuals who change from one visa to another within the United States (more on this below).

Person year population. The person-year or "average" population reflects just the portion of a year that all NIV individuals spend in the U.S. It reflects more accurately, for example, the full-time contribution of certain NIV categories to U.S. businesses: if there are 100 workers with an average stay of one-half year, they contribute only 50 person-years' worth of labor in that year. Because of the available means of measuring the person-year population, the figures will be somewhat low as they do not reflect some NIV individuals who stay more than an entire year.[3]

The table shows that INS "admissions" are significantly greater than visa "issuances," 22 million versus 5 million in FY 1994. And because the average length of stay of nonimmigrants is short, as should be expected, the person-year population is only 1.4 million. No one figure is "better" in the sense that it is more correct,

[3] The INS calculations for the person-year population is based upon comparing departure data with earlier entry records. Because not all individuals depart in a given year, especially those with longer durations of stay such as students or family members, the average stay figure will be too low. Hence, the "true person-year" population is some unknown amount greater than the one shown.

[4] Which "number" of temporary NIVs would one compare to the number of legal permanent immigrants admitted to the U.S. in a given year? INS data on legal permanent residents counts individuals and, hence, cannot be directly compared to NIV admissions data. DOS visa issuance data more nearly counts individuals like the permanent admissions' data published by the INS, but issuances overstate the year-round involvement of temporary NIVs in the U.S. economy. Also, the INS (1996b:178) estimates that as of 1992, about half of the 3.4 million illegal population were persons illegally overstaying the period of their nonimmigrant visas.

instead each is useful to describe the INS or DOS administrative burden or, in the person-year figure, one gets a sense of the average "year-round" equivalent.[4] Unfortunately, counting the non-immigrant population has even further complexity.

CHANGE OF STATUS ACROSS NONIMMIGRANT AND PERMANENT VISAS

Nonimmigrants do not always remain in the visa category under which they first entered the country. For example, a foreign student (F) may become a specialty worker (H-1B) and later adjust to permanent status.

Unfortunately, there is no reliable data readily available on the numbers of non-immigrant changes across NIV statuses, such as the F to H-1B example above. In lieu of such figures we can only crudely estimate about how many Fs end up as H-1Bs and, ultimately, in a permanent status. One possible source of information is INS records on change of status made within the U.S. that suggests that perhaps as much as two-fifths of those changing status to H-1B in FY 1994 previously held a nonimmigrant visa.[5] In any given labor market that portion may be much greater depending upon the job possibilities (see Michael Smith in this volume).

Data on adjustments to legal residency allow us to gauge the portion of NIV holders who transition onward to permanent status. In this volume, David North estimates that cultural exchange visitors (J) and foreign students (F) have low rates of direct adjustment, with an estimated one-sixth of Fs adjusting to permanent resident status.[6] Both the intracompany transferees (L) and skilled workers (H-1B)

[5] In FY 1995, there were more than 26,000 changes of status to H-1B, out of a possible 65,000 H-1B approvals. Most were from the foreign student NIV (F) (Special tabulations of INS district offices made available to the Commission).

[6] A crude, lower-bound estimate places about one-fifth of foreign students moving both from F directly *and* indirectly through H-1B to any permanent status (calculated from North's F and H adjustments to LPR status; and 1995 INS Service Center data [F to H] over DOS of F issuances five years previously [F to H status change]).

have substantially higher adjustment rates—a little more than one-fifth of transferees and possibly as many as four-tenths of H-1B workers adjust to permanent resident status. These relative rates are what might be expected. Students may have low adjustment rates because, once their training is finished, their purpose for staying is finished as well. And, as the number of students is substantially greater than that of specialty workers, it is not possible for a high proportion of students to adjust into the numerically-limited employment categories.

By contrast, specialty workers (H-1B) and intracompany transferees (L) are exempt from provisions precluding issuance of NIVs to those who intend to reside permanently in the U.S. Some of these workers enter with temporary work visas to bridge the period needed to obtain permanent immigrant visas. In other cases, employers choose to retain temporary workers, to capitalize on skills learned in the U.S.

It is also interesting to note the permanent categories into which nonimmi-grants adjust.[7] Although nonimmigrants adjust into all permanent resident statuses, as of FY 1994 foreign students (F) were most likely to adjust into the following permanent visa categories: exempt spouse (47 percent) and skilled employment-based preference (EB-3) (44 percent). In contrast, about one-half of both specialty workers (H-1B) and exchange visitors (J) adjust through the skilled employment-based preference, while intracompany transferees (L) adjust into the U.S. primarily as priority employment-based workers (EB1) (81 percent). Perhaps it is no surprise that one-third of the H-1B adjusters report science or engineering occupations, while 90 percent of intracompany transferees (L) report executive or administrative occupations at adjustment. On the other hand, neither foreign students (F) nor exchange visitors (J) fall clearly into any occupational grouping. Several articles in this volume assess this process of moving from one status into another.

[7] Special tabulations by the Commission of only principal visa holders from the INS FY 1994 permanent admissions public use data.

Changing Status Not a Problem. Charles Keely makes the case that the process of changing status and adjusting to permanent residency is a natural consequence of the U.S. admissions' system and the global economy. He believes the process is not detrimental and is, in fact, a favorable phenomenon. Papade-metriou and North recommend that the adjustment process be recognized and, as they regard adjusters as presumable successes who have gained valuable experience in the United States, they, too, view the process in a favorable light.

These authors recommend some type of dual-track temporary visa that acknowledges the process of adjustment to permanent residency status. The details of how such a visa would be granted and its terms are not spelled out, however. If a special visa were not created, the decision to grant permanent residency to an individual might somehow take into account their experience as a nonimmigrant.[8] And if there remains a concern about the ease of shifting status, North recommends that a sizable fee be assessed against the employer who petitions for a permanent visa.

Length of Stay. Despite the overall positive aspects of this process of change, several authors recognize potential abuses by individuals whose initial intent in obtaining a NIV is to remain permanently. They imply that reducing the length of stay permitted on a NIV would reduce such abuse. Such shortening of the time frame for action would be consonant with the purpose of a temporary stay, would acknowledge that some NIV stays with renewal options, etc., are too lengthy, and would lessen the possibility of individuals acclimating to the U.S. and drifting from one status to another. Both Papademetriou and Gregory DeFreitas recommend that the stay permitted on working visas (H-1B) be reduced, to three and two years, respectively, with no possibility of renewal without return to the home country. Barry Chiswick and North recommend that to keep individuals from endlessly pursuing education (often as a

[8] North implies that, if a point system was created to screen applicants (see text below), additional points could be granted for relevant experience.

screen for unauthorized employment), student visas (F) be closely monitored with regular evaluations of academic progress.

Return Requirements. Another way in which to deal with the changing status phenomenon might be to require that, at the end of their temporary stay, NIV holders return to their country of origin for some period of time. Only after that return requirement was finished could the individual reapply for a U.S. visa. This is a requirement for some cultural exchange visitors (J) and could be applied to other NIVs as well. North, for example, recommends an option that would impose a two-year return on foreign students. Keely, while not advocating a return requirement for foreign students, makes a clear distinction between foreign students who pursue higher education with independent financing and those who receive funding from their home government, international organizations, or scholarship programs intent on aiding international development by education. If return requirements are put into place, he argues compellingly that return should be required only of students whose education is intended to benefit their nation of origin. DeFreitas would require working H-1B visa holders to leave the U.S. for one year after their temporary stay ended.

TEMPORARY WORKERS IN A POSTINDUSTRIAL ECONOMY

Both Demetrios Papademetriou and Charles Keely present the big picture of the role of temporary foreign workers in a postindustrial economy. Global firms and fast-evolving, knowledge-based products demand a very different perspective than yesterday's. Today's knowledge industries must be fast moving and their product, unlike yesterday's industries, does not become more expensive to produce as raw materials are used up—a process that takes time. By extension, today's knowledge industries cannot treat all workers as essentially interchangeable; training takes time and may never fully compensate for a foreigner's specialized experience in a desired foreign market. Contemporary knowledge industries face steep, up-front development costs that are recouped by volume (and ever cheaper)

sales, and the race for market share goes to those who get their product out first. Getting the right worker with specific qualifications for short-term needs can be very important in these competitive marketplaces. Examples abound in pharmaceuticals, electronics, or computer software development, but the pace of the marketplace often is replicated in traditional industries like automobile manufacturing that market state-of-the-art autos on short cycles and produce just-in-time.

Positive Role of Foreign Workers. Against this backdrop, some believe restrictions on high-skilled temporary workers could well have adverse effects on the U.S. economy and its resident workforce. Keely argues that the genesis of those advocating severe restrictions is rooted, not only in a profound misunderstanding of the reality of post-industrial economies, but in the evolution of nonimmigrant policy and procedures. He traces NIV history from a passive admissions policy: employment-based immigrants entered unless the Secretary of Labor took steps to prevent entry based on a complaint or large level of petitioning by a single employer. However, after the Immigration Act of 1965, a more active process was introduced that Keely says:

> . . . institutionalized anxiety about the impact of immigration on the labor force. Dimensions of the economy were pitted against one another in an adversarial way, as if labor force development is a zero sum game.

The legal profession and adversarial procedures have become integral parts of the admissions' system for both permanent applicants and nonimmigrants and Keely believes "it is virtually naive to suggest that it could be otherwise;" however, the heritage of this adversarial mentality often is based on the assumption that the labor force is static like a fixed pie. Keely argues the restrictive and bureaucratic procedures that result from this heritage can run against the needs of a modern economy for flexibility, timeliness, and access to a global labor force. Most of the authors would concur that an emphasis on facilitating employers' *genuine* needs is in the national interest and can make the

U.S. more globally competitive to the benefit of U.S. workers.

Areas of Concern. Nevertheless, these chapters raise areas of concern, especially with the number of H-1B workers involved and the special features of their employment that may contribute to some adverse impacts. As David North argues:

> . . . when there are concentrations of alien workers in a given labor market . . . there are likely to be problems of labor market distortion lower than normal wages, higher than normal unemployment. These problems are likely to be aggravated when the workers involved have few rights or few perceived rights (such as the H-2A farm workers and the newly-arrived Indian programmers).

Where North argues that the long-term impact of the student and cultural exchange categories are "bland or scattered," he classifies the skilled worker as having an impact "of some concern." His concern is bolstered by "plenty of noise" in certain occupational sectors; North pays particular attention to the fields of science and engineering that are believed to already have an oversupply of workers (North 1995; see also Anderson, 1996).

Gregory DeFreitas also articulates concerns about the number of foreign workers now in high-skilled U.S. occupations and argues that all—permanent and temporary—skill-based admissions be closely regulated. Although many economists argue that immigrants should be selected on the basis of their skills, they seem implicitly to assume either that highly-skilled workers are not adversely impacted by increases in immigration or that any impacts are small and quickly responded to by U.S. professionals without broader ramifications. There are, however, a few studies that do find the possibility for direct competition between foreign and U.S. professionals, especially among permanent residents, and DeFreitas notes that:

> . . . in an era of widespread corporate downsizing, claims of skilled labor shortages have raised growing suspicions. Unlike the early 1980s, the majority of per-

> manent layoffs now are occurring among college-educated employees. The share of job losses accounted for by those earning at least $50,000 has doubled since the eighties.

If wage depression does occur among skilled workers it might be associated with lowered demand and less opportunity for upward mobility of low-skilled U.S. workers. And there may be further complications in relying on skilled foreign labor that are raised by use of H-1B workers.

DeFreitas argues that the current Labor Condition Application [LCA] does not adequately protect the U.S. worker from being replaced by an H-1B; nor does the LCA hold the ultimate employer responsible for the attested wage rates and working conditions of the H-1B worker. This can encourage the growth of job shops with the attendant potential for misuse of the H-1B program. Further, DeFreitas believes the program itself can sew the seeds for increasing outsourced jobs abroad because the H-1B worker, once trained in the U.S. and familiarized with corporate needs, becomes an ideal jobber when he or she returns home. He argues that "what is needed now is more, not less, limitation on and monitoring of skill-based temporary immigration programs." These themes surface not only from DeFreitas' close observation of the labor market and the limited number of official documents and media coverage that deal with foreign workers, but also in two field studies reported on in this volume: both were conducted on the H-1B labor force in 1994-1995, two years after the implementation of the Immigration Act of 1990 and in globally competitive industries undergoing downsizing and restructuring.

Houston Field Study. Jacqueline Hagan and Susana McCollom undertook a study of H-1Bs employed in about thirty computer programming and research organizations in the Houston metropolitan area. Their research found circumstances consistent with the nature of spot shortages that occur in fast-changing, globally-responsive businesses, at least in the case of the highly-specialized skills required in Houston's research sector:

> Given what looks like a robust labor market in Houston for com-

> puter analysts and programmers, and for high level researchers in faculty positions, we were initially at a loss to explain what we encountered in the field: unemployed and underemployed computer programmers and analysts and an increasingly tight labor market for faculty positions.

Yet, employers reported a need for H-1B workers because they were unable to find U.S. workers. A spot shortage appeared to be indicated in the case of positions at university or private research settings which have gone "unfilled for months or years" because a very specific set of skills, say in robotics development, is sought. In such instances the H-1B workers, some of whom were research assistants in such settings, provided a valuable resource for the U.S. with seemingly little adverse impact on U.S. workers.

On the other hand, the computer programming field has developed an outsourcing strategy that involves job shops that take on the production work of larger software development firms, pointing to potentially adverse outcomes in the H-1B program. These shops permit the larger firms to get production work done as needed without employing year-round employees. Unfortunately, the authors suggest, the incentives for job shops to be competitive in lower-end programming work can lead to adverse outcomes for the H-1B worker and for similarly-skilled U.S. workers. In the case Hagan and McCollom elaborate on,

> H-1B workers were recruited abroad and, once in the U.S., were paid less and placed in poorer working conditions than similar U.S. workers in the same organization. And the skills they needed were not necessarily those for which the employer advertised. This research suggests systematic violation of the employers' H-1B attestation that could place H-1Bs in unfair competition with U.S. workers with the requisite education, of whom there are many in the Houston area.

San Francisco Field Study. In field work on high-tech workers, Michael Smith asks, "Who is the employer?" and "What is the problem?" His study gathered qualitative data through open-ended interviews with "all parties involved in the recruit-

ment, employment, and regulation of foreign nonimmigrant skilled workers" (i.e., employers, workers, and various representative groups). Most of the H-1Bs had master's degrees and most of these foreign workers had received that degree in the U.S. while on an F-1 student visa (one estimate is as many as 70 percent). Employers reported that because technologies change so rapidly, they must hire applicants who already possess the specialized skills the employers require.

Several computer consulting firms studied had changed their use of visas in response to the tightening of wage compliance and stricter B-1 enforcement. The consultants reported that the longer duration of stay permitted by the H-1B visas is reducing the number of workers who return to their home country and increasing those who stay permanently. Oddly, these consultant were critical of the client firms that hired them for not investing in the training of an available labor pool of U.S. workers displaced by the corporate downsizing of recent years. For their part, U.S. workers believed that the Immigration Act of 1990 encouraged the expansion of foreign-run consulting firms that now underbid U.S. consulting firms. All parties agreed that H-1Bs received lower wages in consulting firms than their U.S. counterparts. While industrial restructuring and, more particularly, corporate downsizing are the major forces behind poorer working conditions for laid-off workers, both appear here to be reinforced by the related growth of subcontracted work. When job shops are used as middlemen to provide low-cost production programmers to client firms—private or public—the potential for abuse and displacement may well increase.

At the same time, U.S. workers in Smith's study argued that the just-in-time skills employers claim they require is not, in fact, consonant with the prevailing practice to train and the time taken to familiarize oneself with a new client firm. For their part, professional and union associations reported three problem areas in the H-1B visa: the ultimate employer is masked; the workers have little security and thus tend not to complain about depressed wages; and the prevailing wage calculation produces low average wages.

In contrast, the study found that H-1B workers in biotechnology firms pre-sented a different picture. Here Ph.D.s recruited internationally (in a search process that might take as long as six months) were hired as project managers and postdoctoral researchers. Findings here do not indicate wage depression or job displacement. In the university teaching and research settings, H-1Bs tended to be hired as faculty or postdoctoral researchers. But, while faculty hires required a substantial investment in hiring the very best, postdoctoral student positions were more plentiful and appeared more likely to misuse the H-1B visa. As some argue, such findings suggest that foreign postdoctoral students dominate these positions while many U.S. graduates, deterred by the low wages, look for work in the private sector.

Comments on the Current System

Having identified both strengths and weaknesses of the current system for admitting foreign workers, the authors present a range of recommendations to address problems in the current system. For the most part their recommendations focus on the H-1B.

DeFreitas recommends greater control and more protections, measures that go even further than those advocated by DOL (Reich 1995). He would restrict working visa applications to DOL-determined shortage occupations, require an application fee, reduce the permitted stay to two years, with a minimum one-year probation from applying for permanent residency following the stay,[9] apply additional employer attestations that protect U.S. workers (provisions against layoffs, lockouts, strike, and demonstration of "substantial and continuous efforts to fill the jobs for which they currently desire foreign workers"), and apply H-1B regulations to all work sites where H-1Bs are working. His recommendations would apply to all working visas.

[9] This recommendation is intended to reduce the waiting period for permanent residency applications and to reduce employer dependency.

All the authors concur in the spirit of the latter recommendation aimed at keeping the ultimate employer, not the middleman, responsible. As Smith says:

> Regulatory and enforcement mechanisms should focus on the "real employer," i.e., the clients of contract workers, including holding them accountable for paying prevailing wages to non-immigrant workers.

Both Smith and Hagan call for increased DOL workplace monitoring efforts, targeted especially on so-called job shops, and particularly on prevailing wages. Otherwise, perhaps because their field work found the most blatant visa violations only in the out-contracting sector, they do not advocate reforms as extensive as those DeFreitas proposes.

Smith and Hagan also found substantial frustration among college and university employers with the H-1B visa conditions and with the unrealistic prevailing wage determination in their sector. Because of the importance of this sector, Hagan recommends the "creation of a special H category for research universities and institutes." While Smith concurs that an "H-1C" visa should be created, he also found some evidence that foreign postdoctoral students sometimes compete with natives, creating a "potential for general wage depression [and] abusive working conditions." Therefore, he recommends that the university visa be restricted to "full-time, tenure-track, teaching and research occupations." The resources freed up from close monitoring of these truly select workers he would allocate toward the postdoctoral researchers.

North recommends two possible roads to reform: making a moderate number of changes in the existing system; or substantially reworking the entire administrative and visa system. At the least, he argues for a mandatory return ticket for all temporary visa holders, elimination of employer petitions for groups of H workers, the elimination of the H-2 visa, and the introduction of labor standards into the exchange (J) visa (or better yet, moving J-workers into the H worker visa).

Reconfiguration of the NIV System. North's more substantial reform propos-

als involve reconfiguration of the visa categories, revised screening methods that would facilitate the process with due attention to protections, and reform of the governmental administrative apparatus to manage the entire system more efficiently and effectively. North believes several basic principles should underlie a substantially reformed temporary visa system: the number of visa categories, as well as the number of government agencies involved, should be limited. Instead of eight student and working visas, he recommends four visa types: for students; for temporary workers; for intercompany transferees; and for H-type workers on a track for permanent residency, a transitional visa. Like Papade-metriou, he believes enforcement efforts should be at least partly funded by user fees, should be more efficient, and should target certain countries or employers with far more scrutiny. To ensure that individuals leave, he calls for a required, lifetime, round-trip ticket for *all* temporary visas.

Although Papademetriou finds that the current visa categories satisfy "one or more of [the basic] requirements" for a temporary worker system, he also recommends a substantial reconfiguration of the selection and management systems. The restructuring he considers would move most administrative functions into the INS and couple a rigorous, though simple, points test of foreign workers with a more stringent employer attestation and enforcement regime. The points test he outlines would be applied to potential workers, including H-1Bs, to select those least likely to compete with low-skilled Americans and those whose skills and productivity are most likely to promote U.S. economic interests: employer selection would be constrained to this pool and they would be required to file an attestation. Bypassing the cumbersome and time-consuming aspects of a certification system (in the case of H-2A and H-2Bs) could well facilitate employers' access to workers (who meet the minimum points test). An attestation requirement likewise could facilitate the process and serve as an enforcement tool for what should be (for his recommended system to work best) a renewed emphasis on the enforcement of the conditions agreed upon for the work authorization.

Temporary Workers in Agriculture: Are More Needed?

Predictably, in agriculture, the role of middlemen and its potential for adverse consequences surfaces again with the H-2A visa. Philip Martin covers the economics of labor in the agricultural industry, describing its historical reliance on cheap, foreign labor. It is a story, however, that differs from the others in this volume.

There have been calls for an expanded and simplified H-2A program in agriculture, partly by some who want to rationalize the exchange of labor be-tween Mexico and the United States. However, those most interested in the expanded/ simplified version of a new guestworker visa are the growers of crops that are harvested by hand. Much of the foreign labor upon which growers of fruits and vegetables rely is unauthorized. There are extremely few legal nonimmigrant (H-2A) visas in use by growers who dislike the paperwork, the number of labor protections and requirements, and the federal control of that program.

There is, of course, a long and complex history of the demand for seasonal agricultural labor and the employment of authorized and unauthorized workers throughout the southwest. California agriculture, in particular, has played a special role in most of the twentieth century debates involving Mexican immigration. The controversial *bracero* program brought more than 4.5 million Mexican workers to U.S. farms—more than one-half to California alone—between 1942 and 1964. California farmers were among those employers who most strongly argued that the price of their support for the employer sanctions provisions of the Immigration Reform and Control Act of 1986 [IRCA] was an assurance of continued access to legal Mexican workers. Congress established the Replenishment Agricultural Worker [RAW] program that would authorize the entry of workers in the event that they were needed. If IRCA proved to be successful, it could conceivably cut off the ready supply of unauthorized workers and the Departments of Labor and Agriculture were charged with determining if a shortage of seasonal workers developed. North reports that

no shortage was found during the life of the program and no RAW work authorizations were given.

When Operation Gatekeeper along the Mexican border was launched in 1994, and again, when Congress moved toward tightening restrictions against illegal immigrants in 1995, California farmers sought to secure legal guestworkers. Martin notes that the debate frequently is framed by contrasting extremes—farmers assert that there are likely to be labor shortages, farmworker advocates argue that 10 to 30 percent of farm-workers are unemployed even during peak seasonal demand and there is no need to bring in more workers. Congress has considered, and may well consider again, establishing an agricultural guestworker program that is either an altogether new visa or a simplification of the existing H-2A program.

Has stepped-up border and interior enforcement actually reduced the availability of legal seasonal laborers? Californian growers Martin surveyed in the fall of 1995 virtually all report an ample supply of farm workers. He argues there should be visible labor market responses, such as rising wages or increased applications for H-2A workers, before such programs should be considered seriously. Yet, more than 90 percent of the responding farm employers reported no trouble finding sufficient seasonal farm workers in 1995; the handful of employers who reported shortages generally did nothing concrete to obtain additional workers, such as raise wages, ask the state employment service for workers, or apply for certification to bring foreign workers into the U.S. under the existing H-2A program. Martin finds that the evidence and the survey data support the U.S. Commission on Immigration Reform's unanimous position (U.S. CIR 1995) that no new guest worker program is needed at this time for California agriculture.[10]

[10] If there were to be labor shortages that put upward pressure on farm wages, Martin argues, consumers would likely see little increase in the costs of fruits and vegetables as wages make up a minute fraction of retail prices. In the short-run, higher wages might attract more year-round and more productive labor. Over the longer-term, he believes growers could even reduce the demand for labor with capital investments in new technologies and engineered crops and possibly reduce retail prices.

Opinions on the H-2A visa tend to be strongly held. Indeed, North, who would abolish the program in its entirety, states, "This program simply transfers funds from American farm workers to agri-business; it is small but a disgrace."

On the other hand, Papademetriou does not find an agricultural worker program in and of itself objectionable. He proposes that:

> . . . serious thought be given to replacing this category with a program that focuses on enhancing employment opportunities for U.S. agricultural workers, while acknowledging the unique nature of that labor market, its binational (primarily Mexican) composition, and the historical (and future) reliance of that sector on a foreign workforce.

At the time of the writing of this volume, his proposals for reform of the H-2A were still in development. However, it is possible to speculate about a range of options, such as levying a user fee for a U.S. workers' fund, testing the labor market for shortages as DeFreitas suggests, and, both to facilitate growers access and enhance monitoring, bringing into the process multiple actors, such as employers, the Mexican government, and a greater INS and DOL enforcement presence.

Martin argues pragmatically that the current program may be better than some of the alternatives being considered. He concludes that:

> . . . the H-2A program may . . . not be perfect, but it does look better than the alternatives . . . and I find it hard to believe that, given the history of controversy surrounding employment of foreign workers in U.S. agriculture, the U.S. will in the late 1990s introduce an attestation program for alien farm workers.

Recall that the H-2A application requires a vigorous up-front DOL screening and must meet each of several wage and U.S. worker protection requirements: the details of the visa application must be certified prior to entry into the U.S. Simplification of the H-2A program could involve

changing the certification to an attestation that is not vigorously screened up-front and comes into play only if there is a visa violation reported after the worker begins. If Congress did introduce an attestation program, Martin would recommend levying a sizable user fee to be invested in a workers' training fund. Indeed, he argues for serious consideration to the development of additional safeguards if an attestation-like program were introduced.

FOREIGN STUDENTS

As Barry Chiswick notes, "The United State is a magnet for foreign nationals seeking university level and advanced (graduate) level training." Chiswick presents a profile of foreign students based on administrative data and an annual survey of universities. He argues that the flow of new students has not increased significantly since the 1960s, but the stock of students has risen due to longer stays.

Several authors in this volume offer reasons why foreign students are a benefit to the U.S. university system. Keely argues that the number of foreign students can be taken as evidence that U.S. colleges and universities are a successful service export industry with significant global ramifications:

> The American college and university system is a valuable service export that has down-stream spinoffs as alumni/ae of U.S. schools move into responsible positions in the private and public sectors of their societies.

Barry Chiswick notes that the U.S. most likely will remain a magnet for foreign students, especially in the sciences. Still, foreign students' share of the total student body is very small and he believes that there should not be a lot of handwringing over its possible adverse effects, most certainly not among undergraduates. While foreign students are only a small portion of the general student body, a little more than 3 percent in 1995, Chiswick reports that nearly one-half of all foreign students are in U.S. graduate programs where they make up more than 9 percent of the entire graduate student body in all disciplines.

The U.S. reputation for graduate training is well known and many foreign students come here to pursue degrees in science and engineering [S&E]. Chiswick points out that, not only is the U.S. at the forefront of research in the scientific disciplines, but the jargon of mathematics and science are both universal and often written in English (while the humanities require knowledge that is highly specific to a culture or national setting). Beyond these commonplace observations, however, foreign graduate students are an integral part of the teaching and economic functions of the modern university: they learn by teaching and doing research; they provide a critical tutorial function; and they constitute a needed supply of research assistants. With a relative shortage of native-born seeking advanced study in science, he notes that foreign students step in and help keep instructional costs low and maintain the preeminence of U.S. university-based research.

Jagdish Bhagwati and Milind Rao specifically address the foreign Ph.D. graduate in the sciences and engineering disciplines where they are concentrated. These numbers have increased since the 1950s until, as of 1990, about one-third of all U.S. university-awarded S&E Ph.D.s went to foreign students. The authors argue that enrollment and graduation data support the notion that the increase in foreign graduate students results from the greater number of high-quality universities globally and the lure of flagship U.S. universities whose very leadership relies on government-funded S&E education. For example, the pool of S&E undergraduates has grown enormously in many Asian countries and the level of research and training at the best foreign colleges has come to be highly regarded. India graduates 25,000 bachelor-level engineers each year, of whom only 2,000 graduate from the elite Indian Institute of Technology [IIT]. Yet, the authors report that eight-tenths of the Ph.D.s awarded to Indians in the United States went to these elite IIT graduates. They note that "other nations 'brain drain' is our 'brain gain.'"

Also, the large proportion of foreign S&E students can be explained by the combination of the availability (pool) of highly qualified students, the choice of a field of study, and the funding structure of advanced education in the United States.

They observe that, whereas only 1 percent of the entering class in the professions receives university funding, and 20 percent of those pursing a Ph.D. in the humanities and education, 70 percent of all S&E students report the university as their primary source of funding—and fully 81 percent of foreign Ph.D. students, most with limited rights to work in the United States and often with few personal resources, are in S&E programs.

Indeed, large differences in the availability of university funding by discipline may explain part of the apparent advantage foreign students have over U.S citizens in terms of securing university funding. Bhagwati and Rao note that more than one-half of African American Ph.D.s in particular are concentrated in education, a field in the humanities with low levels of university funding, which heavily affects statistics on African Americans.[11] Frank Morris in this volume argues, nevertheless, that even in education 12 percent of African Americans report being *primarily* funded by the university as compared to 28 percent of foreign doctorates. He and North share a concern that native and minority graduate students are not financed as readily as foreign students. Otherwise, North reiterates his belief that the general impact of foreign students on natives and minorities in graduate schools—or in the labor market—is small. The specific areas of impact and the appropriate policy response both deserve more study.

There is evidence that U.S. universities prefer minority doctoral applicants over foreign applicants (North 1995:49), and other trends make it difficult to assert direct and substantial minority displacement in graduate schools. Bhagwati and Rao note that the pool of African American students with S&E bachelor degrees declined slightly over the 1980s, although 14 percent of native African Americans opt for S&E degrees (where the proportion relying primarily on university funding is the same as that of other students). Yet interestingly, while the total number of Ph.D.s awarded to African Americans

[11] In 1993, 9 percent of all Ph.D.s granted in education were received by African-Americans, more than four times the percentage of African-American S&E Ph.D. recipients, and more than double the percentage (4.2) of all African-American Ph.D.s (Thurgood & Clarke 1995:23).

continued a two-decades-long decline, Bhagwati and Rao report that total S&E Ph.D.s awarded to African Americans increased through 1990. Because the number of *all* natives in S&E Ph.D. programs has remained constant for roughly two decades, some observers conclude that the lack of more native S&E Ph.D.s, of any race or ethnicity, is due mostly to the available pool of resident S&E students coming up through the ranks (NSF 1996:2-15).[12]

Clearly, there is some agreement between several of the authors and none strongly argues for a ceiling on foreign students. Bhagwati and Rao conclude that foreign S&E graduates are a boon and that their availability may actually expand S&E capacity. Nevertheless, it is acknowledged that the potential for abuse of the student visa exists: Chiswick recommends that carefully-crafted administrative procedures be put into place and given a chance to curb abuse of the foreign student visa, particularly by those who fail to pursue their academic studies. The specific administrative procedures he recommends would require that an appropriate college or university representative regularly certify that its foreign students are making satisfactory progress toward their intended degree. North, in turn, suggests strengthening oversight of the educational institutions that petition for the right to admit nonimmigrant students. To strengthen the principle of temporary stay, both North and Chiswick consider requiring return conditions, calling for a prepaid return airline ticket for each applicant. Chiswick also recommends baring the issuance of any visa to persons who violated the conditions of a previous visa.

North and Morris share a concern for the possibility that foreign students may have some adverse effects for some U.S. residents in certain fields of graduate study. Morris' argument points to a long chain of causal events starting with a decline in

[12] The total number of bachelor degrees awarded in the natural sciences actually declined through the 1980s; increased and then fell off in mathematics, computer sciences, and engineering; and only the social and behavioral sciences have showed an increase in bachelor degrees since the late 1980s (NSF 1996:2-15). Bhagwati and Rao also note that many S&E undergraduates may choose employment or pursue careers in more lucrative professions.

direct federal grants in the 1970s to today's university controlled distribution of research and teaching assistant positions. The major problem he argues is that colleges and universities are now providing direct funding to foreign students that could be spent instead on minority, and particularly African American, students. He advocates that an "American incentive computation" be made in every state or federal contract with a university that supports doctoral students: points would be given based upon the proportionate representation of minority students. North speculates about the balance of U.S. government monies spent on foreign student education and, likewise, considers regulation on funding. He suggests a ceiling on the proportion of foreign graduate students funded by federal research grants.

CONCLUSIONS

On balance, these articles argue that the nonimmigrant system meets a wide variety of goals that are in the national interest. At the same time, they raise serious questions about specific visa categories and some of the regulatory mechanisms that govern an individual's temporary stay. Readers who go carefully through each chapter will find a wealth of information not covered in this introduction and summary. Those steeped in the complexity of the system may wish for more detailed attention to some mechanisms, things as nuanced as how and where employers advertise for residents before applying for a nonimmigrant worker. However, these articles add to our understanding of the overall effects of the nonimmigrant visa system and provide guidance regarding policies to strengthen its operation.

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SKILLED TEMPORARY WORKERS IN THE GLOBAL ECONOMY:
CREATING A BALANCED AND FORWARD-LOOKING SELECTION PROCESS

DEMETRIOS G. PAPADEMETRIOU
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE[1]

Twentieth-century America, no less than the America of earlier times, has benefited greatly from the presence of foreign workers. Even in the 1950s, when fewer immigrants entered the United States than in any decade since, the U.S. economy may have been far less self-sufficient in terms of both talent and brawn than is generally acknowledged. For example, in addition to the talent brought in through the family and modestly-sized employment categories, as well as that decade's refugee inflows, there were the large-scale "immigration" of Puerto Ricans and the even larger *bracero* program for U.S. agriculture, which admitted between 300,000 and 400,000 Mexican workers a year throughout the 1950s. *Braceros*, who were classified within the immigration system as temporary workers or nonimmigrants, provided a nonresident labor force for an industry that had faced war-time shortages. Although the *bracero* program was ended in the mid-1960s, other programs for temporary workers have continued to supplement the flow of permanent residents, contributing to the robustness of a complex U.S. economy that spans the gamut of capital, knowledge, and technological content—from advanced computer technology to agricultural production.

Today, the reality of full international economic interdependence is an inescapable fact. The figures are nothing less than astounding. U.S. exports grew from about $27.5 billion in 1965 to more than $700 billion in 1994. Imports during the same period registered similar growth, from about $22 billion to more than $800 bil-

[1] This chapter is based directly on my work with Stephen Yale-Loehr (Papademetriou & Yale-Loehr 1996)

lion (Council of Economic Advisors 1995:274-75). The total value of international economic transactions (imports plus exports) grew from a little more than 8 percent of the Gross Domestic Product [GDP] to more than 22 percent of GDP. By 1991, total international sales by U.S. multinationals (from exports, direct investments, or joint ventures) were responsible for an estimated $1.2 trillion, accounting for nearly 30 percent of corporate revenue (Ellis 1994:62-63). Even more telling, U.S.-owned firms now are competing with foreign-owned firms, not only abroad, but also in the United States. It has thus become as difficult and, in many respects, much less useful to distinguish "American" from "foreign" firms as it is to separate "domestic" from "foreign" markets for one's products.[2] Further, a firm's productivity and competitiveness depend increasingly on its products' knowledge content, on the innovativeness of its processes, on "first-to-market" corporate strategies and on the ability to develop and exploit global connections by what Moss Kanter (1995b:153) calls "managing the intersections" at the "crossroads of cultures." The constant need for specific expertise means that firms must be able to obtain some of the necessary talent easily from outside the United States—in effect, adopting a "just-in-time" approach to the composition of the work force. There is no argument among economists regarding the job-multiplying effects associated with the employment of such highly-endowed professionals; thus, U.S. business should have access to the best qualified individuals for key job openings. Hiring talented foreigners *at market wages* is also in the long-term interest of U.S. workers.

Yet, attracting immigrants with the higher-level skills that our economy needs now, and from which it can benefit well into the future, is an option that should be pursued as just one part of a broad competitiveness strategy. The U.S. simulta-

[2] The "American corporation" has become less and less "American" as companies move operations overseas and foreign capital pours into the United States. Between 1980 and 1992, U.S. overseas investments more than doubled, from $215 billion to $487 billion. At the same time, however, foreign investment in the United States more than quintupled, from $83 billion to $420 billion (U.S. Bureau of the Census 1994:808, 811).

neously must diligently pursue policies designed to enhance the education and training of U.S. workers while avoiding interfering too much—through undisciplined immigration policies or other initiatives—with the market's propensity to adjust to tighter supplies of highly-qualified workers. These are the parameters within which we should expect our corporate citizens to make decisions about whom they propose that we admit, through what process, and whether the person should be admitted permanently or temporarily—the former typically in response to longer-term and perhaps structural needs, the latter typically in response to shorter-term needs in areas of ongoing adjustments (Papademetriou & Lowell 1991). If the recruitment and admission principles and the accompanying mechanism are well thought out, they will have self-regulating parameters that will reduce access to immigrants in times of low demand for labor while expanding access in times of high demand.

Without a flexible and well-managed economic immigration selection mechanism, many of our most competitive firms with vast global operations may reconsider their investments in additional capacity *in the United States.* Firms whose products are primarily knowledge-based, such as software developers, can choose to expand anywhere the main intangible asset they need (knowledge workers) is in ample supply. Immigration policy—no less than policies to improve the quality of our human resources, maintain an excellent infrastructure, and provide a business-friendly regulatory environment—must thus support, rather than undermine, efforts to convince firms that they *can* remain and expand their operations in the United States and still be competitive in the global marketplace.

The Immigration Act of 1990 already has acknowledged the existence of a class of "global citizens" who are essential assets to successful economic entities in today's constantly changing world. It more than doubled the number of economic stream immigrants; it encouraged and simplified the immigration of exceptionally-qualified people; and it responded to the requirements of the global economy through extensive changes to the U.S. nonimmigrant system (Yale-Loehr 1991, Papademetriou & Yale-Loehr 1996). How-

ever, it passed without a focused discussion about the human capital characteristics that will be needed from the workers of the future. We must engage in that discussion now and think through more systematically the foundations—both in the permanent and temporary admissions systems—on which the economic immigration stream should rest in the context of global economic changes *and their implications for U.S. firms and U.S. workers.* The essential, and not yet answered, question is how to promote U.S. competitive interests by facilitating access to key foreign-born personnel without unnecessary procedures while simultaneously not undermining the broader social policy goal of advancing the interests of U.S. workers overall.

REFORMING THE SYSTEM: REVISED CRITERIA AND PRESELECTION

The selection of most economic stream immigrants and nonimmigrants must shift away from the shortage-based, case-by-case certification system of the past forty years. Nonimmigrants who are allowed to work (H, B2, D, O, P, E, F, J) should be admitted to the United States to:

- Fill a specific labor need, generally for a temporary period;
- Discharge our international obligations under a variety of trade, investment, and cultural exchange regimes;
- Facilitate international commerce and trade; or
- Enhance the cultural and artistic life of the United States.

To varying degrees, the current nonimmigrant visa categories already satisfy one or more of those requirements. In some instances, the present system also incorporates job and wage protection mechanisms that tend to focus on the unskilled and semiskilled workers who have dominated employment-based admissions throughout most of that system's life. In the future, however, the rationale—and appropriate selection procedures—for choosing among possible entrants should

focus squarely on their capacity for contributing to a technologically sophisticated and global economy.

Certain administrative and programmatic guidelines also are necessary to help the United States select economic nonimmigrants efficiently and should be part of any new immigration system. The selection process should be efficient, timely, fair, and transparent for all parties. Enforcement, including postentry enforcement, should become a credible deterrent against fraud and abuse. The selection system constantly should be reviewed and adjusted to make sure that it continues to serve the country's changing economic and labor market needs. (Thus, priority should be given to the collection and reporting of accurate data critical to monitoring and evaluating the impact of any new selection system.) Finally, the functions of the various federal agencies that, in one way or the other, play a direct or indirect role in the admissions process should be reconfigured.

Further, the current work-permitting nonimmigrant categories should be divided into two subsets: those for which substantial changes are proposed; and those that require fewer adjustments. The first subset focuses on the H visas —visas available to U.S. employers for positions for which U.S. workers are generally presumed to be unavailable. (See this volume's introduction for a discussion of the various H visas as well as, more generally, the entire "nonimmigrant" system.) The second subset (B2, D, E, F, J, O, P) incorporates visas for workers whose *primary* purpose should be generally other than to work within the United States with a U.S.-based employer (B2, D, E, F, J).

PRESELECTING (H) FOREIGN WORKERS

The H nonimmigrant visa category is the main temporary foreign worker category in the Immigration and Nationality Act [INA]. With some notable exceptions, the United States had for many decades prohibited the temporary employment of foreign workers. That ban was lifted in the 1952 Act, which authorized the Attorney General to admit temporary workers to "alleviate labor shortages." In FY 1994, 143,492 H nonimmigrant workers (plus an

additional 40,490 spouses and children) were admitted. The size and significance of the H category hence requires the careful con-sideration of appropriate models for selecting the foreign workers who receive that visa.

Currently, the U.S. selects some H workers on a case-by-case basis on a decades-old understanding of the U. S. economy and the role that foreign workers play in relieving labor shortages. Many European countries use similar case-by-case methods. That concept is strikingly at odds with today's competitive realities, where firms choose workers (U.S. or foreign) because of small differences in qualifications (both in quality and, especially, in the specificity of skills). Firms generally believe that such differences can, in turn, lead to substantial differences in their ability to compete without any loss in momentum.

There are other selection methods. For instance, one can select immigrants on the basis of certain analytically-derived "shortage" occupations (demand test); or one can select them on the basis of their ability to meet a set of skill and adaptability requirements (supply test).

Most of the discussion that follows has evolved primarily out of proposals for revamping the selection system for permanent immigrants and particularly the selection formula for what my colleague Stephen Yale-Loehr and I call the "second tier" economic or permanent immigrants (1996:144). Our proposed system would have three tiers:

First Tier/The Truly Outstanding. The top tier of our new economic immigrant visa system would be similar to the current Employment Based [EB-1] immigrant visa category for "priority workers." Foreign nationals with extraordinary ability enhance the economic strength of the United States and should be admitted with a minimum set of procedures.

Second Tier/Professionals Who Meet Certain Selection Criteria. Qualifying for the second tier would require a job offer; the worker considered should have at least three years' work

experience and the sponsoring employer would have to make certain attestations. Individuals also would need to qualify under a selection formula, outlined below, that awards value points for certain human capital attributes.

Third Tier/Investors. Investors enhance the economic well-being of the United States through their capital investments and should continue to be admitted, although under an amended set of requirements that focuses more directly on the visa's intent.

As this chapter focuses on nonimmigrant categories, there is no detailed discussion of the proposed changes in the permanent system—except for those for the second tier. That tier's threshold requirements and calculable point total for desirable traits also is the basis for selecting workers for the H nonimmigrant categories. The proper question to ask in this regard is how to devise a system that facilitates the selection of foreign workers best suited to contribute to the U.S. economy without harming U.S. worker interests.

U.S. INDIVIDUAL WORKER LABOR MARKET TESTS

The United States uses a variety of systems for screening foreign workers admitted for work. I discuss primarily two of these systems: labor certification (an individual worker test that emphasizes preentry screening) and attestation (a test that emphasizes postentry enforcement). Although the former is more stringent, both are intended to safeguard U.S. worker interests.

Preentry Tests: Labor Certification

One way to select foreign workers is to test individual applicants against a particular job opening at a particular place and point in time. Following the 1965 immigration amendments to the INA, granting an employment-based immigrant visa is prohibited unless the immigrant's prospective employer first obtains a certification from the Department of Labor [DOL] that there are no U.S. workers who are able, willing, qualified, and available

to perform the work and that the immigrant's admission will not adversely affect similarly-situated U.S. workers. The United States uses variants of this model for its H-2A and H-2B temporary labor certification systems.

Assessments of the certification system consistently have found that the system is excruciatingly complicated (Papademetriou & Yale-Loher 1996:104). The conclusions of a twenty-five year old assessment of the permanent labor certification system by David North (1971) still are applicable: labor certification had "absolutely no impact on the macro labor market" and affected the work force "only marginally" because it governed the admission of so few and because there were no controls over the worker after he or she arrived in the United States. Only about 59 percent of the labor certifications granted at the time were actually used, and about 45 percent of the labor certifications approved were issued simply to legalize foreign workers who were already in the United States (North 1971:iii). North concluded that, while the labor certification program was "an interesting (if limited) experiment in social engineering," an alternative approach was needed (North 1971:172).

The Prevailing Wage Issue. Then and now the most-often-heard technical critiques focus on determining an occupation's prevailing wage for certification purposes and on the effectiveness of testing the labor market for appropriate U.S. job applicants. Determining the prevailing wage is not easy. For labor certification purposes DOL uses the arithmetic mean wage, usually derived from small, nonrandom samples (U.S. DOL 1995a). Moreover, State Employment Security Administrations [SESAs] differ dramatically in the care with which they conduct their prevailing wage surveys. Some states use more sophisticated survey techniques and may allow for fine gradations within occupations (and as a result recognize more bases for wage differentials) than others. As a rule, the statistical validity of SESA surveys varies from totally invalid to valid with strong reservations.

The problem has grown more acute since 1990, when Congress imposed a prevailing wage requirement as part of the H-1B attestation process. Currently, the SESAs

receive more than 60,000 requests annually for prevailing wage determinations and must conduct more than 10,000 surveys annually, at a cost of nearly $20 million to DOL (U.S. DOL 1995a). In 1992, DOL created a prevailing wage advisory panel to review existing methods and procedures. The panel made twenty-nine recommendations for improving the determination of prevailing wages, including focusing on skill levels rather than years of experience to determine where an individual fits within an occupational range, using the median wage rather than the weighted arithmetic mean in certain wage surveys, and allowing employers to use fringe benefits in certain circumstances as part of the overall wage. Despite these recommendations, DOL made no significant changes.

Instead, DOL issued a long memorandum trying to clarify various prevailing wage issues (U.S. DOL 1995c), some of which serves only to aggravate the problems. For example, the new memo instructs SESAs to acknowledge just two skill levels for any particular occupation: entry and experienced (U.S. DOL 1995c). While this makes determinations easier, it does not accord with business reality, in which employers may set a variety of skill levels within an occupation depending on professional accomplishments, length of experience, responsibilities involved in the job, and other individual and contextual factors.[3] The new DOL memo causes additional problems by instructing SESAs to ignore distinctions between public and private and academic or nonacademic firms, although nonprofit entities typically pay less than private companies do, often in return for making the individual more competitive for future jobs.

The Job Description Issue. Most labor certification-type applications require the employer to post and/or advertise a job opening for a specified amount of time. Many resulting job descriptions are obviously designed to fit the foreign worker. Anyone skimming the classified ads in a large metropolitan newspaper quickly can distinguish a regular help wanted ad from

[3] For example, a computer software company may have five different levels of computer programmers and pay each level a different wage. For immigration purposes, however, SESAs are supposed to calculate just two prevailing wages: entry-level and experienced.

a labor certification ad: the former typically is short and to the point; the latter are much longer because they must track the exact language of the detailed job description filed by the employer on the labor certification application. Labor certification ads, moreover, instruct interested applicants to contact their local SESA, not the employer whose name cannot even be mentioned.

The process often pits clever employers and immigration lawyers against DOL's restrictive recruiting requirements. For example, if a newspaper ad is required, employers may try to place the ad on days when fewer people are likely to read the help wanted ads. Because all U.S. applicants must be considered, an employer intent on hiring a preselected foreign national seeks to minimize the number of U.S. applicants—just the opposite of normal recruiting practice.[4] Thousands of U.S. workers a year are nonetheless referred to advertised job openings, but few are hired. The complexity and increasing irrelevance of labor certification regulations thus regularly transform the certification process into a cat-and-mouse game. In the final analysis, SESA and DOL regulators can never be as familiar with an employer's business or industry as the employer, and they have many cases to decide with relatively few resources.

Thus, everyone is a loser in this process. The government loses, in that it is forced to play by and defend a process that is resource-intense and perverse in both execution and outcome and that offers ample grounds for cynicism among those who participate in and observe it. Many U.S. applicants see themselves as pawns in this process, and virtually all SESA and DOL officials acknowledge that the labor certification system does not protect U.S. work-

[4] Additional "protections are equally likely to fail. For example, the employer cannot reject U.S. applicants unless their resumes clearly show that they fail to meet the *minimum* requirements for the job. Even if the resume is ambiguous, the employer must nonetheless interview the applicant, either in person or by phone. Further, the employer must contact a qualified applicant promptly after referral by the local SESA or face possible denial of the labor certification application. Finally, employers can reject U.S. applicants only for "objective" job-related reasons, not for subjective criteria, such as apparent lack of motivation or a person's seeming disinterest in the job.

ers. The system is vulnerable to those who would "play" it; thus, some employers might use the system to bring in their relatives, while others might—and some do—pass on the costs of the certification process to their foreign-born employees through lower wages which, in turn, adversely affects the wages of U.S. workers. The current system, especially if it is applied more stringently,[5] as some advocate, arguably could hamper the efforts of some U.S. firms to become fully competitive in the global economy and might even harm our country's long-term economic interests *without simultaneously offering substantial additional benefits to U.S. workers*. This well may be the most telling critique of labor certification and the most compelling argument for its replacement.

Postentry Tests:

Attestation

Aware of many labor certification shortcomings, the U.S. Congress created a new method for protecting some U.S. workers while facilitating employer access to certain nonimmigrant foreign workers: attestation. Attestation is a simpler mechanism that reduces up-front barriers to the entry of needed foreign workers, but still attempts to protect U.S. workers through postentry enforcement of terms and conditions of employment. The first attestation system was enacted as part of the Immigration Nursing Relief Act of 1989, which expired in 1995. Under this system, a health care facility had to attest to six criteria before it could hire an H-1A foreign registered nurse. Three more attestation systems for non-immigrants were created in the Immigration Act of 1990:

[5] Proponents of the *status quo* claim that the current system has some advantages. The very cumbersomeness of the process, for instance, probably discourages frivolous applications. However, frivolous applications should be weeded out through clear rules and effective, targeted enforcement, not by making the whole system so bureaucratic that it deters both meritorious and frivolous applications. DOL recently has begun a reengineering effort to streamline procedures, save money, improve effectiveness, and serve its customers better (U.S. DOL 1995b).

one for crewmembers in the D visa category; another for foreign students in the F visa category; and a third for specialty occupation workers in the H-1B category.[6]

Attestation, at least as presently practiced, also has a number of shortcomings. Some of these are similar to those in the labor certification process. For example, determining the appropriate prevailing wage can be quite difficult for both the employer and DOL. Further, some documentation requirements of an attestation are quite burdensome. For example, an H-1B employer's documentation must include information about all other employees in the same job in question, from the date the H-1B labor condition application was filed throughout the period of employment. An employer also must specify the basis on by which he or she calculated the actual H-1B wage. Attestations also have the potential for becoming pawns in instances of troubled labor relations if worker representatives choose to interfere systematically with management's access to foreign workers by frivolously challenging attestations.

Nonetheless, attestation has several positive attributes. If conceived and implemented well, attestation can balance the need to safeguard and advance the interests of U.S. workers while offering most employers timely and predictable access to needed foreign workers. Attestation also meets an important *public process test* by giving potentially affected parties an opportunity to know about and challenge the matters to which an employer attests. A properly conceived and executed postentry test can be among the mechanisms most responsive to changing conditions in labor markets, while requiring the least amount of hands-on engagement by the U.S. government in an area where both data and procedures are the weakest. It can also be an inducement to cooperative labor relations in instances where workers' representatives and management work together to obtain the best worker available for a job opening.

[6] The H-1A attestation process arguably was the most complex and intrusive of the four systems because it required an employer to take "significant steps" to recruit and retain U.S. nurses. None of the others places an affirmative obligation on employers to try to reduce their use of foreign workers.

Labor Market Information Model

An alternative way to select foreign workers for job needs/openings is to use generalized labor market information [LMI]. Unlike the individual worker evaluation model, this method focuses on making judgments about labor shortage and surplus occupations on the basis of general labor market information gathered primarily from national level data. Employers would be allowed to bring in foreign workers freely for occupations that are determined to have a labor shortage. In theory, an LMI method has several advantages over labor certification, particularly in terms of costs and responsiveness.

However, the disadvantages of an LMI approach strongly outweigh its potential advantages. First, the use of LMI to categorize occupations appears more "scientific" and "rigorous" than it really is. First, it creates an illusion of objectivity while, in fact, it relies to a very substantial degree on subjective judgments. Second, the data on which a LMI approach would rely were developed for other purposes and do not measure the precise concepts needed. Third, most occupational shortages are relatively brief in duration and all shortages are dynamic; some of the data used to identify shortages simply may be picking up indications that the market is adjusting. Fourth, even if the U.S. government could identify occupational shortages appropriately and in a timely manner, it could not ensure the timely admission of immigrants with those skills. Finally, the fundamental weakness of a LMI approach is that national data tend to "average out" and, thus, routinely mask often-substantial regional and local variations.[7]

[7] In practical terms, the geographic concentration of immigrants probably means that only a few local area lists of shortages would be used frequently. Legally, however, it might be necessary to develop comparable lists for all localities. Moreover, such a nationwide list would be quickly outdated, resource-intensive to update, and still would not prevent employers from claiming that, despite the LMI evidence, they could not obtain a worker for a specific need. Such a claim would return the entire process to its case-by-case determination roots.

Point System Model

A point system model of economic stream immigration, at least as practiced by Canada and Australia—the other two major "countries of immigration"—differs from both the individual worker job evaluation model and the labor market information concept. Unlike the former, a point system does not focus on matching a specific immigrant with a specific job offer in a case-by-case process. Unlike the latter, a point system neither directs, nor necessarily limits, immigrants to working in predetermined labor shortage occupations. Instead, the point system evaluates and selects immigrants based on certain human capital characteristics deemed to advance the host country's interests.

A point system theoretically has several advantages over either an individual-worker job evaluation or a LMI model. A point system can inspire confidence as a policy instrument that applies universal and ostensibly objective selection criteria; hence, it is less susceptible to criticisms associated with the case-by-case system's gamesmanship between employers and bureaucrats. Further, a point system's appearance of impartiality may discourage most of those who otherwise might have been apt to challenge it, while its technical complexity and apparent responsiveness to long-term labor market needs is reassuring to many who worry about possibly adverse effects on domestic workers. Finally, depending on the attributes the point system emphasizes, the model may reassure members of the receiving society that economic stream immigrants are selected on the basis of criteria that place high priority on the country's global competitiveness. This makes the system more politically defensible than any of the alternatives discussed above.

Can a point system work in the United States? The answer is a qualified "yes, *but only if the concept is adapted to the idiosyncrasies of the U.S. economy, philosophy, and labor market realities.*" On the one hand, despite inevitable variations that stem from location and history, the origins, scale, and composition of most immigration to Canada and Australia has not looked all that different from ours. On the other hand, a point system would require special discipline to be effective in the United States.

Our system of government is different enough from the Canadian or Australian ones to affect a key feature of a point system, its flexibility. The appeal of a point system is that it can respond quickly to shifting priorities and the Canadian and Australian parliamentary systems are well-suited to make these changes. At the minister's direction, the immigration ministry professionals come up with a plan to adjust the point categories and their relative weights, and Cabinet approval can be obtained quickly. In many instances, the changes can be accomplished administratively, under broad grants of authority delegated by the relevant statute. By contrast, the U.S. system is deliberately designed to work more slowly. On immigration, most of the input comes from the legislative (and even judicial) branches, as well as from affected constituencies. Under a point system, Congress would have to be willing to delegate many of the details to the executive branch, and the executive branch would have to take on significant responsibility for managing such a system.[8]

PRESELECTION AND H NONIMMIGRANTS

Despite these cautionary notes, the advantages of adopting a point-like system in the United States are clear and compelling in the case of H nonimmigrant workers. Such a system would shift the focus from an almost exclusive emphasis on shortages to enhancing the United States economic posture. Properly conceived and implemented, a point-like system would allow the U.S. government to do what it can be fairly good at, particularly when it does so in cooperation with the private sector, rather than forcing it to do what it is least good at, i.e., performing burdensome and ultimately unsatisfactory case-by-case and similar preentry evaluations.

[8] A point-like system places a great burden on the immigration agency. Done properly, it requires the creation of a data collection, analysis, and evaluation mechanism that allows policymakers to determine whether the chosen categories are the right measures of economic growth and personal success and whether the categories are weighted properly. Further, the immigration agency would have to develop a more appropriate administrative infrastructure and a more open and cooperative institutional culture.

Employer Sponsors and Flexible Limits. Under our proposed reforms, employers would continue to make all selection decisions,[9] but they would have to select from a pool of individuals who can pass a threshold of requirements, including a points test.

Employers also would be required to attest to certain recruitment, wage, and employment conditions. Numerical limitations would be imposed, as, from a political perspective, Congress and the American people would not tolerate even the theoretical possibility of open-ended immigration however robust the safeguards or well-administered the system. For that reason, Congress should set initial caps for the H-1 and H-2B categories but allow a year's ceiling to be based on the previous year's actual usage plus an increment of, say, 10 percent. This would offer greater flexibility than a hard cap, which would require legislation to amend. This method would also allow employers adequate access to foreign workers if the economy suddenly improves or if they encounter a true shortage of talented U.S. workers in an emerging growth area and need more foreign workers with highly-specific skills.

Selection Criteria for a Point Test. In addition to employer sponsorship and attestations, there should be prior requirements that employers and prospective immigrants must meet if they wish to enter the immigration sweepstakes. Employers must select from a pool of possible non-immigrant workers who must have personal characteristics that are essential to making a sustained and substantial contribution to the United States:

- An *educational background* that has instilled both specific knowledge or technical skills *and* a facility for abstract thinking;

[9] Not all companies need to be eligible to prequalify for the second tier attestation requirement, even if they have excellent recruitment, compensation, and employment policies. For example, Congress might consider withholding the prequalification benefit from firms: (1) that file more than a certain number of immigrant visa petitions per years; (2) whose foreign national workforce exceeds a certain percentage of the total workforce in the company; or (3) that have been found in violation of any immigration law within a specified period.

- An *age* that permits one to make a substantial contribution to the economy immediately;

- The *language* ability and communications skills necessary to interact effectively with colleagues and customers; and

- A demonstrated *commitment to improving* one's own human capital endowments.

Numerical weights can be assigned for each of these preselection criteria, with different thresholds set for different visa classes—although it makes little sense to legislate fixed weights or criteria.[10] Congress moves too slowly to enact detailed changes on immigration and, just as we want the economic immigrants we choose to be able to adapt, so too we need flexibility in our selection system. Hence, immigration officials should be given authority to change both the criteria for preselection and the number of points needed to qualify as economic conditions change. Flexibility is essential for the success of a modern immigration system and Congress' need to stay engaged can be discharged by requiring that proposed changes be vetted in advance with the two subcommittees charged with oversight responsibilities. If actual usage increases by the maximum percentage one year, to help control the growth in foreign workers in the following year, administrators could investigate the causes for such an increase and might choose to raise the pass mark needed to qualify for a given nonimmigrant visa category.

Attestation requirements. Employers would have to attest that they would comply with the four conditions that they do now for H-1B purposes, as well as a new recruitment condition.[11] First, the employer still would have to offer the higher

[10] It is up to Congress to engage in a dialogue about the number of points for each factor and the minimum number of qualifying points. Keep in mind that no selection system can accommodate all situations; hence, prospective employers of foreign nationals in certain occupations who are just one or two points shy of the pass mark might be permitted to submit evidence why the individuals nevertheless should be allowed entry. Alternatively, INS might have access to a variation of the current "national interest waiver" test for exceptional cases.

[11] Employers would have two ways to satisfy the proposed attestation requirements: prequalification or case-by-case.

of either (1) the actual wage the employer pays to other individuals similarly employed with similar qualifications or (2) the "prevailing wage" for that position. The current reliance on SESA prevailing wage determinations should be abandoned in favor of developing prevailing wage and total compensation package information from reliable industry-specific sources.[12] Second, employers would have to attest that there is no strike or lockout at the place of employment. Third, employers would have to attest that they have given their employees notice of the filing of the attestation. Fourth, employers would have to attest that the process through which the foreign worker was selected is the employer's and the industry's customary way of making hiring decisions for this kind of position.[13] Significantly, contracting with "job shops" that supply a predominantly foreign work force would not be considered a customary recruitment practice.

International Commitments. These recommendations for the H-1 category are fundamentally consistent with U.S. international commitments in this area. As part of the General Agreement on Trade in Services [GATS], the United States agreed to freeze the essence of the current H-1B program but created room for three possible changes in the future: (1) reducing the maximum length of the visa from six to three years; (2) instituting a provision that would prohibit employers from laying off U.S. workers and then using H-1B workers in the same occupation; and (3) requiring employers to take significant steps to recruit and retain U.S. workers. These proposals are consistent with the first two of these provisions. Further, the proposed recruitment attestation require-

[12] Currently, H-1B employers also must attest that the working conditions for an H-1B worker will not adversely affect the working conditions of other workers similarly employed. This requirement should be deleted as most of its provisions would be covered under the "total compensation package" concept and because it has not proven to be a meaningful protection.

[13] To understand the industries they regulate better, we propose that INS and DOL, as a matter of course, include organized discussions with panels of human resources personnel from various industries in *all* of their training sessions and meetings on customary hiring regulations.

ment is consistent with the spirit of the third element.[14]

Dual Track H-1. Historically and practically we know that permanent immigrants in the economic stream typically adjust in a manner that turns the holders of many temporary visas into "*pre*immigrants." In many instances, employers hire them for specific needs, but also to determine whether they are suitable for permanent employment. This occurs primarily in the current H-1B nonimmigrant visa category. We propose that, at any time after the first year and before the three-year period ends, an H-1 employee could petition for an immigrant visa, putting employers on notice that they will not be able to employ a foreign worker for long periods unless the worker can ultimately qualify for such a visa. Such prospective immigrants should be assigned their own nonimmigrant visa [NIV] category and be selected from a pool of individuals with characteristics that will enhance their long-term contributions to the economic strength of the United States, facilitate international business and trade, and generally promote U.S. interests and priorities.

H-2B Visa Category. The H-2B visa would be restructured along the lines of the H-1 and should be refashioned to be more than just a catchall category, but rather a category that focuses on truly temporary jobs. Following thorough assessment, subcategoriess of the current H-2B category that are primarily cultural in nature, such as camp counselors, should be incorporated into a revised and appropriately reconfigured J category, etc. It is here that the *second strand* of the H-1 workers—those who employment would be truly *temporary*—would be expected gradually to find a home. In reconfiguring this category, a variation of the double-temporary standard now in existence (i.e.,

[14] These modifications theoretically could conflict with GATS. A computer programmer with a bachelor's degree who speaks only a little English currently can obtain an H-1B visa easily; however, under the proposed selection criteria he/she might not. If not, his or her country could claim nationality discrimination. The proposed criteria, however, filter an applicant's *personal* characteristics and do not violate the equal treatment principles of our multilateral obligations.

both the foreign worker and the job are temporary) should be maintained, as should be the maximum number of two one-year renewals.

By developing incentives and disincentives for the long-term employment of many H-2B workers, the proposition can be tested that there are some occupations in which some of the labor demand might be satisfied by training U.S. workers. This would be particularly relevant and appropriate for many low-skilled occupations—ranging from household workers to specialty chefs—where a person's personal characteristics, such as language, ethnicity, familiarity with an "ethnic" cuisine, etc., is presumably valued by the employer. It may be found that, in most cases, one could no longer show that "shortages" exist in these occupations.

H-2A Visa Category. This visa category allows employers temporarily to employ agricultural workers following a test of the labor market and strictly regulated attempts to hire a U.S. worker. Serious thought should be given to replacing this category with a program that focuses on enhancing employment opportunities for U.S. agricultural workers, while acknowledging the unique nature of that labor market, its binational (primarily Mexican) composition, and the historical (and future) reliance of that sector on a foreign workforce.

CHANGES ON OTHER WORKING VISAS

The discussion below proposes modest changes to several other NIV categories to make each of these visas comport with the priorities outlined above. Unlike the H visa, where the primary purpose is U.S.-based employment, other nonimmigrant working visas have other primary purposes. Failure to mention an existing category means that no changes are proposed.

B Visa Category. No changes are necessary in the B-2 tourist visa category. This category facilitates international tourism. In 1994, more than 16 million foreign tourists visited the United States, generating an estimated $60 billion in revenues (U.S. Bureau of the Census 1994:264). The B-1 temporary business category also is gen-

erally fine in concept, as it facilitates international commerce and trade. However, concerns about certain types of abuses—improper use of the B-1 in lieu of the H-1B visa[15]—must be taken seriously and addressed through clearer regulations and more active enforcement, not by severely restricting or eliminating the category.

Extreme care in changing the B-1 visa is particularly necessary because of the reciprocal nature of international trade. If the United States eliminates or severely curtails access to this category, other countries may retaliate and impose similar bans on U.S. workers wishing to enter and conduct similar activities in those other countries. Our trade commitments have bound this use of the B-1. For this reason, radical changes to this visa would require difficult renegotiations and, if undertaken unilaterally, could lead to trade-related sanctions against the United States.

D Visa Category. It is unclear whether this category for foreign crewmen needs any changes. Very few attestations for longshore workers under the D category have been filed since the attestation requirement took effect after the 1990 Act. As a result, DOL and the Department of State [DOS] should prepare a report on the implementation of the D attestation process that should contain a cost/benefit analysis of the current regulations and assess whether such an interventionist regulatory regime is necessary—especially considering the small number of people it affects. One possible change might be to negotiate more balanced reciprocal arrangements with key shipping countries, rather than continuing to impose burdensome requirements on a wide universe of countries.

E Visa Category. The category of treaty-traders and investors is essential to international commerce and trade and, insofar as we have institutionalized that visa's

[15] This particular use of the B-1 visa should be reconceptualized and better formulated to (1) accommodate the constantly changing nature of international business and (2) provide for the sound discretion of properly trained visa-issuing officials in deciding whether the proposed activity is consonant with the visa's intent.

regulations in our international commitments, our ability to change the E visa is severely limited. Pending proposals for new regulations by INS and DOS are nonetheless worth testing. Among them are heightened scrutiny of E visa employees with "specialized" qualifications who are "essential" to the company. More specific issues, such as whether or not the employer can find qualified U.S. workers, and issues regarding E visa interchanges with the L visa category for certain multinational executives, managers, and employees possessing specialized knowledge, might be handled better in negotiations with other countries to achieve full reciprocity. As with the D visa, multilateral regulatory changes in many of these visa categories generally are preferable to unilateral attempts at closer regulation.

F Visa Category. Foreign students should continue to be allowed to work off-campus if the work is related to their academic studies. INS also should consider extending practical training options for foreign students in F-1 and J-1 status so that employers still would be able to hire qualified foreign nationals on a short-term basis. However, there is at least the potential for adverse effects on U.S. workers from the unregulated employment of F-1 students.[16] For that reason, we propose requiring employers of F-1 students to file a wage attestation similar to the one proposed for second tier immigrants and several "H" nonimmigrants. Work authorization for "economic hardship" also should be maintained, although INS should tighten its oversight of such grants.[17]

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[16] Any problem with "oversupply" of foreign nationals in graduate science and engineering programs should be dealt with by the government and the private sector encouraging more Americans to enter those fields (1) by getting young people excited about sciences when they are in elementary and secondary schools and (2) by making more public funds available for fellowships and traineeships so that more Americans can pursue advanced studies.

[16] A report by Casals and Associates (1994) of the off-campus work program found that, while on average only about 10 to 20 percent of F-1 foreign students obtain work authorization based on economic necessity, almost 75 percent of F-1 foreign students at one college worked off-campus under the economic necessity exemption. Such a statistic raises fundamental issues about possible abuse of the exemption and suggests that the "primary purpose" for which some of these students came to the U.S. may have been employment, rather than education.

The pilot off-campus work program should be eliminated because it allows foreign students to engage in general labor unrelated to any verifiable unmet labor need. The F-1 attestation process has not worked; very few employers use it and, in many instances, schools can issue work authorization for their students through other available means. This recommendation is consistent with the recommendations of DOL and INS as expressed in their 1994 joint report to Congress evaluating the program.

J Visa Category. This visa for various types of exchange visitors should be retained because of the very nature of international cultural exchange, education, and training. Other nonimmigrant visa categories that contain a cultural component, such as the H-2B and Q visa categories, should, however, be incorporated into a revised, expanded, and more stringently administered J category. In keeping with the purposes of the J visa, work authorization should be truly incidental to the primary cultural exchange, educational, or training purposes. To serve U.S. worker interests better, any work authorization for J-1 visitors should require compensation at full market rates. However, if J-1 sponsors pay part of the J-1's wage, this should be factored into any determination of the total compensation package.

One of the J-1 visa programs—the *au pair* program—does not comport with the spirit and aims of the J visa category. Despite the U.S. Information Agency's [USIA] recent attempts to control abuses in this program and make it more culturally focused, most U.S. families who use the program view it *first* as a work program and *only then* as cultural exchange. This is one of the main reasons why USIA has been stating publicly for many years that it does not feel comfortable administering the *au pair* program. A radical restructuring of the regulations is required so that the *au pair* program serves the same purpose it does in many other countries: providing a mutually valuable cultural exchange for *au pairs* and the families with whom they live.

Further, the administration of the revised and expanded J program should be transferred from USIA to INS, the agency with the broadest mandate and expertise in this area. INS already has experience admin-

istering visa applications of this type, such as in the current H-2B and Q categories. It could administer J programs without significant additional expenditures, especially since much of the current J program is run by responsible officers at sponsoring organizations. The transfer should be at least revenue-neutral and, in all likelihood, could save a modest amount of money. Additionally, INS would have the enforcement oversight capability now lacking in the USIA-administered program. Thus, the recommended transfer also would move the U.S. toward *the consolidation of all functions in the immigration agency*, an objective that undergirds the comprehensive rethinking of the country's immigration function that the Papademetriou and Yale-Loehr study (1996) envisions.

REORGANIZATION OF IMMIGRATION MANAGEMENT

At present, immigration functions are scattered not only between INS and DOL, but also among the DOS's Office of Population, Refugees and Migration, the Department of Health and Human Services' Office of Refugee Resettlement, the Department of Education, and USIA. Almost all of these functions could be performed more efficiently and economically by a larger, reengineered, and more independent INS. Such a change is essential to a revamped way of managing our immigration system.

The immigration function at the federal level should be reorganized as follows.

The Immigration and Naturalization Service. Congress should give INS an independent status that accords with its size and responsibilities, consolidating most immigration functions in the agency. To make this proposal work effectively, INS needs to develop a specialized corps of adjudicators, to be posted overseas, whose sole responsibility would be to handle economic stream immigrant and nonimmigrant visa applications. This corps of INS visa adjudicators gradually would absorb most of the functions now performed by the DOS's Bureau of Consular Affairs. Having this specialized corps also would help speed adjudication of all petitions at INS regional service centers, which is critical to avoid delays.

The Department of Labor. The labor certification and related functions now performed by DOL's Employment and Training Administration [ETA] would no longer exist. Its enforcement mission should be upgraded and the Secretary of Labor should continue to play a role in the administration's deliberations on immigration policy.

The Department of State. A streamlined Consular Affairs Bureau would continue to perform its core diplomatic-related functions, such as passport issuances and citizen services. The Bureau of Population, Refugees and Migration [PRM] would continue to discharge its specialized mandate, but its refugee resettlement functions, together with the resettlement functions now residing within the Department of Health and Human Services, should be folded into INS.

Such changes are truly daunting. They require careful thinking as to allocation of specific responsibilities, personnel, and resources. They also require comparable changes in the legislative function—a function that now is divided among too many congressional committees and subcommittees. Therefore, an independent study group, which should include representatives from affected parties, should be convened to examine and report on this difficult reorganization issue.

Data Collection and Evaluation. Regardless of any changes in the administration of immigration, there must be a commitment to better data collection and critical program evaluation. Few weaknesses of our current system are more frustrating to analysts, policymakers, and the public than the various immigration agencies' inability to answer many questions regarding the characteristics, behavior, and needs of their client base with any degree of confidence or reliability. It is inconceivable that a country for which immigration constitutes such an extraordinary component of economic, social, cultural, and political change would continue to tolerate legislating in the dark. Congress must make it clear *in legislation* that it values such information and analysis, that it expects the relevant agencies to attain these goals, and that it will monitor their progress.

Compliance Enforcement. A credible enforcement regime is absolutely necessary to deter fraud and deny immigration ben-

efits to those who do not qualify. To put its limited resources to best use, DOL should be given explicit authority to target "high-risk" employers, i.e., those with high fraud and severe exploitation practices. One way to focus investigations would be to check an employer's W-2 statements, submitted with H-1 attestations, against the required wage on the attestation form. Permitting anonymous complaints also would make sure that employers do not retaliate against whistleblowers. To promote efficiency and pay for compliance efforts, INS should develop a fee structure that reflects the agency's true costs both for doing a much better job *and for supporting DOL's enforcement apparatus*. At present, INS charges only minimal fees for helping U.S. businesses to obtain foreign workers, and DOL charges none at all. Congress should establish a funding mechanism that uses dedicated parts of the application fees for audits, investigations, and enforcement.[18]

Better Cooperation between Business and Government. An honest and open dialogue between business and government on immigration-related labor regulations is badly needed. DOL and INS should focus their regulations and enforcement sharply on targeting egregious conduct, allowing the majority of compliant businesses to make personnel decisions without having to contend with disruptive and, ultimately counterproductive, regulations. Business must, in return, help DOL and INS to obtain the appropriate legislative and regulatory tools for carrying out a renewed enforcement agenda.

For their part, the immigration agencies must seek the assistance of business in better understanding each industry's customary hiring practices, in identifying business practices that are out of the ordinary and may thus require additional scrutiny, and in devising ways to perform their responsibilities more effectively. Such

[18] However, INS should not try to make employers pay more than their fair share by creating numerous "indirect expenses" that the agency claims support adjudication of economic stream petitions. Criticism already exists concerning the current examinations fee account. Congress also should assist INS in making sure that fees from economic stream petitions go immediately to the examinations division at INS—without going through the normally lengthy budget planning or preprogramming procedures.

negotiated rule-making would accord with President Clinton's recent guidelines which called on "all regulators to . . . create grass-roots partnerships with the people who are subject to [their] regulations and to negotiate rather than dictate wherever possible" (OFR 1995).

The Problem with Job Shops. One way to start a business-government dialogue might be by focusing on the implications of recent corporate trends toward flexible staffing, particularly in high-technology sectors. In the name of efficiency, many corporations are moving away from maintaining large, permanent workforces and toward acquiring the services of technically-skilled workers *as and when needed*. It is now quite obvious that a large share of the most egregious violations of both letter and spirit of regulations governing temporary work-related admissions is committed by labor contractors, sometimes called "job shops," who offer flexibility to employers by recruiting and importing foreign workers. Job shops sometimes undercut prevailing wages, create oppressive employment contract terms, and refuse to invest in recruiting and training U.S. workers. Industry must recognize its responsibility to work with government to develop ways to curb such predatory practices, while DOL and INS must acknowledge reality and the benefits that flexible staffing provides.

Protections for U.S. Workers. Any programmatic revisions must minimize employer incentive and ability to exploit foreign workers by paying them less than comparably situated U.S. workers. Therefore, a number of protections must be built into the system that ensure fairness for foreign workers and a level playing field for U.S. workers. Employers should have to attest that they are paying foreign workers prevailing wages that *include* the value of all the benefits received by their U.S. workers (bonuses, health insurance, vacation, etc.). In addition to strengthening wage attestation requirements, we propose limiting the stay of temporary workers to three years, rather than the six years that are permitted under the present system, and strengthening their ability to bargain with employers by allowing them to change jobs after the first year if they are offered higher wages by another employer.

CONCLUSIONS

Although the current system's basic architecture is fundamentally sound, policy analysts and others have come to realize that certain components of the immigration system may no longer serve broader U.S. interests well—or, for that matter, the interests of many of those who participate in it. Specifically, reform must emphasize: (1) the right mix of incentives and disincentives for businesses to play by the rules yet succeed in international competition; (2) a more realistic, and ultimately more effective, understanding of what constitutes U.S. worker "protection" in the context of immigration and how best to advance it; (3) a new habit of cooperation between regulators and the regulated that could serve as a "partnership" model for other contentious policy areas; and (4) a new resolve to identify, isolate, and punish corporate citizens who habitually violate U.S. immigration laws.

The proposals made here would help to limit entry of all but the most talented—or truly needed—foreign workers. The threshold for the points test and related requirements virtually would eliminate the entry of low-skilled immigrants and temporary workers who are most likely to compete with qualified U.S. workers for entry-level jobs. More stringent requirements also should be considered for making sure that temporary workers who come in under certain parts of the H visa actually leave the country when their visas expire; such workers should also be denied readmission for at least a year. Further, employers should be required to recruit according to industry standards, something they are not now required to do for temporary workers; in particular, contracting with "job shops" that supply a predominantly foreign work force should not be considered a "customary recruitment practice" for purposes of wage attestation. Taken together, these requirements would create very significant new protections for U.S. workers.

Ultimately, the proposed scheme should be seen as a framework for a more thoughtful and forward-looking approach to selecting permanent and nonpermanent economic stream immigrants. Although some criteria for guiding selection—and priorities and numerical values for them—are suggested here, the more important

objective is to generate a dialogue about a more appropriate way of looking at our country's needs and priorities for the future and the place that economic stream immigration should play in promoting those interests. As these proposals become vetted, specific details may require reconsideration. The end result of such a dialogue should be a more transparent and robust selection system that is flexible, has adequate self-regulating and enforcement features, is consistent with what our economy "values" and rewards, and is thus fully consonant with our country's long-term interests.

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SOME THOUGHTS ON NONIMMIGRANT STUDENT AND WORKER PROGRAMS

DAVID S. NORTH

Background

The Commission requested comments on the nation's nonimmigrant policies regarding students and temporary workers. For the purposes of this essay I focus attention on the following classes of nonimmigrants: F, H, J, L, and, to some extent, M. These are, respectively, the classes for: academic students (F), most temporary workers (the various H subclasses),[1] exchange visitors (the Js, which includes people doing many things, including studying and working), intracompany transferees (L), and the small class of vocational students (M).[2]

To complicate matters, "temporary" is not very temporary in many of these programs; for example, a foreign worker with an H visa can use it to work in the U.S. for as many as six years. Further, many nonimmigrants move through two or more of the nonimmigrant visa categories noted above while in the U.S., providing opportunities to spin out nonimmigrant status to as much as a dozen years. A final complication: a not insignificant fraction of those admitted to the U.S. as nonimmigrants adjust their status to that of permanent resident alien [PRA] or immigrants, but they do not necessarily do so from the nonimmigrant status that brought them to the U.S. in the first place.

[1] Excluded from this essay are the O, P, Q and R classes. These are new, relatively small, and quite specialized, dealing as they do with, among others, entertainers, the more prominent athletes, and people in religious occupations. The total number of admissions in these classes came to 34,443 in FY 1993, compared with 171,829 admissions in all the H subclasses for the same year. Similarly excluded for the same reasons are the relatively new class of Free Trade Agreement nonimmigrants.

[2] For a comprehensive, recent analysis of the labor market roles of all the nonimmigrant programs, see: Leibowitz 1994.

Before discussing policy matters it may be helpful to summarize the numbers involved in these programs, the over-lapping natures of the programs, and the agencies managing them.

The Numbers: The Big Picture. Exhibit 1 presents two sets of numbers over the last ten years, showing admissions in the four broad classes of interest and adjustments from these statuses to that of PRA. (In the exhibit, as in many of the data sets of the Immigration and Naturalization Service [INS], the rela-tively tiny M program is merged into the much larger F program.)

At first glance at the exhibit reveals two things: (1) most numbers have grown over time; and (2) the number of adjust-ments is a small fraction of the admis-sions. Both of these concepts are correct, but the nuances are interesting as well.[3]

A closer look at the table reveals that adjustments for Hs, Js, and Ls soared in 1992; this was the first year that the 1990 Immigration Act was in full effect, and it granted adjustments to people in the backlogs for the employment-related immigration visas. Similarly, the num-bers of Fs adjusting in 1993 peaked as a result of the post-Tiananmen Square Chinese Students Act, which permitted such students to secure PRA status.

The Numbers in More Detail. While **Exhibit 1** shows the long-term trends in these programs generally, it lumps several subcategories together. These were the FY 1993 admissions in each of the subclasses of interest:

[3] Admissions figures are for an event—someone passing through a port of entry—while the adjustment data count the number of people moving from one immigration category to another. A single nonimmigrant can record several admissions in a given year or only one for a long-term stay in the U.S.; in the classes of interest, the norm is for several admissions for every individual granted a nonimmigrant visa. Adjustments, however, except for very unusual circumstances, are once-in-a-lifetime events. Hence the admissions and adjustment numbers are not comparable.

Exhibit 1.
Admissions of Selected Classes of Nonimmigrants and Adjustments to PRA from those Classes
(FYs 1985-1994—Numbers Rounded to Hundreds)

Fiscal Year	Admissions of Classes of Nonimmigrants				Adjustments from those Classes to PRA Status			
	F & M	H	J	L	F & M	H	J	L
1985	315,500	87,000	141,800	106,900	22,600	8,000	2,100	6,300
1986	288,400	99,100	163,000	108,000	21,000	9,200	2,000	6,200
1987	288,600	113,500	183,000	108,800	19,600	9,100	1,900	5,400
1988	337,900	133,100	202,900	101,700	20,400	10,100	2,100	5,200
1989	362,800	162,500	214,600	100,700	21,900	11,000	2,800	3,900
1990	355,200	168,300	214,600	102,600	25,100	14,600	2,800	3,900
1991	*366,100	195,200	224,200	112,900	20,900	14,900	2,600	2,900
1992	*393,000	203,100	231,900	120,800	23,600	34,700	6,200	10,900
1993	*394,800	205,100	240,500	132,400	37,900	38,900	10,300	9,400
1994	427,700	260,100	259,200	154,200	29,600	30,300	7,300	8,600

Visa Classes: F = Academic students and
M = Vocational students
The former class outnumbers the latter by about 60-1 and INS merges the two classes in some of its statistics.
H = Several classes of temporary workers, some highly skilled, some not.
J = Exchange visitors, usually professionals.
L = Intracompany transferees are managers and professionals previously employed overseas by multinational firms.

Note: All statistics above include accompanying family members.

Source: Most data are taken from *Statistical Yearbook of the Immigration and Naturalization Service*; admissions data from Table 39 (1993) and predecessor tables and adjustment data from Table 10 (1993) and its predecessors. All 1994 data and the totals with asterisks (corrected data on F and M admissions) were provided by the INS Statistics Division by telephone and fax.

Admissions	Classes of interest
257,430	F-1 academic students
33,379	F-2 their spouses/children
6,437	H-1A nurses (category terminated 9/30/95)
93,069	H-1B specialty occupations (usually professionals)
16,257	H-2A farm workers
15,038	H-2B other blue collar workers (mostly)
3,135	H-3 industrial trainees
37,893	H-4 the spouses/children of H aliens
197,545	J-1 exchange visitors
42,911	J-2 their spouses/children
82,781	L-1 intracompany transferees
49,642	L-2 their spouses/children
4,382	M-1 vocational students
557	M-2 their spouses/children
676,074	Subtotal, primary beneficiaries
164,382	Subtotal, their spouses/children
840,456	**Total FY 1993 admissions in these classes**

Clearly people in some of these classes bring along more family members than others; presumably this relates to such factors as age of the prime beneficiary (one acquires more family members the further one is beyond one's twentieth birthday), expected length of stay in the U.S., and level of prosperity. (For example, F students are young, and H-2A farm workers, who do not usually bring family members to the U.S. when cutting sugar cane or harvesting apples, are nonprosperous.)

The ratio of dependents to principals, as a result of such factors, is quite different for the five visa classes. The ratios among the nonimmigrant admissions were as follows in 1993:

Dependents per Prime beneficiary	Nonimmigrant Class
.13	F
.28	H
.22	J
.60	L
.13	M
.24	all five classes

Overlapping Classes. It is useful to note the overlapping nature of these five visa classes. With the exception of the intracompany transferees (L), none of the full visa classes consists of only workers, and none consists only of students who do not work in the economy. A hierarchy, from full-time workers towards full-time students, looks like this:

Work only	L-1 intracompany transferees
	H-1A nurses (category terminated 9/30/95)
	H-1B specialty occupations
	H-2A farm workers
	H-2B other blue collar workers (mostly)
An uneven mix of work & study	J-1 exchange visitors
	H-3 industrial trainees
Study + some part-time & vacation work[4]	F-1 university students
	M-1 vocational students

In addition there are the family cate-gories, F-2, H-4, J-2, L-2, and M-2. Some of these family members (spouses and children) may work (e.g., J-2) and some may not (e.g., F-2.)

There are often situations in which an alien could be admitted in one of two or more of the five classes of interest, usually depending on the decision of the U.S. institution involved. For example, a dean of a graduate school grumbled to me about a decision by the Department of Labor [DOL] raising the salaries of some postdocs hired as H-1Bs. He said that, if the salary were raised too much, he would simply bring in the desired worker under his university's J-1 pro-grams.[5] While there are some mild labor standards in most H programs, there are none in the J-l program.

Agencies Controlling the Programs. One final item of general background: What agencies play roles in the control of these programs? Thumbnail sketches of these management patterns will suffice here.

The F and M programs are handled by INS and The Department of State [DOS]. Educational institutions on the INS-approved list are permitted to issue the I-20 form to foreign students to indicate admission to the institution. The student, with the I-20 in hand, then applies to a consular officer for a F-1 visa, which, if obtained, he uses to gain admission at a port of entry. The M program operates in much the same way. A student want-ing to change schools, or to work during a postdegree training period, needs to secure INS approval.

[4] F-1students may work on campus with university permission and off campus with INS permission.

[5] For more on the often very low salaries paid in the postdoctoral positions, see: North 1995:91-95.

All parts of the H program involve both INS and State, and the Department of Labor plays a role in some parts of it. Labor's strongest hand is in the farm program, H-2A, where it helps decide the number of workers to be admitted for a particular farm and then inspects the working and living conditions on the farm. Labor plays a lighter role in the H-1B and H-2B programs, where it sets the prevailing wage for the jobs in question; this was a passive process in the past (with DOL doing little other than collecting paper on the subject) but has become a more vigorous activity in the last couple of years. Labor has no role in the small H-3 program for industrial trainees. An employer in all of these programs must file a petition with INS for the worker in question and, if the petition is approved, the worker then goes to a consular officer for a visa and then to a U.S. port of entry.

The J-program is handled by the United States Information Agency [USIA], by State, and by INS. USIA approves a list of institutions that may participate; they, in turn, issue the IAP-66, the certificate of eligibility for exchange visitor status; the alien then takes the IAP-66 to a consular office, which (usually) issues a J-1 visa that the alien then presents to an INS officer at a port of entry.

The L program is handled by INS and State. The multinational corporation files a petition with INS and, if approved, this leads to a visa issuance by a consulate. If the would-be L-visa holder is in the U.S. legally, then INS can adjust the status here.

Policy Challenges

There are four domestic impacts of nonimmigrant programs:

1. The short-term impact of the program on the U.S. while the nonimmigrants remain in that status (or in some other nonimmigrant classification);

2. The long-term impact on the size of the nation's population created when some of the nonimmigrants adjust to PRA status;

3. The long-term impact when other nonimmigrants opt to stay in the U.S. in illegal status, a factor that is sometimes ignored;[6] and

4. The long-term impact made on the labor market by those staying in the U.S.

In addition, one could discuss a fifth impact, that on international relations. Ideally nonimmigrants have a good time in the U.S. and return to their homes with good images of this country and a desire to buy its exported goods. That would suggest that we: (1) try to make sure that the nonimmigrants are happy in the U.S.; and; (2) that they return when their visa expires. This is an intriguing line of thought, but probably marginal to this task.

The logic of the four kinds of impacts and the four major programs suggests a sixteen-unit matrix, and this can be seen in **Exhibit 2.** The descriptions of the impacts are my own sense of the situation and are designed only to set the framework for the discussion that follows. There is no opportunity in a paper of this nature to present detailed documentation on the costs and benefits of each of these programs. The objective is to sketch what appear to be problem and nonproblem areas prior to a discus-sion of what might be done to resolve the problems.

Short-term impacts. In general terms, all of these nonimmigrant programs seem to be performing well for the institutions that designed them: corporations; the educational establishment; and the immigration bar.

Further, with some exceptions in the H programs, the corporations and educational institutions inevitably obtain what they seek from these programs. Colleges issuing I-20s, for instance, do not have to fight to get their students F-1 visas; it is almost automatic. As we have pointed out elsewhere, the universities and the corporations are the effective gatekeepers in nonimmigrant programs for science and

[6] For example, this possibility is not explored in the otherwise useful paper: Bratsberg Forthcoming.

Exhibit 2.
The Impacts of Four Nonimmigrant Programs on Four Aspects of America
(A Proposed Conceptual Framework)

Nonimmigrant Classes/ Domestic Impacts	F & M	H	J	L
Short-term impact while nonimmigrant status remains	Bland to good on the educational system; minimal on labor market; minimal impact on business	Adverse impact on many labor markets; no impact on educational system; good for business	Some adverse impact on a specialized labor market; good for the educational system; minimal impact on business	Bland on the labor market; none on the educational system; good for business
Long-term impact on size of immigrant population	Mild impact (see data below)	Mild impact	Minimal	Minimal
Long-term impact on size of illegal alien population	Of some concern	Of some concern	Not significant	Not significant
Long-term impact on labor market	Bland, scattered	Of some concern	Bland, small, scattered	Bland, small, scattered

Ratio of Adjustments in the Four Classes of Interest to Total Immigration 1985-1994

	F & M	H	J	L
Adjustments, 1985-1994	243,000	182,000	40,000	63,000
Percentage of Total Immigration	2.5%	1.9%	0.4%	0.7%

Sources: Adjustment data are drawn from Exhibit 1 and its sources; impact descriptions are those of the author.

engineering; people they want are allowed to come to this country, most others are kept out; INS simply rubber-stamps the gatekeepers' decisions (North 1995:37-67).

In some cases, there are few, if any, disadvantages to the society or to elements within it. There may be some adverse effects on U.S. citizen executives in the L program, but I have not heard of them. Easy access of foreign students to American undergraduate education is a good thing for the nation's foreign relations and for the American students who rub elbows with the overseas stu-dents. There are doubts, however, about who is really paying how much for this exchange.

There are some labor market problems implicit within several of these programs, however. In some, the interests of American workers (including student workers) have been ignored out of deference to corporations and universities. (How to strike the right balance among these domestic interests, of course, is a chal-lenge to the Commission and to the Congress.)

The levels of labor market difficulty with the eight specific nonimmigrant pro-grams could be arrayed in the following manner, with the most troublesome at the top of the list:

H-2A (farm workers). This program simply transfers funds from American farm workers to agri-business; it is small but a disgrace;

H-1B. Group entries, as in the case of computer programmers, are needless and lead to worker exploi-tation; single entries are less harmful but need to be reexamined;

J-1. The problem with this program is the total lack of labor standards; many admitted under its provisions are, in fact, full-time workers;

M. This is a small program and its short-term labor market impacts are mild;

F. The short-term labor market impacts are mild;

H-3. This is a small and bland program;

L. This program has no noticeable labor market impacts.

Unfortunately, I have done no work at all on the 15,000-a-year H-2B program; it brings a largely blue collar workforce into the U.S. The workers include, for example, the Jamaican waiters at the Grand Hotel on Michigan's Mackinac Island. I worry about the need for such programs and will leave it at that.

It may be helpful to expand the comments on the two most troublesome of these programs, H-2A and H1B.

As to the agricultural worker programs, I should note that I have had a dim view of them ever since I worked as the Assistant to the Secretary of Labor (then W. Willard Wirtz); my principal assignment was phasing out the *bracero* program, a large-scale farm worker program then lingering on from World War II. We found then, as others have found since, that American employers can do quite well without such programs; that they usually tend to depress wages and working conditions; and that, particularly since the Seasonal Agricultural Workers [SAW] program flooded America's agricultural labor markets, there is no need for temporary worker programs.

My feelings on this subject were, to my great surprise, supported by the recent, grower-dominated Commission on Agricultural Workers. I was sure that the Commission would call for an expanded, easier-on-growers H-2A program, if not a whole new and grower-friendly foreign worker program. Instead it concluded (Commission on Agricultural Workers 1992:133):

> Neither an extension of the RAW program nor any new supplementary foreign worker programs are warranted at this time.[7]

[7] The RAW [Replenishment Agricultural Workers] program was a short-term element of the Immigration Reform and Control Act of 1986 [IRCA] that was never implemented; it would have brought in additional farm workers (presumably from Mexico) had the Departments of Labor and Agriculture determined that there was a shortage of farm workers. The Departments found, in the late '80s and early '90s, that there was no such shortage. The RAW program is no longer part of the law.

The H-1B program presents a much more complex situation.

On the plus side, there are times when an employer genuinely needs an alien who is a specialist in something exotic and no one in the U.S. labor market really has the skills. An oil company, for ex-ample, may really need a Kazak-speaking petroleum geologist to work in both Houston and Alma-Alta. This kind of need, however, is more rare than industry lobbyists will admit.

Also on the plus (or mixed) side of the ledger, is the use of the H-1B program as a transitional status for a U.S.-trained physicist, for example, who is on his way to PRA status. This allows a talented alien to work in the U.S., though it also can add an extra body to a swollen labor force (e.g., the apparent current surplus of Ph.D.s in science and engineering).

The H-1B program also can be used to bring in large groups of foreign-born workers (such as computer program-mers) to do essentially mundane jobs and, often, to displace citizen and PRA workers from these jobs. The employers, given the current minimal levels of labor standards and enforcement, can save substantial funds by providing wages and working conditions that look attractive, say in India, but are well below U.S. levels.

The question then is: How can we preserve the beneficial short-term impacts of the H-1B program while eliminating the well-publicized harmful ones?

In addition to the labor market impacts of some of these programs, there are also some harder-to-quantify impacts on the public purse. Lowered wages and greater unemployment among residents caused by worker displacement in the H and J programs can lead to an unknown amount of lowered tax receipts and increased transfer payments. Further, we have no idea of the amount of public funds spent on educating people admitted in the F and J programs.

Long-term Impact on the Size of the Legal Immigrant Population. Contrary to the somewhat subjective discussion of the short-term impact of nonimmigrants on the U.S., hard numbers in **Exhibit 2** illustrate the first of the long-term impacts, the demographic one.

A very large segment of the nonim-migrant admissions in the four classes of interest does *not* create permanent, legal additions to the U.S. population. There were more than eight million nonimmigrant admissions during the decade covered by the exhibit and only a little more than one-half million cases of adjusted status. There are two reasons for this, one statistical, the other real. First, as noted earlier, admissions, by their nature, overstate the number of people involved. Second, most non-immigrants in these classes do not, in fact, stay in the U.S.

Looking at the demographic impact of these nonimmigrant adjustments in another way demonstrates that, in the same decade, they accounted for only 5.5 percent of the immigrants to the U.S. (counting the legalizations under the Immigration Reform and Control Act of 1986 [IRCA] as immigrants). Adjust-ments from these four classes appear to produce relatively small numbers and a useful segment of the inflow of immi-grants. This is a portion of the immigrant population with a great deal of human capital and, by definition, sustained contact with U.S. institutions and systems.

I understand the Commission's desire to continue a substantial flow of legal immigration, but to reduce its size. I would, however, look to flows other than these adjustments when making most of the cuts. Substantial reductions in these classes would tend to lower the average educational level of the incoming cohorts of immigrants.

People in the four major nonimmigrant classes of interest, however, are not equally avid to become Americans. The statistics on this point are not the best; for instance, an earlier draft of this paper noted the following comparison (drawn from **Exhibit 2**) between admissions and adjustments in the decade 1985-1994:

Class	**Adjustments as % of Admissions**
J	1.9%
L	5.5%
F and M	6.5%
H	11.2%

All of these comparisons of adjustments to admissions cover both workers and dependents, as we are discussing the demographic impact of the nonimmigrants.

Reviewers of the percentages above suggested that it would be better to compare admissions in a given year or series of years to adjustments five years later, on the grounds that this is something like the interval between arrival as a nonimmigrant and adjust-ment of status (for those who follow this course). They also suggested that visa issuance numbers were better than admissions numbers because they approximate more closely the number of people involved in the nonimmigrant population. Good points, both, but they tend to move in opposite directions. The lagging tends to increase the percentages shown above because it relates the number of adjustments to the number of admissions in years when the latter were smaller than in the year of adjustment. The use of visa issuance data tends to move in the opposite direction because the numbers of visa issuances are usually smaller than the number of nonimmigrant admissions.

So, taking nonimmigrant admissions in the four classes for FYs 1985-1989 and the adjustments for the same classes five years later (FYs 1990-1883), I derive the following percentages:

Class	Adjustments as % of Visa Issuances
J	4.0%
F and M	16.7%
L	21.2%
H	38.0%[8]

[8] Data for visa issuances were drawn from *Report of the Visa Office, 1988* table XVI(B) and for adjustments from sources cited in Exhibit 1. One of the problems with the visa issuance data system is the fact that in two of the years covered the Department of State failed to record the number of blue collar H visas it issued (then H-2s) and in the other two years recorded only a tiny fraction of them. To adjust for this, I took half the H-2 admissions reported by INS in those years and added those numbers to the number of H visas that DOS did record. (Thus, I estimate one H-2 visa equivalent for every two H-2 admissions.) The rationale for this ratio is that most of these H-2s were farmworkers and there is a pattern of repeated employment of specific workers in that program. Regarding sugar cane cutters, for example, the U.S. employers and the Jamaican government had directly opposite views on this turnover. The Jamaicans wanted to spread the work among the rural poor, the employers wanted to hire back those workers known to be energetic (and docile); so they split the difference, with 50 percent of each cohort of cane cutters being newcomers and 50 percent being predesignated experienced cutters. One wonders if DOS recognized the implicit symbolism of its statistical policy in those years, i.e., that farmworkers do not count.

In both the cruder and in the more careful comparisons, the class relationships are about the same; exchange people are the least likely to adjust, workers are the most, with the student and international executive classes in the middle.

It makes sense that members of the H class were the most likely to adjust; they are employed on a temporary basis by U.S. employers and many are in a trial period. If things go well, the employer will seek a green card for them. My work with foreign-born scientists and engineers suggests that many of the foreign-born, U.S.-trained Ph.D.s who stay in the U.S. use the H-1B status as the springboard toward the green card. Most of the H class nonimmigrants adjusting to PRA status do not have the education level of the scientists and engineers, but they do have, by definition, good ties to the U.S. labor market because, in most cases, it is their H class employer who files for the labor certification.

It is not clear why the adjustment rate is not higher than it is for the Ls; they, too, are employed in the U.S. and the immigration law makes it easy to adjust them to PRA status. Maybe many of them are genuinely multinational people working for multinational corporations, simply spending some time in the U.S. during a career that will take them to several countries.

The lower rates of adjustment for the student classes does make sense; they usually are not linked to an American employer while here unless they wish to follow an academic career.

Drifting Into Illegal Status. One suspects that some substantial, but unknown, portion of the lower income nonimmigrants in the classes of interest—blue collar workers and vocational students—tend to drift into illegal alien status. Certainly this happened with substantial numbers of the Mexican nationals who came to the U.S. to work as *braceros* (farmworkers) in the 1943-1964 period.

There are, however, no data sets that are helpful in this regard, and the current and recent INS enforcement strategies—with the concentration on the borders and on

criminal aliens—suggest that INS deportation data can be of little help. The suspicion lingers, however, that some of the blue collar nonimmigrants, and a few of the white collar ones, stay illegally in the U.S.

Long-Term Impact on the Labor Market. In three of the major nonimmigrant classes (F & M, J, and L) I sense that the long-term impact of their adjustment to PRA status is generally bland (perhaps a little less so with J than the others). But I am worried about the lingering labor market impacts of many of the H adjustments.

My understanding is that, when there are *concentrations* of alien workers in a given labor market (be it defined occupa-tionally or geographically), there are likely to be problems of labor market distortion—lower than normal wages, higher than normal unemployment. These problems are likely to be aggravated when the workers involved have few rights or few perceived rights (such as the H-2A farm workers and the newly-arrived Indian programmers). Further, when these problems exist, there is usually some controversy; the complaints may be ignored by the decision-makers, but the complaints are there.

There appears to be little to worry about with the adjusting students or the intra-company transferees on either ground. The adjustees seem to be scattered and the complaints minimal to nonexistent.

But there is plenty of noise about some of the lingering aspects of the H-1B program, at least within the fields of science and engineering. It appears that the whole, seamless web of easy access of talented aliens to U.S. graduate schools, generous U.S. funding for these aliens at those graduate schools, world-wide peace, and (unfortunately) reduced government funding for research and development has led to an overpro-duction of Ph.D.s in science and engineering. The H-1B program then facilitates the entry of the foreign-born Ph.D.s into the U.S. labor market. The only clear beneficiaries of this situation are the institutions doing the training. There appears to be a need to reduce this

overproduction; how this should be done—by changing nonimmigrant or other government policies—is discussed later.

How Nonimmigrant Policy Is Made; Also, Three Precedents, Two Works in Progress, and One Continuing Problem

Nonimmigrant policies are made in the United States by legislators, but in most of the rest of the world this is done by administrators.

Such policies in the U.S. are highly legalistic, detailed, and subject to substantial reviews by the courts. This is not the case in the other democracies.

In the U.S., immigration policy usually consists of four elements: (1) definitions of eligibility for a benefit; (2) statutorily-fixed numerical ceilings on that benefit; (3) waiting lists; and (4) little administrative flexibility except for the possibility, sometimes, of waivers and paroles.

The other two prime, self-recognized nations of immigration (Australia and Canada) have used more flexible targets (annually adjusted) to control the size of immigration and more flexible points systems to decide on whom to admit.

Until recently, U.S. nonimmigrant policy contained no legislated ceilings—if one alien or ten thousand could prove their eligibility, they were admitted. The 1990 Immigration Act, however, broke that pattern by imposing a 65,000 ceiling on the number of H-1B petitions to be issued in a single year.

U.S. nonimmigration policy also is suffused heavily with efforts to create, artificially-level playing grounds for U.S. workers and their nonimmigrant peers. Thus, the Department of Labor for years adjusted the H-2A adverse effect wage rate; if a grower could show that he was paying at that rate and was unable to secure needed workers (usually a month or so before they were needed), he could secure the foreign workers he wanted. The artificiality of this process was further accentuated because in real life farm work is compensated by piece rates and the

adverse effect wage levels were hourly rates.

Similarly, H-1B employers are supposed to pay their foreign workers at no more than 95 percent of the prevailing wage for the job in question, a shaky concept at best. And why only 95 percent?

The Commission needs to bear these traditions in mind as it approaches the matter of reforming nonimmigrant policies.

I now turn to three interesting precedents in nonimmigrant and labor standards policymaking and to two works in progress.

The Visa Waiver Precedent. A few years ago the U.S. decided to try an experi-ment: to retain its general policy of demanding a visa for all incoming nonimmigrants, but to waive it under certain conditions for people from certain nations. The twin driving forces were to make it easier for tourists to come to the U.S. and to reduce largely useless work-loads for the Department of State overseas.

So the U.S. worked up a (now slowly expanding) list of nations whose residents rarely become illegal aliens; they could come to the U.S. without a visa if they bought a nonrefundable airline ticket and if they signed away their right to contest a (highly unlikely) INS decision to exclude them on their arrival at a U.S. airport. The experiment has worked well, millions use it, and only a handful have abused it. (I get to the utility of this precedent later.)

The Australian Student Visa Program Precedent. Australia's nonimmigrant program for students makes sharp distinctions, just as the U.S. visa waiver program does. There are "gazetted" and "nongazetted" countries, with the latter having lower incomes than the former and, presumably, higher degrees of abuse of Australia's immigration law.

Australia also makes a sharp distinction between "nonaward" students (those not heading towards a degree) and "award" students. If you are from Tonga and want to take a thirteen-week English language course, for example, you fall into both the nongazetted and the nonaward categories

and you are told in a government announcement that your chances of getting a student visa are slim (Commonwealth of Australia 1994).[9]

The California Labor Standards Precedent. The California Department of Industrial Relations enforces the state minimum wage, which is sometimes higher—and always more vigorously enforced—than the federal minimum wage. One of the reasons for the greater vigor of enforcement is that California has found a way to supplement tax funds to support this operation.

Fees and fines collected by the Department of Industrial Relations go into the agency's own budget. An employer of hourly workers, for example, is fined $100 every time a state inspector finds that a worker is on the shop floor but that there is no timecard for that worker (North 1991:54-55).

Work in Progress # 1. The U.S. Department of Labor is making efforts to bring higher labor standards into the H-1B program and to penalize abusers of the program.

In a recent action, for example, it worked out a settlement with Syntel, Inc., of Troy, Michigan, in which the firm agreed, among other things, to: pay additional wages to previously underpaid H-1B computer programmers; pay $30,000 in civil penalties; not hire any more H-1B workers for ninety days; and invest $1,000,000 in its training programs for U.S. workers (Interpreter Releases 1995b:1261-64).[10]

Work in Progress # 2. Worried by the possibility of terrorist acts by a small minority of foreign students and citing the World Trade Center bombing and the murders at the gates of the CIA, INS has created a Task Force on Foreign Student Data System Reengineering.

The general notion is that the govern-ment should keep closer tabs on foreign students and should create a data system that will track them while they are in this

[9] I am grateful to Christopher Smith, Counsellor and Consul at the Australian Embassy in Washington, for providing me with this publication.

[10] For an earlier report on a similar subject, see: *Interpreter Releases* 1995b:1-4.

country. While the subject is not mentioned explicitly in the draft report of the task force, the thrust of the pro-posed activities also would tend to discourage F students from drifting, unwatched, into illegal alien status.

The task force makes a number of proposals, in addition to a compre-hensive reporting system for individual students, such as:

- Eliminating the power of public schools to issue the I-20;
- Reviewing the list of INS-approved schools from time to time to remove educational institutions that rarely issue the I-20;
- Collecting a fee from each foreign student, via the educa-tional institution, to finance the tighter regulation of the program.

Presumably the task force's program will have no impact on the easy flow of genuine international students (except making it a little more expensive) but will tend to discourage the drift into illegal status. It apparently will have no labor market impacts.

One Continuing Problem. It is always easier to obtain public funding for some activities than others; it is, for example, usually easier to hire more cops than to employ more librarians.

So it is within the Immigration Service. Time and again the Congress will vote to hire more Border Patrol Agents and to equip them with newer and fancier tools, helicopters, sensors, and the like. But it is very hard to obtain what INS gently calls "alien travel money." These are the funds used to buy plane tickets for aliens being deported.

For instance, earlier this year, INS launched a major new initiative to reduce the backlog of asylum applications and to discourage ineligible applicants from filing. The principal new tools were: (1) a delinking of the application for asylum and the issuance of a work permit, thus eliminating the incentive of an instant work permit when filing for asylum; and (2) the hiring of additional officers and

judges to handle the new cases more quickly.

One of the INS assumptions was that with the new system—a multimillion dollar investment—there would be more people being found ineligible and, thus, deportable. Although the system came into being on January 4, 1995, and was due to start causing some deportations in a matter of months, only $100,000 was made available in alien travel funds for the balance of the fiscal year.

The lack of alien travel funds is a recurring problem within INS; I remember a few years ago the inves-tigators in the New York District Office were told: Concentrate your enforcement activities on locating two types of illegal aliens, ship jumpers and stowaways. I asked if they were especially dangerous and was told, "No, but the carriers have to pay for their removal and the district is out of alien travel money for the rest of the fiscal year." I return to this point later.

General Recommendations

Bearing in mind the previous discussion, I have several general recommendations for the reform of the work and education-related nonimmigrant programs.

1. **Limit the number of nonimmigrant classes.** The more classes, the harder they are to administer; the more classes, the more loopholes; the more classes, the more confusion in the using publics, institutions, and aliens.

2. **Limit the number of government agencies involved.** Many nonimmigrant programs now involve the Departments of State, Justice, and Labor; the multidepartment involvement is not desirable but it is, in the short-term, probably unavoidable. What can be done, however, is to eliminate the United States Information Agency and its control over the J-1 program. USIA has said it

wants, desperately, to get out of the *au pair* program; let us assent to that—and more—and remove USIA from the supervision of all exchange programs. If it wants to operate an exchange program of its own (under the general eye of INS), that is all right.

3. **Enforce the rules.** In addition to fewer programs and fewer agencies, it is vital that we have more governmental control over the nonimmigrant programs to discourage the slippage of legal aliens into illegal status and to protect against labor market abuse.

4. **Raise enforcement funds from those using the programs.** Individuals, and particularly institutions, using nonimmigrant programs should pay fees to support enforcement measures. INS has, over recent years, raised a great deal of money from individual aliens seeking benefits, and it is starting to collect some fees at the borders. Good. It also should begin to charge break-even fees on some transactions, such as the issuance of the I-20, to fund enforce-ment within the F program. The California Department of Industrial Relations has set the precedent for such fees.

   Further, and for a different reason, INS should start charging substantial fees for accepting (not necessarily for approving) H-1B petitions, as is proposed in pending Senate legislation.[11] The notion here is that the employer will probably pay more attention to his options within the American labor market if there is an upfront fee, of say 10-25 percent of the H-1B worker's wages.[12]

5. **Make distinctions, painful though it may be.** It makes sense to concentrate resources where there are problems and to invest lightly in nonproblem areas. It also makes sense, as in the U.S. visa waiver program and in Australia's foreign student program, to make distinctions among nations, and, as in the

[11] This paper was written in January 1996.

[12] If these fees are levied, there needs to be a mechanism to see to it that the employer, not the newly hired foreign worker, pays the fee.

case of Australia, among educational programs. (Remember the non-gazetted, nonaward students.) The U.S. also should make distinctions among types of work and types of corporations—we know that some are much more troubling than others.

In the H-1B program, for example, we do not do the obvious; we do not set much more stringent standards for group usages of the program than for singleton usages. If, as some have suggested, binational corporations in the temporary worker business are more likely to cause problems than domestic corporations, we should not shrink from focussing on the former, even though one set of executives may be foreign-born while the other is native-born.

6. **Introduce the nonrefundable, life-time, round-trip air ticket.** To ease the return of aliens when their visas are over and to fund their departure if they become deportable, the U.S. should impose a universal require-ment on all nonimmigrants arriving by air (and sea). That is, they must buy a nonrefundable, round-trip ticket that is good for the rest of their lives.

Why should any one arriving on a nonimmigrant visa object? They have, after all, sworn that they are *not* going to stay in the U.S. Why not use the visa waiver precedent in this regard?

The presence of the ticket (probably both a hard copy and a record in a computer) would mean that the alien could always afford to return to his or her homeland. Broke in the U.S.? Tempted to take a job illegally to raise some money to go home? Don't bother, you have that life-time return ticket waiting to fly you back home. The ticket also would mean that alien travel money never again would be used to transport overstays, those funds could be focused entirely on those entering without inspection [EWIs].

The airlines, of course, will object. It would add an externally-caused complication to their internally-caused tangle of ticket prices. They would have to train their com-puters and

their staffs to handle a new set of variables.

But it would allow them to raise their international fares and to keep the extra money as an interest-free loan, a short-term one in some cases, but a very long-term one for someone who successfully entered the U.S. by air and then became a long-term undocumented alien.

7. **Cease legislating immigration via treaties.** While the Free Trade Agreement nonimmigrant provisions have made major changes in the way we make policies in this area, no substantial adverse impacts have been seen—yet. But the whole notion of giving a set of diplomats control over migration policies is startling to say the least. There are no congressional hearings and no organized input from interest groups; migration decisions are buried deep in agreements that deal largely with totally different and more pressing issues. Further, the whole process is in the hands of a department (State) that is always emotionally distant from the lives of working Americans.

   The Commission should take a stand that Congress should *never* again let immigration or nonimmigration policy fall into the hands of the treaty makers.

8. **Create a whole new nonimmigrant system.** Legislative policymaking in the U.S.—at least before January, 1995—was usually a piecemeal process. Laws and systems would evolve slowly and change a little bit at a time. With that in mind, the final section of this report makes a series of suggestions about modi-fying (or in some cases dropping) the current group of nonimmigrant programs.

But supposing we could ignore the current litter of nonimmigrant programs and create a new system from scratch. What would it look like?

Let us limit this exercise to the five nonimmigrant categories discussed above (as well as the new Os, Ps, and Qs).

Instead of these eight classes, with their subclasses, I propose:

- Students and Scholars;
- Temporary Workers;
- Transitional Workers;
- Intracompany Transferees.

In general terms, Students and Scholars [S&S hereafter] would be a merger of the F, M, and Q programs with most of the J program.

Temporary Workers [TW] would cover most of the H programs, the workers now within the J program, as well as the Os and Ps.[13]

Transitional Employees [TE] would be people holding short-term jobs in the U.S. but on their way to PRA status; most people in this category currently are a subset of the H-1B class.

Intracompany Transferees would be essentially the current L program, which would not be changed.

S&S would be administered by INS alone; the Department of Labor would set labor standards and help enforce the other three programs in cooperation with INS. USIA would not be involved, and State would continue to play the visa issuance role.

There would be no need for labor standards in the new S&S program because, except for incidental work by undergraduates, all working graduate students, postdocs, and faculty on short-term assignments would be regarded as workers in the TW class.

Labor standards would be set for the TW, TE, and Intracompany Transferee classes. (The last named could get along with a simple minimum wage for multinational executives, say $40,000 a year, to rise annually with inflation.) And with labor standards being set by a single agency, institutions would not have the opportunity, as they do now, to comb through various categories seeking the best deal (or the lowest wages).

[13] Os are workers of outstanding ability, Ps are entertainers and athletes, and Qs are a group of culture exchange people. These categories were added by the 1990 Act.

The TE class would be set up deliberately as a way station to green card status. It would recognize and preserve the most useful part of the H-1B program, while separating it from the group admissions aspect of the current program.

Demetrious Papademetriou and Stephen Yale-Loehr have suggested an interesting way to select members of the TE class; successful candidates would have to earn enough points in a system that also handles labor-related permanent immigration.[14] A point system could be managed by the government in such a way as to minimize the current glut of science and engineering Ph.D.s, for example, and yet open the doors for more of them should the need arise later. More significantly, it would cause corporations to hire from among a group of aliens with characteristics needed by the nation in the long haul—as opposed to choosing H-1Bs to meet the narrow needs, some-times the whims, of an individual cor-porate manager.

As a part of my larger scheme, then, only TE and Intracompany transferees could adjust to PRA status on the basis of labor needs; people in the temporary worker [TW] and scholars and students [S&S] categories could adjust to PRA because of family reasons, as they can now, or to the new TE status should they qualify. One also could come to the U.S. with a TE visa in addition to adjusting to it from some other nonimmigrant category within the U.S.

This would leave us with four nonimmigrant classes of workers and scholars, with an integrated system for the making of governmental decisions, and with a clear-cut set of standards for all involved.

But if all we can do is adjust the current system, the next section provides some more narrow suggestions.

Specific Recommendations

Within the current framework, I would suggest the following changes.

First, and foremost, adopt the mandatory, nonrefundable, lifetime-long, return airline ticket for all incoming nonim-migrants. If they have such a ticket, they will be a little more likely to return when their vi-

sas expire. If they do not return, and fall out of legal status, they can be sent back at no public expense.

Now, regarding the specific classes of interest:

F-1: Academic Students. It is a good idea to keep foreign students coming in, learning in, and then leaving the country. This is what most of them do, and this is to be encouraged.

I am concerned, however, with the question of who is paying the bill and suggest an approach to this problem in **Appendix A**. I share the view of the INS Task Force that the F program should be tightened administratively and that funds for this be raised by charging a fee for the issuance of the I-20.

In addition, there is something that INS and the Department of Education [DOE] should do that I believe is not yet in anyone's plans. DOE has identified a group of educational institutions where students have a high rate of failure in repaying DOE loans. My suspicion is that these are the kinds of institutions (often proprietaries, often providing vocational training) that do not provide foreign students a good education, either, and that F and M students in these places are more likely to drift into illegal status than other foreign students. DOE and INS should get together and jointly assure that these institutions no longer can issue the I-20 (or the M program's version thereof) nor use the federal loan program.[15]

H-1B: Specialty Occupations. This is a large program with many nooks and crannies. Sometimes it is used for the actual importation (from overseas) of individual workers with remarkable skills for short-term assignments in the U.S.; sometimes it is used to hire individual talented workers already in the U.S. in another status; sometimes it is part of a many-stage process by which a foreign-born, U.S.-trained worker moves towards PRA status (as is

[15] Late in this writing I recalled the McDonald's amendment to INA, setting up a special work program with that kind of firm for F students. I also recall that the Bureau of International Labor Affairs [ILAB] at DOL has studied this matter. I would hope that the Commission has seen that report, which, I think, was discouraging in tone.

often the case with scientists and engineers). All of these uses are acceptable to commendable.

The worrisome part of the same H-1B program is its use to bring in *groups* of journeymen technicians and computer programmers at relatively low wages; such workers depress wages and working conditions in the U.S. and often displace U.S. workers. This part of the program should be eliminated or severely curtailed.

For detailed suggestions as to how to do this, see **Appendix C**.

H-2A: Farm workers. Abolish the program.

H-2B: Other Temporary Workers (mostly blue collar). I worry about the exploitive nature of such programs here and abroad but have no first-hand knowledge of this particular program and, hence, make no suggestions.

H-3: Industrial Trainees. This appears to be a small and noncontroversial program, so reform energies should be directed elsewhere.

J-1: Exchange Visitors. Again, as with the F-1 program, it is a good thing that a cosmopolitan mix of people is coming to the U.S. to study, confer, and work with their U.S. peers on a wide variety of subjects and in a wide variety of institutional settings

Within this useful program, however, there are places where nonimmigrant graduate students, postdocs, and others are treated very badly. There are no labor standards in the J-l program, though many people in the program work for wages and do so for years at a time.

Labor standards should be introduced into this program as it stands or, perhaps better, exchange visitors, who are in fact workers, should be moved out of this program and into a temporary worker program run by the Department of Labor. The universities, of course, would not like that, and the people who would benefit—the foreign scholars and their U.S. peers—are hopelessly ill-organized for such a struggle with the splendidly-organized educational establishment.

M-1: Vocational Students. It probably was a good idea—if against the thrust of

the suggestion that there are too many programs—to separate vocational schools from academic ones.

Someone should examine this program to see if it is worth continuing. Caution is suggested by the general record of private, forprofit vocational schools.

What clearly must be done, as suggested with the F-class institutions, is for INS and the Department of Education to share information on marginal insti-tutions and for both to move swiftly against those entities that either create a high percentage of illegal aliens or whose students fail to repay DOE loans.

Adjusting from Nonimmigrant to Immigrant Status. This subject is at the edge, perhaps beyond our charge. But, with the seamless movement from one nonimmigrant status to another and then on to PRA status that I found so common among the scientists and engineers, perhaps a final set of comments is in order.

I am concerned about the apparent current overproduction of Ph.D.s in science and engineering and worry that the current easy adjustment from non-immigrant to immigrant status will aggravate that surplus, given the large number of highly-qualified, foreign-born Ph.D.s in the country and in our educa-tional pipelines.

On the other hand, reduction in research and development investments at the federal level, which would slowly reduce the surplus,[16] seems a terrible idea, and barring Ph.D.s and other highly-educated aliens from immigrant status simply would press down the average educational attainment levels for the arriving cohorts of immigrants.

Several other suggestions have been made about how to cope with this surplus. One I favor has the disad-vantage of being very slow-acting: impose on federal research grants a quota on nonimmigrant graduate students—to no more than, say, one-third of the graduate students funded.

[16] By reducing the funding of such research, the number of foreign-born graduate students funded to study in this country would be similarly reduced.

This would, over time, reduce the number of nonimmigrant Ph.D.s educated here at our expense and probably would push the universities to look a little more carefully at the domestic talent pool. It also would allow the continuation, at slightly lower levels, of a useful pattern—the training of some of the world's best minds in some of the world's best university laboratories.

Another option would move much more quickly: impose a two-year overseas requirement before any adjustment could be made from nonimmigrant to immigrant status. This is a dusting off, expansion of, and enforcement of the old two-years-overseas rule, which once played a major role in the J program but since has been watered down by a series of waivers. The problem with this is that it would be immediately disruptive, in that for two years no one in the current path from nonimmigrant to immigrant status could make that move.

Yet another proposal would be to levy a substantial fee on adjustments from nonimmigrant to immigrant status of, say, 25-40 percent of the individuals' salaries.[17] This seems to make sense; corporations and universities probably would ask for fewer adjustments and those that they did seek would be the very best. The change would be more gradual than the abrupt imposition of the two-year rule, but more assertive than my suggestion of a one-third limit on funding of nonimmigrant graduate students. The combination of both of these proposals (the one-third quota and the stiff fee) would continue a useful international educational program but limit its impact on American labor markets.

APPENDIX A: A Note About Who FInances Foreign Students in the U.S.

One of the difficulties with working with nonimmigrant policies *vis-a-vis* foreign students is the abundance of misin-formation distributed by the educational establishment on who pays the bill for

[17] The Department of Labor wants to use such fees for training Americans in the apparently needed skills; I would lean to the use of most of such money for the enforcement of labor standards in nonimmigrant programs.

educating foreign students in this country.

It will be difficult to impossible to make appropriate policy in this area as long as the impression remains that American universities—like Iowa's soy beans and Hollywood's movies—are major earners of export dollars. I do not think this is the case; the data offered to support that case are faulty (North 1995:77-85).

What policymakers need, and do not have, is a nationwide set of per-student estimates of the elements listed below. They will, of course, differ from insti-tution to institution, but if we had them for a good sample of America's colleges and universities, we would have a better sense than we do now of who really pays for foreign students. The per-student, per-year estimates we need are:

1. Public moneys subsidizing the institution;

2. Private moneys (such as earnings on endowments) doing the same;

3. Public and private funds subsidizing individual foreign students (on average);

4. Moneys earned in the U.S. by such students during college years and spent on college-related expenses;

5. Moneys brought to the U.S. from overseas to support the education of such students.

Were we to have this information, then we would know the extent to which foreign students were supporting their education with money from foreign sources. We would probably find that numbers 1 + 2 + 3 + 4 (U.S. sources of funds) in most circumstances over-whelmed item number 5 (foreign sources) because of the hidden subsidies that wash over much of higher education in this country, benefitting foreign and domestic students alike.

But the educational establishment does not approach the question in that way. It does so in a way that produces headlines like this: "Foreign Students Pump up Economy" (*USA Today* 1995). This uncritical story was a rewrite of an Institute of International Education [IIE] press release on the subject.

Let's switch gears for a moment and assume that someone decided to conduct a survey on what the voters thought of

President Clinton (instead of who pays for the education of foreign students). The pollster would ask his question (dealing with only part of Clinton's work) and would provide four alterna-tive responses:

The question:

> "Voters think Bill Clinton is doing very well with his foreign policy, don't they?"

The alternative answers:

___"Yes, he is doing very well;"
___"Yes, he is doing well;"
___"He's doing okay;"
___"No, he's not doing well."

The question in our metaphoric survey is not to be asked of people generally; it is to be asked of Democratic precinct captains.

A survey with such loaded methodology would not be used by the most desperate of political consultants, but that is *exactly* what IIE does annually.

It does not seek information on the whole question, on the relative significance of the five previously cited flows of funds. Nor does IIE seek hard data on this subject from university budget officials or from the students themselves, the people who would know best; no, it asks for perceptions on this point.

It does not ask the perception question of neutral observers, either; it seeks the perceptions of the foreign student advisers—the moral equivalent of polling the Democratic precinct captains.

Finally, after loading the design of the survey, IIE also loads the ballot. Following the question (primary source of funds) it provides the potential answers:

"Personal and Family;"

"U.S. College/University;"

"Home Government/University;"

"U.S. Government;"

"Private U.S. Sponsor;"

"Private Foreign Sponsor;"

"International Organization;"

"Current Employment."

And, lo and behold, every year the patterns of the response fall almost perfectly

into place, mirroring the sequence of potential responses, with the answers being respectively 66.2 percent, 19.0 percent, 5.2 percent, 1.4 percent, 2.8 percent, 2.0 percent, 0.5 percent, and 2.3 percent (IIE 1992).[18]

I have called this to the attention of IIE by letter,[19] and, sought, on three different times, to interest three different editors of the *Chronicle of Higher Education* (which ran a long, careful report on our recent book), but no one would touch the presumably interesting, perhaps explosive, question of how IIE was loading the survey's dice.

I had been vaguely aware of the *Open Doors* survey results on this point for years, and had accepted them unthinkingly. Then I ran into a com-pletely different set of results on this subject. These were from the *Summary Report 1991: Doctorate Recipients from United States Universities* (NRC 1993:18).[20] The National Research Council [NRC] had asked the same fuzzy question. (Regarding the primary source of funding—why Ph.D.s can not be asked about the *percentage* of their funding from various sources is beyond me.) The NRC answers were totally different from those elicited by the IIE:

Population	Primary Source of Funding	
	Personal	University
All foreign students (IIE)	66.2%	19.0%
Nonimmigrant Ph.D.s in physical science and math (NRC)	4.0%	89.1%[21]

There are three reasons for these differences: first, science and engineering students are more likely to receive funding than others; also graduate students

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[18] See, for example, page 149 for the questions asked the foreign student advisers and page 37 for responses. The same ballot pattern and roughly the same responses can be seen in other editions of this annual report.

[19] I suggested that the least IIE could do would be to change the sequence of the multiple-choice responses from year to year, as responsible pollsters do, but there was no answer.

[20] The nonimmigrant Ph.D.s in life sciences (7.0 percent) and in engineering (8.6 percent) reported slightly higher dependence on personal resources than those in the physical sciences.

[21] Most of this consists of federal research dollars spent through the university and is identified by the Ph.D.s as university, not federal, moneys.

(as IIE's own data suggest) are more likely to be assisted than under-graduates. But the third reason relates to the fundamental point made earlier—NRC asked the question of people with direct, unbiased knowledge on the point, the graduate students themselves.

A Suggestion. It would be useful to have a better notion than that provided by IIE's flawed data and by NRC's narrow data (on Ph.D.s only) regarding who pays for the higher education of nonim-migrants in this country.

While a total census of the finances of foreign students would tell us exactly how these matters play out, a far more modest study could provide us with the basics needed. What I would suggest would be a sample of some forty to sixty institutions of higher education, with the appropriate mix of private and public entities, those large and small, those rich and poor, and those with large and small percentages of nonimmigrant students.

The research would involve four tasks: first, and easiest, an analysis of the extent to which public and private funds were used in a recent year in each institution to fund the education of all students, foreign and domestic; the basic question, what portion of the total cost of a year's education (including room and board) was subsidized? This would cover items number 1 and 2 [see above].

The second task would be a files search in the student aid or foreign student office of a sample, say twenty-five, of the foreign students on campus. This should provide information on the extent to which individual assistance was offered to the students in the sample and the extent of on- and off-campus employment.

The third task would be to calculate the total cost of a year's education for the average foreign student, including institutional subsidies, tuition paid, and room and board. From this one would deduct the subsidies, loans made to these students from U.S. sources, as well as financial aid and wages for employment; the residue presumably would represent the moneys coming to the U.S. as a result of the arrival of the nonimmigrant student.

The fourth task would be to interview a subsample of the foreign students studied through the file searches to check on the accuracy of the files search process.

Perhaps GAO or the Department of Education could be encouraged to mount such a study as the Commission ponders the nation's nonimmigrant policies.

APPENDIX B: A Note About the U.S. Islands

While the Commission presumably is spending 99.5 percent of its energies on the immigration challenges to the fifty states, it should not lose track of the difficult immigration policy questions of the U.S. islands in the Pacific—Guam, where the mainland immigration law applies and American Samoa and the Commonwealth of the Northern Mariana Islands [CNMI], where the law does not, but should.[22]

While the mainland has some controversial nonimmigrant worker programs (computer programmers and sugar cane cutters, for example), they are models of generosity compared to the way that foreign workers are treated in American Samoa and, particularly, in the Marianas.

The exploitation in CNMI's sewing factories is well known on the mainland—the miserable wages, the life behind barbed wire, the long hours, the terrible working conditions and the products all labelled "Made in the U.S.A."

Perhaps less well-known are these two simple facts: (1) there are more guest workers in the Marianas than citizens; and (2) Congress can restore its control over

[22] The INA covers Puerto Rico and the U.S. Virgin Islands; international migration to Puerto Rico is minimal and, although the Virgin Islands once had a controversial temporary worker program, that matter was resolved long ago. While there are universities in Puerto Rico, the Virgin Islands, and Guam, I have not encountered any discussion of the foreign student programs as a problem on any of these islands. CNMI and American Samoa do not have four-year colleges and, besides, they have much more vigorous deportation policies than the mainland, so, if they have problems with foreign students, they presumably do something about it.

the CNMI immigration policy by merely passing a statute.[23]

The exploited workers in CNMI are mostly women and primarily from China and the Philippines. They are different from the citizen population in the Marianas, the Chamorros. And, under current CNMI law, they never can be-come citizens of the Marianas or of the U.S.[24]

Further, there are elements of sexual exploitation in CNMI that have not surfaced with mainland temporary worker programs. The largely Chamorro male CNMI immigration service is notorious for the way that many of its officers harass the nonimmigrant women; some of those women wind up as prosti-tutes. It is grim situation.

The problems in American Samoa are less publicized and less brutal. Among other things, the exploited class at the moment is another group of Samoans, citizens of Western Samoa; the migrants speak the same languages as, and intermarry with, the dominant population. Western Samoans do the dirty work in the fish-canning plants in Pago Pago, while American Samoans have the softer jobs in the overstaffed local government. Western Samoans cannot become citizens of American Samoa, or more formally, U.S. Nationals, but their children can, provided they were born in the U.S. ter-ritory. Both CNMI and American Samoa have real *nonimmigrant* policies—in that they do not have significant provisions in their local immigration laws for immi-grants, only for guest workers.

While there is extensive unemployment in American Samoa, the local govern-ment recently has approved the impor-tation of several hundred Chinese women to work

[23] The new CNMI Governor, Froilan Tenorio, is making a much stronger effort to limit the abuses in the nonimmigrant program than his predecessors, but he wants CNMI to continue to make immigration decisions.

[24] The imbalance of power between the citizen population and the guest workers in CNMI is more like the situation in the Trucial Sheikdoms than it is on the U.S. mainland. For instance, there are frequent stories in the local press of Chamorro families *on welfare* hiring (and failing to pay) nonimmigrant servants (see, for example: Phillips 1995). Governor Tenorio has been trying to end this practice.

in a new, offshore-owned sewing factory; their stated role is to be instructors in industrial sewing, but they will stay for years, housed in a company barracks. It is well-known that it takes only a couple of weeks, at most, to teach someone how to use these machines. The Chinese will be a docile workforce; they will be used to press the Samoan workers to greater heights of productivity as they sew in the labels: "Made in the U.S.A." The mainland minimum wage of $4.25 does not apply in either Samoa or CNMI; the local minimum wage levels are much lower than in the fifty states and much less well enforced.

Meanwhile, in the third remaining U.S. island in the Pacific, Guam, the INA controls, but there are strong local traditions of heavy use of the H-2B program in construction and in the services. (Guam, like CNMI, is a tourist attraction to a subset of the Japanese population—the ones with enough money to travel, but not enough to travel very far.)

Many interest groups in Guam would like the island to control its own immi-gration policy; there is a strong desire for more cheap labor, in the CNMI tradition, and a strong nationalist desire *not* to grant citizenship to newcomers.

I have been covering immigration and labor market trends in these islands—from Washington—for a decade as the American correspondent for Fiji's *Pacific Islands Monthly*. My advice to the Commission is to see to it that Guam stays under the wing of U.S. law on this point and to encourage the Congress to restore its domain over the Marianas' immigration policy. It also might be a good idea to let the American Samoan Government know that Washington is watching its handling of its foreign workers.

APPENDIX C: Detailed Recommendations on the H1-B Program[25]

As noted earlier, the Department of Labor has proposed some useful initial steps

[25] Adapted from North 1995:171-73.

towards reducing some of the abuses in the H-1B program. It needs to go much further, but first it must acknowledge the basic difference between the use of the program to bring in single workers—and groups of workers. The latter is *always* more harmful both to resident workers and to nonimmigrant workers themselves.

To this end, DOL and other government entities should take the following steps:

Fee structure. There should be a graduated fee schedule—the more nonim-migrant workers an employer wants, the more each costs. Fees should be levied on all applications, whether or not they are approved.

Differential Scrutiny. As a matter of conscious practice, the Department of Labor should announce that it will pay much more attention to applications for groups of people than single applications.[26]

If an application for more than ten workers is received from a single facility, for example, DOL investigators should make site visits, preferably unannounced, to talk with individual workers, both foreign-born and native-born (away from management's eyes and ears) about wages and working conditions. The fees to be paid by those seeking H-1B applications should be used to fund these investigations.

Notice. To make sure that all taxes are paid and to make certain that arriving H-1Bs know exactly what their actual pay checks will be, employers seeking three or more H-1B workers in the course of a year should be obliged to have an exchange of correspondence with their would-be workers outlining wages and deductions. Currently there is no obligation on the part of an H-1B employer to tell his nonimmigrant worker about the extent of federal income tax, state income taxes, FICA, and Medicare deductions, nor about the standard 30 percent deduction required by IRS for nonresident aliens.

Further, copies of these exchanges of correspondence should be filed by the employer with:

[26] One potential problem, of course, is that mass users of H-1Bs will seek to camouflage their activities by creating subsidiary corporations, assigning workers to subcontractors, and the like.

- All pertinent federal, state, and local taxing authorities;
- Unions, where present;
- Pertinent technical or profes-sional organizations, and;
- The trade press.

Prevailing Wage. The arrangements currently made for determining the minimum wage are inadequate, as is the puzzling requirement that the employer has to pay only 95 percent of whatever is found to be the prevailing wage. Why not 105 percent to encourage the employer to pay attention to resident workers, be they citizens or legal immigrants?

Instead of using the hard-pressed and underfunded State Employment Security Agencies to establish prevailing wages, why not use the generally available, occupationally-specific, salary surveys of the various professional and engineering societies?

In this scenario, if the employer wanted to hire a chemist with a bachelor's degree and two to four year's experience in 1993, for example, the employer would be required to pay the prevailing wage for such workers as established by the American Chemical Society's annual salary survey, or $33,300. Chemists with a master's degree, two or four years after the B.S., would get $39,000. The ACS survey, as currently conducted, does not provide a prevailing wage for a new Ph.D, but a chemist with a doctorate five to nine years after the B.S. received $53,000 in 1993 (Heylin 1993:10).

These salary surveys reflect the workings of the national labor market and presumably would be regarded as appropriate by the workers involved. The salary scales are easily obtainable by employers (from the trade press) and are not vulnerable to manipulation; neither statement can be made about the current system.

Why not use 105 percent of these prevailing wages in setting salaries for nonimmigrant workers? In that way all concerned could be assured that wage levels would *never* be depressed by the use of nonimmigrant workers. Even at 100 percent of

the salary-survey wages, employers could argue that they were not paying below the prevailing levels (even though tapping into a foreign labor force might well, ultimately, depress wages generally).

The 65,000 Limit. The 1990 Immigration Act, for the first time, established a numerical limit on the approval of a set of nonimmigrant petitions, in this case for H-1B visas. Given a piece of legislation that generally was a disaster for American workers competing with foreign-born workers, this was a remark-able provision.

Now that there is some possibility that the limit actually will work to reduce the growth in the number of nonimmigrant workers, the immigration bar and their corporate allies are sure to seek to repeal or soften this provision (*Interpreter Releases* 1993:1438-39). These efforts should be resisted stoutly. If there is a prospect of reaching the ceiling, INS should allocate the limited number of petition approvals near the end of the fiscal year by granting them to employers offering the highest wages.

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NONIMMIGRANT VISA POLICY OF THE UNITED STATES

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The use of nonimmigrant visas by foreigners to reside and work legally in the United States has burgeoned in the last decade. Further, the interconnections between nonimmigrant visas—including educational, training, and occupational categories—and permanent residence is widely noted, the object of criticism, and a topic of recent legislative initiatives in the Senate.

The objectives of this analysis are to provide: (1) perspectives about the history, interconnections, and implications of current nonimmigrant visa policy; (2) criteria for developing nonimmigrant visa policy for contemporary realities, and (3) an outline of a nonimmigrant policy.[1]

Perspectives on Nonimmigrant Visa Policy

The interrelations between nonimmigrant and immigrant visas. It is easy to forget that current views about nonimmigrant visa policy and practice were not always the conventional wisdom. For example, during discussions of the 1965 amendments to the Immigration and Nationality Act of 1952 (the McCarran-Walter Act), the connections between educational and labor-related nonimmigrant visas on the one hand and permanent immigration on the other was not a major issue. The concept that nonimmigrant and immigrant visas for occupational skills

[1] This paper focuses on temporary visa categories that permit a visa holder legally to reside and work in the U.S. and on categories connected with formal education and training. Visitor visa holders (tourists) are not discussed.

should be seen as a whole, rather than two separate spheres of activity, was not part of the discussion thirty years ago. This is not such a surprise. The level of globalization of the economy and of firms[2] and the extent of international labor markets were in their infancy compared to today. In addition, temporary labor in the mid-1960s still meant unskilled, primarily agricultural labor. The U.S. ended the *Bracero* Program in 1964. In that context, temporary laborers hardly conjured up images of managers developing overseas markets for new products or researchers for communication technology.

When the 1965 Act replaced national origins with the visa preferences as the dominant selection criteria, little thought was given to the interconnections among student visas, exchange visitor visas, labor-related nonimmigrant visas, and immigrant visas based on occupational skills. That is not to say that absolutely no connections were noted. For example, a two-year return requirement was mandated for J-visa holders in order to avoid distorting the intent of exchange programs to train professionals in the context of development aid. In addition, the extent of adjustment cases among legal immigrants became a matter of comment, as if in some way adjustment, as opposed to first-time entry, was a perverse way to become an immigrant to the United States. In fact, in the past it was necessary for some immigrant visa recipients to leave the U.S. and travel to another country to pick up a visa and then go through the fiction of entering the country as a "new entrant" (and not a visa adjuster).

Now, when it is commonplace to note the interconnections between nonimmigrant

[2] In the 1960s, the focus was on multinational, rather than global, firms. The distinction is between a multinational firm still anchored in the country of its founding, but with operations in a variety of countries (e.g., Swiss Nestle, American Ford, German Siemans, Dutch Phillips, Canadian Seagrams) and a global firm in which the founding country connection becomes more and more tenuous. The decisions on investments, assets, accounting, and so on are made in a way the laws of the country mandate as a condition of business. A global firm is the logical outcome economically of multinational operations. An example of the problem of determining whether a firm is one or the other is reflected in the difficulty in deciding what is an "American" automobile if content is the criterion. Most examples of what were considered multinational firms would now be seen as global firms.

and immigrant visa categories, the odor of corruption attached to visa adjustment persists. The implication is that it is not right if the proportion of adjustments versus new entries is "too high." The justification for this bias is not articulated, but the transformation of a statistic into a substantive conclusion about the national interest persists, even among informed and intelligent observers.

Another instance of noting the connections between nonimmigrant and immigrant visas was in the context of "brain drain" discussions.[3] The main focus was on the recruitment of highly-skilled immigrants, but it was sometimes noted that the recruitment often took place among foreign students trained in developed countries rather than recruitment of advanced professionals in their own country.[4]

Despite instances of making connections between nonimmigrant and immigrant policy, the linkages had little practical impact on policy development in the period immediately following the end of the national origins quota system and the emergence of the preference system as the dominant mechanism for immigrant visa distribution.

Labor certification, the adversarial model, and the growth of the organized immigration bar. The 1965 Immigration Act had a profound effect on judgements about the consequences for the American labor force of immigration based on occupational skills. The 1965 Act changed labor certification from a passive to an active program. Under the 1952 Immigration and Nationality Act, persons admitted under a labor preference from an oversubscribed country were subject to review by the Secretary of Labor only if there was a complaint or if a single employer petitioned for twenty-five or more visa applicants. In high-quota countries like

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3 Brain drain rhetoric persists even though internationalist arguments have all but prevailed among economists. The idea that change of immigration policies in developed countries could appreciably affect the labor force development policies of developing countries, much less affect economic performance in any but the most marginal and indirect way, has gone the way of doctrines about centrally planned economies.

4 It is somewhat ironic that the phrase "brain drain" originally was used to describe the United Kingdom post-World War II loss of physicians and other professionals to the U.S.

the United Kingdom, Ireland, and Germany, no review was necessary because there was no need to have recourse to the preference system to gain access to easily available visas. In short, in the very few cases where the preference system even came into play in oversubscribed countries, an occupational preference applicant could enter unless the Secretary of Labor took affirmative steps to prevent entry on the basis of a complaint or the large level of petitioning by a single employer.[5]

Under the 1965 amendments to immigration law, the emphasis of labor certification changed as the preference system became the dominant selection mechanism. A petitioner for a labor-related preference and all nonpreference applicants, including all Western Hemisphere applicants who were not the spouse or minor child of a citizen or legal permanent resident alien, could not receive a visa unless the Secretary of Labor approved via the labor certification process. The support of organized labor for immigration reform leading to the 1965 Act was obtained by inclusion of a labor certification process that required approval by the Secretary of Labor before a visa could be issued for any nonfamily immigrant visa. The labor certification process introduced in the 1965 Act institutionalized anxiety about the impact of immigration on the labor force. Dimensions of the economy were pitted against one another in an adversarial way, as if labor force development is a zero sum game. Any help to meet employers' felt needs was presumed to be achievable, albeit usually at the expense of U.S. workers. However, this anxiety was focused only on immigrant visas and did not extend to nonimmigrant visa practices.

[5] Recall that the preference system hardly affected the vast majority of immigrants under the national origins quota system maintained in the 1952 McCarran-Walter Act. Under that law, the overwhelmingly dominant criterion for admission to the United States was place of birth. All else paled in comparison to the importance of national origin for an American immigrant visa. Continued assertions that the 1965 Act changed the emphasis from occupational criteria to family criteria in the preference system are beside the point and mislead. National origins so dominated choice of immigrants that the preference system had virtually no impact on the selection of immigrants under the McCarran-Walter Act. To note the change in the preference systems of 1952 and 1965 is formally correct but irrelevant for the practical effect on policy outcomes.

One result of this innovation was the expansion of the organized immigration bar. Labor certification cemented the practices surrounding labor-related migration into an adversarial relationship. The role of lawyers in immigration proceedings grew tremendously, initially around administrative processes related to labor certification. The organized bar led the charge to introduce the L visa (intracompany transferees) in 1970 as a "noncontroversial amendment" to deal with the virtually undisputed needs of multinational corporations to engage in management trainee programs, management internationalization, and so on in order to open new markets. The rhetoric reflected a view that these were cases of "real" need. These were serious corporations that did not throw money away frivolously on international moves of key personnel. They were not sleazy schemers trying to circumvent the intent of the law and hurt American workers. In effect, the justifications of the purported need for L visas reinforced the perception of a need for strong vigilance about labor-related visas.[6]

The immigration process was progressively captured by the legal profession. In addition, corporations, educational and nonprofit research institutions, and other organizations developed trade associations regarding international personnel. No longer was immigration to the United States a matter of filling out forms and producing documents to prove marriage, educational achievement, or other bases for petitioner status. Not just employers, but private voluntary agencies increasingly provided legal services as a basic need of their clients to navigate an adversarial bureaucracy. Refugee admissions likewise became en- meshed in the culture of the legal profession. Lawyers are deemed a virtual necessity in presenting an asylum petition.

The adversarial process, dominated by attorneys on both sides, is now so ingrained that it is virtually naive to suggest that it could be otherwise. Perhaps it cannot, given what we have done in the last three decades. But it was not always so. Despite the jokes, there is, of course,

[6] Immigration law prescribes that the consular officer must presume all applicants for visas, including visitor or other temporary visas, are actually intending immigrants. The next step to a presumption that all petitions and statements, whether made by a U.S. citizen sponsor or an alien applicant, are fraudulent is not such a huge step.

nothing wrong with lawyers, *per se*. On the other hand, it is not an unalloyed benefit to transform civic interactions and citizens' petitions into legal battles, with the culture of the adversarial system dictating procedures and behavior.

The presumption of labor self-sufficiency. Like it or not, the assumptions surrounding immigrant and nonimmigrant petitioning for labor-related entrants are that applicants and employer sponsors are suspect. Even if honest, their petitions remain questionable because of a presumed harm of immigration based on labor skills to the U.S. labor force in general and to vulnerable American workers in particular. A presumption persists that a country, particularly a populous country like the United States, is or should be self-sufficient in regard to labor. The assumption of labor autarky is compounded by a view of the labor force as static, a fixed pie. Immigrants presumably take places that Americans can, or should be able to, fill if only employers would do their part to recruit properly and to create opportunity. Questioning these assumptions is suspect as self-serving propaganda on behalf of employers. To suggest that immigrant workers may produce jobs is sometimes judged, in the most charitable phrasing, as wishful thinking. But clearly, foreigners who install and train American workers on the use and maintenance of advanced knitting machinery, for example, maintain jobs in clothes manufacturing. An American equivalent is U.S. personnel of advanced aircraft residing temporarily overseas to train others in maintenance of American jet aircraft. If General Motors [GM] sponsors twenty-five German engineers / designers to assist in product development for the German auto market, those immigrant workers may help produce many American jobs to manufacture components for cars destined for the German market with its particularly stringent performance demands about cars. Is it good policy to say that such migration takes jobs from American engineers / auto designers and should be prohibited or should the focus be on the particular talents and familiarity with the demanding criteria of German auto buy-

ers and the potential for U.S. exports if GM autos command more of the German market?

It is difficult to adjust uninformed perspectives on the issues of job creation, export development, and other aspects of economic policy and their relation to international labor recruitment. Even if a more balanced perspective received some attention, difficulties would persist in changing viewpoints now so deeply ingrained in public policy, in the legal practice of an organized immigration bar in the public and private sector, and in policy rhetoric.

Regulating international migration, subsidies, and free trade in services. Government regulation of markets often results in subsidization of segments of a society. Tariff and nontariff barriers to protect domestic firms are obvious examples. Inefficient, as well as nascent, industries are protected from foreign competition. Even though free trade is a generally accepted principle, the mention of protection for nascent industry indicates that free trade is not an absolute principle.

Regulating immigration and the access of foreign labor also is justified as a protection of a domestic market: labor. Regulating international migration has the economic effect of subsidizing domestic labor. To note this does not lead to a conclusion that, by analogy to free trade, limiting immigration is undesirable. People are not goods and their entry into a society as actors is quite different than importing shoes, vegetables, or automobiles. Freer mobility of labor is politically unacceptable and justifiably so if a government is to protect vulnerable segments of the labor force. Adjustment to freer trade (as for example in reaction to NAFTA in all three signatory countries) is often costly, even brutal, for affected workers. Freer movement of labor would be more so, especially for the least adaptable and less skilled. Free movement of labor has been agreed to and endured only in the context of economic agreements between economically advanced countries of relative economic parity (specifically in the EC/EU and the Nordic countries). Free labor movement provisions in economic agreements among less developed countries either have not been implemented or have been abandoned. To note the political im-

practicality of free labor movement or the persuasive arguments against such a policy, except in special circumstances, does not negate the fact that it supplies a subsidy to domestic labor.

The issue of labor mobility becomes complicated when the topic of trade in services is discussed. Trade in services often requires the presence of a person to provide the service, whether high-level management consultation, artistic performance, or on-site installation and training for specialized equipment. There are other services that are more flexible regarding performance sites. Take as an example a simple and relatively unskilled service function: data entry. The service can be performed by American workers in the U.S. The function can be performed by imported workers in the U.S. The service can be exported to a foreign country to be performed by foreign workers in their own country and the transformed data electronically transported to the U.S., bypassing even the importation of a data tape or other physical product containing the transformed knowledge resulting from data entry.

It is a small leap to the example of computer programming that has been not only a thorn for nonimmigrant policy and practice, but also a controversial topic for U.S.-based firms regarding employment practice.[7] When Seatrain Corporation moved programming operations to India, U.S. workers lost jobs. Intel justifies movement of some programming operations overseas as a way to allow U.S. workers

[7] An important aspect of the controversy about computer programmers entering the U.S., especially on H1-B visas, is the spreading practice in the American economy of contracting out. Like leasing of equipment, contracting out reduces investment costs and allows for flexibility regarding labor costs. Workers need not be added to the payroll. Lesser skilled workers do not benefit from spread effects of the more costly salaries and benefits that large firms, which have a spectrum of skills in their work force, usually pay. A janitor in an IBM facility, for example, benefits from the spillover of IBM practices in ways not available to a counterpart in a janitorial company that employs primarily unskilled workers. Contracting out exists independently of immigration. Methods to lower labor costs, which is another way of saying recruitment of cheap labor, is not confined to importing labor. Combining contracting out and foreign labor may maximize labor cost cutting. To block low-wage labor importation, however, will not end or counter the independent effects of contracting out for goods, equipment, or services.

to engage in the cutting-edge development that requires their advanced skills and justifies their higher pay in a globally competitive environment. The savings in routine programming, the company argues, allows investment in the more expensive R&D work by American workers. If a company wins a contract to develop customized programming services and uses B visa workers to perform programming routine tasks, is that an abuse or a creative use of existing law to meet an unanticipated situation that combines the elements of contracting out and knowledge-based services? Is it any more of an abuse than the less controversial increased use by foreign-based corporations of E visas for intracompany transferees, a visa category with distinct advantages over the L visa for the firm (but not necessarily for the employees and their family)? Whatever one's opinion about what policy should be in such situations, an honest answer would acknowledge that the law and policy did not anticipate the business situation or the business response that combined the general move to subcontracting and the importation of short-term labor to supply a knowledge-based service.

Regardless of one's opinion about profit versus greed, obligations to shareholders versus obligations to fellow citizens and the country that provides the opportunities to prosper as a firm, the complications for immigration policy introduced by the relation between trade in knowledge-based services and migration, especially when combined with contracting rather than staff expansion, are real. There is no simple solution that maximizes trade in services with virtually no migration. Conversely, open migration will not translate into maintaining a competitive technological edge. A one-size-fits-all policy on temporary labor is an anachronism that ignores the reality of contemporary economics and the process of wealth production and job creation in knowledge-based industries.

High-tech economies, increasing returns and international migration. Dominant economic thinking assumes diminishing returns. The ideas about investment and the creation of wealth were developed at a time when agriculture, extraction of resources, and bulk-manufacture dominated the economy. Diminishing returns meant that the more you did something,

the harder it became and the less rewarding it got. As coal was extracted, for example, it became harder to find and take out good coal. As coal became more expensive, hydroelectric became competitive. Coal and hydroelectric competed for shares of the energy market. In such a situation, economic theory and methods predicted an equilibrium and the relative prices of competing energy sources. There is one equilibrium solution until another energy source is found or until the law of diminishing returns leads to one source being so expensive that it commands no market share.

At that point, a new equilibrium is needed. The context is changed. High-tech economies are driven more by "congealed knowledge" than by "congealed resources." High-tech products include pharmaceuticals, telecommunications, computer software, aircraft, and electronics. In these high-tech economies the main costs are up front. The cost of pro-duction per unit becomes cheaper as volume increases, not more expensive. The first version of Windows 95 cost perhaps about one-half billion dollars. The second cost about twenty dollars for the disk, the manual, and the packaging. The more units of Windows 95 that Microsoft sells, the more it can make per unit. This is an example of increasing, rather than diminishing, returns.[8]

A characteristic of knowledge-based industries is that they enjoy protection for the conversion of their knowledge creations in copyright and patent law and policy. In addition, in these industries, history counts. The first to achieve a discovery often sets a standard that results in other technologies not being pursued or adopted. First discovery or first invention gives a tremendous market advantage. A discovery, if registered, gets some protection that allows bringing a product to market. If that product sets a standard, the return is even greater.

[8] Economists trying to develop theory and methods to deal with assumptions of increasing returns and the possibility of more than a single equilibrium solution are dealing, in technical jargon, in dynamic stochastic discrete choice models, sometimes more simply referred to as path dependent models. The discussion in this section relies on a profile of one of the principal economists (Arthur 1994a; 1994b) in this area.

Microsoft's advantage with the DOS operating system for computers and the return to the developers of the VHS format that bested the Beta format for home video are clear. Recently, developers of competing standards for compact disks agreed to a common standard that allowed them all to participate in the rewards of a single format for CDs to carry audio, data, and video content.[9]

While the first to market will not necessarily set the standard and reap the rewards of increasing returns, being first provides an advantage. Many examples illustrate that becoming a standard gives tremendous market advantage, if not monopoly. Video tape format and computer operating systems, already noted, are two often-cited examples. Once a standard is adopted, other technology, inherently as good, goes undeveloped, often forever or until its benefit for some other task becomes clear. The adoption of the internal combustion over the steam engine is an example of the neglect of one technology, steam, because another became the standard. Sequential processing rather than parallel processing continues to dominate in commercially produced computers, although advantages of parallel processing for some complicated tasks has led to renewed interest in that technology.[10]

For knowledge-based industries, time is of the essence. Both technology development and product development have an important element of timeliness to them, along with the job creation, export growth, and other consequences of standard setting in a product area if the financial rewards are to be reaped. In those environments, personnel recruitment for R&D, product design, international marketing, and so on do not operate on an assumption that labor is to a large extent substitutable.

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[9] Ironically, the VHS will decline and eventually go the way of 78 rpm phonograph records to be replaced by the disk, smaller than the old Beta video disks and not exactly the same technology, but a disk nonetheless. Note also that the triumph of the disk means that digital tapes for audio reproduction will not be widely marketed.

[10] The pioneer ENIAC computer was a parallel processing machine.

Arguments about immigration and labor often operate at a level similar to the development of classical economics in which a worker was a worker and in most cases substitutions were available. This undergirded the assumption that most countries, and especially those with large populations, were and could be labor self-sufficient, except in extraordinary circumstances like total mobilization for war. Thus, in the United States, when Turner published his thesis about the closing of the frontier, arguments for immigrants to fill up the land diminished. When industrial unemployment appeared, the need of immigrant labor was disputed. Contemporary proponents of immigration reduction point to the difference between today and the heyday of immigration into the United States. The labor needs of a postindustrial economy, where intellectual skills are more important, differ from an economy in which agriculture, infrastructure building, and heavy manufacturing dominate and labor is more readily substitutable.

The notion that labor self-sufficiency can be presumed for an economy, particularly one characterized by a heavy reliance on knowledge-based sectors, is questionable. A postindustrial economy needs few or no foreign unskilled and lower-skilled workers. That does not preclude a need for those with very high skills or specialized experience. Quick access to advanced human capital is important for timely development of technology, given the protection of patents and copyright, as well as the relative advantage of early entry into the market for products with competing standards. Similarly, effective marketing in different cultures requires collaboration of international personnel who know various markets and the product line. Perhaps it is necessary to rethink what we mean by labor and our notions about how the economy returns profit on investment, creates jobs, and gets access to personnel. To dismiss calls for migration policy and law that responds to international labor markets as simply the desire of corporations for cheap, even if highly-skilled labor, may be a mistake.

U.S. higher education as service export industry and its relation to immigration. The American college and university system is a valuable service export that has downstream spinoffs as alumni/ae of U.S. schools move into responsible positions in the private and public sectors of their societies. More immediately, college and especially postbaccalaureate degree holders provide a supply of potential immigrants based on the advanced or scarce skills that they acquire.

The acceptability of linking international educational programs and nonimmigrant and immigrant policy is questioned for three reasons. First, the objective of providing education in a context of aid for development conflicts with allowing adjustment from a student visa status to a nonimmigrant or immigrant status based on skills. The view makes little distinction between students sponsored by their governments, international organizations, or U.S. scholarship programs aimed at skills for development and independently financed students, even from advanced countries.[11] Second, a cloud hangs over all adjustments of status, as if they pervert the migration system or indicate devious intentions. Third, the assumption of labor self-sufficiency leads to questioning why U.S. students are not in the programs that lead to skill qualifications for nonimmigrant or immigrant status. U.S. educational capacity seems to feed a supply-side process. Educational programs cater to foreign students (and may not be otherwise viable). The availability of these students to industry leads to reliance on recruiting foreign students, with the justification that Americans with the requisite skills are unavailable.

While educational programs that enroll high proportions of foreign students can be self-serving for both the universities involved and employers, that is not nec-

[11] Proposals have been made requiring foreign students to return home for one to three years, making no distinction on source of funding. Pending legislation has dropped a return requirement.

essarily the case.[12] Recourse to foreign graduates is not inherently negative. There is no *a priori* reason to apologize for seeing foreign graduates as a pool for the United States of potential immigrants or temporary workers with very high skills. What perhaps is needed in regard to nonimmigrant and immigrant visa programs is a balance between control and facilitation mentalities. Disturbing development aid goals makes no sense, for example, but neither does a requirement that a foreign degree holder from an American university leave the country for three to five years in order to eliminate their recruitment as nonimmigrant workers or immigrants. Such a policy overlooks other benefits, long- and short-term, of an active education export sector for the U.S. economy and international relations.

Conclusion. These disparate comments about the history, characteristics, and assumptions that accompany discussion of

[12] Some of the characterizations of higher education in the debate over foreign students and immigration have the flavor of the criticisms leveled at private voluntary organizations [PVOs] in the refugee field in the early 1980s. PVOs often performed resettlement services for the federal government when people were admitted as parolees and before any Congressional authorizations to pay for those services. In effect, the private sector advanced money with no guarantee of repayment in every case. When some PVOs developed contingency funds through savings from prior grants, they were accused of being "Refugee, Inc.," as if PVOs and their parent organizations were getting fat at the public trough. The university in western tradition has always being internationalist. Scholars were and are recruited for talent, regardless of nationality. The most cursory overview of American experience, especially in this century, confirms the continuation of that tradition. It has been beneficial for basic national defense and the economy. Similarly, students have been international. The University of Paris student body in the Middle Ages was organized by "nationes," broad groupings by area of Europe from which they came. Foreign students attend U.S. universities for many reasons besides development-related aid programs and many are not sponsored by government or multilateral organizations. To equate foreign student training with a new-found way for higher education to be self-serving is historically ignorant. A better case has to be made than mere notation of a correlation of foreign students in universities and recruitment by corporations to hand down an indictment of U.S. higher education. To prohibit recruitment of superstar engineering students from elite graduate schools by Raytheon or Motorola for advanced communications technology research as a way to counter degree mills in the private sector specializing in elementary computer programming or cosmetology is myopic. In the name of the national interest, such policy opposes the nation's true interests.

nonimmigrant visas do not command universal assent. They are presented to stimulate discussion and to question many of the assumptions and much of the conventional wisdom surrounding nonimmigrant visa policy discussions that pass for facts. As a result, these observations do not translate effortlessly into a nonimmigrant worker policy. They provide guides for criteria to sustain a nonimmigrant policy that recognizes that competing interests cannot be simultaneously met and that the structure and operation of the economy and labor force have changed and continue to develop. The next section outlines criteria to use in the development and evaluation of proposed nonimmigrant visa policy for occupationally-related reasons.

Criteria for Developing a Nonimmigrant Visa Policy

Acknowledge competing interests and conflicting values. International recruitment of labor may have differential impacts on different parts of the U.S. economy and even on different segments of the labor force. General Motors recruitment of German engineers/auto designers can be used as an example. Suppose that the request to recruit twenty-five Germans was denied and that GM went ahead with product development to increase German market share with U.S. engineers. In that case twenty-five "American" jobs were saved. Suppose, however, that the result of that product development was lower penetration of the German market than would have taken place if the German personnel were allowed into the U.S. and that, as a result, 400 U.S.-based jobs were not created to manufacture components for cars destined for German retail. There are competing interests between 25 engineering jobs and 400 manufacturing jobs, as well as lower U.S. exports, lower reputation for U.S. products as well engineered in the important German market, and lower profit for GM. Any policy on international personnel and the immigration system must acknowledge that such trade-offs are inherent in such a system, that judgement is required, that solutions cannot always be legislated in advance.

Decision-making processes authorized in legislation, however, can tip the balance regarding which interests and values are likely to be favored. Quite simply, export promotion might be favored if "international personnel recruitment" decisions were in the Commerce Department rather than protecting American jobs by "labor certification" decisions remaining in the Labor Department. Note how even the phrases in quotation marks in the previous sentence put a different spin on a decision whether to permit issuance of an immigrant or nonimmigrant visa based on occupational skills. To pretend that no one will be advantaged or hurt by how the process is organized or what decisions are made is wrong-headed. There will be winners and losers regardless of the proposals made or the policy finally adopted and implemented in legislation and regulation. Those winners and losers are not confined to capital versus labor. In the GM engineer example, the creation of 400 manufacturing jobs is sacrificed for 25 higher-skilled, probably nonunion, higher-payed, and most likely less-disadvantaged U.S. college graduates. Deflecting foreigners from the labor force is not as clear-cut as sometimes presented.

Set labor-related migration to meet domestic goals as the context for nonimmigrant visa policy and integrate policy for visa categories within the nonimmigrant domain and between immigrant and nonimmigrant categories. The criterion of recognizing and addressing interrelations is founded on the contention that all immigrant and nonimmigrant admissions for labor force reasons ought to be included in a unified policy. The controlling reality is labor force recruitment and insertion, not administrative and legal distinctions between visa categories and immigration statuses. The recent growth in the use of nonimmigrant visas and the underutilization of occupationally-based immigrant visas under IMMACT 90 legislation indicate that recruitment behavior by the private sector and legislative assumptions vary. Legal distinctions drawn for administrative and legislative purposes have been regarded as set in concrete. The adver-sarial process ingrained in immigration practice has not resulted in a cooperative and collaborative fashioning of legislation in which government, employers, and labor contribute. Collaboration does not imply agreement on all issues. But policy based on assump-

tions made by Members of Congress, their staffs, and nonbusiness "experts" does not guide international labor recruitment practices. The result of the adversarial process is that employers and their lawyers analyze legislation and devise ways to use it or to get around it to meet their objectives. This is done not just by marginal employers. This is mainstream practice; everybody ivolved in immigration policy knows it.

What ought to guide policy development is the need of the economy for both timely availability of certain skills and for protection of U.S. workers. Those needs can be translated into various mechanisms for permitting recruitment of noncitizens, when appropriate, in nonimmigrant and immigrant statuses, including adjustment of status. The movement from one status to another ought to be based on meeting labor force goals —including labor protection—not on an arbitrary concept about the propriety of adjustment of status by foreign students, intracompany transferees, or any other nonimmigrant or immigrant. Even so radical a departure from current practice as requiring work experience under a nonimmigrant visa as a condition for obtaining a labor-related immigrant visa ought not to be rejected on principle.

The unbundling of family and employment visa preferences in the 1990 Immigration Act eases the process of tackling skills-based entry in its entirety as the domain to be addressed. The configuration of immigrant and nonimmigrant statuses based on skills becomes a tool to achieve goals, not separate domains in which the immigration status dominates the labor force goals.

Regard adjustment of status as an opportunity, rather than as a restraint. The design of a labor-related program ought not to try to minimize (nor maximize) adjustment of status. The capacity to adjust ought to be seen as neutral in itself and used to the extent that it may further the policy goals of accessing foreign labor at minimal harm to U.S. workers. Adjustment from a student, training, or exchange visa ought not to be excluded outright. Particular conditions may attach to some student visa holders, depending on their

sponsorship, for example. Entire visa classes as currently configured should not be excluded.

Distinguish between knowledge-based workers performing nonroutine tasks that result in otherwise unavailable goods (products, exports, technology, scientific knowledge, etc.) and other workers. If the concepts of increasing returns and congealed knowledge make sense, then workers who perform nonroutine knowledge-based services merit particular attention. Current immigration policy acknowledges the exceptional worker and people of world-class talent. A computer programmer of exceptional creativity demonstrated by prior output and reputation is not a run-of-the-mill programmer with a B.S. degree. The latter ought not be allowed into the U.S. on nonimmigrant or immigrant visas to compete with competent U.S. programmers. To be sure programming, even of routine kinds, is no mean skill, but it is widely available in this country. A superstar, however, may merit a visa. Similarly, the United States has many trained chefs and there is no reason to recruit even specialty chefs for a particular cuisine. Trained chefs can receive the additional training to perform tasks for whatever cuisine is desired. This does not preclude the truly world-class chef from occasionally receiving a visa.

One can multiply examples. The criterion should be clear. Knowledge-based services of a nonroutine nature ought to result in visas. By implication, routine, knowledge-based services and personal services should not command U.S. immigrant and nonimmigrant visas, except in the rarest cases of truly world-class practitioners.

View higher education as a labor resource. If the policy focus is on labor force needs and both nonimmigrant and immigrant visas are seen as instruments to achieve policy goals, then the service export sector of higher education ought to be seen as a resource. It is counterproductive to adopt an arbitrary policy that any foreign student ought to be required to return to her or his own country. It makes no sense to erect barriers to entry into the U.S. labor force for any foreign student graduate of a U.S. university that are greater than for a foreign graduate of

a foreign degree program. All foreign students are not enrolled in U.S. educational institutions for economic development goals. All foreign students are not supported by government scholarships. If there are problems or abuses in visa adjustment from a student or training visa, the solution is not wholesale discrimination against foreign students. Permitting adjustment does not imply a right to adjustment or the suppression of such other goals as protection of domestic labor.

Do not rely on immigrant and nonimmigrant visas for labor-related migration as a revenue-generating scheme. The concept of imposing a tax on applicants or sponsors for labor-related visas is government extortion. If the Commission or the Congress thinks that a visa for labor-related migration is detrimental, it should not make it available to those that can afford an official bribe. To pretend that such funds are needed to underwrite training or retraining programs by the federal government, after years and billions of dollars on training, is a sham. The problem of Black youth unemployment, for example, has not been lack of funds for youth training. Similarly, a pot of money funded by a fee for a labor visa will hardly translate into higher enrollment of disadvantaged American youth in nursing programs. To implicitly promise such results from a fee for a labor visa is disingenuous. Further, in proposed legislation the Department of Labor has unfettered discretion over the use of such funds for DOL programs, including for example, summer jobs programs. As worthy as summer jobs programs may be, their connection to a fee for labor visas as a means to reduce reliance on foreign labor or to increase domestic preparation for high-skilled jobs is charitably described as a stretch.

International Labor Migration Policy Outline

A design for nonimmigrant visa policy ought to be couched in the wider idea of a policy for controlled recruitment of needed and useful noncitizen labor that does not harm the domestic labor force. The “do no harm” injunction has to be understood in a way that allows for some cases of adjustment in the U.S. labor force. However, displaced workers must be

placed in equivalent paying jobs with all relocation costs paid and new jobs must result if the visa is to be granted.

A characteristic of labor visa policy ought to be a continuation of labor certification to assess that the foreign workers are complementary or, if replacements, that they nevertheless produce more jobs because of the special skills of the incumbents and that displaced workers get new, equivalent jobs. Certification should continue to ascertain that wages and standards are not undercut.

A new balance must be struck between labor force protection and enhancement of the economy through judicious recruitment and use of noncitizen labor. If decisionmakers are incapable of accepting that no country on the cutting edge of competitive, high-tech industry is labor self-sufficient, then this set of presentations will fall on deaf ears. If decisionmakers think it impossible to design regulations that distinguish among workers and their capacity to create jobs or reject the idea that all workers are not equal in their contribution to job creation, wealth production, or potential contributions, then a one-size-fits-all policy should be adopted that fundamentally limits all labor migration to a minimum.

Confine restriction of adjustment of status to achieving articulated goals. Conversely, permit adjustment of status within nonimmigrant categories and to immigrant categories, unless a specific goal dictates otherwise. For example, require students, trainees, or exchange visitors sponsored by their own government, the United States, or multilateral organizations and agencies (e.g., UN agency scholarships or fellowships) with funds meant to develop skills for development to provide evidence of work in their home country for a number of years before becoming eligible for adjustment of status to a work-related immigrant visa.

Eliminate distinctions in nonimmigrant visas for intracorporate transfer between U.S.-based and foreign companies. This may require analysis of trade and investment treaties to renegotiate provisions conforming to the realities of global firms. Broader international discussion of this issue may be needed in multilateral and even nongovernmental forums to develop

common understandings and practices about international migration in the contemporary world.

Limit an immigrant visa for occupational skills to persons whose skills are unavailable in the United States, or who have a demonstrable level of attainment that is recognized as world class, or who have a combination of skills and experiences and a connection to a corporation that justifies working in the U.S. as part of a career advancement that is a normal business practice. Do not impose fees on the immigrant or sponsor. No specific recommendation regarding annual allotments is made.

Require nonimmigrant labor visa applicants to demonstrate competence or experience unavailable in the United States or involvement in normal corporate career development for intracompany transferees who have a connection with the company for a year or more. Allow sponsoring institutions training and exchange visas for promising talents, demonstrated by scholastic records, letters of established referees, and ordinary review procedures by the sponsoring institution. Competitively chosen Postdoctoral fellows are an example.

Do not bar nonimmigrant visa holders who develop a level of expertise to qualify for an immigrant visa from adjustment by the mere fact of their having held a nonimmigrant visa.

Evaluate the time limits on nonimmigrant, labor-related visas by analysis of industry practice, the history of prior nonimmigrant, labor-related visa holders (what proportion adjusted to permanent resident, went to a non-U.S. position in the corporate sponsor, etc.), and practice by other countries. The issue of time limits requires attention not only to length, but also to renewals and recertification.

In concert with other countries, move to a policy that permits an accompanying spouse a work permit in the United States. Spousal work prohibitions are anachronistic and, given current realities, more often than not sexist in their impact.

Have one immigrant visa category for occupationally-related applicants in a labor-related visa package that incorporates nonimmigrant and immigrant visas. This would require sponsorship by the employer and labor certification about availability or the world-class credentials and prevailing wage and conditions issues as is done currently. Nonimmigrant visas would have:

1. **Students**, perhaps divided into (a) government or multilateral agency sponsorship as a development program and, therefore, a limit on adjustment and (b) nonsponsored;

2. **Exchange visitors**, again with an (a) and a (b) category for governmental, development-oriented sponsorship related to adjustment;

3. I**ntracompany tranferees**, eliminating the current distinction involved in L and E visas;

4. **Temporary visitors for business**, the current B visa, with a prohibition against performing work as part of a joint venture or subcontract except to manage the joint venture or job for the B visa period; and

5. **Distinguished workers who are eligible for an immigrant visa but do not wish or require one** (similar to the current H visa holder who may be recruited by a new employer but have a limited-time horizon for work in the United States).

No changes are proposed in the current arrangements for performers and professional athletes, news media, representatives of international organizations, and so on. No limits ought to be imposed for nonimmigrant visas at the outset, but levels ought to be monitored and Congress encouraged to review and evaluate trends.

The general thrust of these proposals is that nonimmigrant visas be available for recruiting world class people to take up a new position in the U.S., for intra-corporate transfers by current staff, for education and training, and for short-term business trips. Education, experience, and training in the United States may qualify

a person for an immigrant visa and high attainment should qualify a person to become a permanent resident. Conversely, people with skills that can be reproduced easily or that are available in the U.S. should not be given visas. The labor force is protected by the retention of certification regarding availability, qualifications, and labor standards.

The attempt in this review and recommendations is to balance reasonable need and reasonable protection under current circumstances that include international recruitment as a normal and necessary aspect of international competitiveness. The United States should expect and demand reciprocal access from other countries. Access to the U.S. labor force should be limited to those whose skills are in short supply, who produce jobs, exports, and advances in the growth sectors of the economy in knowledge-based industry, and whose entry is useful because of reciprocal obligations regarding multinational corporations and keeping U.S. companies competi-tive. This view accepts the role of education and training as integral to knowledge-based industrial growth and competitiveness. At the same time, current procedures to protect the U.S. labor force should remain in place. People who would receive visas under these proposals not only would not harm the American labor force but would energize job creation through discovery and product development and opening of new markets to American goods and services.

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THE NEW HIGH-TECH BRACEROS? WHO IS THE EMPLOYER? WHAT IS THE PROBLEM?[1]

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The California economy is undergoing basic changes as a result of rapid downsizing in the U.S. defense industry, a global corporate trend to restructure operations and become more flexible, the deployment of manufacturing and processing functions of the state's highly vaunted high-tech industry to other states and nations with weaker regu-latory environments, a volatile economy, and growing job insecurity. These developments constitute a wider context helping to explain the anti-immigrant backlash now occurring in California and elsewhere. One facet of that backlash has been a call from diverse quarters, including environmental organizations, professional associations representing U.S. skilled workers, and grassroots anti-immigrant groups (see: Bellinger 1993:69-70; Carey 1993) for a reexamination of 1990 changes in U.S. immigration law [IMMACT] that increased the number of highly-skilled nonimmigrant workers that U.S. employers could hire for "temporary" periods of as many as six years under the H-1B visa provisions of current immigration law.

The political-economic trends now condensed under the rubric "global restructuring" (Feagin & Smith 1987:3-34; Dicken 1992) locally have produced an uneven, volatile, and fluctuating labor market demand for highly-skilled professional and technical workers in the California economy of the 1990s. Existing empiri-

[1] I wish to acknowledge the contribution of my research assistant, Marie Ciepiela, who coauthored the larger report on foreign worker specialty employment (Smith & Ciepiela 1995), parts of which were drawn upon in writing this paper.

cal studies are few and none have been drawn with sufficient detail or categorical occupational focus to map precisely the impact on the skilled labor markets in the state's economy of the use of nonimmigrant workers drawn from the global workforce. To be sure, a central issue of concern to workers and federal and state regulatory agencies in California is the possibility that the presence of highly-skilled foreign workers made available by current provisions of immigration law com-pounds an already unfavorable labor market for U.S. skilled workers. How well-founded is this concern? This study seeks to separate this question from the wider questions of job loss caused by such other processes as growing cor-porate downsizing, defense industry restructuring, and the overproduction of scientists and engineers by U.S. universities.

The claim has been made that the use of nonimmigrant workers is a cause of both job displacement and wage depression among U.S. skilled workers. How valid is this claim? How does the answer vary by type of skilled occupation? What has been the impact of the employment of nonimmigrant skilled workers in the sector of the California economy that has been most heavily reliant on the use of H-1B temporary skilled workers since 1990, namely, the computer industry in Silicon Valley? This research paper seeks to shed light on each of these key questions.

The paper is divided into four parts. The first section provides a contextual overview of the changing California economy. The second section details the study methods used in the larger qualitative research project from which this paper is drawn. The body of the paper then focuses on the central question raised in the title: "The New High-Tech *Braceros*? Who Is the Employer? What is the Problem?" Finally, to underline the importance of investigating broad questions, such as immigrant labor displacement on a case-by-case basis, selected comparative data are presented to show that other employment sectors, in this instance university teaching and research and the biotechnology sector, operate quite differently from the computer sector and offer quite different answers to the ques-tions at hand.

The Changing Economic Context of Reception

As the California economy plunged in the early 1990s, people and businesses began leaving the state in unprecedented numbers. According to the California State Department of Finance, 600,000 Californians left the state in the fiscal year ending June 30, l993. Every county in the state except San Francisco lost population. Two-thirds of the out migration occurred in the five-county Los Angeles metropolitan region, where defense cuts were most pronounced. Despite the declining economy and the overall out migration, 200,000 legal foreign immigrants entered California in the following fiscal year.

In Silicon Valley, the early 1990s was a period characterized by efforts by major employers in the computer industry to downsize, streamline, and outsource operations. According to industry analysts, this restructuring of operations was, in part, driven by the impact of defense cuts on the computer industry but also by such factors as: (1) the overall maturation of the industry; (2) a desire of firms to shift from the manufacture of mainframes to desktop computers; (3) the pressures of competition from new entrants into the global marketplace; and (4) an ensuing personal computer price war that cut deeply into profits. The chief labor market effect of these developments was to reduce opportunities for full-time employment in computer-related jobs in Silicon Valley.

An early strategy used by computer industry firms in the 1980s was to move low-wage manufacturing jobs offshore or to other states with weaker regulatory environments while retaining high-pay programming and engineering jobs for Silicon Valley. By the early 1990s, this approach was superseded by a newer computer industry strategy of relying more extensively in Silicon Valley itself on temporary employees, including foreign computer consultants, to perform an increasing number of project-specific operations. The downsizing of the permanent workforce resulting from these strategies allowed major computer manufacturers to shed thousands of permanent jobs in both Silicon Valley and worldwide. By the end of 1993, com-puter firms head-

quartered in Silicon Valley were able to cut between 15 and 25 percent of their permanent worldwide workforce while maintaining produc-tivity, although not always market share.

Silicon Valley's Santa Clara County was one of the worst hit parts of Northern California throughout the period. The county's employment in computers and office machinery plunged from 73,600 in 1990 to 43,000 in September 1994. The shakeup of the computer industry labor market in Silicon Valley continued throughout 1994 as a major new round of mergers and acquisitions enabled firms, particularly in database software and on-line services, to reduce workers and re-turn to profitability.

Paradoxically, industry analysts point out that the demand for software engineers in Silicon Valley was high throughout the downsizing period and continues to be high today. A recently released study by the public-private Joint Venture Silicon Valley Network points out that from 1989 through 1993, computer software engi-neering emerged as the region's biggest job generator (Sinton 1995). Software em-ployment in Santa Clara County actually grew by 9,556 jobs during this period, although this growth did not compensate for the loss of 17,332 defense-related jobs and 11,775 semiconductor hardware jobs during the same period. This appears to be a result not simply of the shift from hardware to software development, but also a reflection of consistently high de-mand for *temporary* software engineers, programmers, and coders as companies laid off full-time employees.

The decline of the defense sector has been a related factor contributing to the ero-sion of high-skill, high-wage jobs in Cali-fornia. Clearly, the state has taken the brunt of the nation's defense layoffs, suf-fering 25 percent of all jobs lost nationally in the defense sector (National Commis-sion for Economic Conversion and Disar-mament 1994). Although the three met-ropolitan labor markets studied in the larger research project from which this study is drawn—Silicon Valley, the San Francisco Bay area, and greater Los An-geles—have been affected by defense downsizing, major defense and aerospace related layoffs and plant closures have been especially severe in Los Angeles

because of the dependency of that region's economy on the military budget as a central engine of economic growth. Between 1989 and 1993, 240,000 jobs disappeared in Los Angeles county. The once seemingly recession-proof aerospace and electronics industries abruptly reversed course and the construction and real estate industries floundered with them. In 1993 alone, 110,000 high-wage, defense-related jobs were lost to the Los Angeles economy (Smith 1996).

The loss in California of highly-skilled jobs through federal government budget cuts, corporate downsizing, and consoli-dations and mergers in the defense, electronics, and computer industries was paralleled by a major belt-tightening of the University of California and state college systems. This university down-sizing was necessitated by cuts in state funding for higher education in the face of declining state government revenues produced by the prolonged recession. In California, the public university down-sizing policy was characterized by the introduction of incentives to encourage early retirement of tenured faculty members, increasing reliance on tem-porary lecturers to teach some vacated courses, the cancellation of other courses, and an increase in both class sizes and the time required for students to complete their course requirements.

Among the rare exceptions to the adverse employment trends in California during the early 1990s were the biotechnology and health services sectors. In these sectors, skilled research and service jobs increased throughout the period, even in Southern California.

Investigating Nonimmigrant Employment: Study Methods

In a comprehensive qualitative field research study, commissioned by the U.S. Department of Labor (Smith & Ciepiela 1995:1-57), I directed a study team that investigated the process and efficacy of the Alien Labor Certification Program and the Temporary Worker Visa Pro-grams used to bring foreign professionals into skilled labor markets in California. Our recently completed research focused on the computer software and hardware en-

gineering industries in Silicon Valley and on the biological and chemical industries, universities, and medical centers in the San Francisco Bay Area and greater Los Angeles. These locations and employment categories were chosen because, in the two years preceding our study, our selected sample of employers in these regional labor markets, including private firms, universities, and medical centers, were found to have the highest numbers of Labor Condition Appli-cations [LCAs], permanent labor certifi-cation applications, or both in the state of California. By this selection method, five skilled occupational sectors in California were found to rely heavily on foreign worker immigration programs in general and the H-1B visa category in particular. These included computer soft-ware and hardware engineering, elec-trical engineering, university teaching and research, biotechnology research and development, and medical research and services. Our larger qualitative ethno-graphic study generated substantial evi-dence concerning the nature and extent of job displacement by highly-skilled foreign workers in each of these occupa-tional sectors in California.

Qualitative and historical data for this study were gathered during 1994 and early 1995 primarily by conducting qualitative, open-ended interviews with all parties involved in the recruitment, employment, and regulation of foreign non-immigrant skilled workers. Ethno-graphic interviews also were conducted with samples of both U.S. and nonim-migrant skilled workers affected by this employment process. Our overall sample thus included: U.S. employers; foreign workers; U.S. workers; officials from the Regional Office of the U.S. Department of Labor [DOL] and the Immigration and Naturalization Service [INS]; immigra-tion attorneys; and representatives of professional associations and unions whose members were impacted by the process. Our study goal was to compile a balanced set of viewpoints enabling us to assess the impact of the 1990 IMMACT legislation on the business and personnel practices of U.S. firms, on the employ- ment opportunities of U.S. skilled workers, and on the selected U.S. labor markets during an ongoing period of global economic restructuring and economic recession and corporate and university downsizing in California.

Our study sample of *employers* included interviews with fifty-eight individuals representing thirty-seven employers in Northern and Southern California. These data were supplemented by twelve participant observation interviews conducted with all categories of employer at a two-day seminar in San Francisco sponsored by the American Council on International Personnel (1994) for employer immigration represen-tatives. Employers thus comprised the largest and most diverse segment of our sample. Among these, the computer industry, which forms the central focus of this paper, was the most extensively and intensively investigated. Our computer industry sample included thirty-nine individuals representing twenty-two computer and engineering firms and five computer consulting businesses.

To elicit the views of *immigration attorneys*, most of whom represented employers seeking nonimmigrant skilled workers, we interviewed ten attorneys in sessions lasting from one to two hours. We also attended several panels on H-1B visa issues at the annual meeting of the American Immigration Lawyers Asso-ciation held in San Francisco during the period of our study. Attorneys were asked to describe their experience with the 1990 IMMACT regulatory changes as well as their clients' needs for sponsoring foreign workers.

Our sample of *workers* included fifteen skilled U.S. workers and twelve foreign nonimmigrant skilled workers, one of whom represented an Indian professional association. Sixteen of these interviews were in-depth qualitative ethnographies of respondents' work histories and contemporary experiences in the globalized labor market. Eleven additional interviews were conducted by a combination of e-mail correspondence and telephone interviews with highly-skilled U.S. and foreign workers who are members of two computer user groups of highly-skilled workers.

To supplement the perspective of workers we interviewed six repre-sentatives of *professional associations and unions.* These respondents varied in terms of their organizations' active involvement in issues of immigration and labor market conditions for their con-stituencies. Two associa-

tions represent computer consultants and have been actively lobbying the DOL and the INS for more vigorous enforcement of IMMACT prevailing wage provisions and more rigorous determination of "shortage" occupations. The other four representatives of engineering trade associations and unions, while less directly involved in such questions, nevertheless provided insightful analyses of how changing structural conditions in the global economy have affected labor market conditions, particularly in the computer and engineering fields.

Finally, our sample of *government regulators* included seventeen respon-dents. The interviews with federal regulators included sessions in San Francisco with a supervisory immigra-tion examiner from the INS, a top administrator in the DOL Western Regional Office, and an INS case officer who screens permanent residence appli-cations of H-1Bs. At the state level we conducted group interviews on three separate occasions in Sacramento with eight certifying officers and six labor market information specialists from the California Employment Development Division [EDD]. These respondents were asked their perceptions of local labor market and wage conditions, the efficacy of the LCA and labor certification processes for protecting U.S. jobs and wages, and the impacts of the 1990 IMMACT legislation and DOL regulatory practices.

In sum, our research strategy was two-fold. Immigration attorneys and federal and state regulatory officials were asked largely to describe in detail the actual implementation of the nonim-migrant temporary employment pro-visions of the 1990 IMMACT legislation, particularly the H1-B visa process. Employers, workers, and trade associ-ation representatives were asked for their opinions in a wider-ranging series of questions. In addition to their views of the immigration law provisions relating to nonimmigrant workers, these included the following:

- The supply and demand of labor in their industry;
- The effects (positive and/or negative) of foreign workers in their industries with respect to

such things as job competition, quality of work, and cultural diversity;

- The standard educational and professional training (and retraining) required for affected occupations;

- Prevailing wages for particular occupations and industries;

- Prevailing job search strategies and the operation of professional networks among both foreign and U.S. workers; and

- The effects of current macroeconomic conditions and recession on the ability to find employment in the affected industries.

It is this second set of questions and respondents that forms the basis of the findings and policy recommendations presented below.

Nonimmigrant Computer Workers: Who Employs? Who Benefits? Who Pays?

How do the Silicon Valley employers, computer consulting businesses, domestic and foreign workers in the computer industry, and representatives of professional associations and unions whom we interviewed view the uses of nonimmigrant "temporary" workers in the computer industry? How do these findings address the issues of job displacement and wage depression? What policy implications follow from these qualitative findings?

Silicon Valley Employers' Perceptions

In light of the increased globalization of economic and cultural relations, it is hardly surprising that, in addition to the computer industry *per se*, employers as

different as universities, government agencies, banks, and insurance com-panies are recruiting the greatest num-bers of foreign nonimmigrant computer specialists in California. Because these workplaces differ significantly as forms of economic and social organization, they are recruiting different types of foreign workers, at varying levels of educational backgrounds and skills, for different purposes, and with different time horizons and career pathways in mind. Nevertheless, nonimmigrant foreign workers with computer programming and software design skills have been recruited by all of these employers. It is thus necessary to distinguish among three distinct types of "firms" operating with significant numbers of H-1B nonimmigrant computer workers in contemporary California: (1) computer industry firms *per se* (including software companies and hardware manu-facturers); (2) computer consulting businesses; and (3) the corporate and government clients of computer consultants and consulting businesses.

Based on thirty-nine direct and participant observations and on individual and group interviews with these categories of employer in Silicon Valley, our study found that the bulk of H-1B workers hired by the California computer industry *per se* have a master's degree in software engineering, design engi-neering, computer engineering, computer science, materials engineering, and integration engineering with specific product experience. Computer engi-neering firms hire few Ph.D.s. They also hire B.S. entry-level workers infrequently, doing so only when the local market can-not supply adequate computer engi-neering degree holders with experience in their emergent product fields. These firms reported that almost all of their bachelor-level workers are hired locally.

Employers argue that there is a "dearth" of qualified U.S. computer engineers at the master's entry level. Many em-ployers believe that U.S. workers do not pursue master's degrees and that they do not combine computer science and engineering enough to qualify for product development jobs. Conse-quently, firms explained that they hire these foreign master's-level workers "strictly out of need." Some also feel that foreigners are more attractive employees because they exhibit more "drive" than U.S. workers in searching for jobs. Our respondents

do not believe that foreign workers obtained jobs through different recruiting networks than U.S. workers, claiming that they get resumes and referrals through stan-dardized processes of running advertisements, maintaining resume banks, accessing professional networks, and recruiting at universities. Several claimed that they "did not go out looking for foreigners." Most of the foreign workers entering the market at the master's level obtain their degrees from U.S. universities and are hired as F-1 students in practical training. Our sources estimated that more than 70 percent of their H-1Bs were hired as F-1s. Aside from minimum degree requirements, respondents stated that they hired workers based primarily on special requirements relevant to proprietary product development. They argued that they cannot simply retrain employees and stay competitive because computer technology changes too rapidly. The need for "timely product development" forces them to eliminate candidates who do not already possess the specialized experience they require.

Some firms that have engaged in "downsizing" over the last several years stated that they have eliminated some of their foreign workers as jobs dropped off and are trying to redirect other foreign workers away as they focus on out-placement and retraining. Many conten-ded that firms are not enthusiastic about hiring foreign workers because it is expensive. Some of these employers believe that H-1Bs do take U.S. workers' jobs. On the other hand, many conten-ded that their firms benefit from hiring foreign workers by acquiring technical skills quickly, adding cultural diversity to the workplace, and expanding foreign markets. Moreover, they reported that well more than 60 percent of their H-1Bs eventually are sponsored for permanent residence.

Computer Consulting Firms

Our study also included in-depth interviews with representatives of five computer consulting businesses that supply foreign workers to the computer industry, the U.S. corporate sector, and agencies at all levels of government. The consulting firms included four U.S.-based subsidiaries of Indian corporations and one U.S.-owned firm run by an Indian

M.B.A. The latter employs both Indian and U.S. computer consultants in relatively equal proportions. All of these firms provide software design services in several profitable niches within the computer industry. These firms offer teams of software engineers, applications programmers, and systems analysts to *two* primary markets: (1) computer manufacturers wishing to develop systems software but without software departments; and (2) large corporations, such as banks and utility companies, developing alternative d-base systems in UNIX and graphic interface windowing environments [GUI].

India now is regarded widely as a leading source of expertise in these areas. The firms that are subsidiaries of larger Indian companies can facilitate both incountry consulting teams and offshore processing teams in India. Representatives of these firms reported a virtual "explosion" in business from major U.S. corporations that are converting data bases from large mainframes to more flexible UNIX d-base systems. According to these firm representatives, the labor pool of UNIX and GUI experts in the U.S. is absorbed and U.S. d-base designers tend to stay away from the more menial coding and testing tasks that the consulting firms execute.

Note that, between 1993 and 1995, the consulting firms whose executives we interviewed have changed their compensation and visa use practices in response to tightening of wage compliance and stricter B-1 visa enforcement. They have eliminated the use of B-1 visas for all but short-term assignments that involve the training of U.S. workers in installed systems (with compensation from Indian subsidiaries). These executives stated that 80 to 90 percent of their foreign consultants enter the U.S. with an H-1B visa for several assignments of varying duration over a term of one to three years. In response to the changing poli-tical climate and the increased availability of "temporary" U.S. computer workers with corporate downsizing of the per-manent workforce in the industry, one consulting business now hires 50 percent of its consultants locally and several others have plans to hire U.S. consultants. They expect that this will improve their workforce and profile in the industry.

All of these respondents stated that they also have eliminated in-kind payments as

components of salary and pay the full cash salaries stated on H-1B and labor certification applications. However, even these firms acknowledged that other consulting firms that supply nonim-migrant computer workers to U.S. employers still count in-kind payments as salary and defend it on the grounds that they must assist Indian workers materially because they have difficulty securing apartment leases and car loans or because they have no local credit. None of the firms stated that they fine consultants who break their contracts. They all acknowledged that some of their workers, in their words, "desert" their companies when U.S. firms offer them employment with permanent residency sponsorship.

Only recently have these consulting firms started sponsoring H-1Bs for permanent residence. Firms currently are spon-soring H-1B workers and claim that the longer-term residence facilitated by the H-1B visa, as opposed to the B-1 visa, is decreasing the flowback to India and inserting these foreign workers into the permanent U.S. workforce.

These respondents firmly believe that U.S. business practices of requiring up-front experience without offering ade-quate training and nurturing of recent graduates will keep U.S. companies dependent on temporary Indian personnel. While there is no difference in the quality of U.S. and foreign workers, they believe that U.S. companies focus too much on short-term quarterly performance instead of human develop-ment, thereby creating a pool of U.S. workers with requisite degrees—but without experience—who are viewed as functionally unqualified for time-intensive product development.

Skilled Worker Perspectives

Our ethnographic interviews with U.S. and foreign workers in California included interviews with a sample of eight foreign and eight U.S. skilled workers, mostly employed in the computer industry. Additionally, relying on the Internet, we conducted eleven other focused but open-ended interviews by e-mail and telephone. This generated data from eight additional U.S. workers and three additional nonim-migrant workers. As our Internet call for inter-view respondents was sent out nation-wide to two skilled-worker user

groups, eight of the eleven workers we attracted by this method worked in states other than California, mostly in the fields of university teaching and postdoctoral research.

The Foreign Workers' Perspective

In our California sample we interviewed directly eight foreign workers, one of whom represented an Indian professional association. Four of the Indian consultants came to work in the U.S. on H-1B visas sponsored by Indian-based consulting firms in Silicon Valley. All followed a similar pathway to gain employment as H-1Bs. They had prior experience working for the parent company in India and expect to return to the Indian operations after completion of their U.S. assignments unless they apply for permanent residence. Cur-rently, only one intends to pursue permanent residence. These respondents have bachelor's degrees in computer science and electrical engineering from Indian universities and specialize in writing software for relational databases (UNIX), products being developed extensively for major corporations within and outside the computer field.

These consultants described their work in the U.S. as providing software services that complement existing U.S. software programmers and engineers within company-specific contexts. They do not believe that they displace U.S. workers but rather offer "made-to-order skills" that enable U.S. firms to acquire necessary expertise quickly and economically by eliminating the need for recruiting, retraining, and reshuffling workers.

These foreign consultants are split on whether the supply of qualified U.S. computer workers meets the demand in the industry. Those who do not believe there is a shortage of qualified U.S. workers claim that H-1B consultants are hired because they can be acquired more quickly than U.S. workers as consulting firms keep diversified pools of consul-tants on hand. All of them believe that the demand by U.S. firms for Indian consultants will remain high as long as firms continue to treat their workforce as a short-term "dispensable" cost measured by quarterly statistics and insurance premiums. They criticized U.S. firms for neglecting the

training and development of professionals in ex-change for drawing upon a revolving and temporary workforce that itself feels no need for loyalty to firms and only seeks higher wages.

While none of the foreign nonimmigrant respondents who work for computer consulting businesses believe they are being paid below prevailing wage, they concur that they are paid "on the low side" because they do not have degrees from the U.S., usually receive entry-level pay, and do not have access to the investment and bonus benefits of other U.S. skilled computer workers.

The testimony of four other H-1B direct hires by computer industry firms illustrates a second major pathway for foreign skilled workers to enter the U.S. labor force, particularly the computer and engineering labor force. These respon-dents received bachelor's degrees in their home country, then enrolled in U.S. universities as F-1 students for graduate study in computer science and various engineering fields. After graduating, they obtained full-time jobs in Silicon Valley firms as F-1s in practical training. They later changed status to H-1B with sponsorship from the hiring firm.

One of this latter category of nonim-migrant workers firmly believes that there is a definite shortage of U.S. com-puter and engineering workers who have master's degrees and that foreigners make up for that gap in the marketplace. He added that U.S. workers are not highly represented in graduate-level programs, that close to 90 percent of pro-fessionals with advanced computer and engineering degrees are foreign, and that foreigners also are filling more faculty positions in these areas. Three of the four respondents following this employment pathway reported that they feel that the U.S. firms they worked for actually preferred to hire nonresident aliens. One believes her firm managers hire nonresidents because they pay low salaries and often require ten-hour work days with no overtime compensation.

The Views of American Workers

We interviewed a total of fifteen U.S. workers. Eight of these worked in Cali-

fornia. These included computer consultants, full-time employees in the computer industry, and postdoctoral researchers working and seeking employment in both university and industry settings. We also interviewed seven U.S. workers from outside California who are members of the Young Scientists Network computer user group. There is general agreement from the U.S. skilled-worker respondents that their labor markets are oversupplied, that jobs are scarce, that unemployment and underemployment are more common, and that wages have stagnated. Two of the computer consultants interviewed worked as full-time employees in the defense industry in southern California until the early 1990s when they were laid off and began working as contractors. Other macroeconomic factors aside, respondents believe that, in light of economic conditions, foreign workers contribute to job displacement and wage depression. This sentiment was strongly echoed in the area of postdoctoral research in universities and industry by the seven U.S. members of the Young Scientist Network whom we interviewed by Internet.

Computer consultants feel they are being displaced by a growing number of foreign consultants in the industry since the early 1990s. They believe the 1990 immigration legislation helped to encourage the expansion of foreign-based consulting firms that now underbid U.S. firms for contracts with major U.S. corporations. These workers also pointed to outsourcing of certain kinds of computer programming as an accom-panying cause of job insecurity. The U.S. computer consultants feel that cost and time savings are the major factors driving corporate contracting of H-1B consul-tants. The full-time computer worker, who has worked in the industry for eight years and who is also a project manager, reported that her firm has been replacing full-time workers with temporary contractors. One of their major contrac-ting firms is an Indian-based company that supplies them with workers upon request. Several projects operate completely offshore through the parent company in India, while others in the U.S. are entirely staffed by H-1Bs. She claimed that the availability of workers in the U.S. is not the issue, but rather time and money are, as the firm can hire new H-1Bs as early as the next day and foreign workers are paid “far below” fees and salaries paid to U.S. workers.

U.S. computer consultants also blamed the federal tax code for worsening their prospects for job security and prosperity because it prevents them from operating independently from third-party contractors and from charging higher fees. They feel this tightening of tax regu-lations by the federal government is particularly damaging in light of current immigration policy that they believe facilitates the growth of foreign-based computer consultancies operating in the market.

Given these conditions, all of the computer-related respondents concurred that their job searches take much more time and do not necessarily result in satisfactory employment situations. A worker consultant who looks for jobs in the newspaper, at job fairs, and with the help of "head hunters," described the systems as "hit and miss" because jobs are snapped up almost immediately. Like other consultants interviewed, he con-tacts up to thirty consulting firms in seeking a placement. Another respon-dent commented that he and his fellow workers often take jobs for which they are overqualified because of the prevalence of programmers. Another expressed frustration at answering adver-tisements that seem to require wide ranges of skills and experience that he described as "humanly impossible." These jobs require sophisticated languages that he feels are rarely used in programming but are the basis upon which he is rejected for an interview.

U.S. computer worker responses also stood in contrast to the commentary from U.S. firm representatives regarding the need for acquiring specialized skills through the H-1B and labor certification processes. This sentiment was particularly prevalent among workers in the computer and engineering fields who perform relatively standardized work that does not require a high degree of specialization. The consensus among computer and engineering workers is that the skills foreign workers bring are no better than those available locally. Two of the computer consultants also stated that they do not believe that Indians have a corner on the market for skills in UNIX-based relational databases, a claim articulated consistently among the Indian-based computer consultant interviews.

Workers generally also disagreed that U.S. firms need to hire foreigners with up-front skills because they cannot afford the time or money to train U.S. workers at the outset of projects (i.e., that they need to "hit the ground running"). They believe very firmly that retraining and general adaptation to specific company products is standard operating procedure in the industry. This means that no computer worker is ever completely ready to enter a job without some training in and orientation to new and customized systems. They disagreed that foreign workers do not require the same preproject training and investment. In summary, every worker interviewed holds that pure cost reduction, i.e., "profit" is the primary reason firms hire foreign workers.

Interestingly, U.S. computer consultants characterized their role in the computer industry in terms similar to those of the Indian consultants—providing complementary skills to existing product teams. Like foreign consultants, they make their skills quickly available and engage in continual retraining to maintain a wide range of skills built up through work at multiple companies. Therefore, they believe that U.S. firms hire foreign consultants because they cost less, not because they provide sub-stantively different or better services than U.S. consultants.

These U.S. respondents, particularly those who work in the computer consul-ting fields, believe that foreign consultants are being paid "well below" prevailing wage rates. Most respondents quoted hourly wage figures for foreign consultants that were as low as one-half of the standard hourly fees for the industry. Their views contrasted sharply with the information provided in interviews with the managers of foreign-owned computer consulting businesses. The foreign workers we interviewed in this field were not always aware of prevailing hourly fees for the kind of consulting work they did, but some stated that they believe they are being paid "somewhat less" than comparable U.S. software consultants and all place themselves at the "low end of the scale."

The View from Professional Associations and Unions

In addition to employers and workers, we interviewed representatives from six professional and union associations. As already noted, these respondents varied in terms of their associations' concern about and active involvement in issues of immigration and labor market conditions for their U.S. worker con-stituencies. The two associations that represent computer consultants have been lobbying the DOL and the INS vigorously over the past two years, fighting what they see as policies that bolster foreign competition and abuse of wages and working conditions in the consulting field, including widespread use of the B-1 visa and the continued practice of paying below-market hourly wages to foreigners despite the LCA provisions implemented by IMMACT 1990. They argue that foreign workers are paid "far below" prevailing wages in computer consulting. This, in turn, constitutes unfair competition and drives down hourly consulting rates for U.S. computer consulting businesses and displaced computer engineers who have become consultants by default.

These representatives faulted the U.S. Department of Labor and the California EDD for contributing to this problem for three reasons. First, they believe that the LCA process is unenforceable in the third-party consulting environment because it masks the real employer. As the LCAs cannot be posted in the actual workplace, they end up being posted in the administrative offices of consulting firms. This undermines their potential effectiveness, as U.S. workers never see them. Second, computer consultants are hesitant to make formal complaints about depressed fees because they have very little job security in the consulting environment. Third, they argue that EDD generates too low a prevailing wage figure for consultants because it averages together the salaries of full-time workers with the fees of consultants who generally lack fringe benefits and thus command higher hourly rates than full-time workers.

The other representatives of engineering trade associations and unions that we interviewed were less immediately in-

volved in the particular issues raised by U.S. consulting firms in California. Nevertheless, these respondents stressed the adverse impacts of defense down-sizing, corporate strategies of hiring temporary, debenefited workers, un-favorable tax policies for consulting businesses, and the overall national recession as adversely affecting the life chances of their members. (For factors related to the global flow of engineers see: National Research Council 1988.)

While they were unable to account precisely for the relative employment impact of these structural factors as against immigration policies toward skilled workers, they nonetheless argued that:

- There is a trend for what one respondent described as "U.S. job shops" to be underbid by "foreign job shops" because foreign workers will accept lower wages and, thus, foreign job shops can underbid competitors;

- That foreign workers are hired not because they possess special skills unavailable locally but because they are cheaper;

- That foreign workers do contribute to wage depression by entering the U.S. market at a time of unfavorable labor market conditions for U.S. engineers;

- That the current "oversupply" of engineers is causing the most talented workers to leave engineering and enter other fields like law, business, and finance.

These organizational representatives of U.S. highly-skilled workers shared the perception of the foreign workers we interviewed with respect to U.S. cor-porate practices regarding labor training and human resource development. One even said the U.S. corporations "think of workers as throwaway items." Note also that some of these respondents regarded *outsourcing* as a far greater threat to U.S. engineers and computer professionals than competition from H-1B nonim-migrant workers. They pointed out that software programming already is being outsourced "over the wire" and that design functions may soon follow the same route. Implicit in this concern is the danger that enforcement targeted at foreign "job shops" may only accelerate the trend of American cor-

porations outsourcing contracted work to the foreign consultants' offshore firms.

Comparing Nonimmigrant Recruitment Across Scientific Occupations

As suggested above, in light of the increased globalization of economic and cultural relations, it is hardly surprising that "employers" as different as com-puter and engineering firms, biotech-nology companies, and public and private universities are recruiting the greatest numbers of H-1B temporary scientific workers in California. Because these "workplaces" are historically specific institutional settings that differ significantly as forms of economic and social organization, they are recruiting different types of foreign "temporary" workers at varying levels of educational backgrounds and skills, for different purposes, and with different time horizons and career pathways in mind. While space does not allow a detailed discussion of each of the other scientific occupations included in our larger study, it is, nonetheless, important to offer a brief discussion of our key findings regarding nonimmigrant recruitment in a selection of the other fields we studied to illustrate the specificity of our findings regarding the computer industry, to capture the complexity of developing global labor markets, and to add depth to our overall analysis.

The Biotechnology Industry

In our larger study we interviewed five representatives of three high-end H1-B user biotechnology companies in San Francisco and Los Angeles. Each of these firms hire "temporary" foreign workers almost exclusively in research and development. They actively recruit high-level Ph.D.s from the global marketplace as research project managers and post-doctoral researchers with specialized expertise in ongoing firm projects. Beyond this, they recruit all other scientists and assistant scientists locally, except when particular support people are requested from foreign labs by their H1-B project directors.

The transnational talent pool of scientists in biotechnology is small and close-knit.

Recruitment relies heavily on inter-national professional networks. The recruitment process for project managers is very thorough, with firms spending as many as six months to find an exact match of expertise. The population of foreign professionals in California biotechnology firms tends to be very diverse with no nationality constituting even close to a majority. This finding underlines the professional nature of recruitment networks and the limited impact of ethnic recruitment networks in this scientific field. These firms afford two possible pathways from H-1B status to permanent residency. Some of the sci-entists recruited are offered sponsorship upon their initial employment as a re-cruitment incentive. Others are afforded the possibility of this option after a trial period ranging from six months to two years.

Perhaps not surprisingly, in light of the above recruitment process, the biotechnology firms whose representatives we interviewed are not experiencing any problems with the H-1B process. As they recruit top scientists and pay high salaries, they do not experience any "prevailing wage" problems with state regulators. Although they did complain that the labor certification process has been slowing down and becoming increasingly "aggressive," these firms have been successful in using the "outstanding" immigration category to recruit the vast majority of their foreign scientists. They argued, and offered evidence to support their claim, that far from causing any labor displacement of U.S. Ph.D. scientists, the research and product development projects they create actually expand job opportunities for domestic biotechnology specialists because of the firms' practice of rounding out research project teams directed by foreign scientists through local recruitment.

Although our findings are limited because of the small size of our firm sample, the biotechnology firms we did select were the highest users of H-1B scientists in the state. Moreover, the recruitment processes described for each firm were remarkably consistent with each other. The findings suggest that neither wage depression nor job dis-placement is a serious problem in this scientific occupation. If this is the case, there is little need to consider any sweeping policy change for this sector. Put colloquially: "If it ain't broke, don't fix it."

University Teaching and Research

Our employer sample of university administrators of immigration programs included eight individuals representing the state's four largest university users of H-1B visas for their faculty and research staff: two large public uni-versities; one large private university; and one moderate-sized elite private university. We also addressed the employment conditions of Ph.D. sci-entists in university teaching and research with a sample of nine U.S. respondents and three foreign respon-dents with doctoral degrees, drawn from both our ethnographic and Internet samples of scientific "workers." To sup-plement these qualitative interviews, we attended a half-day meeting of the Bay Area Foreign Scholar Advisors, repre-senting the four universities in our sample and twelve other public and private universities throughout Cali-fornia. Finally we conducted participant-observation research at a half-day workshop held at one of our major public universities for foreign Ph.D.s moving into U.S. labor markets.

The universities we sampled hire foreign workers mostly as faculty and postdoctoral researchers. The averages derived from data provided to us by the four largest university users of the H-1B visa category were 30 percent faculty and 70 percent postdoctoral researchers. All of the faculty are selected by a scrupulous process for the recruitment of tenure-track employees and nearly all are sponsored for permanent residence as a condition of employment. The use of H-1B visas for this category of employees functions largely as a "holding pattern" while permanent residency approval is sought. In contrast, postdoctoral researchers generally are sponsored for H-1B visas with departmental approval and verification of the availability of three years of research funding. The two principal pathways by which foreign doctoral-level scientific workers receive H-1B visas are conversion from F-1 and J-1 visas. University representatives reported that the positions filled by the J-1s and F-1s are advertised for general recruitment before foreign candidates are approved for H-1Bs to allow access of others in the market to the positions. While foreign-born faculty and post-doctoral researchers are spread through-out departments, university employers reported that there is some clustering in engineering, computer sciences,

business, and medicine and among Indians and other Asians.

University immigration administrators expressed great concern over the issue of prevailing wage determinations. While the EDD, the California State Employment Security Agency [SESA], employs a national survey, *Academe,* our four sampled California campuses argued that the survey generates exces-sive salary quotes for junior faculty because it amalgamates faculty salaries for all levels without recognizing traditional tenure step systems. Em-ployer respondents were adamant that the EDD fails to understand how universities function and disregards their own wage scales that reflect statewide salary conditions and the multiple layers of university rank and step systems. Further, they pointed out that conducting *ad hoc* local wage surveys is not a feasible way for them to offer alternatives to the amalgamated *Academe* surveys because often the university is the only institution of its kind in its local labor market.

The university administrators with whom we spoke advanced the argument that they should not be subject to H-1B regulatory constraints at all because universities, as institutions, always have sought, and indeed require, foreign scientific professionals for intellectual exchange and to fulfill their research and academic missions. As nonprofit organi-zations in the service of the advancement of knowledge, they further argued, they should not be expected to compete with corporate professional salaries in private industry. They advocated instead the creation of a special H-1C visa category for universities that does not have a nu-merical cap, stringent wage verification procedures, or severe penalties.

The employment conditions of the Ph.D. scientists whom we interviewed in our university sample of scientific occupa-tions varied greatly, ranging from full-time, tenure-track faculty members and research scientists to postdoctoral researchers working in their fields, to those working in temporary positions outside the field of their Ph.D.s. Despite notable differences in personal work history, these respondents converged in describing four contemporary trends in their respective scientific fields: (1) an oversupply of Ph.D. scientists in their labor market; (2) reduced

opportunities for permanent positions in university teaching and research; (3) a resulting substantial prolongation of time spent as low-paid postdoctoral researchers prior to entry into their field, where they are treated as temporary workers with reduced or nonexistent benefits; and (4) a growing abandonment of some highly oversupplied fields by Ph.D. scientists for better paying work in other fields that do not require the graduate education they spent so much time and money to acquire.

While the U.S. respondents with Ph.D.s acknowledged the positive impact of foreign scholarship on university life, they also worried about competition from foreign Ph.D.s for increasingly elusive faculty positions. Some of our respon-dents reported that U.S. scientists with doctoral degrees shy away from university-based research positions because of low wages, thereby selecting themselves out of the market. Some of the U.S. Ph.D.s we interviewed, who have entered other fields in private industry, said they were forced out of this market by a combination of low wages, extreme overproduction of both U.S. and foreign Ph.D. scientists by American universities, particularly in physics and mathematics, and exploitative working conditions in postdoctoral research labs. They argued that foreign Ph.D.s are willing to accept such conditions because they see low-paid postdoctoral research as a key pathway to a green card. A few of our U.S. respondents have accepted work in fields completely unrelated to their fields simply to earn a living wage. Two high energy physicists, for example, have gone into computer programming and managing a biology laboratory because they cannot find any work in their own fields. Several others in our sample were encountering extreme difficulty securing any but the most temporary, insecure, and nonbenefited university postdoctoral research positions.

Further exacerbating this problem is the practice by universities in California and elsewhere of downsizing their operations and increasing their use of temporary employees, both domestic and foreign. As there are no established Dictionary of Occupational Titles [DOT] codes for postdoctoral workers, universities can offer very low salaries to postdoctoral

researchers, often financed by soft money. They also can offer limited fringe benefits and remain unchallenged as U.S. sci-entific workers continue to exit this mar-ket, discarding their long human capital investment in Ph.D. study, while foreign postdoctoral researchers remain quiescent, and, sometimes, even accept exploitative working conditions. We were told, for example, of Chinese post-doctoral medical researchers in a major California university who were hired as quarter-time researchers under prevailing wages but who spent more than fifty hours per week in their labs in hope of obtaining sponsorship and remaining permanently in the U.S. with green cards.

University representatives have made a coherent case in support of the general proposition that universities are permanently in need of a steady infusion of foreign talent to engage in their basic tasks: cutting-edge research; the general advancement of scientific knowledge; and the production of new knowledge that has general public benefit. They argued that they should be exempt from the stringent regulations that apply to profit-making businesses regarding H-1Bs and labor certifications. Based on the findings of our study, the case for their argument is considerably stronger in the case of their recruitment of full-time, tenure-track faculty members than in the case of part-time faculty and temporary postdoctoral researchers.

In the former case, the universities engage in extensive formal search requirements, multiple interviews, and, at the time of our study, the need to conform to strict affirmative action guidelines. In this search they clearly are advantaged in obtaining the best available talent world-wide by the great oversupply of Ph.D.s that they have generated, particularly in some scientific fields like mathematics and physics. While their graduate degree programs may be faulted for insensitivity to existing labor market conditions, when they recruit new tenure-track faculty, the quality of candidates' research and, to a lesser extent, their teaching skills are paramount. Thus, the recruitment by universities of permanent teaching and research faculty tends to be driven by an open search for the best talent world-wide, rather than by a desire to reduce costs.

In contrast, in the case of university postdoctoral researchers, wide discretion is left in the hands of principal investigators, often operating on soft money from external grants. These "employers" depend on a steady infusion of relatively low-paid postdoctoral researchers to keep their research going. Hiring often is done by means of personal social networks, both professionally and ethnically based. The quest for excellence often is superseded by the mutual cultivation of mentor-mentee relations between principal investigators and postdoctoral candidates. The search for candidates is limited as well by the differential willing-ness and ability of U.S. and foreign Ph.D. researchers to work long, often uncom-pensated, overtime hours for relatively low salaries.

In view of the above findings, our larger study makes three policy recommendations:

- That immigration policy makers limit any proposed establishment of a less restrictive scientific worker immigration category for universities, such as a proposed H-1C visa, to full-time, tenure-track, teaching and research occupations;

- That, in enforcing existing regulations, state and federal regulators of prevailing wages pay attention to the reasonable arguments university representatives have made concerning the uniquely layered and segmented tenure-step systems that constrain the salaries that can be assigned within the full-time, tenure-track teaching and research system; but that

- Because of the potential for general wage depression, abusive working conditions for foreign postdoctoral scientists, and job displacement of U.S. scientific researchers in the postdoctoral occupational cate-gory, the regulatory process should concentrate scarce enforcement resources upon and insure prevailing wages for the postdoctoral researcher occupational category. Creating such a less-restrictive visa category for faculty employment would complement this recommendation by freeing up resources to be deployed in the job category where they are most needed.

The New High-Tech *Braceros* Revisited

Having focused this research paper largely on the processes of nonimmigrant recruitment and employment in the computer sector, what are the policy implications and recommendations that follow from our findings? First and foremost, computer software work is complexly articulated in distinct occu-pational niches in the U.S. and world economy and should be understood and dealt with as such. When designing policy change it is thus crucial that the "real employer" of nonimmigrant skilled computer workers be recognized and addressed in the future.

We have seen that one of the key changes in the computer industry springs from its corporate restructuring by expanding the number of temporary workers while reducing its full-time workforce. In the industry itself there is a labor surplus, not a shortage, as software engineers leave full-time employment in computer companies, particularly defense-related firms. At the same time, occupational data show that the positions of software engineer, programmer, and coder are growing at a rapid rate both in California and nationally. How do we explain this anomaly?

The answer is twofold. First, computer firms in Silicon Valley are shifting from hardware to software applications, downsizing their permanent workforce in Silicon Valley and worldwide, and relying increasingly on contract labor to perform software design, programming, and coding functions. Second, corpora-tions of all kinds outside the computer industry are picking up many of those displaced from the industry as well as hiring H-1B and U.S. computer consul-tants as temporary workers to help them to downsize and create a more flexible workforce. Both primary data drawn from our interviews with U.S. and foreign workers and employers and abundant secondary documentary sources (e.g., ICIM International 1992:1-4; APL Management Consultants 1992:1-4) reveal that the downsizing firms relying on computer consultants run the gamut of the U.S. economy, including finance and banking, real estate, accounting, manufacturing, public utilities, pharmaceuticals, health care, the travel industry, and even government agencies at all levels.

Thus, the key question is: "Who is the employer?" The real employers of the computer workers in these occupations are neither the U.S. consulting companies nor the foreign-owned "job shops" that supply workers, but rather the clients who subcontract their services. It is the downsizing corporate and government clients who are generating the demand for temporary software consultants to assist them in restructuring. The "job shops" and consulting businesses are merely middlemen responding to the demand generated, especially from large corporate firms. The DOL tendency to regard the "job shop" as the "employer" plays into the hands of the real employers, as subcontracting is a device used to avoid legal responsibility for wage compliance and visa petitioning. Ironically, downsizing—both within and outside the industry—has reduced employment of full-time computer software engineers, programmers, and coders, thereby expanding the supply of potential consultants even further. The combined effect of this dynamic has been to depress hourly fees in this field—in some cases even lower than seven years ago.

A second irony is that state and federal regulatory agencies have spent a great deal of time trying to separate out "job shops" from "legitimate consulting businesses" (see, for example: Zachary 1995:A2). We have found that consulting agencies and "job shops" do differ from each other in the rates they pay their consultants, which, based on qualitative data from interviews, can be quite significantly lower for foreign H-1B consultants. However, we do not find the distinction to be centrally important except to the extent that wages are affected. Foreign competition does lower the prevailing wage of software engi-neers, programmers, and coders, particu-larly at the lowest levels. However, the more salient issue is that *both* types of consulting businesses merely are supply-ing the overarching corporate (and, to a lesser extent, government) demand for more efficient ways to organize work, reduce their obligation to provide fringe benefits to full-time workers, and create a more flexible global workforce.

Defense-related firms clearly have failed to retrain their existing workforce in the face of the need for conversion to civilian

production. Evidence from the professional association representatives and even the foreign workers we inter-viewed indicates that nondefense-related industries tend to be equally inattentive to such long-range considerations as worker retraining and human resource development. In the epoch of global re-structuring earlier corporate strategies of building allegiance from permanent workers by human development policies have been replaced by a race to become more flexible in the global marketplace by relying on an expendable workforce of temporary workers and shrinking an increasingly insecure permanent skilled workforce. Among computer software engineers and programmers, permanent job displacement has expanded the pool of computer consultants, increased the search time for contracts, and reduced the time available to keep skills up-to-date in a rapidly changing field.

Policy Recommendations

In light of these developments, the following policy recommendations address the real problem at hand:

- Regulatory and enforcement mechanisms should focus on the "real employer," i.e., the clients of contract workers, including holding them accountable for paying prevailing wages to nonimmigrant workers and for retraining displaced American workers;

- To this same end, the Education and Training Administration [ETA] in the U.S. Department of Labor well might focus its efforts on creating retraining opportunities for displaced U.S. workers;

- Displaced skilled workers also should be offered tax credits or deductions to cover the costs and time of retraining.

As a corollary to these interrelated policy recommendations, as H1-B consultants do appear to contribute to wage depres-sion, it is finally recommended:

- That the DOL focus its efforts on monitoring this aspect of the so-called computer "job shops" to insure that they pay their work-

ers prevailing wages, rather than targeting them as the sole culprit responsible for U.S. worker displacement.

Conclusions

By and large, high-skill workers in the computer field have been displaced by corporate downsizing, both inside and outside the computer industry, not by competition from foreign H-1B workers. There is no doubt that expanding the size of the labor pool by the entry of H-1B software engineers, programmers, and coders increases the difficulty U.S. computer consultants are experiencing in finding a steady supply of work. Yet, they are finding work, as the demand for temporary computer software con-sultants remains high. The main prob-lems U.S. computer consultants face are stagnant consulting fees and a highly-competitive environment for consulting work that contributes to continuing income stagnation. The complaints U.S. workers voice about foreign competition stem from the fact that, in the current political climate, this is an issue they can do something about by acting to "stop immigration." But the structural displacement produced by downsizing is a much larger problem—in the computer field and elsewhere—that can be addressed by serious efforts to enforce prevailing wage standards and develop proactive policies to retrain an increas-ingly insecure segment of the U.S. workforce.

In the final analysis, because of the growing reliance of U.S. industry, commerce, and government on outside consultants, it is important to map the complexity of the emerging consulting sector of the U.S. and global labor market. In today's age of flexible production, all categories of employer are turning increasingly to consultants to perform project-specific operations. This study focused intensively on computer consulting as a business and software engineers as workers. But the policies and practices identified in the foregoing analysis may be applicable more generally to address the rising tide of temporary consulting workers nationally and worldwide.

Despite this likely convergence, it is important to raise a cautionary note by recalling our comparative analysis of the recruitment and employment of nonimmigrant scientific workers in other fields.

Clearly, global recruitment and employment processes in biotechnology research and development, university teaching and research, and computer software engineering operate in fundamentally different ways. Thus, to design reason-able policy responses to contemporary conditions, policy changes concerning nonimmigrant employment regulations need to be considered carefully, on a case-by-case basis, both across scientific fields and between different job categories within particular sets of workplaces. To do otherwise is to fly in the face of the complexity of the global world we have created and the transnational networks that now sustain it.

That very complexity poses the paradox now facing national regulatory environments in today's global economy. By allowing a steady flow of highly-skilled specialty workers to enter the United States for relatively long temporary periods at prevailing wage standards, contemporary immigration law has made regulatory officials responsible for administering a *de facto* guest worker program. If regulators set prevailing wage standards too low, they become subject to the political charge that they are running a "high-tech *bracero* program" that hurts American workers. On the other hand, if they set them unreasonably high or make domestic access to nonimmigrant workers too bothersome for U.S. employers, they run the risk that U.S. firms presently employing nonimmigrant workers simply may switch from a policy of importing skilled temporary workers to one of exporting the work that they do to knowledge production sites in less-developed countries like India and Pakistan or in Eastern Europe where needed skills and technological means of communication already are concentrated. In the field of computer consulting such outsourcing already is happening. If the pace and scale of outsourcing is accele-rated by cumbersome or exclusionary immigration policy, both regulators and policymakers will be held politically responsible for creating a "high-tech *Maquiladora* program." In our contem-porary political climate, the paradoxes of economic globalization indeed are coming home to roost.

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SKILL LEVEL AND EMPLOYER USE OF FOREIGN SPECIALTY WORKERS

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Employers increasingly rely on a well-educated and highly-skilled workforce to meet the competitive demands of today's global economy. The Immigration Act of 1990 responded to a perceived shortage of skilled workers by increasing the number of both economic-based immigrant and nonimmigrant visa categories. Most significant and controversial among these changes was the reclassification of the H visa category, which remains since it's inception in the Immigration Act of 1952, the largest program supplying temporary foreign workers to U.S. employers.

Originally, the H program was conceived as a mechanism for tapping into a labor pool of temporary foreign workers to meet bottlenecks in the supply of U.S. workers in particular occupations.[1] The 1990 Act streamlined the procedure by which employers gain access to skilled foreign labor by replacing the "distinguished merit and ability" requirement with a simplified "specialty occupation" clause and increased dramatically the number of foreign workers that U.S. employers could bring into their workplaces for periods of as long as six years.[2]

[1] In addition to the H-1B subdivision (the H-1A being discontinued), the H program includes three other types of temporary foreign worker categories: the H-2A subcategory is reserved for temporary agricultural workers, the H-2B for temporary nonagricultural services not exceeding a year, and the H3 for a relatively small number of certain trainees.

[2] A specialty occupation under the 1990 Act is one that requires the practical and theoretical application of specialized knowledge and attainment of at least a bachelor's degree in the specified specialty.

However, following passage of the 1990 Act, the United States, along with a number of other industrialized nations, was swept into a global recession that translated into severe cutbacks in research funding, corporate downsizing, and high unemployment. The hardships of the latest economic cycle reinforced an ongoing trend of significant realignment and reorganization of the production of work. Moreover, such shocks were felt especially hard in the fields of science and technology: many skilled workers in these areas lost their jobs and well-trained recent college graduates confronted shrinking employment opportunities. Despite this, the number of H-1Bs filed has risen steadily each year since 1990 and they are concentrated in the fields of science and technology. These interrelated developments raised a number of questions regarding the effects of the H-1B program.

In response to these developments, in late 1993, the U.S. Department of Labor [DOL] sponsored several in-depth field studies to examine how the H-1B system works and how it affects the various actors, including domestic and foreign workers, professional associations, government officials, and immigration attorneys. In selecting the research sites, DOL sought states with a high number of H-1B applications in the areas of science and research but with different labor market conditions. The research reported on below was conducted in Texas in 1994, a time of economic expansion following a prolonged recession in the state.

The Economic Context of Foreign "Specialty" Workers in Texas

In the 1980s, almost a decade before the rest of the nation, the Texas economy experienced what became a world-wide recession. Beginning in 1982, an oversupply of oil in the world market sent the prosperous Texas economy into a severe five-year recession. Unemployment increased steadily during this period, peaking at roughly 9 percent by 1986 (Smith 1989). Given Texas' historical dependence on oil and petro-chemical production, no metropolitan area, industry, or occupational group was spared the recession's repercussions. As the center of the world

petrochemical industry, Houston was especially hard hit: the area's unemployment rate stood as high as 13 percent in 1986; declines in manufacturing, business services, and construction resulted in a loss of more than 200,000 jobs in the city between 1982 and 1986 (Hagan & Rodriguez 1992).

In response to the recession, large petrochemical and engineering firms headquartered in Houston initiated a restructuring strategy—a process that continues to the present. Typically, these multinational corporations [MNCs] retained those components of the business that they did best. In most cases, this involved keeping and retraining very highly-skilled employees in software design and engineering and outsourcing lower-level tasks, such as programming and coding. The elimination of salaried positions enabled these companies both to maintain production levels and remain competitive.

In some cases, downsizing—or "right-sizing" as it is euphemistically referred to by the corporate executives interviewed—involved laying off more than 40 percent of a firm's workforce. This strategy had particularly severe consequences for engineers, computer programmers, and analysts who comprised the information systems and research and development components of multinational corporations headquartered in Houston. Software analysts and programmers, who had earned high annual salaries (as much as $80,000) during the boom years, entered the ranks of the unemployed. Computer consultants, who had carved their own niche in the booming information and support components of the petrochemical industry, no longer were able to secure long-term projects at the high hourly wages (as much as $65) that they once had enjoyed.

A shift from a goods-producing to a service-producing economy, beginning in the late 1980s, started Texas on the road toward economic recovery. By 1990, the Texas labor market ranked third nationally in employment. The unemployment rate dropped to 6 percent by the close of 1990, a level it still maintains (Texas Comptroller of Public Accounts 1996). In 1995, Texas led all states in the number of new jobs added annually; currently Texas ranks tenth in the nation in the rate of

employment growth. The state's early emergence from the recession was due, in part, to the development of a more diversified economic base and the continuing relocation of high-tech industries to Texas. While oil and gas production are still an important sector of the state's economy, Texas is now less closely tied than it was to these volatile industries. For example, it is projected that, from 1993 to 2000, employment in the mining industry, especially in the areas of crude petroleum and natural gas extraction and oil and gas services, will decline by as much as 40 percent in some areas of the state. On the other hand, employment in service-producing sectors is large and growing: 96 percent of employment growth in Texas by the year 2000 is expected to occur in service industries (Texas Employment Commission 1992, 1995).

Expansions in business, engineering, and health services drive overall growth in service-sector jobs. While total wage and salaried employment for the state is projected to grow by 16 percent between 1993 and 2000, employment in business, engineering, and health services is projected to increase by 41 percent, 40 percent and 31 percent, respectively. Many of the growth occupations in these sectors are those in the higher-skill and knowledge-base areas. For example, computer-related jobs currently rank first among the fastest-growing skilled occupations. Computer system analyst and computer engineering positions are projected to increase by more than 58 percent from 1993 to 2000. The number of computer programmers also is expected to increase by 40 percent during that period. Other high-growth skilled occupations include science-related jobs in teaching and research, which are expected to grow by more than 30 percent before the year 2000 (Texas Employment Commission 1995).

It was within this context of economic expansion and healthy employment prospects for well-trained U.S. workers in science and research that a team of researchers studied the role of H-1B foreign specialty workers in the Houston and Austin area labor markets. That research forms the basis for the findings and recommendations discussed below. The chapter first discusses the project's methods, its manner of selecting firms in the research, academic, and computer indus-

tries, and its mode of inquiry. The chapter then separately presents the findings on, and recommendations for, the H-1B program in research universities and medical centers and in the complex computer industry. The conclusion identifies lessons from the study of the H-1B certification process that can be used to improve the program.

Methodology

The research reported on below is based on a 1994 field study supported by the U.S. Department of Labor's Bureau of International Labor Affairs and conducted by a team of researchers in Texas. Texas was selected as one of several research sites for the larger study because of its high national ranking in the number of H-1Bs filed and because it is the location of a DOL/ETA [Employment Training Agency] regional office. This agency is responsible for approving the Labor Condition Applications [LCAs] of H-1B petitioners and supplied the Texas team with list of ranking H-1B user firms in the state.

The primary goal of the DOL study was to understand better how the H-1B system works and how it affects those involved. To identify the interplay of the various actors in the H-1B process, the study centered on the firm as the unit of analysis and relied on a qualitative field methodology that was best suited to capture process and variation over time. Open-ended interviews were conducted with all actors involved in the recruitment, employment, and regulation of H-1B workers. The total sample included regional DOL and Texas Employment Commission officials, managers, U.S. and foreign workers in heavy- and light-user H-1B firms, private immigration attorneys, firm representatives responsible for preparing H-1B applications, and representatives of professional associations.

The original firm sample size of thirty included a variety of public and private educational institutions and a range of computer engineering firms. The firms were selected according to their size, public-versus-private status, and variable usage of the H-1B specialty skilled workers in science research and teaching, engineering, and computer-related occupations. Most of the large corporations and engineering firms and a number of the firms involved in computer applications and

servicing are located in Houston; a smaller number of firms concentrating in software development are located in Austin. Public and private universities included in the sample are distributed in various cities across the state.

Once in the field, however, we were refused interviews by a number of the employers. Still others blocked access to their employees and their attorneys. By the end of the eleven-month field study, we had conducted thirty-one interviews with individuals representing twenty-three firms. In addition, we visited research laboratories of medical centers and universities in which H-1Bs are temporarily employed as postdoctoral fellows and associate scientists and conducted telephone interviews with several of the principal investigators of these research endeavors.

We had the most success in gaining access to workers. Within the twenty-three sample firms, we interviewed approximately seventeen H-1B foreign specialty workers and thirteen U.S. skilled workers. Most were interviewed a second time by telephone to monitor employment and immigration developments. The occupations of both the foreign and U.S. workers in the sample range from high-level computer analyst and life scientist to computer programmer and university postdoctoral fellow. We attempted to ensure that both foreign and U.S. workers were represented in high-skill and lower-skill professional occupations within the firms.

The U.S. worker interviews were supplemented with three interviews with leading representatives of professional associations for university professors, mechanical engineers, and computer consultants. One respondent is a past president of a national association of computer consultants and active in lobbying efforts for greater enforcement of prevailing wage provisions in the H-1B and permanent certification programs. Additionally, we attended the political action committee meetings of U.S. computer programmers and analysts vigorously lobbying for the elimination of the H-1B program. The U.S. worker perspective was explored further by reviewing dozens of official complaints to DOL from U.S. workers.

Our sample of attorneys includes eight private immigration attorneys, seven of whom represent the sample firms in their

petitions for H-1Bs. The study sample also includes a number of government officials charged with processing and regulating H-1B applications. We conducted telephone interviews with regional and national INS representatives charged with screening and processing permanent certification, including those of H-1Bs. We visited the DOL/ETA regional office and interviewed the regional DOL certifying officer, the H-1B officer, and the office computer programmer. The regional office was instrumental in explaining the steps of the certification process. It also provided the research team with updated lists of employer names to use for the selection of firms. The research team also conducted intereviews with staff of the Texas Employment Commission [TEC], the state agency responsible for providing prevailing wage data for specialty occupations.

The questions asked during the interviews varied by respondent category. Government officials were asked to describe the H-1B process from the perspective of their official task and to identify weaknesses or bottlenecks in the system with an eye towards improving interagency communication. Wage and hour officials were asked to describe in detail problems particular to the prevailing wage issue in various occupations and industries and variations across public and private firms. Employers, employees and professional association members were asked a series of open-ended questions concerning: (1) the dynamics of the supply and demand of workers and their industry; (2) economic transformations in their industry; (3) company-level restructuring strategies; (4) recruitment methods; (5) prevailing wage issues; (6) workforce composition; (7) changing skill demands; and (8) perceived effects of the H-1B program on their industries. Employees were further asked to track in detail their education and work history. H-1B workers were asked to provide a detailed immigration history, including information on transitions to and from other immigration statuses.

The Texas research team was most successful in gaining access to all involved parties in computer industry firms and in medical and university research settings. The following two sections outline our key findings regarding the usage of H-1Bs in these labor market sectors.

Internationalization of Scientific Research: Demand for Highly-Skilled Foreign Workers

Within the science and medical areas, our firm list included four very large medical centers and three research universities. Foreign researchers on H-1B visas were found overwhelmingly in the following departments and laboratories: Biochemistry, Molecular and Human Genetics, Cell Biology, and Engineering. They were recruited as research associates and research fellows by departmental heads and principal investigators to work on funded research projects, most of which are federally supported by the National Institutes of Health [NIH] and National Science Foundation [NSF]. All are involved in high-level research and development positions on the basis of their highly specialized expertise.

The projects on which H-1Bs work alongside U.S. scientists in these laboratory settings are often at the cutting edge of science and involve research of a defined and complex area (e.g., megabase DNA sequencing of certain chromosomes). Research personnel must be not only highly skilled, but well-trained and well-versed in their area of expertise to meet the deadlines of funded research.

Project directors and department heads argue that there are not enough qualified U.S. candidates that meet these criteria. The following comments by a chair of a Biochemistry Department and by a Professor of Cell Biology explain the difficulty in recruiting qualified candidates:

> Having a Ph.D. alone is insufficient to qualify individuals for careers in science. The background and training, as well as the research interests, become very important factors in hiring such individuals because a principal investigator must produce meaningful results within a prescribed period of time. To train and retrain takes more time than is available to most principal investigators. These cutting-edge research projects do not involve routine experiments, but require continuous probing of the unknown. . . . Such probing requires highly sophisticated experimental tech-

niques that only a few individuals are trained to perform. Therefore only a few qualified scientists are available to hire.

We have tremendous difficulty hiring qualified personnel for postdoctoral fellow positions in my laboratory. We've done local, national, and word-of-mouth searches. Many of the candidates have not been qualified. We require a candidate to have previous training and experience in cell culture and molecular biology. This training is essential to meet NIH deadlines. We simply cannot afford to spend three to four months training personnel when you consider that three-year NIH RO1 grants are due for renewal at the end of twenty-four months; well, it takes two to three months to find and hire someone, another few months to train them.

In all of these departments and laboratory research settings, both foreign and U.S. workers and their employers agree on the importance of H-1B visas in advancing research. Both U.S. coworkers and employers of foreign workers state that without access to the specialized skills of foreign labor, the quality of scientific research in the United States would severely decline. They believe it to be a vital component in the functioning and success of the research process, as the following quotes illustrate:

There is not a large enough supply of U.S.-born students in the hard sciences. The best person should be taken for a post-doctoral position. I would rather be surrounded by the best there is than simply by Americans. It doesn't work in this field to give U.S. workers all of the jobs (a U.S. postdoctoral student in cell biology).

Our research in Cell Biology and Neurology is fundamental to our understanding of learning processes and the diseases that affect them, that is diseases such as Alzheimer's and Parkinson's. We are considered by others in our field as one of the leading laboratories among the international community. If my four H-1B as-

> sociates had not been able to obtain the visa, it would have had an enormous impact on my research program. Suffice it to say that the quality and quantity would have been substantially diminished, my ability to secure federal and nonfederal funding for the research would have been sharply curtailed, and I believe that my laboratory would not be recognized, as it is, as one of the leaders in our field. H-1Bs are essential if U.S. laboratories are to remain competitive among increasingly sophisticated laboratories in the rest of the world (Professor of cell biology and neurology).

Foreign workers appear essential to the functioning of scientific research in universities and medical centers. Without them, we were repeatedly told, research institutions would lose their competitive global edge in technological and scientific research. All representatives of these institutions, including departmental heads, laboratory advisors, and coworkers agree on the important contributions foreign workers bring to their research environments. Not only does it allow the United States to maintain its competitive edge in the global science and technology community, but it may also provide jobs for U.S. counterparts for collaborative research and technical support positions.

Shortage of U.S. Researchers

Employers in scientific research repeatedly commented on the shortage of U.S. graduate students to fill research positions in the hard sciences. There is a declining number of U.S. students entering U.S. graduate programs in science, countered by a simultaneous increase in foreign students—whose nations' educational institutions and economies have grown tremendously over the past few decades—coming to U.S. universities to study science, math, and engineering. Similarly, many new Ph.Ds, especially U.S.-born graduates, increasingly are lured to the higher salaries and less demanding work schedules afforded by private industry. Foreign-born graduates of U.S. universities, most of whom are on a J-1 student visa, are at a disadvantage when it comes to locating permanent employment in

private industry, which appears to favor U.S.-born candidates. The culture of scientific research is far more diverse and flexible; research teams in laboratory environments are typically composed of diverse groups of foreign and national scientists.

Scientists employed in research universities and medical centers, especially postdoctoral fellows, do not seem to be motivated by the often rather meager earnings offered by these institutions. Nevertheless, if the monetary rewards were greater, we might have more U.S. workers seeking careers in hard science. If, somehow, the supply of foreign workers dried up, it might well place upward pressure on wages for principal researchers and, especially, support staff. However, it does not follow that the federal funding that is a major source of U.S. basic research monies would increase to meet that need. Would the forprofit marketplace then be pressured to invest more money in basic research within the U.S. or would it move operations offshore? Further, it is unclear whether the declining number of U.S. researchers in the sciences is merely a problem of financial incentive. The declining number of U.S. scientists is, some argue, more fundamentally a result of changing secondary school curriculum, attitudes towards the rigor of scientific work, and a lack of federal support for science education.

Departmental heads and educators acknowledge that foreign students attend and support our universities because of the premier research and learning opportunities available. They subsequently compete to work in university and medical center environments because of their advanced technological environments and opportunities to work on cutting-edge research projects with some of the best scientists in the world. Employers fear that it is only a matter of time before graduate programs and research laboratories in their home countries reach sufficiently sophisticated levels to keep foreign researchers home or to draw those in the United States back home. Department chairs and laboratory advisors express their good fortune in having foreign researchers as part of their research teams and fear the day when foreign researchers and scientists will no longer seek research opportunities in the United States. These same fears were expressed by several U.S. postdoctoral fellows working in

a biochemistry lab at a prestigious medical center. As one recent graduate explained:

> There is a new trend among graduates in Chemistry. While many of the U.S. graduates increasingly favor private industry employment, more and more foreign-born graduates are returning home once they complete their education and training.

Professors in several of the study universities told us that this pattern is increasingly adopted by Korean- and Taiwanese-born doctoral graduates of U.S. science and engineering programs. Indeed, the return migration of foreign scientists to their homelands made national news in 1994 when distinguished chemist Yoan Lee, a long-time U.S. resident and Nobel Prize winner, made the U-turn and headed back home to direct Taiwan's prestigious Academia Suniea, an impressive conglomerate of twenty-one research institutes.

In sum, the H-1B visa does not appear to be abused by employers in universities and large medical centers. Positions are filled on a competitive basis and recruitment occurs at both a national and, increasingly, global level. Moreover, competition varies by the reputation of the project director and prestige of the grant. Often, interested candidates approach scientists under whom they wish to work. In this context, professors lacking an established research record have the most difficulty locating qualified candidates. Salaries are low compared to those in the private sector, especially for postdoctoral fellows, whose salaries are largely determined by federal funding sources and can run as low as $21,000 per year. Despite these meager earnings and uncertainty of employment once the H-1B runs out, many foreign postdoctoral fellows continue, at least for now, to be drawn to the technology and research opportunities available in U.S. research institutes, especially the opportunity to work with distinguished scientists on prestigious grants. As we might expect, some H-1Bs are drawn to the U.S. because of the lack of research opportunities back home. For these workers, the elusive green card eventually becomes a common goal. As one H-1B postdoctoral fellow working in a robotics research laboratory told us:

> In Tunisia [his home country], there is a glut of scientists with Ph.Ds from American Universities, but no research opportunities for them back home. Many of us came on J-1 student visas. Our education was paid for by our government or yours. But how could they expect us to return home to nothing once we had been exposed to the most advanced research in the world?

More common, however, are statements by many who predict a future in which more Yoan Lees will return home to work in high-tech companies and research institutes created by their governments. The ability of U.S. research institutes to continue to recruit workers from an international labor pool of highly-qualified persons remains an open question. This issue, while rarely raised in immigration policy debates, permeated our interviews with research personnel. As the U.S. government hints at divestment in science research, the so-called Tigers of Asia (Singapore, South Korea and Taiwan) continue to plow billions of dollars into the development of technical and research institutes. In the absence of renewed federal support for scientific research, what we might increasingly see is the return migration of many American-educated scientists and engineers. Such a scenario would signify a dramatic reversal in the direction of the scientific brain drain that historically has favored the United States.

Since at least World War II, foreign scientists have contributed to scientific advancement in the United States and our central position in the international scientific community. Many convincingly argue that to maintain this position in the context of a shortage of U.S. qualified scientists and increased global competition, especially from our Asian neighbors, research centers must have the means to recruit and appoint foreign scientists efficiently. The H-1B appears to be the best mechanism to achieve this goal.

Reorganization of High-Tech Work: Outsourcing Computer Programming

With the increased computerization of work, it is not surprising that we found both foreign and U.S. computer analysts

in various types of firms that cut across industrial categories. Foreign H-1B computer programmers and analysts and their U.S. counterparts whom we interviewed occupy positions ranging from low-level data entry positions in the petrochemical industries, to sophisti-cated software designers for high-technology MNCs. Assessing the role of these foreign workers in the U.S. labor market and their impact on labor dis- placement and U.S. wages is complicated by a number of major recent changes in the computer industry.

The organization of computer work has been changed dramatically and complicated by corporate downsizing and the increased demand for computer skills in all sectors of the economy. Many of the firms in which we conducted our field investigations, as might be expected from the history presented above, initiated dramatic downsizing during the late 1980s and early 1990s. Downsizing in the industries employing computer workers affected workers in different ways: many salaried workers were laid off permanently; computer consultants, who had worked for premium wages during the boom years of the seventies and eighties, faced wage depression resulting from an oversupply of computer workers and greater competition from outsourcing agencies.

We encountered a number of U.S. programmers and analysts who are out of work, mostly as a result of downsizing, not H-1B competition. These workers have not maintained the skill level required by advancing technology in today's computer industry. In many cases, they cannot afford the retraining costs. Thus, they are forced to compete with recent graduates with better skills or with foreign workers willing to work under the types of conditions that prevail in the industry today.[3]

Clients, Consultants and Job Shops

The way in which computer work is organized has become increasingly complex.

[3] Many displaced U.S. workers, unwilling to accept the possibility that downsizing has depressed wages, attribute declining opportunity and wages to foreign workers.

The key employers of foreign and U.S. computer programmers and analysts include: (1) client firms, large corporations that since the late 1980s advent of downsizing outsource the bulk of their software development, especially programming tasks; (2) consulting firms that have for several decades provided high-skill software development and application services to large corporations; and (3) outsourcing agencies or "job shops," new, but fast-growing competitors in this profitable and competitive labor market niche. In contrast to the high-skill services provided by consulting agencies, job shops appear to supply the client with a lower range of skills, primarily in programming and some software application.

In our firm sample, the clients typically were large petrochemical corporations that underwent considerable downsizing in the late eighties and early nineties. They employ only a small minority of highly-skilled H-1B engineers and software design specialists in their workplaces. Foreign and U.S. workers are recruited and paid on a competitive basis. We located several consulting firms that had serviced two of the client sample firms and one job shop that was a major outsourcing firm for the largest client in our sample. We interviewed workers, both U.S. and foreign, employed by these firms.

The computer consulting firms we studied in Austin and Houston provide services to client firms. They primarily use their own employees on a salaried or an hourly consulting basis and usually perform the work at the client site. The four consulting firms we studied primarily are involved in very advanced software design, production, and application. Two of these firms used to provide low-end software application services to client firms but claim that they are no longer able to compete at this skill level with outsourcing firms. We heard this story more than once. None are heavy users of H-1Bs although they employ a number of foreign-born, as well as U.S. analysts. The employers interviewed allowed access to current employees. Both foreign-born and U.S. workers are paid comparable high salaries or hourly consulting fees, depending on the arrangement made between the employee and employer; employers repeatedly commented that they try their utmost to find the best workers and pay

maximum wages regardless of a worker's nationality. Interviews with workers confirmed their employers' statements. Given that the firms we studied rely on highly-specialized skills in software design, employer recruitment and worker salaries remain very competitive. A more varied sample, including consulting firms involved in the low-end of software application, might yield very different results.

Large corporations increasingly have become clients of job shops. Downsizing in these large petrochemical and medical corporations has resulted in a reliance on both local consulting firms and outsourcing agencies to supply or perform that component of the production process that primarily requires low-level computer skills and does not require on-site supervision. The production processes in the information and research divisions of these firms do not require full-time, permanent employees. Often they need certain types of computer-related skills only on a temporary basis. These needs increasingly are filled by outsourcing agencies (job shops) that are the main employers of H-1B visa holders. Most of the work done by the H-1B workers is at the job shop, not the client site, which distinguishes them from consulting firms that are more likely to provide services at the client site. This a key distinction between the two service providers; job shops have a great deal of autonomy in structuring the work process.

As mentioned above, employers of two of the consulting agencies we interviewed claim to have been undercut by outsourcing agencies that pay lower wages to their employees and are able to bill their clients less without cuts to their own profits. Our interviews with U.S. computer programmers who work for clients under these various managements indicate that the current trend is towards increased reliance on the services of job shops. A small minority of U.S. workers recognize that the real employers in this computer game are the clients, i.e., the large corporations that use job shops to meet the needs of a flexible production process and, in some instances, as a dodge to avoid legal accountability. Managers in large corporations were proud to tell us that they employ very few H-1Bs, "only those with exceptional skills." Yet, this complex way in which computer work now is organized makes it very difficult to determine who truly employs computer work-

ers. We believe this is an extremely important issue, as the ultimate employer should be held accountable for the employment conditions of U.S. and foreign workers. To date, the media have focused on job shops—in fact, the suppliers—while ignoring the larger firms—the clients who create the demand for these low-level "production" type positions.

Sweated Labor at the Entry Level?

Job displacement and wage depression are potentially important issues within some parts of the computer industry. This is especially the case regarding lower-level programming and coding positions in job shops. Outsourcing firms employ both highly-skilled programmer analysts and low-level coders and programmers. Highly-skilled programmers work as salaried employees or contractors; in either case, H-1B worker earnings do not appear significantly lower than those of their U.S. counterparts. In contrast, we found a great discrepancy between the wages paid to foreign and U.S. workers in such low-level positions as coding, programming, and routine applications. We interviewed four H-1B worker programmers who were paid salaries almost $10,000 a year less than their U.S. counterparts in the same firm. Another job shop pays H-1Bs, who are on call for six days a week for one firm, salaries; they pay U.S. co-workers, who work at a variety of sites, hourly consulting fees. At neither place do the working conditions of the H-1Bs appear to meet those attested to by the employer, thus creating a two-tiered employment system in the industry. Further, these positions—that at most require a BA—do not involve the application of specialized skills that justify the temporary hiring of an H-1B worker. The following case illustrates our point.

We gained access to a job shop that was a major supplier of programming ser-vices for one of the largest clients firms in our sample. Most of its workers are Filipino computer programmers who were recruited abroad by the outsourcing firm's headquarters in New York. Word of mouth from other programmers lured these programmers to a well-known and quite fashionable Manila hotel where they all gathered in a seminar room and were "courted" by the recruiters—offered handsome salaries averaging $33,000 a year

with benefits (compared to $400-600 per month in the Philippines), a relocation fee of several thousand dollars, a one-way ticket to the U.S., initial housing, and the opportunity to lease a car through the company. In exchange, they had to sign a contract stating that they would work for the firm for a minimum of eighteen months, during which time the firm promised to petition for their permanent residence status.[4] None of the workers interviewed has received permanent certification, but they are reluctant to broach the subject with their employer for fear of loosing their job and, thus, their H-1B visa.

The Filipino programmers work in an underground, high-tech sweatshop, located on the basement level of the modern skyscraper in which the outsourcing firm is located. In the shop's front room, three Anglo supervisors sit at widely-spaced desks. In an adjacent back room of the same size, approximately twenty Filipino employees work in cubicles. All the H-1B Filipinos we interviewed at this outsourcing firm are on salary that they believe is at least $10,000 less than their American counterparts. This is difficult to determine precisely since the latter are sometimes paid on a consulting-fee basis. Consultant positions generally are more lucrative than salaried ones in computer work and also are more desirable because of the greater autonomy pro-vided to the workers. Nonetheless, the H-1B workers are willing to take less in earnings in exchange for the promise of a green card. For these workers, the H-1B definitely is seen as a pathway to permanent residency (even though some state that they plan to return to the Philippines). Upon receiving permanent labor certification, all workers intend to move out of this firm because of the poor working conditions and ambiguous policy decisions. Their most frequently cited reasons include too much supervision, a pattern of arbitrary promotions, and a practice of not paying workers for overtime. They complain that, while American workers always go to the client's site, foreign workers rarely do so. On those few occasions when they are sent to the client's site, they told us, they typi-

[4] This was the time required for the initial cohort of recruits; subsequent cohorts had to promise to work anywhere from two to three years.

cally are accompanied by an Anglo employee who interfaces with client representatives.[5]

The H-1B workers also feel that their jobs could be done by U.S. workers. The majority told us that their previous work experiences or skills used in the Philippines are not applied in their positions at this outsourcing firm. In one case, a worker, who was recruited with the understanding that she was being hired because of her skills in COBALT programming, has been with the job shop for two years and has never used these skills. On the contrary, the firm trains the foreign workers; the majority of these workers claim they learned entirely new skills to fit clients' needs. At the same time, these Filipino workers see themselves as more desirable than other foreign workers because of cultural similarities, including English fluency and colonial linkages. In summary, the possibility for abuse of H1-B workers exists in these low-level computer positions. Moreover, at least in the case of Houston, the market has not provided training and employment opportunities for U.S. workers structurally displaced by downsizing strategies. Our findings suggest that, in cases where firms (all types) use outsourcing agencies for low-skill level computer programming and coding, the potential for wage depression and some job displacement may exist.

Policy Recommendations.

I. Given the increasing globalization of scientific research, coupled with the enormous contributions foreign scientists have made to U.S. research institutions, we recommend that efforts be made to facilitate temporary positions in these settings. Specifically, we recomend:

- **Creation of a special H category for research universities and institutes.** This category should not have a numerical cap to assure the

[5] As these foreign workers come into contact with their U.S. counterparts in the industry, they express increasing interest in becoming contract workers, positions seen as more lucrative and autonomous than salaried positions.

continued entry of high-level foreign scientists into research institutions. Creation of this category could make thepaperwork process less cumbersome for institutions' administrative personnel, usually the Direc- tors of International Services[6] who have little training in immigration procedures and less burdensome for foreign workers, especially postdoctoral fellows.

II. Corporate downsizing has had an impact on American workers' earnings and job security. Nowhere is this more observable than among workers in computer-related occupations. Downsizing and the use of temporary workers is increasingly observable in other industries as well. While it is impossible to turn the tide of market forces, a few suggested changes could minimize the potential for the abuse of the H-1B worker and for the negative impact of restructuring on American workers, specifically computer programmers and analysts:

- **The U.S. Department of Labor should monitor closely the supply of U.S. workers in low-level computer positions.** In the absence of a real occupational shortage, perhaps the educational requirements for H-1Bs should be increased from a bachelor's to a master's degree. We found that it was H-1B workers with less training who are most likely to face workplace abuse. Clearly, there are special skills and techniques that highly-skilled foreign workers possess. We have, however, come across too many foreign H-1Bs with only bachelor's of science degrees who are performing tasks that can be easily done by U.S. workers.

- **Emphasis should be given to retraining unemployed workers who are displaced during corporate downsizings.** In the absence of federal funding for this retraining, we recommend giving tax breaks to unemployed U.S. com-

[6] In Texas, the Attorney General's Office does not allow public institutions to hire lawyers for this purpose.

puter workers to help support their personal retraining costs.

- **The client company, as well as the outsourcing agency, should be held accountable for the working conditions or violations of the terms of the H-1B visa.** The abuse of H-1Bs is most prevalent in the joint ventures of client and outsourcing firms. Greater regulatory efforts on the part of the Department of Labor could track the employment history of firms, not industries, to capture the effects of downsizing and corporate leasing of services on U.S. workers.

Conclusions

Given what looks like a robust labor market in Houston for computer analysts and programmers and for high-level researchers in faculty positions, we initially were at a loss to explain what we encountered in the field: unemployed and underemployed computer programmers and analysts and an increasingly tight labor market for faculty positions. We also were perplexed by professional association reports of increasing unemployment among scientists, engineers, and computer analysts. The only way to explain what looks like a simultaneous surplus (unemployment) and shortage of workers (projected demand) is by the increasing prevalence of spot shortages in particular high-skilled occupations within science and technology. Unfortunately, we were unable to locate any objective data to illustrate clear instances of spot shortages resulting from an uneven mix of supply and demand.

What we did encounter in the field, however, were displaced older computer analysts who were not retrained to compete in this rapidly changing technological environment and unemployed computer analysts who would not work for wages less than they had received during the boom years. At the same time, we also encountered employers scraping to locate competent computer analysts to work with an emergent complex computer language such as C++. Similarly, we came across positions at universities that had gone unfilled for months or years because the department was looking for someone with

a particular skill, e.g., an engineer skilled in robotics development.

These seemingly contradictory and divergent employment trends among skilled workers are not so perplexing once we look beyond immigration policy and focus on the implications of corporate downsizing and global labor markets for skilled workers. While corporate downsizing in Texas cut across all industries, it had particularly severe consequences for computer programmers, system analysts, and engineers employed in the research and development and information services divisions of many large petrochemical firms headquartered in Texas. These skilled workers, many of whom had carved out their own niches in the petrochemical industry and were commanding unprecedented high salaries during the oil boom years of the seventies and eighties, found themselves either unemployed or unable to command their previous consulting fees. Although the Texas economy has taken a turn for the better in recent years, skilled workers encounter much greater competition than before as a result of a burgeoning consulting sector that increasingly services client firms. Faced with increasing competition and stagnant wages, many disgruntled workers target the H-1B program as the source of their problems.

This is not to say that corporate downsizing alone is responsible for the displacement and wage depression of skilled computer programmers and analysts in Texas labor markets. The growth of the consulting sector in Texas labor markets also has created greater competition among these skilled workers. Within this sector, some consulting firms capitalize on the H-1B program to bring in foreign workers to perform entry-level tasks that could be done by native workers with a bachelor's degree.

The recruitment and employment conditions of skilled H-1B workers in science and research operates at a very different level. Candidates for these high-level research positions are carefully recruited on a competitive basis and paid the prevailing wages. In these research settings, the H-1B program achieves its intended policy goal, providing employers with immediate access to the best and brightest among an international labor pool of

highly-qualified scientists and researchers.

While the focus of this study is limited to the recruitment and employment experience of engineers, computer programmers, and scientists and researchers in less than thirty firms in Texas, the findings strongly suggest a more general trend. Despite an apparently "robust" Texas economy with a high demand for technical and professional workers, the labor market opportunities for most will remain limited. The most qualified and most experienced segment of the workforce will be the most prepared to escape the consequences of increased restructuring of the workplace. They are the ones most able to take advantage of the demands and opportunities of a dynamic global market that increasingly is driven by rapid research advances in technology and science requiring new, specialized skills. Slight increases in the number of temporary foreign workers in U.S. labor markets, as provided by the H-1B visa, appear to have little effect on these structural changes in the organization of work. Further restrictions and regulations in skilled immigration, however, might well have dramatic effects. Restricting employer access to temporary skilled foreign labor might expand U.S. corporate offshore production to include highly-skilled production in recently established research sites in Asia and elsewhere. Extreme caution must, therefore, be exercised when contemplating changes to existing policy.

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NONIMMIGRANT VISA PROGRAMS: PROBLEMS AND POLICY REFORMS

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Any attempt to improve this country's nonimmigrant policy first must be clear about the basic purpose of that policy within the broader context of the national immigration system. The principal goal of the immigration system has, for at least thirty years, been the humanitarian one of reuniting families and providing safe haven to refugees. Some have argued that this emphasis has been excessive, resulting in declines in the skill levels of recent cohorts and in worsening competition with native workers. They favor making economic characteristics of prospective immigrants a much more important criterion for admission.

As an economist, I find such proposals tempting but ultimately wrong-headed. My own research and reading of the latest empirical literature convinces me that immigration has, at least at current levels, had relatively small net impacts on overall domestic wages and employ-ment (DeFreitas 1995). This does not lead me to favor unrestricted admissions, nor does it mean that we should neglect to evaluate carefully and be ready to make adjustments for the economic impacts of future migration streams.[1] But humanitarian goals remain far preferable to any strategy (probably futile) of making immigration another lever of economic policy. In the event that proposed reductions in annual entry slots are enacted in the near future, it seems to me far more important to preserve ample family and refugee visas than to earmark scarce visas based solely on an applicant's occupational skills.[2] Moreover, a basic national

[1] I have detailed my recommendations for reforming the permanent resident visa system elsewhere (DeFreitas 1995).

[2] See the findings of Jasso and Rosenzweig (1995) on the reduction in the occupational differences between employment-based and family-sponsored immigrants within a few years of arrival.

employment goal should be eventually to fill any short-term skill shortages through training or retraining of native workers rather than relying on foreign professionals.

Since most economic research has focused on the impacts of immigration on unskilled or semiskilled labor markets, relatively little is known about the domestic consequences of importing large numbers of skilled workers. We do know from the 1990 census that more than one-tenth of U.S. scientists and engineers are foreign born, well above the immigrant share of the population (Bouvier & Simcox 1995). There are more immigrants in professional occupations (1.35 million) than there are African American professionals (1.1 million). And it is clear that well-educated immigrants have carved out niches in certain well-paid occupations. For example, more than one-fifth of U.S. physicians are now foreign born, and the fraction is much higher in such specialties as immunology, neurology, and pediatrics. About 12.3 percent of all engineers are immigrants, with a disproportionate foreign presence in education and in private research and development. The foreign born account for 9 percent of registered nurses, of whom nearly one-half are from a single country, the Philippines. In New York City, it has been estimated that 20 to 30 percent of nurses are temporary foreign workers (U.S. DOL 1989). Even in the government sector, there is evidence of ethnic networks insulating immigrant niches. In New York City government in the 1980s, the foreign born achieved growing concentrations in technical professions, with competitive equivalents in the private sector, such as accountants, chemists, and engineers. Nearly one-half of all new engineers hired by the New York Transportation Department in the period 1986-1990 were Asians (Waldinger 1994). Immigrants appear to be attracted to secure, well-paid, public sector jobs, at least until they can improve their language skills enough and attain the licenses required to enter the private sector.

The studies of immigrant professionals typically conclude that their rising share of high-level jobs may induce employers to become dependent on foreign labor sources instead of actively recruiting and training natives for these jobs (see: Levine, Fox & Danielson 1993; National Research

Council 1988; U.S. DOL 1989; Waldinger 1994). Insofar as this diminishes natives' access to high-skill, high-pay jobs, the implications for American workers at all skill levels are worrisome. For it may mean that not only is there competition between native- and foreign-born professionals, but also that there is some reduction in the chances of the less-skilled for upward occupational mobility. Until more research becomes available on this issue, it seems prudent to, at a minimum, resist any attempts to expand the number of employment-based permanent resident slots or even to lower the number somewhat.

Nonimmigrant policy reform becomes all the more important as the immigration system undergoes change. The non-immigrant programs need to meet three goals: (1) to provide American busi-nesses, universities, and cultural institutions access to international talent; (2) to provide foreign visitors access to U.S. schooling and training; and (3) to ensure that pursuit of the first two goals does nothing to expose U.S. workers to unfair competition with foreigners or to reduce their opportunities for training and upward job mobility. In what follows, I briefly discuss some of the main reasons why certain current non-immigrant programs are failing to serve these ends and make a number of recommendations for policy reforms.

THE H-1B PROGRAM

H-1B temporary visas for specialty occupations have been the source of great concern of late for a number of reasons. First, it presently is completely legal for employers to lay off U.S. workers and replace them with H-1B workers. As recent corporate restucturings, global competition, and defense cutbacks have threatened the job prospects of many American technicians and professionals, more and more cases of alleged displace-ment by temporary foreign workers have appeared. For example:

- Aggressive downsizing at Digital Equipment Corporation slashed nearly 21,500 jobs between late 1991 and November 1993. But, this coincided with the firm applying for more than 1,100 H-

1B visas to bring in foreign computer workers.

- In June 1995, at CSX Corporation's Sealand unit in New Jersey, about 100 American computer programmers lost their jobs as Sealand hired an equal number of replacements from India and the Phillipines. Worse still, the U.S. workers were required to spend their last weeks at the firm training their own replacements. Many of these jobs ultimately will leave the country with the newly-trained foreigners on their planned return home. Sealand estimated that the export of jobs would save the company 30 percent on salaries (Zachary 1995).

- Likewise, American International Group, Inc. recently laid off almost 250 computer service workers in its insurance operations in New Jersey. H-1B replacements were brought in and received their training from the soon-to-be-terminated U.S. employees.

A second source of concern with the program is the apparently widespread abuses by so-called "job contractors." Some of these (such as Syntel Inc., provider of the replacement workers to American International Group, Inc.) are alleged to bring large numbers of foreign workers into the country solely to lease them to U.S. firms. They appear to shuttle these workers in and out of the country, especially to fill many computer and health care jobs. The Department of Labor [DOL] has documented numerous cases of job contractors violating the law by paying foreign workers far below the prevailing wage. In the physical and occupational therapy fields alone, nearly 400 H-1Bs recently were found to be owed $2 million in back pay by contractors.

The relative ease with which unscrupulous job contractors have exploited the program highlights another problem. Employers are not required to show that U.S. workers are unavailable for the jobs H1-B workers will fill, nor are employers required to demonstrate that they are seeking to train or recruit Americans for these jobs. In fact, the program is driven largely by employers themselves.

Finally, any program that is supposed to meet only "temporary" employment needs should keep foreign worker stays as brief as possible. Yet, current law allows for a period of stay of as many as six years, well beyond any reasonable notion of a temporary visit to fill a short-term skill shortage. This likely induces some firms to become dependent on a steady supply of foreign workers rather than to seek to recruit natives. Moreover, it is evident that H-1B visas have become a conduit for obtaining employment-based green cards. DOL estimates that more than 90 percent of the recipients of such green cards are already in the U.S. and that perhaps two out of three of these are already employed (often illegally) by the very firm that files the immigrant petition for them.

These problems lead me to suggest the following changes in the H-1B program. Some of these correspond to recent proposals by the commission and by DOL (Fraser 1995; Reich 1995), but, in general, I favor stronger measures.

Recommendations

1. Restrict the eligibility for H-1B visas to those occupational categories in which DOL verifies that there is a labor shortage. This would require a new system parallel to the existing labor certification program. The latter long has been far too employer-driven and inefficient, as the DOL itself now recognizes. Hence, the new system must be designed carefully to avoid these past flaws and to exploit better both govern-ment and independent economic analysis of local labor market conditions. More resources need to be allocated to improve the avail-ability of up-to-date labor market data for localities, particularly that subset in which most temporary foreign workers tend to concentrate.

2. Reduce the validity period of labor condition applications [LCAs] from six to two years and bar renewal applications. Under recently adopted DOL rules, the validity period for each application was cut to three

years, but employers are still allowed to keep an H-1B worker for a total of six years if they submit an LCA for a three-year renewal. Anything more than two years is excessive and encourages some employers to become dependent on foreign labor.

3. Require that all employers filing H-1B LCAs attest that, within the six months before an H-1B worker begins employment, they have not laid off legal permanent resident aliens or U.S. citizens with similar qualifications and work experience in the job for which the temporary foreign workers are being sought; and require that they attest that they will not lay off such legal immigrant or citizen workers within the six months after H-1B employees are hired or leased by the firm and for the duration of the visas.

4. Bar access to H-1B workers where a firm's employees are involved in a labor union election campaign, strike, or lockout. The DOL now supports prohibitting access to such workers during strikes or lockouts, but protection of workers' democratic right to choose collective bargaining representation without interference by their employers also necessitates guaranteeing, once employees have filed an application for an election to choose whether or not to be represented by a union, that foreign workers not be used as a real or perceived threat.

5. Require employers filing H-1B LCAs to demonstrate that they are undertaking substantial and continuous efforts to fill the jobs for which they currently desire foreign workers with U.S. employees in the near future.

6. Require employers of H-1B workers to pay a fee, equal to 20 percent of the value of the total compensation package it will pay to those workers, into a public or private fund certified by the DOL as dedicated to the goal of improving the training and recruitment of U.S. workers into the occupations for which the H-1B workers currently are being employed. This parallels the proposals of the commission for employment-based immigrants.

7. Raise the standards to be met by "job contractors" to prevent past abuses at any of the multiple work sites that may lease their H-1B workers. Current DOL regulations generally are limited to the place of employ-ment at the time an employer files an LCA. This allows job contractors who place foreign workers with other employers to enjoy laxer controls. The new policy reforms recommended above should be applied to all work sites where H-1B nonimmigrants are working, wheth-er or not they are employed by a job contractor (see discussion in U.S. DOL 1993).

8. Require nonimmigrants holding H-1B visas to leave the U.S. for a minimum of one year following expiration of that visa and before applying for any permanent resi-dency visa. This will help end the common practice by which H-1B visas are used merely as a holding mechanism while nonimmigrants stay in the U.S. seeking receipt of green cards. It also should help reduce U.S. employers' dependence on nonimmigrant labor.

OTHER EMPLOYMENT-BASED NONIMMIGRANT PROGRAMS

The wide array of other temporary visas granted for ostensibly employment purposes also bring into the country large numbers of individuals. For example, J-1 visas (for exchange visitors to teach, study, or conduct research) totaled more than 197,000 in FY 1993, and another 43,000 relatives came with them. To coordinate all these programs so as to protect American workers better, I suggest:

9. All other employment-based nonim-migrant visa applications must pass the same labor shortage test recom-mended [see 1 above] for H-1B LCAs before the nonimmigrant is permitted to work here during the duration of the visa.

CONCLUSIONS

Widespread concern about the nation's worsening income inequality and under-employment have generated renewed debate about the optimal volume and composition of immigration. Thanks to fierce lobbying by business groups and encouragement from econo-mists claiming immigrants' "quality" had fallen, the U.S. government in the 1990s expanded the permanent visa category for people with "needed skills" and granted large numbers of employment-based nonimmigrant visas. This was done with very little research knowledge of the possible consequences on skilled native workers or on the prospects of the unskilled for occupational mobility.

There is evidence that skilled immigrants recently have been hired by firms that were simultaneously cutting their skilled native work force. And many on H1-B temporary visas, after mastering key elements of the work process at U.S. firms, return home to train others to do the same work. This then facilitates the export of jobs abroad by American firms seeking low-cost, high-tech labor. Computer programmers, cinematog-raphers, and aircraft machinists appear to be among those most at risk of replacement. So great has their concern become that it has helped spark at least one strike (Boeing) and led the DOL to undertake a long-overdue scrutiny of the abuses of some job-contracting firms.

These modest steps have provoked an opposition campaign by the National Association of Manufacturers, the U.S. Chamber of Commerce, Microsoft, and other computer companies. They insist that global firms need large numbers of skilled foreigners to stay competitive and grow, thereby enabling them to expand their U.S. base. However, in an era of widespread corporate downsizing, claims of skilled labor shortages have raised growing suspicions. Unlike the early 1980s, the majority of permanent layoffs now are occurring among college-educated employees. The share of job loss accounted for by those earning at least $50,000 has doubled since the eighties. Many scientists, engineers, and computer specialists have found themselves quite vulnerable to cutbacks by defense contractors, high-tech civilian firms, and universities.

What is needed now is more, not less, limitation on and monitoring of skill-based temporary immigration programs. International exchange of ideas and skills still can be ensured by granting brief visas for foreigners willing to train U.S. workers. And the more than 300,000 student visas now granted each year provide ample opportunity for those from abroad seeking access to training here.

Instead of exporting more high-wage jobs or importing professionals to meet supposed "skill shortages," business and government must be induced finally to provide first-class schooling, training, and retraining for the vast numbers of low-wage and underemployed Ameri-cans. And, as well, they must help generate enough new high-wage jobs for these workers to fill.

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CALIFORNIA'S FARM LABOR MARKET AND IMMIGRATION REFORM[1]

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Agriculture in California has from its beginnings relied on newcomers to the state who had few nonfarm job options to seasonal farm work. For this reason, the state's farmers long have had a keen interest in U.S. immigration policies, usually seeking exceptions to general U.S. immigration policies on the grounds that the nature of California agriculture was such that foreign workers were needed.

Since 1980, California agriculture's most successful influence on immigration policy was reflected in the Immigration Reform and Control Act [IRCA] of 1986. IRCA imposed sanctions or fines on U.S. employers who knowingly hired unauthorized alien workers and offered legal immigrant status to many illegal aliens who worked in U.S. agriculture. The intent of IRCA was to deter illegal immigration, to legalize the status of long-term illegal U.S. residents and illegal farm workers, and to regulate the access of farmers to legal nonimmigrant and probationary immigrant workers. Growers were able to win concessions for because IRCA threatened to stem their flow of labor. The long-standing H2-A program was simplified and a guestworker program, contingent upon a reduction in the supply of labor, was instituted.

More recently, Congress has moved to further strengthen border patrol efforts, as well as sanction enforcement. As a result, and despite strong statements against agricultural guestworkers in June

[1] I am indebted to Patrick Ramsey for research assistance in mailing and tabulating the employer survey.

1995 by both President Clinton and the Commission on Immigration Reform, California farm organizations tried and failed to include a guestworker program in immigration reform legislation moving through Congress. As in the mid-1980s, the growers argue that, despite employer sanctions and high unemployment rates among U.S. farm workers, at least 30 to 50 percent of their seasonal workers are unauthorized. If effective, strengthened border enforcement sanctions might, they believe, remove these workers.

They argue a guestworker program, one that is flexible and easy to administer, will be necessary in order to make their needed worker numbers and to meet legal requirements for authorized status.

CALIFORNIA AGRICULTURE'S LABOR MARKET

California has the nation's largest and most diverse agriculture. California farmers produce the same commodities that are found in other states—milk, wheat, and cotton—but the distinguishing feature of the state's agriculture is the production of specialty crops: California produces about 40 percent of the nation's fruits and nuts, vegetables and melons, and such horticultural specialties as flowers and mushrooms. These so-called FVH commodities, in turn, represent one-half of California's $20 billion in farm sales, and the orchards, vineyards, and greenhouses in which they are produced are where most farm workers find jobs.

There are many ways to describe a California farm labor market in which 800,000 to 900,000 individuals find at least temporary jobs with 25,000 crop and livestock employers or agricultural service firms, such as farm labor contractors and custom harvesters. One way is to focus on three "C"s: concentration, contractors, and conflict.

Concentration refers to the fact that most farm workers are hired by a relatively small number of large farms. Contractors refers to the presence in many farm labor markets of "intermediaries" who match seasonal workers with jobs. Conflict refers to the stormy history in which workers protested low wages or poor

working conditions but then individually got out of agriculture when their collective efforts to obtain wage and benefit improvements were rebuffed.

Concentration. Agriculture is probably California's largest employer of adult immigrants. According to state Unemployment Insurance [UI] tax records, 24,500 California farm employers paid $4.6 billion in wages to employees in 1990 (Martin & Miller 1993:22). But these farm labor data conceal as much as they reveal. Most of these farm employers or "reporting units" are small; one-half pay less than $10,000 in farm wages. The largest 1,250 farm employers—just 5 percent—pay about two-thirds of California's farm wages.

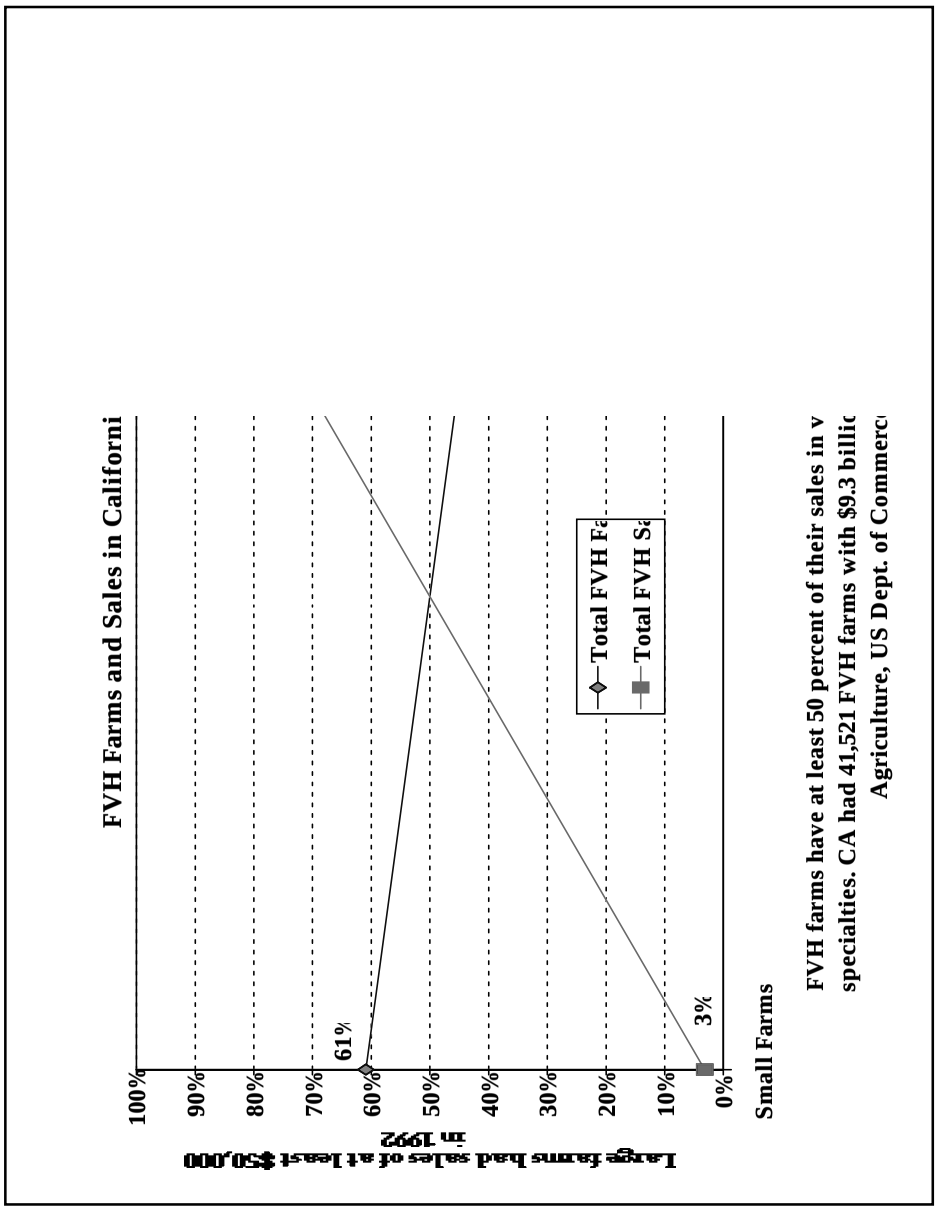
Concentration is also the rule among farm workers. A "farm worker" is anyone who works for wages on a farm. Farm work is seasonal, and so most farm workers also do nonfarm work or, as many are immigrants, return to their country of origin when there are no farm jobs for them in California. Most workers are in the farm work force for only a short time. More than one-half have less than $1,000 in annual farm earnings which, at $5 hourly, means that they do 200 or fewer hours of farm work, or the equivalent of 5 weeks.

Concentration means that the largest 5 percent of employers, and the 10 percent of farm workers who are employed year-round, account for most of the farm wages paid and earned. The "average" farm employer is very small, while the large farm employers, who hire most of the state's farm workers, each may employ a peak 5,000 workers and have a weekly payroll of $1 million—making them large employers by any definition.

In **Figure 1**, small farms were those that sold less than $50,000 of FVH commodities in 1992—they were 61 percent of all production units, but they accounted for only 3 percent of total sales. At the other extreme, the 39 percent of FVH farms that each sold more than $50,000 of FVH commodities in 1992 accounted for 97 percent of California's FVH sales.

The "average" California farm worker earned about $3,000 from farmers in 1990, but there are few workers with such earnings. Instead, workers tend to fall in to

Figure 1.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Small Farms
FVH farms have at least 50 percent of their sales in v
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Agriculture, US Dept. of Commerc

one of three groups (Martin & Miller 1993). Just more than one-half are very low earners—earning $1,000 or less for working on one or more farms for a few weeks during the year. About 40 percent, or 360,000, are in the seasonal worker category, earning $4,000 to $6,000 for one-half year's farm work. The third group are the year-round workers who earn $12,000 or more annually.

Who are these large farm employers who hire most of the state's farm workers? A 1992 survey of 900 California farm employers reported that only about 30 percent of all farm employers were corporations, but 60 percent of the sample farms with annual payrolls over $500,000 were corporations, usually family-run (Rosenberg, et al. 1995:14a). An example is the Zaninovich table grape farm in California's San Joaquin Valley, an operation that annually sells about 5 million 25-pound boxes of grapes at an average price of $10 per box; Zaninovich hires 1,000 farm workers to help generate $50 million in annual grape sales.

Fresno-area raisin farms represent the small end of the farm size spectrum. In the most labor-intensive activity in U.S. agriculture—some 50,000 farm workers spread through 200,000 acres of vineyards to cut bunches of 20 to 25 pounds of green grapes and lay them on paper trays to dry into raisins for six to eight weeks each August and September. Workers receive $0.15 to $0.18 per paper tray of raisins cut and laid, and the farm labor contractor [FLC] who typically recruits them receives $0.04 to $0.05 for payroll taxes, business expenses, and profits. Most of the vineyards are small—twenty to fifty acres—and workers are often "recruited" with a sign at the entrance to the vineyard saying, in Spanish, "workers wanted."

Workers employed in short harvest crops such as raisins can earn more if they find other farm jobs, such as harvesting peaches and plums before, and olives and citrus after, the raisin harvest. Many farm workers are able to string together a series of farm jobs, but it is not easy for many of them to travel from farm to farm looking for work.

Contractors. Intermediaries who find jobs for farm workers and supervise them while they work, are the second "C" of the California farm labor market; most farm workers find a succession of farm

jobs with the help of a contractor intermediary. Contractors are not a new phenomenon; Chinese farm workers in the 1870s designated one person in the crew who could speak English to search for the next farm job for the crew. Over time, farm labor intermediaries evolved from one of the crew to independent businessmen who seek to profit from the difference between what a farmer pays to have a job done and what the worker gets (Fisher 1952; Fuller 1942; McWilliams 1949).

Contractors have been the major farm labor story of the 1980s and 1990s. There were only 935 FLCs in California in 1990 who were registered with state Unemployment Insurance authorities to pay taxes on the wages they paid to workers, but they employed one-third of all farm workers reported to the UI system, and their role in matching farm workers and jobs has been increasing (Thilmany 1995).

Critics assert that there are far more FLCs who are not registered and that farmers have encouraged the rise of labor contracting by switching from hiring workers directly to hiring them through hard-to-regulate contractors. According to farm worker advocates, farmers know that these "merchants of labor" must be cheating the government or the workers, as the FLCs in some cases agree that their workers will do farm work for what appears to be a money-losing fee. Cesar Chavez made the elimination of farm labor contractors one of keystones of his efforts to reform the farm labor market and ensured that the California Agricultural Labor Relations Act [ALRA] in 1975 included a clause that asserted that FLCs could not be employers for labor relations purposes.

The theory was that only such strict farmer liability for FLC labor relations law violations would encourage farmers to be responsible for the activities of FLCs who bring workers to their farms. Many farm worker advocates would like to impose strict liability on farmers for minimum wage and immigration law violations. Under current circumstances, a FLC can be the employer solely liable for minimum wage and immigration law violations, but not for labor organizing violations.

Conflict. The third "C" is the inevitable conflict between employers and workers over a "fair" wage. This conflict can be resolved in three major ways: first, by em-

ployers acting unilaterally, as happens in workplaces where the employer says, "Do it my way or leave;" second, by determining a fair wage through collective bargaining; and third, by using government rules that stipulate minimum wages and mandatory benefits for workers. The usual way of resolving workplace conflict in agriculture has been for dissatisfied workers to exit the farm workforce.

Conflict in farm labor markets has several unique characteristics. Farm employers often band together and set a "standard" wage, thus creating peer pressure to resist worker demands for higher wages or they decide not to use the H-2A program to "prove" that it cannot work in California. In many instances as farm worker leaders have been radical outsiders in conservative rural communities, the entire community, not just the farmers, often was willing to tolerate violations of individual rights to resolve "farm labor troubles." The workers who were dissatisfied with the wages they were offered on farms sometimes faced eviction from their temporary homes, making their choice about whether to refuse to work a decision that affected both their income and their housing.

California Fruits and Vegetables

California has led the nation in farm sales since 1950. While the state has only 2 percent of U.S. farmland; it accounts for more than 10 percent of the nation's farm sales because it produces high-value fruit and vegetable commodities. Thus, California farmers obtain far more revenue per acre than most U.S. farmers. For example, California harvested 1.2 million acres of vegetables and melons in 1990, and they had a farm value of $3.5 billion. Nebraska farmers, by contrast, tilled fifteen times more land but had only about the same level of farm sales.

U.S. agriculture can be profiled as an economic sector producing mostly livestock and field crops. California agriculture is different. About two-thirds of California's 1994 farm sales of $20 billion represents the sale of crops; only one-third represents the sale of livestock products. Within California's crop sector, fruits, vegetables, and horticultural specialties worth $9 billion were three-fourths of the state's $12 billion in crop sales. Field crops, such as cotton, hay, wheat, and rice, are important users of California farm

land and water, but they account for only one-sixth of California's farm sales.

California began producing labor-intensive fruits and vegetables and shipping them long distances a century ago, but much of the expansion of California's FVH agriculture occurred since World War II. In some cases there have been truly dramatic production increases: broccoli production grew more than sixfold between 1960 and 1993; almond and strawberry tonnage rose more than fivefold; nectarine and wine grape production more than quadrupled.

The land used to produce fruits and vegetables is valuable. In 1990, for example, land in the Monterey area used to produce vegetables was worth an average $10,000 per acre and vineyards and orchards in the Fresno area sold for $5,000 or more per acre. A rough indicator of the amount of money tied up in California FVH agriculture can be seen in the following estimates: if the value of CA vegetable land averages $10,000 per acre, then 1 million acres of California vegetable land is worth about $10 billion. If the value of fruit and nut land averages $5,000, then 2 million acres of fruit and nut land also is worth $10 billion.

Labor Costs and Harvest Cycles

Most of the fruits and vegetables grown in California generate farm sales of $2,500 to $3,000 per acre. The production of fruits and vegetables is considered "labor-intensive," an adjective that is rarely defined but suggests that the costs of hired workers are the single largest production expense. Labor costs in FVH production range from 20 percent to 50 percent of total production costs—higher than the 20 percent average in manufacturing, but less than labor's 70 to 80 percent share of costs in many service industries.

In most commodities, expenditures for hired workers—seasonal and year-round, and production plus supervisory labor—are about one-third of total production costs. A farmer grossing $3,500 per acre from the sale of table grapes pays about $1,500 to the workers who tend and harvest them. From the point of view of consumers, labor costs are only a small fraction of supermarket prices. In the early 1990s, farmers got about $0.40 per pound for table grapes and $0.13 represented the cost of labor. However, the retail price of grapes averaged $1 per

pound, so that farm worker wages represented only about 13 percent of the retail price.

If farm worker wages were to double, if farmers continued to use the same amount of labor as before, and if all of the increased cost of farm labor was passed on to consumers, then the typical wage of grape workers would jump from $6 to $12 hourly. However, the cost of grapes for consumers would rise only 13 percent, to $1.13 per pound.

Labor costs, important to farmers, are much less important to consumers because farmers obtain only about one-third of the typical retail price of a fruit or vegetable. Thus, whether farm worker wages go up or down, they affect only one-ninth of the retail price of a fruit or vegetable.

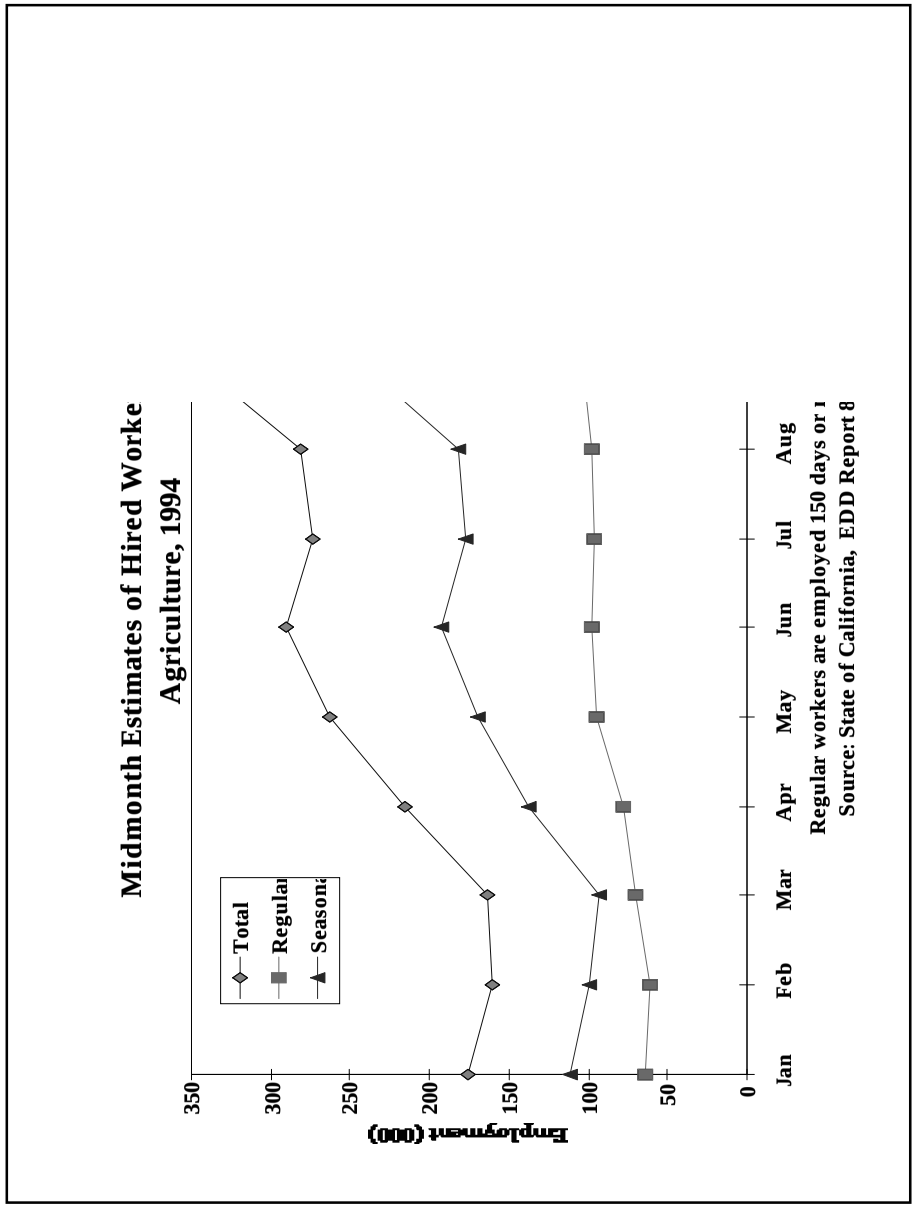
If farm worker wages were to double, as in the above example, experience shows that most of the adjustments on the farm would take the form of a reduced demand for workers, not an influx of U.S. workers into the farm workforce. If wages were higher, farmers would have incentives to find substitutes for farm workers. Perhaps they would use machines to harvest their crops, even if the machine did not pick as carefully as farm workers.

In other cases, farmers might not pick as often or, to make workers more productive, farmers might develop mechanical aids for them. In some cases, higher wages might lead to importing a commodity from a lower-wage country. In short, rising farm worker wages would cause far more changes in the way farmers get work done than in the prices consumers pay for food.

California fruits and vegetables do not ripen uniformly, so the peak demand for labor shifts around the state in a manner that mirrors harvest activities. **Figure 2** provides one estimate of the seasonal pattern of employment on California farms.

Harvest activity occurs year-round, beginning with the winter vegetable harvest in southern California and the winter citrus harvest in the San Joaquin Valley. But the major winter activity is pruning—cutting branches and vines to promote the growth of larger and more uniform fruit. In fruits such as peaches, pruning accounts for 10 to 20 percent of the seasonal labor required

Figure 2.


Midmonth Estimates of Hired Worke
Agriculture, 1994
Total
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Regular workers are employed 150 days or
Source: State of California, EDD Report 8

to produce the fruit but, because pruning occurs over several months, there are fewer workers involved. During the rainy months between November and April, employment on farms is only one-half its peak September levels.

Surveys find a declining percentage of migrant farm workers. A 1965 statewide survey of farm workers found that 30 percent migrated from one of California's farming regions to another; a 1981 survey of Tulare county farm workers found that 20 percent had to establish a temporary residence away from their usual home because a farm job took them beyond commuting distance (California Assembly 1969; Mines and Kearney 1982). A national survey of farm workers in the early 1990s found that fewer than 10 percent followed the ripening crops (Gabbard, Mines & Boccalandro 1994).

There is some worker migration between farming regions organized by employers, such as the lettuce harvesters' move from Salinas to Imperial to Huron, but such employer-organized migration seems to be decreasing. Instead, a lack of housing and surpluses of labor everywhere have discouraged the migration of workers from one farming region to another. Farm labor contractors continue to move crews of solo men from area to area, but there are now far fewer "free-wheeling" families travelling up and down the state looking for farm jobs without prearranged jobs and housing than in the 1960s and 1970s. Workers tend to stay in one area of California for three reasons: the harvesting of some crops has been stretched out for marketing and processing reasons; temporary housing for migrants is scarce; and the availability of unemployment insurance and service programs makes migration less necessary.

Many workers still migrate, but they tend to shuttle into the U.S. from Mexico and then remain in one location rather than to follow the crops after their arrival in California (U.S. Department of Labor 1993a; 1993b). Thus, the reduction in follow-the-crop migration does not mean that there is no migration, only that the nature of migration has changed. In theory, migrant camps open for six months annually should experience considerable turnover as families move on to the next harvest. That they do not highlights the importance of housing—the lack of it—in explaining behavior: once a "migrant fam-

ily" finds suitable housing, it is reluctant to move out and have to search again for housing.

Farm Employment

California farmers employ about 900,000 individuals to fill an average 350,000 farm jobs over the year. Total and average employment have been remarkably stable since the mid-1960s as mechanization that eliminated farm jobs has been offset by expanded production and the switch from farm families to hired workers to do more of the state's farm work.

Mechanization—picking a crop by machine rather than by hand—has reduced employment in many commodities, but the production of other commodities has expanded enough to create new jobs and to stabilize farm employment (Brown 1984). Processing tomatoes provides an example of what happens to farm worker jobs as a result of mechanization (Thompson & Schering 1978). In 1960, a peak 45,000 workers—80 percent of whom were *braceros*—handpicked 2.5 million tons of the processing tomatoes used to make catsup in California.

In 1990, about 5,500 mostly female farm workers were employed to sort four times more tomatoes. (Mamer & Wilke 1990). In this case, mechanization reduced the number of jobs for farm workers and changed the harvesting task from hand-picking tomatoes into field boxes to riding on a machine and sorting machine-picked tomatoes.

During the 1960s, many thought that the choice was to mechanize or stop growing hand-harvested crops (Thomas 1985). For example, a major 1970 study predicted that "California farmers will continue the intensive search for labor solutions, particularly mechanical harvesting" (Dean, et al. 1970:52). Another 1970 study concluded that "the door to employment is rapidly closing for those persons whose only qualifications for employment are a will to work and enough muscle to compete" (Cargill & Rossmiller 1970:22).

The expectation that soon there would be no need for those who could bring only strong backs to farm work was so widespread that the federal government began programs to help farm workers adjust to the nonfarm jobs they, it was expected, soon would have to seek (Martin & Mar-

tin 1994). But the mechanization of the tomato harvest proved to be the exceptional type of labor-displacing change in California agriculture, not the rule.

The publicity, generated in the late 1970s by lawsuits against the University of California for its part in using tax dollars to develop plants and machines that displaced farm workers, reinforced the false sense that soon there would be no need for seasonal farm workers (Martin & Olmstead 1985). In reality, the surprise is how little labor-saving mechanization there has been in California since the 1960s. In 1990, most of the major fruits and vegetables grown in the U.S. were hand-harvested.

There have been important labor savings in California agriculture, but they are usually less visible than machines replacing hand-harvesters. Changes in production practices for perennial crops have saved labor—such as drip irrigation that saves irrigator labor, dwarf trees and vines trained for easier hand or mechanical pruning, and precision planting and improved herbicides that save thinning and hoeing labor.

As machines and changes in production practices eliminated some jobs for farm workers, there was an important counter trend creating jobs for field workers: field packing. Crops traditionally have been picked by field workers into bins or boxes and then hauled to a packing shed, where nonfarm workers sorted, graded, and boxed the table grapes and broccoli. During the 1970s and 1980s, many crops began to be picked and packed in the field. Picking and packing grapes, vegetables, and melons in the field may not affect the overall level of employment in preparing these crops for market, but field packing increases “farm” and decreases “nonfarm” employment.

The most important reason that there are as many farm workers in the 1990s as in the 1960s is that so many more fruits and vegetables are produced today. It is sometimes hard to appreciate how the expanded production of labor-intensive crops—reflected in both larger acreages and higher yields—creates additional jobs for farm workers.

Broccoli production provides an example. The average American’s consumption of

fresh vegetables rose 23 percent to 136 pounds per person during the 1980s, but the increase was sharpest for broccoli: the *per capita* consumption of fresh broccoli almost tripled from 1.6 to 4.5 pounds during the decade. Broccoli is hand-harvested, and its production in California required an average fifty-two hours of hired labor per acre in 1990 (Mamer & Wilkie 1990).[2]

Will Americans continue to consume more hand-harvested fruits and vegetables? The U.S. consumption of most farm commodities increases about 1 percent annually due to population growth, but the demand for many FVH commodities increases another 2 or 3 percent annually, or about as much as personal incomes typically go up, because Americans tend to spend about the same percentage more on fresh fruits and vegetables as their incomes rise. For example, if the population increases by 1 percent and personal incomes rise 2 percent, then expenditures on fresh broccoli and strawberries rise by 3 percent.

The Farm Labor Force

Most persons who work on U.S. and California farms for wages are immigrants from Mexico. Farm labor data are notoriously unreliable, and the two major sources of such data paint very different pictures of who farm workers are.

The Current Population Survey [CPS], the source of most data on worker characteristics, reports that most farm workers are non-Hispanic U.S. citizens. The monthly CPS of 60,000 households includes about 1,500 who worked in agriculture during the previous week and, based on CPS-expansion factors, an estimated 2.5 million persons sometime during the year worked on a farm for wages during most years in the 1980s (Oliveira 1989).

These farm workers were 78 percent white, 14 percent Hispanic, and 8 percent black and other races. White workers were the majority or plurality in every

region of the U.S., including the Pacific states of California, Oregon, and Washington, where white farm workers outnumbered Hispanics 54 to 44 percent (Ilg 1995).

The U.S. Department of Labor [DOL] National Agricultural Worker Survey [NAWS], by contrast, finds that hired workers on crop farms are recent immigrants from Mexico. The NAWS found that 70 percent of the crop workers employed on U.S. farms in 1993-1994 were born in Mexico or Central America and that most had been in the U.S. for less than ten years. Many of these immigrant farm workers are so-called Special Agricultural Workers [SAWs]—aliens who were illegally in the U.S. in the mid-1980s and who were legalized under special provisions of the Immigration Reform and Control Act of 1986.

The NAWS emphasizes that most farm workers are "working poor" adults who are trying to support families with their seasonal farm earnings (Griffith & Kissam 1995); more than 60 percent of the Mexican-born farm workers in 1993-1994 were settled in the U.S., and newspaper accounts emphasize that more and more previously-migrant farm workers are settling in the U.S. (Mydans 1995). However, these immigrant farm workers have relatively low farm earnings—typically $4,000 to $5,000 annually—and they lack the English, skills, and contacts needed to obtain nonfarm jobs that would offer them higher earnings (Huffman 1995).

California farm workers are more likely to be Mexican-born, to be employed by farm labor contractors rather than directly by growers, and to live in nonemployer-provided housing than farm workers in other parts of the U.S. The percentage of male and unauthorized farm workers is about the same in California as in the rest of the U.S. As with most hired farm workers interviewed in the NAWS, most California farm workers do not speak English (only 11 percent in 1990-1991) and few finished high school (only 13 percent).

Despite the legalization of 1.1 million farm workers in 1987-1988, there is a significant and growing percentage of unauthorized workers in the farm labor force. The estimated percentage of unauthorized workers who harvested fruits and veg-

etables ranged from 0 percent in Georgia peaches in the early 1990s to 35 percent in Fresno raisins (Commission on Agricultural Workers 1992:74). Most California estimates were that, six years after IRCA, less than 30 percent of the work force was unauthorized and less than 10 percent of the Stockton tomato harvesting workforce was unauthorized.

The percentage of unauthorized workers in the farm workforce seems to be climbing. The apparent percentage of unauthorized workers in the NAWS, doubled between 1989-1990 and 1993-1994, about 12 to 25 percent nationwide, and 27 percent in California. One reason for the rising percentage of unauthorized farm workers is that so-called "new-new" migrants—indigenous peoples from southern Mexico and Central America, such as non-Spanish-speaking Mixtec Indians—have begun to enter the U.S. farm workforce in significant numbers (Zabin & Hughes 1995). There were relatively few such workers in the mid-1980s, so they did not get legalized.

The dominance of foreign-born workers affects the structure and functioning of the farm labor market, e.g., non-English-speaking immigrant workers often require intermediary bilingual FLCs or foremen to help them find housing and other social services; they are usually more willing to accept variation in days worked and piece-rate earnings than U.S.-born workers; and immigrants are more likely to pay without question charges for housing, transportation, and eating arrangements in areas with farm jobs. Such behavior makes immigrants preferable to U.S. citizens in the eyes of many farm employers (U.S. DOL 1994; Commission on Agricultural Workers 1992).

Most immigrant farm workers do not remain farm workers for their working lives. Instead, farm workers frequently do farm work for a few weeks or months or even a season and then return to Mexico or find a nonfarm job in the U.S. Most farmers do not worry about such worker turnover. As they rely on a foreman or crew boss to bring a crew of workers to their farm, they do not know or care if the same workers return year-after-year. Turnover, or the number of individuals hired to keep a crew of twenty at full strength, sometimes reaches 100 percent or more *monthly*.

One reason why worker turnover is so high is that there are few incentives for workers to remain employed by any one employer. Wages are usually uniform for the task being done, and there are few benefits, such as health insurance or vacation pay, that a worker would forfeit by quitting. Seniority usually does not lead to a preferred place in the crew next year; in most cases, personal ties or favors earn a worker a preferred job, not length of service.

Most of the farm work is done by so-called "professional" farm workers—those who begin doing farm work between the ages of eighteen and twenty-five, do the hardest and highest wage hand-harvest work until age thirty to thirty-five, and then switch from so-called heavy harvesting tasks to such easier tasks as irrigating and pruning. It is these "professional" farm workers who predominate in the NAWS data. A combination of few transferable skills and high unemployment in the early 1990s kept more than 95 percent of them who were doing farm work one year in the farm workforce the next year.

The job ladder for professional farm workers involves a trade-off between hours worked and hourly earnings. Young men often aim to earn $100 daily picking grapes, citrus, or melons for piece-rate wages. After ten or more years, many switch to farm tasks that generate lower hourly earnings but provide easier work and, perhaps more hours. A few of these workers are able to earn higher wages if they acquire a skill, such as equipment operation, or become a crew boss who recruits workers.

Few young Americans dream of growing up to be farm workers. In the past, it was often feared that farm worker children would be trapped by the inadequate education they get because of migrancy and be forced into the migrant farm worker stream for lack of skills useful elsewhere. Most of the evidence today indicates that farm worker children may do farm work alongside their parents as teens but, if they go to U.S. schools, they tend to take non-farm jobs by age eighteen or twenty to avoid being trapped as their parents were. The farm workforce is reproduced abroad; most new entrants to the farm workforce are born in rural Mexico.

The Farm Labor Market

How do 900,000 mostly immigrant farm workers find jobs with the 25,000 California employers who hire them? The farm labor market is like other labor markets in the sense that it matches workers and jobs. However, it handles the three essential functions of a labor market in unique ways.

First, farmers rarely recruit or speak directly with prospective employees. One farmer described his hiring policy: "When we need thirty workers, we call up the FLC, and they supply the workers." This means that recruitment is usually done by bilingual foremen or FLCs in the language of the worker.

Second, agriculture has dealt with the problem of training and motivating diverse workers to work either by paying piece-rate wages—e.g., $10 per bin of oranges picked—so that each worker's pay reflects her productivity, or by paying an hourly wage, but in a manner that permits farmers to control the pace of work, e.g., by, having workers follow a conveyor belt that moves slowly through the field.

Third, many farmers have concluded that it is better to work collectively to maximize the supply of farm workers than to try to identify the best workers and retain them individually.

Contractors or such intermediaries as foremen and crew bosses handle the recruitment of most harvest workers in several ways. In some "farm worker towns," especially those along the U.S.-Mexican border, there is a so-called day-haul labor market. Workers begin to congregate in parking lots at 3:00 or 4:00 A.M., contractors arrive with buses and tell the workers the task and the wage, and the workers then board the bus that seems to offer the best job. Some workers board the same bus every day; others switch from bus to bus.

The most common way in which farm workers are recruited is for the crew boss to tell current workers that more workers are needed and the workers then inform their friends and relatives that jobs are available. Such "network recruiting" is very helpful to employers. There is no need to spend money on "help wanted" ads and workers, who often are grateful

for the chance to tell friends and relatives about jobs, tend to bring only "good" workers to join the crew.

Decentralized hiring by contractors and crew bosses means that there are many farm labor markets. These markets may appear to be similar in the sense that many of the jobs involve harvesting, most of the workers are Mexican immigrants, and the piece-rate wages tend to be similar from field to field. Nonetheless, take-home pay can vary significantly from worker to worker.

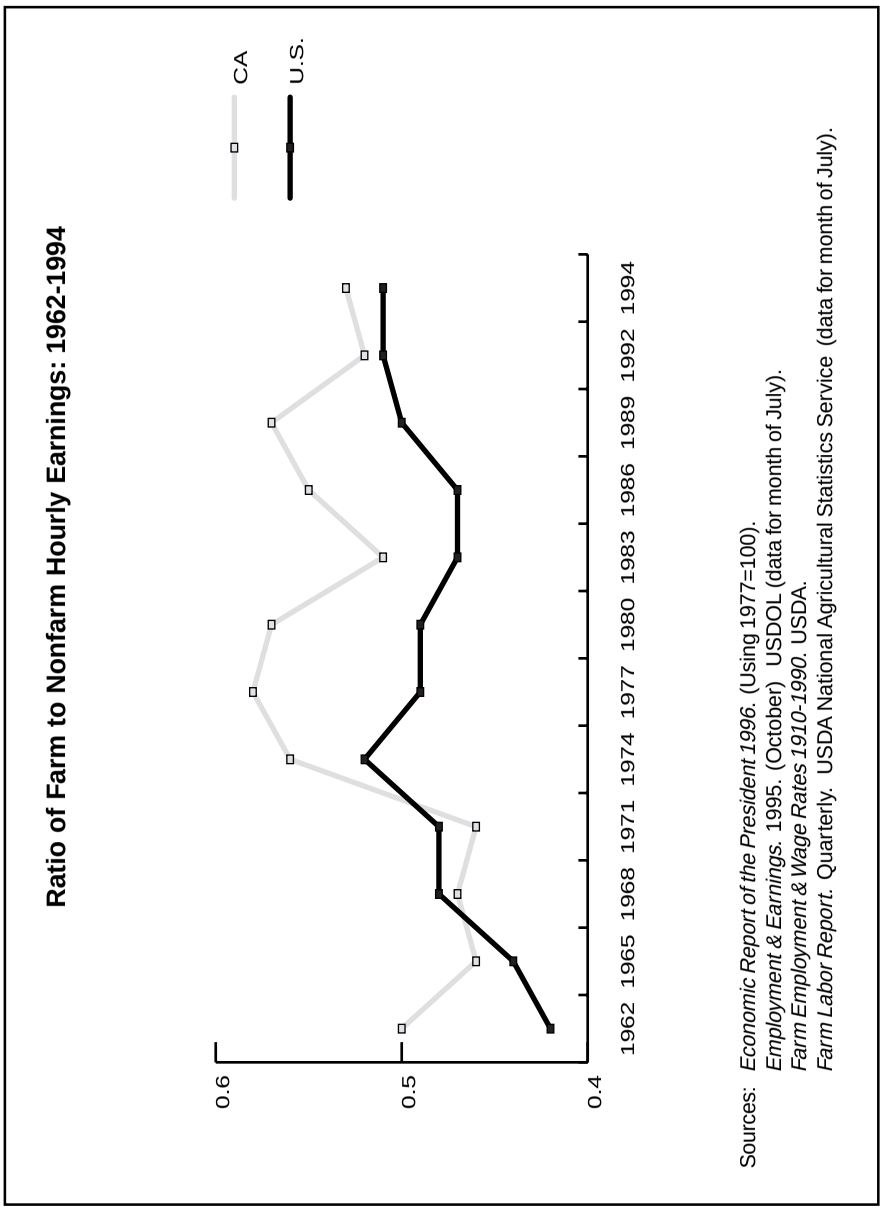
Once hired, workers must be motivated to work. There are two major wage systems used to pay seasonal farm workers. According to the NAWS, 70 percent of the jobs held by California farm workers in the early 1990s offered hourly wages, and the remaining 30 percent piece-rate wages or a combination of hourly and piece-rate wages (U.S. DOL 1993b:36-7).

According to earnings data collected from employers, the average hourly earnings of farm workers traditionally have been about one-half of nonfarm private sector earnings, both in California and throughout the U.S. However, in the mid-1970s and the mid-1980s, the ratio of farm to nonfarm hourly earnings rose above 50 percent. Beginning with the end of the *bracero* program in the mid-1960s, the ratio of farm to nonfarm earnings in California crept steadily upward, reaching 58 percent of nonfarm levels in 1977. The California farm to nonfarm earnings ratio fell to 51 percent in 1983, rose in 1989 after the minimum wage was increased, and then fell sharply in the early 1990s [see **Figure 3**].

In the rest of the U.S., by contrast, the farm to nonfarm earnings ratio behaved differently, remaining below 50 percent throughout much of the 1970s and rising to 50 percent only in 1989, again in response to the 1988 minimum wage increase to $4.25 that affected most farm workers.

Some employers pay more—$4.50 or even $5—in order to be able to select the best workers, but reports that U.S. farm workers' hourly earnings averaged, for example, $6.54 in 1995 and $6.83 in California, can be misleading because these average earnings data are weighted by the hours that the various subgroups of workers work. For example, average hourly

Figure 3.


Ratio of Farm to Nonfarm Hourly Earnings: 1962-1994
CA
U.S.
0.6
0.5
0.4
1962 1965 1968 1971 1974 1977 1980 1983 1986 1989 1992 1994
Sources: Economic Report of the President 1996. (Using 1977=100).
Employment & Earnings. 1995. (October) USDOL (data for month of July).
Farm Employment & Wage Rates 1910-1990. USDA.
Farm Labor Report. Quarterly. USDA National Agricultural Statistics Service (data for month of July).

earnings of workers on a farm with a tractor driver paid $7 hourly for seventy hours of work weekly, and two $4.25 hourly hoers who each work thirty-five hours, would be reported by USDA to be $5.62 ($490 + $297.50 divided by a total 140 hours of work), even though neither the tractor driver nor the hoers is earning this average reported wage.

Piece-rate wages seem to be more straightforward, but there are few consistent time-series data on piece rates that vary by commodity, availability of housing, season, etc. Under piece-rate wages, workers are paid, e.g., $12 per bin of oranges picked, or $0.16 per each 25 pounds of raisin grapes cut and laid on a paper tray to dry, and guaranteed at least $4.25 hourly.

In addition to wages, many farm workers receive unemployment insurance payments when they are without jobs. In California, virtually all employers are required to cover their workers under the UI system, which in 1994 collected $2.8 billion in employer contributions and paid $3.3 billion in UI benefits to unemployed workers.

The third dimension of the farm labor market is retention—what do farm employers do to identify the best workers, and persuade them to return to the farm? The answer is not much.

Perhaps the easiest way to describe prevailing attitudes toward worker retention is by analogy to irrigation. Water is vital to produce crops in California and there are two major ways to supply water to the crops: “flooding” a field with so much water that at least some trickles to each plant or laying pipes under the soil so that only the water needed by each plant is allowed to “drip” to it.

The choice depends largely on the cost and availability of water. Where water is scarce and expensive, farmers tend to invest in drip irrigation systems; where water is cheap, farmers tend to flood their fields. The choice is either to work collectively so that there is plenty of water for all or to invest farm-by-farm and use water as efficiently as possible.

Farmers acknowledge that securing labor presents the same basic choice: working collectively to maximize the number of

workers available or treating labor as scarce and trying to select and retain the fewest workers necessary.

IS THERE A SHORTAGE OF AGRICULTURAL LABOR?

The most recent manifestation of California agriculture's interest in immigration occurred during the debate that preceded the enactment of the Immigration Reform and Control Act of 1986. IRCA imposed sanctions or fines on U.S. employers who knowingly hired unauthorized alien workers and offered legal immigrant status to many illegal aliens who worked in U.S. agriculture.

IRCA's Agricultural Provisions

IRCA included three major agricultural provisions: deferred sanctions enforcement and the requirement that the INS obtain search warrants to check the status of workers in open fields; the SAW legalization program; and the H-2A and Replenishment Agricultural Worker [RAW] foreign worker programs. Each provision had both anticipated and unanticipated consequences.

IRCA made significant changes in agricultural enforcement practices. Before IRCA, immigration enforcement in agriculture usually involved the Border Patrol driving into fields and apprehending aliens who tried to run away. Farmers pointed out that the INS was required to obtain search warrants before inspecting factories for illegal aliens and argued that the INS similarly should be obliged to show evidence that illegal aliens were employed on a farm before raiding it. IRCA extended the requirement that the INS have a search warrant before raiding a workplace for illegal aliens from nonfarm to agricultural workplaces.

IRCA created two legalization programs: a general (I-687) program that granted legal status to illegal aliens if they had continuously resided in the U.S. since 1982, and the Special Agricultural Worker (I-700) program that granted legal status to illegal aliens who did at least ninety

days of farm work in 1985-1986. It was much easier for illegal alien farm workers to satisfy the SAW work requirement than it was for nonfarm aliens to satisfy the I-687 residence requirement. Some 1.3 million SAW applicants came forth, although it is likely that only a portion were legitimate agricultural workers.

All were supposed to be experienced farm workers, and farmers expected a significant movement of now-legal workers to restaurants, hotels, and other employers who could offer year-round and less strenuous work. Employer sanctions, if successful, could have further depleted a source of argicultural labor.[3]

Part of the last-minute farm worker compromise that allowed IRCA to become law were a Replenishment Agricultural Worker program and changes to the non-immigrant H-2A program that permits farmers with vacant jobs to bring foreigners to fill them if U.S. workers are not available. Both the RAW and the H-2A program permit the admission of legal foreign workers.

RAW program admissions depended on national calculations of farm labor "need" and supply made by the Secretaries of Labor and Agriculture (Martin 1990). However, continuing illegal immigration and the proliferation of "documented illegals" in the farm workforce made it unnecessary to admit RAWs during its four-year life from 1989-1993. At no point could an IRCA-related shortage of agricultural labor be detected.

[3] No one knew how many illegal aliens were employed in U.S. agriculture in the mid-1980s. Most farmers and farm worker advocates accepted a USDA estimate that 350,000 illegal aliens were employed in U.S. agriculture sometime during a typical year, and this number became the anticipated maximum number of applicants.
However, the major surprise was that 1.3 million aliens applied for SAW status, a discrepancy mostly attributable to the ease of fraudulent application, not to a much larger illegal labor force than anticipated. California Unemployment Insurance data, for example, suggest there should have been 200,000 legitimate SAWs, but 700,000 applications were submitted (Martin 1990). Employers argued that independent estimates of SAWs in agricultural employment, which were likewise only one-third the number of applicants, implied that two-thirds of their labor supply had left for better union jobs. Some SAWs did leave agriculture, but the major reason that so few SAWs were "still working" there is that many who legalized had not been farm workers at all.

Instead of national calculations triggering RAW admissions, U.S. farm employers facing shortages could individually initiate requests for H-2A workers. This indicator of local labor shortages did not jump to requests for 200,000 alien farm workers per year as expected; instead H-2A admissions dropped from 30,000 in 1989 to about 15,000 in FY 1995. Most of the reasons the H-2A program did not expand lie in continuing illegal immigration and false documents. Shrinkage of the H-2A program, on the other hand, is partly due to mechani-zation of the Florida sugarcane harvest.

November 1995 Employer Survey

In November 1995, California's Employment Development Department mailed a two-page survey to a 5 percent sample of reporting units with SIC codes 01 (crop production), 02 (livestock production), or farm-oriented 07 (agricultural services).[4] Some 1,000 surveys were mailed and 197 were returned for a 20 percent response rate.

Agricultural employers were asked about their employment of seasonal workers—persons employed for less than 150 days in 1995. About 55 percent of the responding farms—102 farms—employed 5,100 seasonal workers in 1995, or an average 50 seasonal employees per reporting unit.

The purpose of the survey was to determine if INS's Operation Gatekeeper or other border control efforts affected the supply of seasonal workers in 1995 compared to 1994. For this reason, there were a number of questions asked about the characteristics and availability of seasonal workers.

Virtually all seasonal farm workers hired in 1995 were immigrants who were re-

[4] There were 36,200 reporting units in California in 1994 with SIC codes between 01 and 09, agriculture, forestry, and fisheries. They paid total wages of $6.6 billion and, as most workers are low earners, about 56 percent of the wages paid were taxable for UI purposes (California employers pay a tax on the first $7,000 paid to workers to cover the cost of UI benefits). Agricultural employers made $167 million in contributions in 1995, and unemployed workers received about twice as much in UI benefits—$335 million.

cruited by fellow workers (36 percent), foremen (31 percent), or labor contractors (11 percent)—the "other category" included 22 percent of respondents, and they relied mostly on seasonal workers returning to their farms—about two-thirds of the seasonal workers employed in 1995 were reported by employers to have worked on their farms in 1994. None of the responding employers used the Employment Service or a union hiring hall; just one used the H-2A program to obtain two workers.

Responding farms provided estimates of the number of seasonal workers with various types of work authorization documents. According to employers, about 5 percent of the seasonal workers hired in 1995 were U.S. citizens, 46 percent were legal immigrants, and 9 percent were believed to be falsely documented. Farmers reported that they did not know the legal status of 41 percent of their seasonal workers.

Farmers were asked to estimate how many workers were employed in California agriculture for the first time in 1995, and they reported that about 1 percent were first time U.S. workers.[5]

According to farm employers, about 46 percent of the seasonal workers hired in 1995 presented greencards (INS I-551 forms) to establish their right to work in the U.S., while 45 percent presented social security cards. About 7 percent presented SAW documents, which are no longer valid. To prove their identity, 72 percent of the workers presented drivers' licenses.

The seasonal workers hired in 1995 have characteristics similar to those reported in the NAWS. For example, 68 percent were male, 87 percent were born in Mexico, and 69 percent were under age 40. The most common hourly wage paid to seasonal workers in 1995 was $5.38 per hour, and 45 percent of farm employers reported that this was a higher wage than was paid in 1994.

[5] Surveys done for Employment Services in the mountain states in summer 1995 found higher turnover—in some crops, as few as 15 percent of the seasonal workers were employed the year before (Thilmany 1995).

Few farm employers house seasonal workers on their farms—only 26 percent reported that they provided housing for seasonal workers, but 61 percent reported that their seasonal workers lived "in town." One farmer used the H-2A program to obtain two foreign workers in 1995, and four others investigated the H-2A program, but ninety-two did not. Among those who commented on the H-2A program, most did not know about the program, and those who did know about it asserted that it was too expensive or bureaucratic to use to get farm workers.

About 35 percent of the responding farms used a farm labor contractor or custom harvester to obtain seasonal workers in 1995 and they got an average sixty-seven workers from such intermediaries. Contractor employees received an average $5.59 per hour, slightly more than workers hired directly, and an average overhead rate of 40 percent was paid to cover the FLC's payroll taxes and costs associated with hiring and providing toilets, etc., for farm workers.

The survey asked how IRCA was affecting farming operations, and most employers asserted that the government needs to develop a better employee verification system and that an agricultural guest worker program is necessary.

Yet, most employers had no trouble finding seasonal workers in 1995—91 percent of employers who hired seasonal workers in 1995 reported that they were able to find enough seasonal workers. The nine employers who reported difficulties finding sufficient seasonal workers cited the general unavailability of workers as well as a unique reason, such as planting additional acreage or bad weather.

County and commodity specific details from the survey emphasize the same points, *viz*, most used informal recruitment methods to obtain seasonal workers, most paid about $5 per hour, and virtually all employers had enough seasonal workers in 1995.

PROPOSED GUESTWORKER PROGRAMS

There are two major types of guestworkers, nonimmigrants and probationary immigrants, and two major methods to admit them to the U.S., through certification or attestation procedures. Nonimmigrants are foreigners in the U.S. for a specific time and purpose, and experience in the U.S. as a lawful nonimmigrant is not supposed to advance a person's priority to enter the U.S. as an immigrant.[6]

Probationary immigrants, on the other hand, if they are still needed and do a sufficient amount of qualifying work, can "earn" an immigrant status. European guestworkers were probationary immigrants, and RAWs would have been.

There are also two major ways to admit guestworkers. Certification means that the border gate stays shut until a government agency agrees with the employer that there is a shortage of U.S. workers, and then the foreign workers are admitted to fill a specific job vacancy under contracts approved by the government.[7] Attestation, on the other hand, means that employers open the border gates with their petitions asserting that they could not find U.S. workers after attempting to recruit them at prevailing wages, and the border gate stays open until complaints and enforcement prompt the government to shut the door.

California farmers developed a propo-sal in February 1995 to substitute an attestation procedure for the current certification procedure. Under the growers' pro-

[6] Thus, H-2 workers employed in 1985-1986 were not eligible to apply for the SAW legalization program, which was restricted to persons who were unauthorized workers on U.S. crop farms.

[7] Under the H-2A program, growers must ask DOL to certify their need for workers at least sixty days before the shortage is anticipated. DOL does not certify that growers need H-2A workers unless the grower tried to recruit U.S. workers at prevailing wages and with offers of free housing, transportation, and contracts for work.

posal, employers would attest that they face labor shortages after attempting to recruit workers at prevailing wages. Associations, farmers, or farm labor contractors would fax applications that include promises to recruit local workers and to pay prevailing wages to the U.S. Department of Labor. DOL could review the request for completeness and accuracy, but not initiate an investigation unless there was a complaint. Unless DOL disapproved the application within seven days, growers would be free to employ foreign workers, either workers in the U.S., or those abroad.

Growers would pay for the administrative cost of the program with a fee equivalent to their payroll tax savings for social security and unemployment insurance taxes—perhaps 12 to 15 percent—that would not be paid on behalf of the foreign farm workers. Foreign farm workers admitted under the program could be shifted from farm to farm and could remain in the U.S. for up to thirty-six months. Up to 30 percent of each worker's wages would be withheld and sent to the U.S. consulate nearest the workers' hometown for pickup, or forfeited by workers who failed to appear to collect the withheld wages.

RECOMMENDATIONS

The certification procedure used to determine whether to admit H-2A workers is rife with controversy and litigation. Farm employers criticize it for being too bureaucratic, costly, and uncertain. Farm worker advocates criticize it for permitting employers to obtain the foreign workers who, they assert, employers prefer because the H-2A workers must please their employers to remain legally employed in the U.S.

The government is not well suited to mediating between these parties. If experience has demonstrated anything, it is that, if the only party that wants to make the H-2A program work is government, the program will not work smoothly.

However, the H-2A program may be a bit like democracy—it's not perfect, but it does look better than the alternatives. To my knowledge, no country admits unskilled foreign workers on the basis of employer attestations of labor shortages. I find it hard to believe that, given the history of controversy surrounding the employment of foreign workers in U.S.

agriculture, the U.S. will in the late 1990s introduce an attestation program for alien farm workers.

All governments make employers who want temporary foreign workers pay for the privilege. However, employers currently pay lobbyists to push for the fewest and lowest hurdles between themselves and the foreign workers they want. This means that employers pay for the privilege of obtaining access to foreign workers up front and then reap the rewards of using foreign workers afterward. This accentuates dependence on foreign workers and means that, once an employer becomes hooked on foreign workers, there is no continuing economic incentive to look seriously at U.S. workers.

If the likely outcome of the debate over certification versus attestation is a change in certification procedures, then I suggest careful consideration of such changes as substituting employer-paid user fees for some of the regulations that now govern admissions.

I suggest that employers who bring H-2A workers into the U.S. pay a user fee equivalent to 15 to 25 percent of the wages paid to H-2A into an industry-specific trust fund. This fund, administered by employers, labor, and government representatives in a manner similar to current trust funds that promote, *inter alia*, milk and pork, should be charged with spending the funds collected in a manner that would end the industry's dependence on nonimmigrant workers.

Trust funds would, I believe, have several advantages over the current system. First, they would encourage employers to return to the U.S. labor market to look for workers—experience shows that, once employers master the intricacies of the H-2A program, they rarely return to hiring U.S. workers. Second, trust funds tie the funds available to find alternatives to foreign workers directly to dependence on foreign workers. If there were 200,000 foreign farm workers, each earning $5,000, then a 25 percent user fee would generate $250 million to administer the program and to find alternatives to foreign workers.

Third, tripartite administration of the program permits the parties closest to the

problem of insufficient U.S. workers—those who have the most expertise in the causes and solutions for labor shortages—to deal with ending dependence on foreign workers. Tripartite administration may reduce the controversy and litigation that usually surrounds the H-2A program.

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POLICY ANALYSIS OF FOREIGN STUDENT VISAS

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"Foreign students" are foreign nationals who are in the United States on temporary visas for the expressed purpose of attending a U.S. college or university or a related training program. They are a familiar presence on American campuses and they play an integral part in the intellectual life of these campuses, both as students and as scholars, often serving in academic apprenticeship roles. Unlike other foreign nationals in the U.S., such as illegal aliens, refugees, and permanent resident aliens, who have been extensively studied and discussed, there has, unfortunately, been remarkably little research on, or public policy discussion of, foreign students. Foreign students play an important role in one major sector of the economy (the higher education sector) and many enter the broader labor market, some in an illegal status (e.g., violating the work restrictions on their student visas) and others on temporary work visas or as permanent resident aliens. Public policy regarding foreign students needs to be made, not in a vacuum, but with an understanding and weighing of both the positive and negative aspects of their presence. The positive aspects need to be encouraged, while the negative aspects need to be curtailed.

The United States as a Magnet

The United States is a magnet for foreign nationals seeking university level and advanced (graduate) level training. This is particularly true in the fields of science (biological and nonbiological), engineering, computer science, mathematics,

certain social sciences (e.g., economics) and, more recently, business and management. Hereafter these fields are referred to collectively as "science."

Tables 1 and 2 present data on the admission of foreign students into the United States over time and by country of origin. Although there have been ebbs and flows, there is little trend in the number of foreign students admitted annually—241,000 in 1981 and 257, 000 in 1993 (including 4,383 in the vocational training program). With the growth in college and university enrollment over this period (from 12.4 million to 14.4 million students) there also has been little change in the number of admissions of foreign students per hundred students enrolled in U.S. colleges and universities, a small decline from 1.9 per hundred in 1981 to 1.8 per hundred in 1993. By country of origin [**Table 2]**, foreign student admissions now come primarily from Asia (61 percent), with Japan (16 percent), China, Taiwan and Hong Kong (14 percent), Korea (9 percent), and India (5 percent) the primary sources. Other important source countries outside of Asia are Canada, Mexico, the United Kingdom, Germany, and Spain.

There has, however, been an increase in the stock of the foreign student population in the United States, from about 300,000 in 1981 to just more than 450,000 in 1995.[1] Relative to the total enrollment in colleges and universities, foreign students have increased from 2.5 percent of the student population to just more than 3 percent.

The growth in the foreign student population relative to annual admissions reflects a lengthening in the average stay in student visa status. This has been due, in part, to the increase in the proportion of foreign students in graduate-level education, which generally involves a longer stay in a U.S. educational insti-tution than does enrollment, often for just one semester or one year, in an undergraduate program.

Foreign students now comprise about 1 percent of enrollment in associate degree (two-year college) programs, 2.5 percent

[1] The data in this paragraph and the next two paragraphs are from the Institute of International Education (1995).

Table 1.
Students and Family Members Admitted to the United States
Selected Years, FY 1981 to FY 1993

Year	Students	Spouses and Children of Students
1981	240,805	31,056
1985	257,069	28,427
1989	334,402	26,369
1990	326,264	28,943
1991	282,077	32,315
1992	241,093	33,431
1993	257,430	33,379

Source: U.S. Department of Justice. 1995. *1993 Statistical Yearbook of the Immigration and Naturalization Service*: Table 40.

Table 2.
Students Admitted to the United States by Country of Citizenship, FY 1993

Country	Number of Students	Percent of Total
Europe	**45,677**	**17.7**
France	4,688	1.8
Germany	5,942	2.3
Spain	5,422	2.1
UK	6,205	2.4
Asia	**157,355**	**61.1**
China & Taiwan	29,860	11.6
Hong Kong	5,842	2.3
India	12,826	5.0
Indonesia	6,679	2.6
Japan	40,492	15.7
Korea	22,286	8.7
Malaysia	6,263	2.4
Thailand	6,732	2.6
Africa	**7,067**	**2.7**
Oceania	**2,177**	**0.8**
North America	**30,469**	**11.8**
Canada	11,659	4.5
Mexico	8,975	3.4
South America	**12,999**	**5.0**
Stateless and Unknown	**1,686**	**0.7**
TOTAL	**257,430**	**100.0**

Note: Only countries providing at least 4,000 foreign student admissions are identified separately.
Source: U.S. Department of Justice. 1995. *1993 Statistical Yearbook of the Immigration and Naturalization Service*: Table 39.

in bachelor's (four-year college) programs, and just more than 9 percent in graduate level programs. Or, expressed as a proportion of foreign students, 13 percent are in associate degree programs, 41 percent in bachelor's programs, and nearly one-half (46 percent) are in graduate level programs. By field of study, nearly 30 percent are in the physical and life sciences, engineering, mathematics, and computer sciences, 20 percent are in business and management disciplines. In contrast, less than 4 percent are in the humanities.

There are two fundamental reasons, not necessarily mutually exclusive, why foreign nationals seek a student visa: (1) to obtain high quality education in the United States that may not be available at all or in the same form in the home country; (2) the student visa may be the easiest or least costly mechanism for entering and remaining for some time in the United States.

In spite of the many shortfalls and failings in its system of higher education, the United States is recognized inter-nationally for having the highest quality and most flexible college and university system in the world. This is even more so for graduate-level education than for undergraduate education, although it is true at the undergraduate level as well.

The students feeding into this system come from two primary sources—U.S. trained (grades Kindergarten through four years of high school) students and foreign students. The U.S.-trained students often come from middle schools and high schools that are not up to the quality standard expected at the university level. In particular, while U.S. schools emphasize original thinking rather than rote learning, compared with some schools in some other countries they are not as demanding of their students in terms of classroom hours and homework, and they do not provide high quality learning in mathematics or science.

Moreover, many foreign students, particularly at the graduate level, are drawn from among the best and the brightest from around the world and often have had outstanding training in secondary schools and institutes in their countries of origin. The foreign students can compete very successfully with U.S.-trained students for college and uni-versity admission, particu-

larly at the graduate level. Indeed, in spite of a preference on the part of colleges and universities for U.S.-trained students, they admit foreign students on the basis of their outstanding records.

It is not by coincidence that foreign students are disproportionately in science-oriented fields rather than uniformly distributed across all fields. The United States has a particular comparative advantage in training in the science-based fields in contrast to the humanities; the U.S. is at the forefront of scientific research in many fields. Moreover, science involves inter-nationally transferable skills in contrast to the tendency for the humanities to be much more country specific. Medicine, for example, involves the human body and, although environmental factors may differ, the human body and the biological processes it involves are not country specific. In contrast, the legal system and the institutional environment in which the legal system operates is very much country specific. As a result, a "disproportionate" number of high- quality foreign students apply for U.S. science, rather than humanities, pro-grams. The result is a larger proportion of foreign students in science and a larger proportion of native-born students, who have more of the U.S.-specific skills, in the humanities. These differing relative proportions do not imply discrimination nor do they imply an "imbalance" that needs to be corrected. Rather they imply a rational allocation by students across disciplines based on their relative skills.

Another reason the U.S. draws such a large number of international science students is that the language of instruction (English) has become the international language, or the *lingua franca*, of science. Although lesser fluency in English is generally required in U.S. science programs than in U.S. humanities programs, the experience of studying in a U.S. science program improves English speaking, reading, and writing skills that now are required of scientists who wish to operate on an international level, if only by reading international journals. Indeed, even science journals published in non-English speaking countries increasingly are published in English.

There are, however, less laudable reasons for foreign nationals to seek a foreign student visa. A foreign student visa can be the easiest long-term visa that many for-

eign nationals can obtain. It has a longer duration than a tourist visa, puts one at less risk and provides greater freedom of movement than being in an illegal status, and does not require demonstrating a "well-founded fear of persecution" if one returns to one's home country (refugee visa). Moreover, a foreign student visa does not involve having one's name placed on a waiting list or backlog, as is often required for a permanent resident alien visa. Indeed, most potential immigrants cannot claim refugee status, do not have close relatives in the United States, and either cannot qualify for or, especially if living outside the U.S., cannot find an employer willing to petition for the labor certification that is needed for an occupational preference visa. As a result, most potential immi-grants have little prospect for obtaining an immigrant visa.

At least some applicants for a foreign student visa are motivated by the desire to obtain a "cheap" visa to enter the U.S. rather than by a genuine interest in studying in a U.S. institution and then returning to their country of origin. While in the United States they may "search" for ways of obtaining a resident alien visa, such as marrying a U.S. citizen or finding an employer who will petition on their behalf for a labor certification. Both mechanisms for obtaining a visa are easier if one is inside the U.S. in a legal status than if one is in an illegal status or outside the United States.

Advantages to the United States

The foregoing outlined reasons why foreign nationals have a "demand" for foreign student visas. The crucial question is: Why does the United States "supply" or make student visas available?

Foreign students, especially graduate students in science, are important in fulfilling the two key roles of a university, the transmission and generation of knowledge. With a relative "shortage" of native-born students seeking advanced study in science there is a relative shortage in these fields of teaching assistants [TAs], research assistants [RAs], and postdoctoral fellows. Yet, the current economic situation in higher education in the United States has made graduate students essen-

tial in the functioning of most colleges and universities, particu-larly the large research universities.

The economics of teaching under-graduates requires a large number of teaching assistants, graduate students who grade homework and examinations, tutor students, lead discussion sessions, supervise laboratory experiments, and teach small independent sections of basic courses. Without the graduate student teaching assistant services the cost of higher education would increase significantly.

Moreover, there is much validity to the often-made argument that part of the training of graduate students involves their learning how to teach and that the best way to do that is through supervised hands-on experience or on-the-job training. Supervised teaching experience sharpens an individual's own basic skills in science and provides the necessary training for the teaching many graduate students will be doing upon completion of their advanced degree program.

Similarly, science-based research projects at the major universities depend on research assistants and postdoctoral fellows, many of whom are foreign nationals. This research, generally funded by the federal government and private foundations, now often requires the input of research teams, and an important component of these teams are the RAs and postdoctoral fellows. A de-cline in foreign graduate students would raise the cost of research to the funding agencies and decrease the amount of research funded and performed. Yet, this university-based research is vital to maintaining the frontline position of the United States in science and technology.

The comparative advantage of the United States in international trade is in products (goods and services) that are intensive in "human capital." To maintain this comparative advantage requires a labor force well-educated in science and a scientific community that is advancing the frontier of knowledge. Foreign students, whether in teaching or in research, help maintain the competitive edge of the United States.

There are also potential benefits to the U.S. when the foreign students graduate from their science-based programs of study. If they return to their country of origin or to

a third country, they carry with them links to the United States that can be invaluable in enhancing both trading opportunities and international collaborative research. A negative aspect, however, may be a technological "leak"—with foreign countries learning U.S. technological secrets. One partial pro-tection is security clearances for those working on highly sensitive projects involving national security. But in another sense, it is very difficult for any democratic country to maintain non-classified technological secrets developed in universities, regardless of whether or not there are foreign students. These ideas get disseminated rapidly in international conferences, working papers, technical journals, and, most recently, electronic publications.

Among the foreign students in science who remain in the United States, most eventually enter a career that makes at least some use of their training. Their training in the U.S. as graduate students serves as an apprenticeship program in U.S.-specific, as well as international, skills. They develop credentials that are easier for U.S. employers to interpret than the purely foreign credentials of job applicants from outside the U.S.

There is no question that the U.S. economy has been kept at the leading edge of science and technology over the past century in part through the influx of foreign-born scientists. Yet, one objection to occupational-based visas and to foreign student visas is that foreign nationals are "crowding out" U.S.-born scientists by depressing their wage and employment opportunities. It should be noted, however, that for about the past fifteen years there has been a widening of skill differentials in the U.S. and in the other Organization for Economic Cooperation and Development [OECD] countries, that is, the earnings of highly-skilled workers (including those in science-based professions) have increased relative to lesser-skilled workers.

Several reasons have been offered for this phenomenon. One is the internationalization (globalization) of the world economy that has put lower-skilled U.S. manufacturing workers in more direct competition with lower-income workers in emerging third world economies. Another is the rapid pace of technological advance due to the computer revolution that has given more highly-skilled workers an advantage in the labor market, per-

haps because they have adapted more readily to the new technological changes (which would have only a short-term effect on relative wages) or because the new technology is "biased" in favor of highly-skilled and professional workers (which would have long-term effects).

The widening of skill differentials in earnings in the U.S. has been responsible for an increase in income inequality and a higher rate of return to science-based training. The increase in income in-equality has negative social conse-quences. The higher rate of return to science-based occupations has not attracted enough native-born Americans to college and university training to either fill the available slots or to prevent the widening of skill differentials.

Policy Considerations

Thus, in general, foreign students are not "crowding out" U.S. nationals either in colleges and universities or in the labor market. Fewer foreign-origin scientists would undoubtedly increase the earnings of U.S. scientists, but the price to the American economy would be a slower rate of technological advance and further widening in income inequality. There may be particular subsectors that, at particular times, appear to experience a larger adverse impact from foreign students than others. It is difficult, how-ever, to identify these subsectors in advance and even more difficult to develop ameliorative policies; and, because of rapid responses in enrollments and the labor market to economic incen-tives, most such policies would come into play only after market forces already have mitigated the impacts.

There are, however, potential abuses in the foreign student visa program that can be mitigated through some changes in policy.

It is important to enforce rigorously requirements that students be in good standing with the university. Students on academic probation should not be considered to be in good standing for the purpose of a foreign student visa. For students enrolled in courses or at the thesis or dissertation (independent research) stage a document should be required, signed by the relevant person in the student's department (e.g., advisor or department chair), certifying that satisfactory progress

is being made toward completing the degree require-ments or research project.

A condition of entry for a foreign student should be a prepaid return airline ticket from the airport nearest to the university to the country of origin. This ticket should be nonrefundable unless the INS certifies that the student has left the United States, become a permanent resi-dent alien, or is deceased. This is impor-tant to prevent the lack of a return airline ticket from discouraging a return to the home country and encouraging remain-ing in the U.S. in an illegal status.

To reduce even further abuse of a student visa as an instrument for providing legal cover while seeking another visa, two changes in immigration law would be beneficial. The current labor certification requirements for the labor market (occupational) preference visas give a substantial advantage to aliens already living in the United States compared to potential applicants living abroad. A skill-based points system, along the lines used in Canada and Australia, would be an excellent substitute. Even if the skill-based point system included a small number of points for "prearranged employment" in the U.S., it would provide less of an incentive than cur-rently exists to abuse the foreign student visa program.

Under current law there is a three-year waiting period to demonstrate that a marriage to a U.S. citizen is *bona fide* before it qualifies an alien for a permanent resident alien visa. It would be desirable to raise this to a five-year waiting period to reduce even further the incentive to use a foreign student visa as a mechanism for being in the U.S. while searching for a U.S. citizen spouse.

Another deterrent would be a permanent bar to obtaining a resident alien visa or a temporary visa for those found to have violated a significant provision of their foreign student visa, including by being employed in violation of the visa or by submitting a visa application based on a fraudulent marriage.

Regulations currently require that a foreign student visa applicant be able to demonstrate a level of financial support from legally-authorized sources sufficient to cover tuition, fees, room, board, and

other living expenses. This support level can serve as a policy instrument to increase or decrease the number of foreign students by lowering or raising the required minimum level of financial support or by extending its duration beyond the first year in a foreign student visa status.

There are some things that should *not* be done. It has been suggested by some that a quota be set on the number of foreign student visas. Establishing this quota would be difficult: How would the number be determined? How would the limited number of visas be allocated by country of origin, academic discipline, and university? A rationing mechanism would be needed. The visa backlog, now a prominent feature of the resident alien visa system, would make no sense for a student visa program. It would be unreasonable to ask a graduate student or a university to wait, say five years, before the visa could be approved. Administrative procedures could be used to develop a rationing allocation formula or visas could be auctioned off to universities, although either would be likely to be even more hotly contested than the mechanism for rationing immigration visas.

A more fundamental question, however, is why one would want to place a limit on *bona fide* foreign student visas. With the adoption of the administrative procedures discussed above, abuse and fraud in the foreign student visa program would be reduced. It is not obvious that having done so there would be "too many" foreign students in the United States. These visas have served the national interests of the United States and could be expected to continue doing so in the future.

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DENIAL OF DOCTORAL OPPORTUNITIES FOR AFRICAN AMERICANS

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As the U.S. moves to a *de facto* low-wage industrial policy characterized by high immigration, a low-wage-influenced regional free trade agreement, and a societal value on graduate, more than precollegiate, education, American education's current practices will insure that the majority of African Americans are relegated to second-class citizenship in the next, as in the past, century. The extreme underrepresentation of African Americans (and other minorities) among those who receive doctorates from U.S. universities will be a major factor in a reduced living standard and quality of life for African Americans.

The disproportionate use of federal research funding to provide better access to higher education to non-American citizens over American minorities, especially in the sciences, is a tragic and counterproductive example of actions against our collective American interest.

African Americans have paid, and continue to pay, dearly in human costs because most Americans are *not* aware that in the new world order skilled people, not low wages, are the only sustainable comparative economic advantage. American public investments, especially race- and class-equitable investments in human capital and education, often are discredited and receive low public policy priority. Lester Thurow, Dean of MIT's Sloan Business School puts it best, noting that if economic success was determined by who

[1] At the time this paper was presented to the Commission, Frank Morris was at Morgan State University. He has since retired.

was able to invent the best new products, then it would make sense to concentrate our educational resources on the top 25 percent of our labor force—as the U.S. currently does. If, however, the key to economic success is being the cheapest and best producer of products, then the education of the bottom half of the labor force is more critical to effective and efficient production because, if they cannot learn new, high-technology, highly-productive processes, those processes cannot be employed (Thurow 1992:227).

Thurow points out that in a low-wage industrial policy, the societal education resource priority is on the upper 25 percent of the educational distribution. Thus, America has some of the greatest research universities—and many of the worst elementary and secondary schools—in the world. Our private sector and federal government research support to a relatively small number of universities has permitted these selected and elite institutions to become a world-recognized asset. Unfortunately, our world-renowned research universities have not served our African American population well, a situation (almost as bad for other American minorities) that continues because we do not hold our research universities accountable for how well they serve our African American population. In the past, when industrial and manufacturing jobs were more plentiful, this lack of accountability may not have made much difference. Now, and in the immediate future, as our economy becomes more and more dependent upon knowledge-based skills, we no longer can ignore the consequences of gross under-representation in access to the higher-order academic training increasingly vital for economic development.

Even so, Thurow aptly observes that we now know that the past historic explanation for American's economic success was inadequate; historians traditionally overstated the impact of cheap, plentiful, well-located raw materials and farmland in explaining American economic success. America did not become rich because a small population lived in a rich resource environment or because Americans worked harder or saved more than their neighbors. The real reason was that America's resource advantages were combined with the first compulsory public K-12 and mass higher educational systems in the world. Both these advantages, plus some others, gave America its great eco-

nomic edge, especially after World War II. Americans did not work harder, but they worked smarter and they were better skilled. Once rich, it was easier for America to stay rich (Thurow 1992:40).

The benefits most Americans receive come from the differential access of their ancestors, parents—or even themselves—to natural resources that they could exploit without paying either replacement or environmental degradation costs, and from government subsidies, ranging from free or low-cost land, education, help in research, development, and promotion, and, especially, extensive tax subsidies. Our common future heritage depends on effectively utilizing and developing *all* of our human resources—especially our poor and minorities. Current policies and practices in doctoral education are counterproductive to this goal.

The Need for More African American Doctorates

Many current practices place all American graduate students at a disadvantage *vis-a-vis* international students. Many American research universities abuse the concept of merit in responding to the needs of our African American population. There are numerous reasons for comparing African American and international doctoral recipients:

- Non-American doctoral recipients benefit *most* from the *best* graduate financial assistance, while African American doctoral recipients benefit *least*;
- This best university support—in the form of research assistantships—is financed primarily through federal research grants funded from taxes taken from all Americans—including American minorities;
- Research universities have less incentive either to care about or to help produce more American minority scholars if they can find all the students they need—and more—overseas;
- The lack of public accountability, financial incentives, or penalties does not create adequate motiva-

tion for American research universities to produce more American minority Ph.D.s.

Only in America is it necessary to make the argument that it is in our national interest to develop our underutilized human resources (who disproportionately happen to be American minorities). It is already clear that future quality of life, as well as economic development, requires greater utilization of knowledge-based communication and information skills. American Ph.D.s are more likely to stimulate our economy, more likely to pay taxes, and more likely to be creditable role models for future faculty and students. The converse is also true. If current American research university patterns of benign neglect of African American doctoral students in the sciences is allowed to continue, we are mortgaging our future.

The Problem

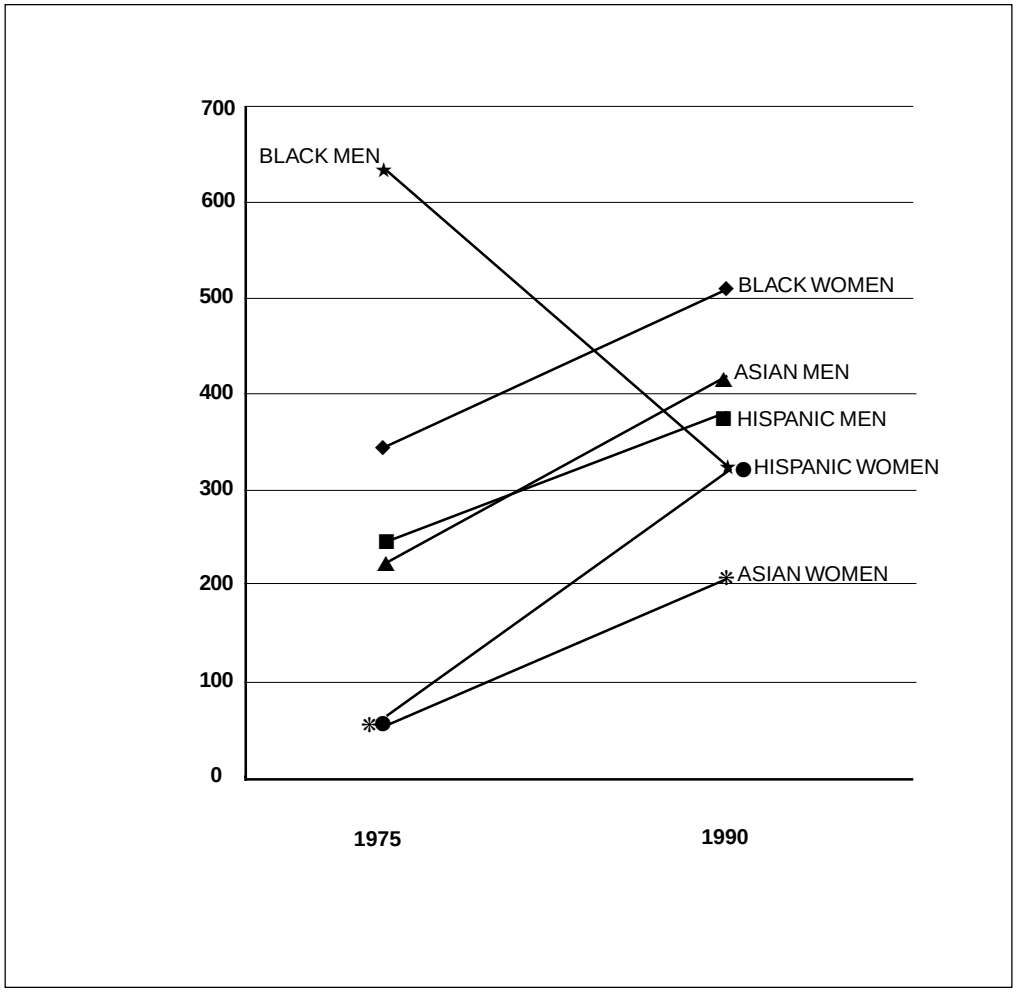
African American citizens constituted more than 13 percent of the U.S. population but received less than 3 percent of the doctorates from U.S. universities in 1990; non-American citizens received 28 percent of all doctorates from U.S. universities that year (Thurgood & Weinman 1991:10,84).

Although African American doctorates have increased from 1975 to 1991, the total is still 16 percent less than the peak year of 1977. This loss is in spite of a 27 percent increase in Ph.D.s to African American women since 1977. African American males are the only underrepresented American minority group that suffered a loss of more than 44 percent in the receipt of Ph.D.s from American universities since 1975-1977 (NRC 1992:64). The number of Ph.D.s going to all other underrepresented American minority groups increased considerably [**figure 1**]; the number of Ph.D.s from American universities going to non-American citizens increased more than 70 percent during that time.[2]

African American males constitute 6 percent of the U.S. population, 47 percent of the U.S. prison population (Hacker

[2] There were 684 African American male doctorates in 1977 and 385 in 1991 (NRC 1992:71). There were at least 9,398 non-American citizen doctorates in 1990 compared to approximately 5,338 in 1975 (Thurgood & Weinman 1991:84)

Figure 1.
Doctorates Awarded by U.S. Universities to U.S. Citizens



Source: Thurgood & Weinman 1991.

1992:197), 5 percent of the private sector top corporate positions, but less than 3 percent of those with access to postsecondary education and less than 1 percent of those who received doctorates from American universities in 1990. In comparison, non-American citizen males received 21 percent of all doctorates from American universities in that same year.[3]

The 1990 Doctoral Project of the National Research Council [NRC] of the National Academy of Sciences documented that American research universities provided better support to the international students who received doctorates compared to African Americans who received doctorates. This greater support for non-American citizens over African Americans held for every doctoral and professional field, including the humanities, education, and the social sciences. (Thurgood & Weinman 1991:24,47).

The result was that in 1990, of the more numerous 9,500 international students, 70 percent received doctorates without incurring any debt. In contrast, almost 70 percent of the much smaller number of African Americans (820) and Hispanic doctoral recipients incurred debt. For 25 percent of the African American recipients and 33 percent of the Hispanic recipients doctoral education debt was more than $10,000 (Thurgood & Wein-man 1991:26,34). The 1991 data is even more discouraging. The greater the amount of debt that doctoral students owe, the greater the gap between America minority students and international non-citizen recipients of doctorates from U.S. universities (NRC 1992: Table 17).

Direct federal grant funding for doctoral support has declined in favor of more loan funding (for American citizens) with the result that almost 70 percent of all funding for graduate doctoral education is in the form of federally-subsidized research assistantships that research university faculty are much more likely to give to international students than to American minorities.[4]

[3] The 6 percent black male population figure is a conservative estimate without the benefit of adjustments to reflect a significant black male U.S. census undercount (Thurgood & Weinman 1991:10,84-85).

[4] In the tables in the NRC study, "university" funding is primarily federally-sponsored research dispensed as research assistantships (NRC 1992).

American universities produced non-American citizen doctorates in fields where they did not produce a single African American doctorate in 1990—in some cases, for more than this one year. Over the last decade this trend is even more devastating. The list in the **APPENDIX** shows the future critical scientific fields where American universities averaged less than one and, in some cases, less than two African American Ph.D.s per year for the entire decade. Remember, 13 percent more Ph.D.s were awarded to international students in 1991 than in 1990.

Doctoral Financing: Racial Bias Without Accountability

In its excellent annual report on minorities in higher education, the American Council on Education (1993) reported that even though more African Americans have been attending college in recent years, the number of African American faculty members has remained stagnant for a decade. In 1980, African Americans represented 4.3 percent of college professors; in 1990 they accounted for 4.5 percent of college professors, only a marginal improvement, and more than half of these teach at historically black colleges and universities.

American universities contend that they cannot find African American faculty because of an alleged "pipeline" problem. Yet, only 55.8 percent of the African Americans who received doctorates from American universities in 1990 were hired by American universities, compared with 68 percent in 1975. The percentage of the much larger number of international doctorate recipients hired by American universities increased from 52 percent in 1975 to 56 percent in 1990. Thus American universities hired a slightly higher percentage of a much larger number of non-American citizen doctoral recipients from American universities than African American doctoral recipients (Thurgood & Weinman 1991:22,50).

Statistics clearly demonstrate that doctorate degrees for African American males declined more than half once the federal government began to cut back on direct assistance. As African American doctoral students had to depend upon American universities as the prime source for financ-

ing their studies, they became much worse off because Ameri-can universities allocated more of their resources to fields where they admit and support foreign students. *Ironically, as much of this university-administered support for international students is in the form of research assistantships, universities use federal funds directly or indirectly to disproportionately fund international, rather than American minority, students.*

If there were no readily available pool of foreign students, American universities would have greater incentives to help develop and increase the supply of American students—possibly even American minority students—in many science fields. Instead, American universities and the major organizations that primarily speak for American education, unanimously supported changes in the immigration law of 1990 that accelerates the recruitment of international scientists and scholars, thus insuring that American minorities continue to be shut out of these academic openings. These are serious charges; let us examine some of the evidence.

Although American university departments do not attribute the dearth of African American doctoral students to the lack of financial aid, data suggests otherwise. In his excellent study commissioned by the Graduate Record Examination Board, Michael Nettles concludes that the reduction in [federal] financial assistance since the 1960s has had a negative effect on prospective African American graduate students at both the master and doctoral levels. That reduction also may explain why more than 60 percent of African American and Hispanic graduate students attend graduate school part-time. In 1970, twice the number of students received fellowships, scholarships, and traineeships as in 1981; the federal budget for these forms of assistance declined by more than 50 percent from 1970 to 1981. While these federal grants decreased, federal loans increased from $717 million in 1976 to nearly $3.5 billion in 1984 (Nettles 1987:1.5). Nettles notes that as federal direct student funding declines, students became more dependent upon universities for assistance, a shift, he asserts, that profoundly affects the ability of African American students to afford graduate school. As universities became the prime determining financing factor for doctoral degrees, African American males fared far worse than any other—especially international—students.

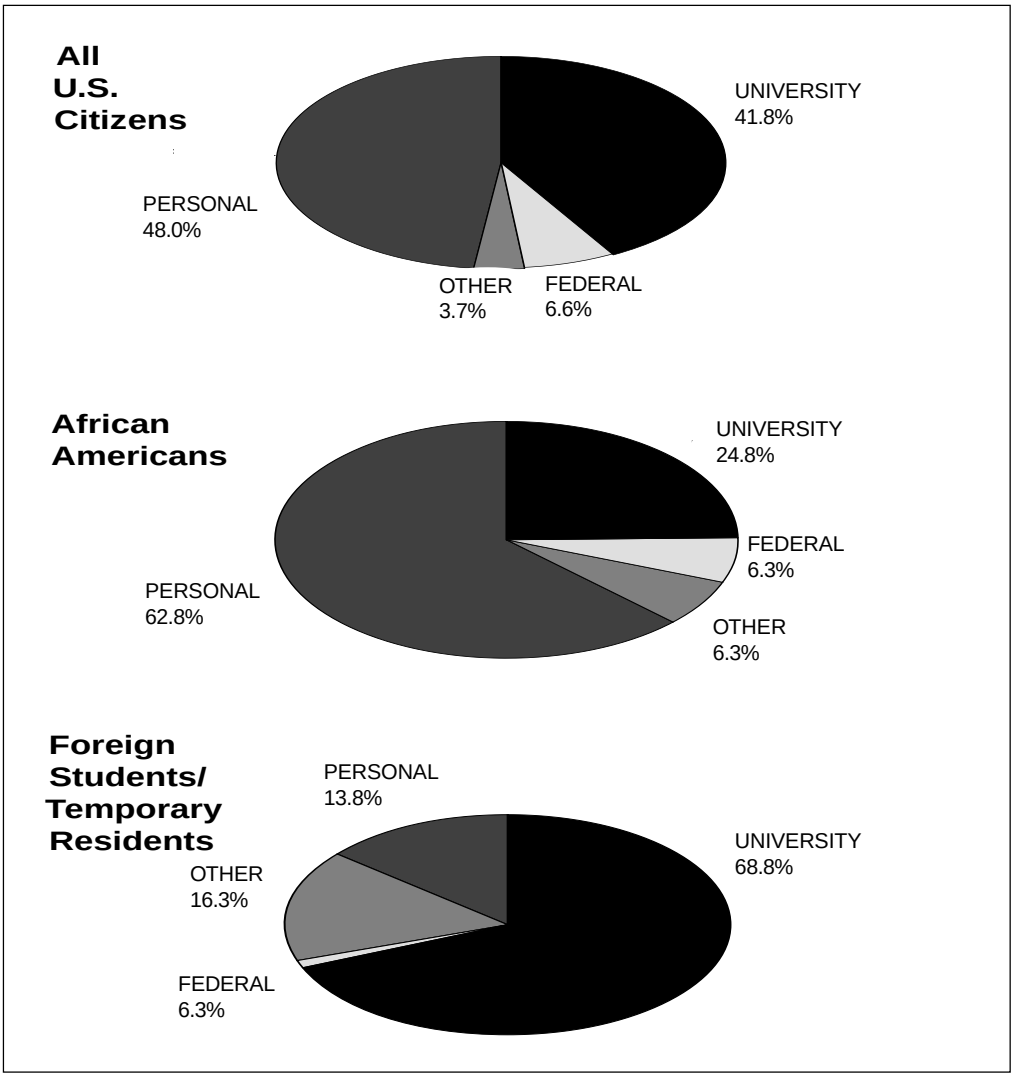
The annual National Research Council 1990 data that traces the fiancing of those who were successful in achieving the doctorates is informative. For international students, American universities were the primary source of doctoral support for 68.8 percent, while for African Americans, universities were the primary source of support for less than 25 percent (Thurgood & Weinman 1991:24,47). For more than 60 percent of African Americans (and Native Americans) the primary source of support for their doctoral education was their own personal funds, such as loans; only 13.8 percent of international students primarily depended on personal funds [**figure 2**].

American universities attempt to explain these trends by contending that minorities are in fields where less university and federal support is available. The different fields misnomer is apparent if we compare the fields where a much higher proportion of American minority students than international students are found. Of African Americans who received their degree in education in 1990, 81 percent listed personal resources as the prime source of financing for their doctoral studies; only 12 percent were primarily funded by American universities. In contrast, only 41 percent of international students who received doctorates in education that year listed personal resources as their primary source of funding; more than 28 percent were primarily funded by American universities. Keep in mind that the absolute number of international students is many times greater than African Americans—or all American minorities combined. This large positive funding percentage in favor of international students translates into almost geometric differences in actual dollars.

Thus, if we just look in the doctoral field where about 50 percent of all African Americans achieve their doctorates, the proportion of African Americans who had to finance their doctoral studies personally was twice that of non-American citizens. *Equally important, American universities were more than twice as likely to provide funds to international students in education than to African Americans* (Thurgood & Weinman 1991:24,47).

We find similar patterns in fields such as the social sciences and the humanities. In the social sciences, 48.5 percent of 1990 African American Ph.D.s financed their

Figure 2.
Sources of Support for
1990 Doctoral Recipients



Source: Thurgood & Weinman 1991.

education by personal funds, while only 22.5 percent of international students had to pay for their education with personal funds. American universities were the prime source of financing for 37 percent of African American Ph.D.s but for 56 percent of international student Ph.D.s (Thurgood & Weinman 1991:24,470.

It is difficult to understand why American universities should favor non-American citizens in the humanities, but they do. Only 28 percent of international doctoral students in the humanities primarily used personal funds to finance their doctoral studies, compared to 50 percent of African American doctoral students. Universities were the primary source of support for almost 57 percent of international students in 1990 compared to only 50 percent of African American doctoral students. Remember these figures are for those who successfully completed their doctorates!

While American universities were giving preferential doctoral financing to international doctoral students over American doctoral students in education, African American and Hispanic doctoral awardees in education were accumulating significant graduate debt to go with high undergraduate debt. One-third of all Hispanic doctoral awardees and more than one-quarter of the African American awardees reported debt of more than $10,000 (Thurgood & Weinman 1991: 24,47). These high debts are often in fields where salaries are lower than in the sciences.

Other indicators show the preference or bias of American university graduate departments toward international students over American minorities—especially African Americans and Native Americans. In both real and total time to complete the degree, international students appear to have the advantage over African Americans and Hispanics. In education, for example, the median total time for non-citizen international students was 12.8 years, compared to 19.6 for African Americans and 16.4 for Hispanics. The real time median differentials were 6.1 for international students in education compared to 8.5 years for both African American and Hispanic doctoral degree recipients (Thurgood & Weinman 1991:15,46). Part of this difference could be related to the

university preference for support for international students in the form of research assistantships that also encourage interaction with faculty and promote the possibility of both mentoring and provision of a basis for a dissertation.

Yet, American universities contend that factors other than their differential allocation of financial aid account for the dearth of minorities in graduate programs. This is despite the indication from Nettles and others that the much lower median family income and extreme difference in black and white family wealth in the U.S. require that minority students, especially African Americans, non-Cuban Hispanics, and Native Americans, assume much greater undergraduate debt burdens than White American graduate students. Nettles strongly suggests (1987:4) that this differential debt burden affects minority and majority students differently when they make education and career decisions. It is an entirely rational decision not to go on to a doctoral degree program when you see that the majority of your peers who do are not favored in comparison with international students and that students of your race are forced to take longer to complete their degrees.

American universities' contention that a "pipeline" problem keeps them from finding "qualified" African American graduate students has less merit after an examination of the American university funding preference for international students (see above). The NRC report notes that such "qualified," potentially successful African American graduate students are disproportionately located on the campuses of historically black colleges and universities. Although such colleges and universities enrolled only about 16 percent of all African American students in American higher education, they were the baccalaureate-granting schools for almost 60 percent of the African Americans who received Ph.D.s in 1975 and almost 40 percent who received Ph.D.s in 1990 (Thurgood & Weinman 1991:32). This author proudly taught and worked on one such campus that, according to recent figures, produces more African American Ph.D.s than any other public American university. Yet American universities do not try actively to recruit extensively or to offer support to all of our African

American science graduates who have the capability to succeed in doctoral programs. So much for the alleged pipeline problem.

Keep in mind that in 1990 international students received more than twice as many doctorates from American universities as all American minorities combined, a trend that clearly seems to freeze out American minorities, especially African American males, from future faculty positions. African Americans resentment is even greater when we see American universities recruit international scholars of color and then label them as "minority," rather than the more accurate "international," faculty.

Three countries provided 44 percent of all non-American citizen doctorates in 1990: Korea and the two Chinas (Thurgood & Weinman 1991:11). Why is there this overwhelming preference in American graduate university departments for international students, especially international Asian students in the sciences?

The lobbying of major educational associations/organizations that represent American universities in support of the 1990 immigration law changes to make it much easier for foreign professors and students to get both access to and permanent status in the U.S. clearly worked to the detriment of U.S. minorities. This trend is likely to accelerate as David Simcox, former Executive Director of the Center for Immigration Studies, noted in a paper presented at the Northeast Association of Graduate Schools meeting (1991:3-4):

> There are several factors that will make these trends worse in the future, the greatest of which is the rapid population growth among the young, highly mobile working-age population in the third world. Almost all third- world countries are falling further and further behind in the race to create jobs for the expanding populations. For example, in the next few years Mexico's labor force will grow at the rate of over 1 million persons per year, but Mexico's economy, even with the most optimistic assumptions about a free trade agreement, will create

less than half that number of new jobs per year. The International Labor Organization anticipates that the third-world labor force will grow by fifty million per year with less than half that number able to find jobs. Many of these economies have been overproducing college graduates for many years. Some, such as India, Pakistan, Korea, and the Philippines, seem to be deliberately overtraining some of their surplus skilled workers with the expectation that they will find advanced training, and possibly employment, in countries such as the U.S. Most of this oversupply will be science graduates and students because those disciplines are viewed as more culturally neutral, because American universities are still considered as the best in science and technology, and last, but not least, the transition to permanent residence in the U.S. is easiest for those with science skills.

This is consistent with the historical preference pattern of American research university faculty for international faculty and students over American minorities, especially African American males. This situation will not change unless major funding and funding incentives for American universities change.

Recommendations

African American and other legislators concerned about American long-term interests must take steps to insure that the resources committed to American minority students in doctoral training by American universities are at least equal to the commitment of taxpayer research support subsidies to international students in all fields. Academic administrators, such as college presidents, provosts, and deans, should make academic department discretionary funding conditional until these departments provide all American minorities doctoral opportunities that are at least equal to their commitment to non-American citizens.

Legislation that will guarantee research assistant-type support for all qualified American doctoral students should be

supported. We should not require American students, especially American minority students from families with less wealth and income, to go into debt to finance their education while we subsidize non-citizen guests to the extent that the overwhelming majority of them get their doctorates debt-free.

Whenever American universities use federal (or state) funds for graduate student research support, and whenever that support covers more than one student, then for every international student that American faculty members chose to support with these government monies, they should also support an underrepresented American minority student.

It is clear that major American research universities are not now going to provide research opportunities for American minority students comparable to those they provide international students. These major heavily-federally-subsidized American research universities *never* have provided opportunities for American minorities of color comparable to those provided by the historically Black colleges and universities. The under-funded Black institutions, however, have been given neither the resources nor the state authority to provide comparable comprehensive graduate research opportunities. Now it is time to address this issue by providing major research commitments to historically black colleges and universities that have successfully demonstrated their ability to graduate quality undergraduates, especially in the sciences. It is likely that only these institutions will provide the quality research environment that will develop the minority talent currently being lost to this nation.

There should be an *American incentive computation* in every federal (or state) research contract that supports doctoral students. Universities where the under-represented minority percentage of Ph.D. graduates in the state equals the proportion of underrepresented minorities in their state population should receive a ten-point bonus in every federal or state competitive research contract. Conversely, universities that use federal funds to support more non-American citizens than underrepresented American minorities in research should have ten points deducted from their score. Such a system would finally create the financial incentives nec-

essary for research universities to develop and recruit underrepresented American Ph.D.s in a manner more comparable to the way they willingly recruit underrepresented minorities from all kinds of limited academic backgrounds for revenue-generating athletics.

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APPENDIX
Fields Where the Average Number of African American Ph.D.s from All U.S. Universities is Less Than One or Two Per Year: 1982-1991

Less than 1	Less than 2
MATH	
Applied Math (86)	Probability & Statistics (87)
Algebra (15)	Topology (16)
Analysis/Functional Analysis (45)	
Geometry (23)	
Logic (6)	
Number Theory (11)	
Computing Theory & Practice (3)	
Operations Research (16)	
General Math (91)	
Other Math (14)	
COMPUTER SCIENCE	
Information Systems (23)	Computer Science (240)
PHYSICS & ASTRONOMY	
Astronomy (12)	Elementary Particles (63)
Astrophysics (17)	General Physics (128)
Acoustics (8)	
Atomic & Molecular Physics (25)	
Nuclear (24)	
Optics (28)	
Plasma (13)	
CHEMISTRY	
Agricultural & Food	Inorganic (48)
Nuclear (4)	
Pharmaceutical (15)	
Polymer (30)	
BIOCHEMISTRY	
Biophysics (37)	Biometrics & Biostatistics
Plant Genetics (8)	Immunology (21)
Plant Pathology (11)	Neurosciences (27)
Plant Physiology (9)	General Biological Sciences (67)
Botany (25)	
Ecology (19)	
Developmental Bio/Embryology	
Endocrinology (2)	
Entomology (1)	
Microbiology & Bacteriology	
Parasitology (5)	
Human & Animal Genetics (17	
Genetics (2)	
HEALTH SCIENCES	
Environmental Health (11)	Pharmacy (48)
Public Health/Epidemiology (22)	
Rehabilitation/Therapeutic Services	
Veterinary Medicine (24)	
General Chemistry (167)	

Less than 1	Less than 2
EARTH, ATMOSPHERIC & MARINE SCIENCES	
Atmospheric Physics & Chemistry (8)	
Meteorology (6)	
Atmospheric & Metrology Science (10)	
Geology (21)	
Geophysics & Seismology (29)	
General Geological Sciences (7)	
Environmental Sciences (7)	
Hydrology & Water Resources (4)	
Oceanography (33)	
ENGINEERING	
Aerospace, Aeronautical & Astro (86)	Civil (258)
Agricultural (42)	
Bioengineering & Biomedical (41)	
Computer (62)	
Engineering Mechanics (60)	
Engineering Physics (7)	
Engineering Science (13)	
Environmental Health Engineering (19)	
Industrial (77)	
Materials Science (146)	
Metallurgical (42)	
Mining & Mineral (19)	
Nuclear (3)	
Operations Research (10)	
Petroleum (22)	
Polymer (24)	
Systems (21)	
General Engineering (24)	
AGRICULTURAL SCIENCES	
Animal Breeding & Genetics (6)	Agricultural Economics (61)
Animal Nutrition (11)	
Animal Sciences (36)	
Agronomy (54)	
Plant Breeding & Genetics (27)	
Plant Pathology (23)	
Plant Sciences (8)	
Food Sciences (69)	
Soil Sciences (36)	
Horticultural Science (30)	
Fisheries Science (9)	
Fish & Wildlife (21)	
Forestry Science (21)	
Renewable Natural Resources (11)	

Sources: Unpublished data from the Doctoral Research Project (NRC 1992).
Note: Parentheses show number of non-American citizen doctorates from U.S. universities in 1990.

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FOREIGN STUDENTS IN SCIENCE AND ENGINEERING PH.D. PROGRAMS: AN ALIEN INVASION OR BRAIN GAIN?[1]

JAGDISH BHAGWATI
COLUMBIA UNIVERSITY
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COLGATE UNIVERSITY

The Preponderance of Foreign Students in Science and Engineering [S&E] Programs: The Phenomenon

Were the Nobel Laureate Paul Samuelson to walk into a graduate economics class at MIT today, he would be struck by a dramatic difference in the composition of students since he first taught the class. In the 1940s, the class was predominantly American; today, however, more than one-third of the students in the class are foreign students.

This phenomenon is not confined either to MIT or to economics.[2] Thus in 1990, more than one-half of the engineering Ph.D.s in the U.S. were awarded to foreign students. The figures are almost as high in mathematics, physics, chemistry, and computer science [see Figure 1 for S&E and the components Science and Engineering and Figure 2 for major sciences].

[1] Thanks are due to Daniel Greenberg, Phillip Griffith, Brendan O'Flaherty, Duncan Foley, and Andre Burgstaller for helpful conversations. The ideas developed in this paper and the statistics to support them owe greatly to Rao's research.

[2] Indeed, several recent studies of academic labor supply (Bowen & Rudenstine 1992; Ehrenberg 1991; Ehrenberg 1992) note the preponderance of foreign students in Ph.D. programs.

But the phenomenon of foreign student dominance in the U.S. is ill-understood and ill-explained. Its public policy implications are, therefore, couched in alarmist terms, turning the phenomenon into a problem that must be contained when it is, as we argue in this paper, a cause for celebration that calls for a policy of tolerance, even encouragement.

Current Explanations and Policy Suggestions

The conventional explanation of the phenomenon seems to proceed as follows:

- The U.S. has a comparative advantage in promoting gradu-ate education. Foreign students, therefore, come to get it.

- The preponderance of foreign students get into technical and scientific programs because they (chiefly Asians) happen to be "good at" mathematics and far less so at "verbal" skills.[3]

- Finally, Derek Bok (1993) argues that the earnings of doctors, lawyers, and top corporate executives have grown substan-tially relative to those of professors, drawing talented Americans to these professions and away from teaching. Presumably, this argument extends to technical and science Ph.D. programs as well.

  The net result then is to increase foreign student—and reduce native enrollment—in S&E Ph.D. programs. The consequences that are expected to ensue from this phenomenon are fearful.

- Since Ph.D.s plough back into teaching, Bowen and Sosa (1989), in a book featured on the front

[3] An element of this "cultural" argument may be detected in the recent Report of the Committee on Graduate Economics Education (Krueger, et al. 1991), which attributes the increasing mathematization of economics partly to the presence of technically-skilled, but verbally-unskilled, Asian students from the Far East, chiefly Japan, South Korea, Taiwan, and China.

Figure 1.
Foreign Ph.D.s as a Percentage of Total

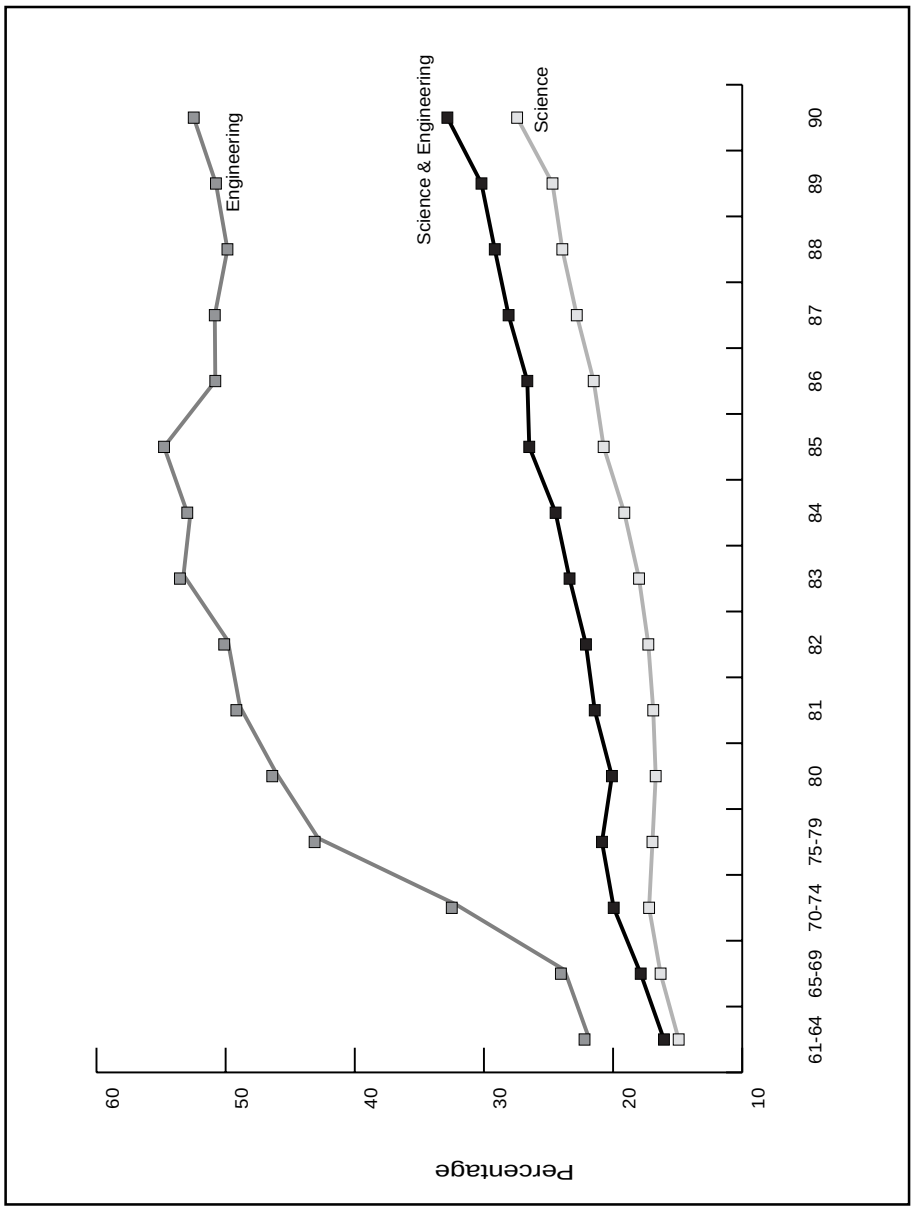
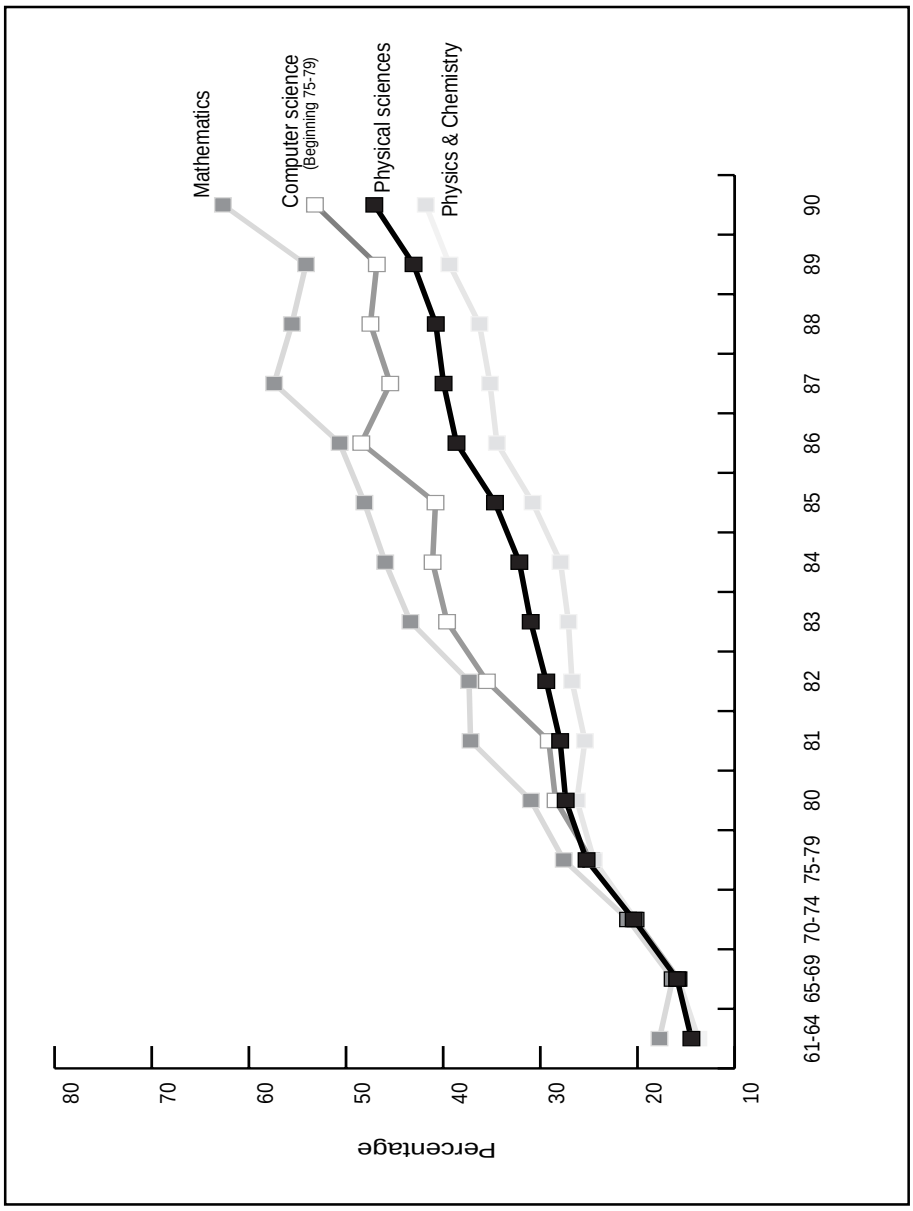


Figure 2.
Foreign Ph.D.s as a Percentage of Total



page of the *New York Times*, predict a major shortage of academic faculty in the U.S. by the mid-1990s, due in no small measure to the presence of foreign students who pre-sumably would return to their native lands.

- The preponderance of foreign students in S&E Ph.D. programs also is alleged by many critics to endanger our leadership in research and development.

- Finally, a number of black critics attribute the failure of blacks to get an increasing number of Ph.D.s in S&E programs to the increased dominance of foreign graduate students (e.g., Morris 1993).

The policy prescriptions that naturally follow from these diagnoses center around the notion that "reliance" on foreign graduates is a mistake the U.S. cannot afford. Proposals to restrict the influx of foreign students through visa denial and reduced financial aid have, therfore, been advanced.

OUR RIVAL EXPLANATION

Our view, however, is that the conventional explanation—and the prejudicial implications following from it—are flawed. Our rival explanation of the phenomenon leads, instead, to more sanguine implications and to policy conclusions altogether opposed to currently proposed restrictionist ones.

Alarmist predictions that there would be a shortage of S&E Ph.D.s for the academe (Bowen & Sosa 1989) already have proven false. A recent study by Massy and Goldman of Stanford and RAND, widely reported in the media (Greenberg 1995; Browne 1995), con-cludes that "doctoral production in S&E averages about 25 percent above employment opportunities." Our rival explanation also is better able to suggest why such a large "surplus" could have developed and is likely to persist even though the labor market normally adjusts to correct imbalances because students confidently can be expected to walk away from education that yields low and diminishing returns.

The Theory

At the outset, we must note that the U.S. graduate programs generally admit students on merit. There is no discrimination against foreign students (though in recent years there may have been affirmative action to assist native minorities, which then are marginally favored in relation to *both* foreign and native nonminority students).[4]

This being so, as the applicant pool shifts in favor of foreign students relative to native students, assuming quality to be unchanged, so would the admissions and hence, all else equal, the Ph.D.s awarded.[5]

The explanation of the rising share of foreign students in S&E Ph.D. programs must then be found in the relative shift in favor of foreign students in the application pool. Indeed, it can.

The Explanation

Our explanation proceeds by citing the many factors that have dramatically increased the applicant pool for foreign students.

Immigration economists know that rivulets of immigrants build up into streams as information networking goes to work. Casual empiricism underlines how talented students follow others who ventured into specific graduate programs as pioneers and then spread the word.

In turn, the success of the foreign students from specific institutions abroad serves to supply the necessary "certification" for the admissions committees that new applicants from these institutions are, indeed, likely to be as good as they appear, thus turning them into effective and potentially successful applicants. Thus, new appli-

[4] This complication is of trivial importance, however, as the S&E graduate applicant pool has itself shrunk (Bhagwati & Rao 1996b).

[5] The pooling model explains well why, when the 1965 Immigration Act introduced PTK (Professional, Technical, and Kindred) preferences for which there was *worldwide* competition, and the national quotas generally were not applicable to this competition, the composition of such immigration shifted to such third world countries as India and the Philippines; there were more applicants from these countries in the pool. The model also has been successfully applied econometrically to explain the source-composition of the guestworker (*gastarbeiter*) immigration programs in West Germany (Bhagwati, Schatz & Wong 1984).

cants from Seoul National Uni-versity are treated more seriously in competition than the former ones on whom universitites took a chance and who went on to do well in the programs.

But, for some of the successful "sending" countries, the most significant factor is that they steadily have been building up their technical education to levels comparable to some of our best institutions—often with these institu-tions' help! Entry into these foreign elite schools (such as the prestigious Indian Institutes of Technology [IIT]) often is based on nationally administered entrance examinations with the programs subsidized by the government, permit-ting the most gifted students to attend. A favorable evaluation of the graduates of these institutions when they apply for admission to S&E Ph.D. programs is therefore inevitable; these students often are superbly trained and greatly gifted.

Indeed, all these factors are seen to work in the case of the four Asian countries that provide currently more than one-half of the S&E Ph.D.s: China; India; South Korea; and Taiwan [see **Figure 3** for S&E totals and components and **Figure 4** for major sciences].

Thus, while each of these top "source" countries today has numerous colleges/ universities offering undergraduate S&E programs and degrees, most of the Asian students in American Ph.D. programs are graduates of a very small group of schools that increasingly have come to be regarded as having exceptionally high and improved standards of instruction.

India, for instance, produces about 25,000 engineers (at the bachelor's level) every year; only 2,000 (or about 8 percent) of these graduate from the elite Indian Institutes of Technology. However, 78 percent of recent U.S. engineering Ph.D.s awarded to Indians went to graduates of the IIT. Almost one-half (48 percent) of all Taiwanese students who received Ph.D.s in the U.S. attended either National Taiwan University or Cheng Kung University. Even more telling, 65 percent of the Korean students who received S&E Ph.D.s in the U.S. are graduates of one university—Seoul National University!

Figure 3.
Top Four Asian Countries with American Doctorates

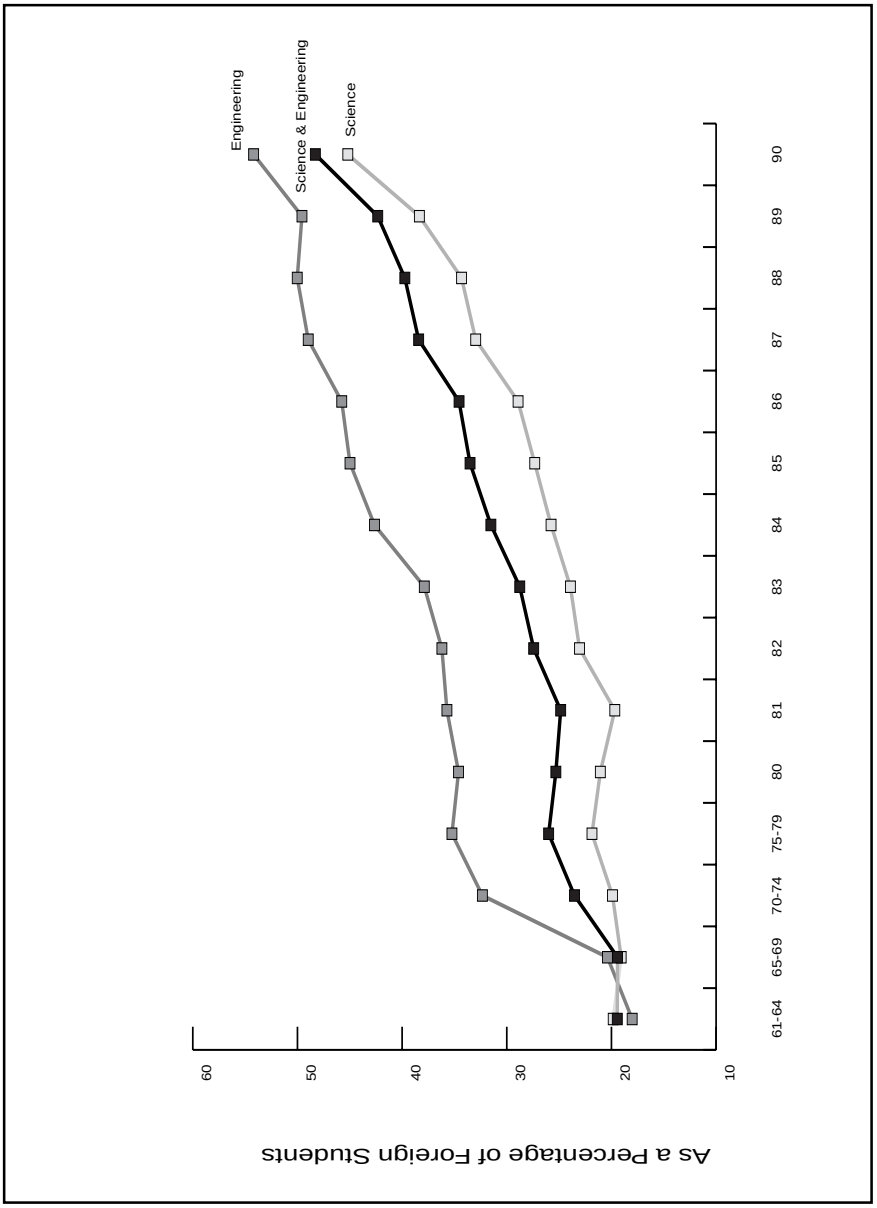
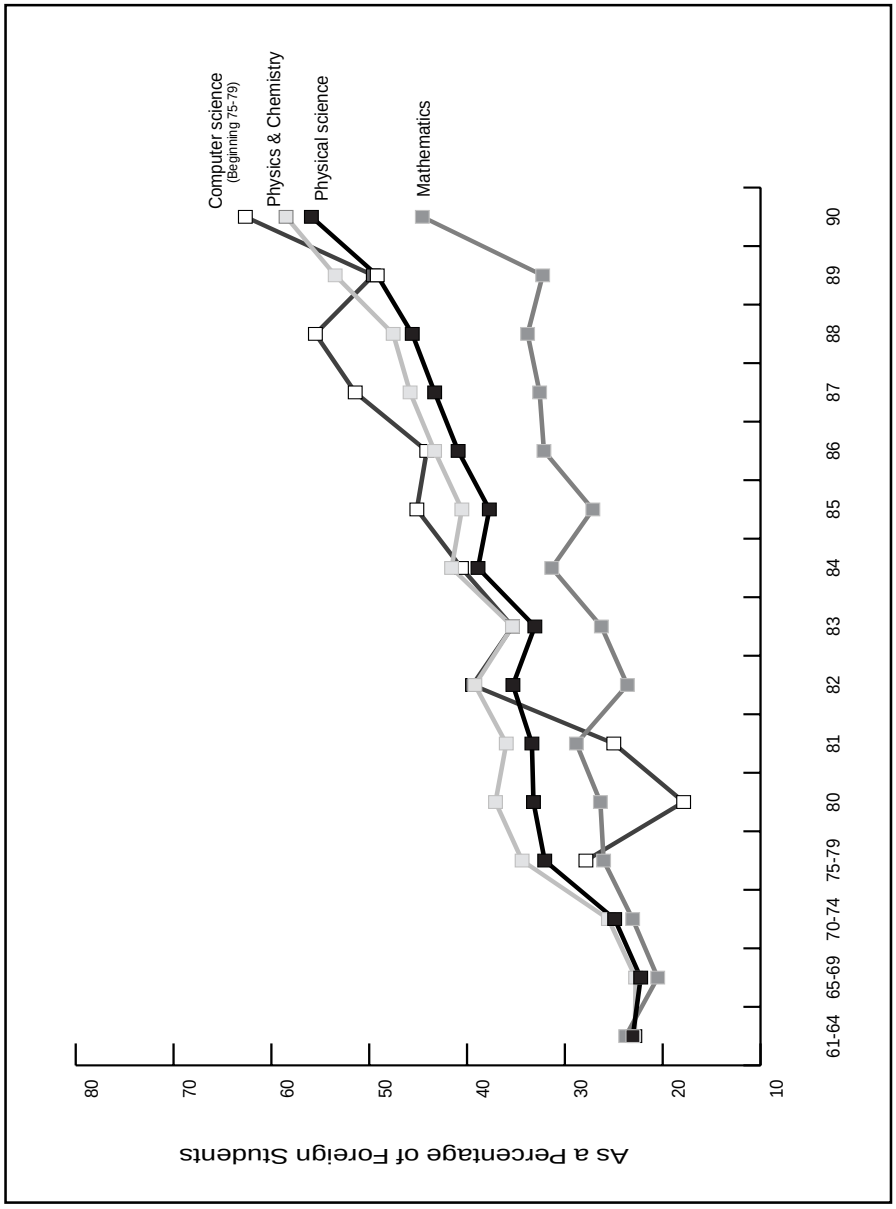


Figure 4.
Top Four Asian Countries with American Doctorates



The figures are almost as high for the elite schools of China—Peking University and Tsinghua University[6]

From these countries' perspective, the flow to the U.S. from these elite insti-tutions has increased significantly. At least, 70 percent of their graduates now leave for the United States. For the IIT, the figures are about 85 percent. About 30 percent of all IIT graduates, since its founding in 1954, currently are in the U.S. (Ananth, Babu & Natarajan 1989; Bhagwati & Rao 1996b).

It also is worth noting that the *quality* of students turned out by these elite foreign institutions has increased over time, in turn increasing these students' ability to compete against native students. In 1964, there were 18,000 applications for the 2,000 places at the IIT in India. By the end of the 1980s, applications for these places had increased to 100,000 (Bhagwati & Rao 1996b)!

Moreover, this phenomenon of a rising and high share of foreign students in our graduate programs has surfaced differentially in the S&E (also in the mathematics and economics) programs. Why has it not arisen equally in the "professional" schools of law and business?

Part of the reason lies, of course, in the fact that the "source" countries themselves have not allocated equal energies and financing to attract their most talented students into these professions, as against the S&E, programs.[7]

But the principal reason is that the qualified and talented students from these source countries face a major liquidity constraint. Tuition at the gradu-ate schools in the United States is generally beyond their financial capabilities.[8] Besides they do not qualify for U.S. governmental and bank loans.

[6] Figures provided by the National Research Council (Ries & Thurgood 1993; Thurgood & Weinman 1991).

[7] Such exceptions as the two Indian Institutes of Management and the famous All-Indian Institute of Medical Sciences in New Delhi must be mentioned.

[8] According to a *Wall Street Journal* (Lee 1955) story on applications at top business schools, the price of an MBA rises to as high as $60,000 for two years at private schools.

As it happens, graduate programs in the U.S. have different financial aid possibilities. Professional schools (law, business, and medicine) offer very little financial aid; only 1 percent of the entering class receives primary support from the university. Only somewhat better are the Ph.D. programs in the humanities and education: 20 percent of the students in non-S&E programs receive financial assistance from the university. A striking contrast is offered by S&E Ph.D. programs; more than 70 percent of the students (and 80 percent of the foreign students) in S&E Ph.D. programs list the university as the primary source of financial assistance (Ries & Thurgood 1993). This picture is reinforced when we look at **Figure 5** that shows alternatively the source-composition of support in different fields for doctoral students. University sup-port, reflecting labwork and other research assistance, clearly is a much more important source of support in Engineering, Physical Sciences, and Life Sciences than in the Social Sciences, Humanities, and Education.

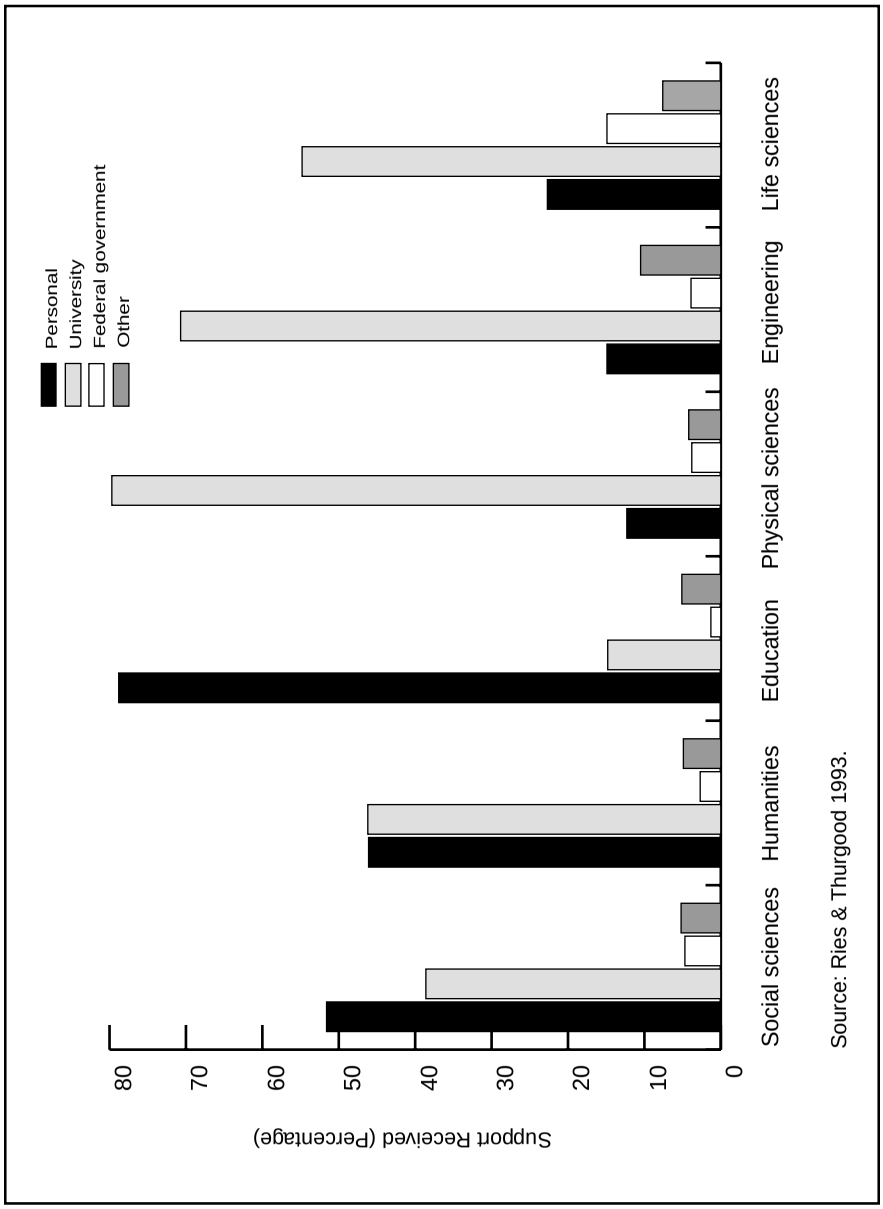
To explain the increased share of foreign students in S&E Ph.D. programs, the foregoing analysis of the factors augmenting the supply of qualified foreign applicants into these programs is not entirely sufficient. Of course, the explanation does not require but would be strengthened if we also could argue that the supply of *native* applicants into these programs has shrunk. But we do need to dismiss the possibility that the native supply of comparably qualified and talented applicants also has not increased simultaneously.

This seems wholly reasonable to assert. There is no counterpart in American education, prior to graduate school, to the factors augmenting the supply of foreign student applications in S&E graduate programs. At the same time, the common complaint is that the starting salaries and possibly even the rates of return to "professional" education—MBAs, medical and law degrees—have attracted growing proportions of the best graduating native students.

POLICY IMPLICATIONS

Our explanation of the rising share and predominance of foreign students in the S&E graduate programs then shows that

Figure 5.
Support Sources for Doctorates
Different Fields, 1991: Total Students



Source: Ries & Thurgood 1993.

it reflects "supply" factors that are critically tied into the meritocratic and non-discriminatory approach underlying U.S. graduate school admissions. The implications below then follow.

The meritocratic approach to admissions to graduate programs results in their attracting the best talent and the best trained candidates from around the world. While itself a reflection of the scientific and academic strength of these programs, it reinforces that strength in turn. The increased influx of talented foreign students into S&E, mathematics, and economics Ph.D. programs is a sign of strength, not of weakness.

The general notion that the share of foreign students is rising because native students are "no longer interested in" S&E Ph.D.s and careers lacks force. At minimum, it omits the Prince from *Hamlet.* The rising share of foreign students reflects the dramatically increased supply of competitive foreign students. The decline in the supply of competitive native students, even if true, is at best a minor part of the story. As admissions are not wholly inelastic, it is worth noting that the overall graduate S&E admissions of natives have not fallen as the admissions of foreign students have risen.

The increased supply of the foreign students as a source of the phenomenon of their rising and risen share in S&E Ph.D.s also implies that the responsive-ness of such graduate production to a fall in the rate of return to such education is likely to be very low. Hence, one could predict sharp falls in these rates of return and "surplus" production without the normal corrective mechanism provided by the fact that the students will simply walk away from enrolling in these programs and, thus, reduce the output of Ph.D.s to levels at which better and competitive rates of return are restored.

This is because foreign students will compare their rates of return from S&E Ph.D.s in the U.S. to the much inferior rates of return to staying or returning home. The earlier-cited RAND-Stanford study of the "excess demand for Ph.D.s in many science fields" (Browne 1995) argues that currently a science doctorate yields a one-in-four chance of not getting suitable employment: ". . . universities in the

United States are producing about 25 percent more doctorates in science and engineering fields than the United States economy can afford." But a rate of return here that is diminished by one-fourth will still exceed the alternative rates of return at home. This also is partly because the direct cost of graduate schooling in the U.S. is substantially taken care of by financial support (usually linked to labs and projects).

Thus, the prospect of quick reversal of "surpluses," such as the one described in the RAND-Stanford study, is diminished. But why should we worry? The effect of such a "surplus" is certain to force one-in-four (if that estimate is properly arrived at and argued plausibly to endure) eventually to work their way downstream to jobs below their expectations. But, as these Ph.D.s cannot find jobs at such places as Stanford, MIT, Caltech, and Bell Labs and, therefore, go downstream to smaller colleges and lesser institutions, they upgrade the quality of instruction and research at these institutions.[9] Surely, that is a reason for us to rejoice rather than lament.

Nor do we need to worry that we are becoming "too dependent" on foreign students. They typically stay on, are even called "stay ons" in the immigration literature! Even when Ph.D.s go back to their home countries, they often return. Professional markets are heavily globalized now and one often gets either "yo-yo" immigrants or migrants who, having returned home or gone elsewhere, eventually come back here to the magnet country they chose in the first place for their graduation into a Ph.D.[10]

As is well-established in immigration studies, few nations can match the facilities for professional research and advancement that the U.S. offers. Nor can other nations match the opportunities that are open to second-generation children in

[9] The downstreaming model is at the heart of the analysis of education in the context of an alternative paradigm to the "human capital" and other theories of education (Bhagwati & Srinivasan 1975). It has been utilized in the context of the theoretical analysis of international migration of professionals (Hamada & Bhagwati 1976).

[10] While we stress here the advantages to us of foreign students "staying on" in the U.S., there also are many indirect advantages to us when and if they return home.

the United States. Just imagine bringing up your children in Tokyo instead of New York or in Kobe instead of Austin. It's no contest.

Foreign students typically see their U.S. education as a stepping stone to immigration into the U.S.[11] Since the 1965 Immigration Act, which opened up a number of "preferences" for admissions of Professional, Technical, and Kindred [PTK] immigrants, this incentive for foreign students to acquire first-rate U.S. degrees and to improve their ability to stay in the United States thereafter has been a powerful one.[12]

The fear that foreign students will disappear from the U.S., leaving us with inadequate scientific personnel, often is expressed or lies behind exhortations to encourage natives to go for S&E Ph.D.s. But, if these students stay on, for the most part, the fear is misplaced.

The United States is uniquely a country of immigrants. There is enormous ethnic diversity in the country. Naturalization is the easiest in the world. The distinction between "us" and "them," directed against foreign students, is wholly incongruous with the country's history and culture. It also flies in the face of the

[11] See Hamada & Bhagwati (1976) where educational enrollment by foreign students in the U.S. was first described as an instrument for immigration, rather than as a method of human capital formation. Numerous instances exist of students from first-rate foreign institutions coming to third-rate U.S. universities, the only motive being to acquire the qualifications that makes immigration less difficult.

[12] Broadly speaking, a nonrefugee foreigner can immigrate legally to the United States under one of two principal categories: family-based or employment-based. The former requires "sponsorship" by a U.S. citizen family member. The latter requires sponsorship by an American employer. The Department of Labor must, on the basis of an American employer's sponsorship, certify that "no American can do or is available for this job." The Department of Labor regulations provide, in addition, for special handling of labor certification applications for college or university teachers; an employer can select the best qualified candidate, regardless of citizenship, for the position.
Hence, for those without U.S. citizen family members, the only feasible route to immigrate legally to the U.S. is to secure employment certification from an American employer. And this route is much more readily travelled when one has a U.S. graduate degree.

culture of excellence and nondiscrimi-nation that has characterized and enriched the American educational scene.

In light of these considerations, we disagree with the reported view of Dr. Phillip Griffith, Director of the Institute for Advanced Study at Princeton and Chairman of a recent study conducted by the National Academy of Science, that "since foreign students account for a large proportion of graduate enrollments, he and his colleagues [would] urge better science education so that even more Americans will be drawn to Ph.D. training" (Greenberg 1995).[13] Getting young Americans to appreciate science is a laudable objective; but surely it is not to be urged because we have foreign students in S&E Ph.D. programs.

Our analysis suggests, contrary to the agitation about the current "surpluses" of S&E Ph.D.s and about the prepon-derance of foreign students in these pro-grams, that the foreign students phe-nomenon is not a problem. Rather, it benefits the country. Other nations' "brain drain" is our "brain gain."

Instead of curtailing the inflow of these talented foreign students or trying to reduce their share in S&E Ph.D. programs, we ought to make their immigration easier, so that we reap the benefits to us from their settling here.[14] Towards this end, we propose that the immigration of S&E Ph.D. students from several designated high-performance institutions should be practically automatic, their abundant *human* capital justifying their immigration, just as immigration law permits those bringing substantial *financial* capital to immigrate readily. That could reverse the balance in favor of importing the talented, rather than the rich, bringing us closer to the ideas that built this nation.

Finally, we must turn to a question that bothers many black leaders: Is the entry of foreign students harming the entry of

[13] We should stress that Dr. Griffith's views (conveyed in personal communication) concerning the desirability of foreign students in S&E programs are thoroughly consonant with ours.

[14] These benefits accrue to us in numerous ways, for instance, through the spillover effect of their ideas and research (Bhagwati & Rao 1994a; 1996a; 1996b).

blacks into our S&E Ph.D. programs? Some in the black community express the view that blacks are being "crowded out" by foreign students (e.g., Morris 1993). Our view is that this argument is incorrect (see also: Bhagwati & Rao 1996b).

The facts on black students are of course alarming (National Science Foundation 1991b:310; 1994a:318). Of the 36,027 Ph.D.s in all subjects awarded in 1990, only 320—less than 1 percent—were awarded to black men; and 508, or just more than 1 percent, were given to black women. Even more ominous is the trend: the number of blacks getting Ph.D.s in all subjects has dropped since 1977. This contrasts strikingly with the experience regarding foreign students highlighted above. But the inference that foreign students come at the expense of blacks is unwarranted.

To begin with, we must reject the notion that there are a fixed number of places in graduate programs and, therefore, that an increase in the numbers of foreign students must be at the expense of natives—black or otherwise. The facts show that the supply of places in graduate S&E programs, which attract the greatest concern, is not rigorously fixed. Over the past two decades, the number of natives in these Ph.D. programs has remained constant (at about 13,000). The Ph.D. programs have, thus, expanded in size as foreign students have increased (National Science Foundation 1991b:310). Thus, there is no *prima facie* presumption that the increase in the numbers of foreign students in these Ph.D. programs has been at the expense of natives.

Could we then argue instead that the black students are crowded out in a financial sense, that the limited financial support available in the universities for their Ph.D. programs is competed away by better-trained foreign students and would otherwise be available to the black students (e.g., DePalma 1992)? We do not think so.

At first glance, of course, the "crowding out" thesis appears plausible as, unlike most foreign students, most black graduates do not receive extensive finan-cial assistance from the universities. In 1990, 69 percent of all foreign graduate students were supported by the universities,

whereas only 25 percent of all black graduate students received grants and assistantships (National Science Foundation 1994b:301).

But this contrast is mostly explained by the fields of study of the two groups (National Science Foundation 1991b:310; 1994a:318). Thus, 81 percent of foreign graduate students are in S&E Ph.D. programs; only 14 percent of black graduate students are in these programs. Most black graduate students are in humanities and, especially, in education Ph.D. programs; more than 50 percent of black graduate students are in education graduate programs. As it happens, graduate programs in the U.S. have different financial aid policies (National Science Foundation 1994a:318; 1994b: 301). S&E graduate students are over-whelmingly supported by their univer-sities; more than 70 percent of the students in S&E Ph.D. programs list the university as a primary source of finan-cial assistance. In contrast, only 25 percent of the students in Ph.D. programs in the humanities and a mere 13 percent of the students in education Ph.D. pro-grams receive financial assistance from their university.

Hold the field of study constant, and the disparities in financial assistance awarded by the universities greatly diminish, indeed virtually disappear. Black American students in S&E Ph.D. programs do receive primary financial support from the university; for instance, more than 70 percent of black graduate students in the physical sciences receive primary support from the university (Thurgood & Weinman 1991).

Besides, much (about 40 percent) of the financial support in S&E comes in shape of research assistance in federally supported projects; the S&E share is more than 75 percent of such support (National Science Foundation 1994b:301). These projects are funded by the Department of Defense, Department of Energy, NASA, and the National Science Foundation. These awards generally go to those who are best prepared to undertake the research, including, of course, black students.

On the other hand, federal “affirmative action”-based funding, for which foreign students are ineligible, is based on different criteria and awarded and administered

by different government agencies—the U.S. Department of Education, in particular—as well as the Higher Education Opportunity Program [HEOP] funded by the states. The budget for this type of aid is distinct from, and not in the least affected by, the federal "projects-oriented" grants. The latter, where the foreign students predominate, does not cut into the former, where the black students do.

Most telling, the numbers of black Americans securing S&E Ph.D.s—precisely the fields to which foreign graduate students flock—actually have increased over the past two decades (National Science Foundation 1991b:310). Hence, while the total number of Ph.D.s awarded to blacks did, indeed, fall from 999 in 1975 to 828 in 1990, in engineering they increased from 11 in 1975 to 28 in 1990, in life sciences from 56 in 1975 to 63 in 1990, and in social sciences from 153 in 1975 to 172 in 1990.

The real problem appears to be that the pool of black students that the Ph.D. programs draw upon is small and, worse, getting smaller (National Science Board 1991:1). The number of blacks securing baccalaureate degrees in S&E actually fell slightly, from 18,700 in 1975 to 18,400 in 1990 (so that the fraction of black S&E baccalaureates who secured Ph.D.s actually *increased*). And, this occurred during a period when the total number of baccalaureate degrees in S&E awarded in the U.S. *increased*; so the proportion of blacks in these areas decreased signifi-cantly. Evidently, the problem for the black community arises at levels *below* the graduate S&E programs; its solution, therefore, will not lie in restrictions on the number of foreign students or on their access to financial support at the graduate level.

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RESEARCH
PAPER

U.S. COMMISSION ON IMMIGRATION REFORM
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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

U.S. Immigration and the Environment:
Scientific Research and Analytic Issues

Ellen Percy Kraly

U.S. COMMISSION ON IMMIGRATION REFORM

THE U.S. COMMISSION ON IMMIGRATION REFORM IS A BIPARTISAN COMMISSION AUTHORIZED BY THE IMMIGRATION ACT OF 1990 AND CHARGED WITH EXAMINING IMMIGRATION POLICY AND ITS IMPACT ON SOCIAL, ECONOMIC, AND COMMUNITY RELATIONS, ON POPULATION SIZE AND CHARACTERISTICS, AND ON THE ENVIRONMENT.

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U.S. Immigration and the Environment:

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COLGATE UNIVERSITY

FEBRUARY 1995

U.S. COMMISSION ON IMMIGRATION REFORM

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EXECUTIVE SUMMARY

Each of the most recent major amendments to the Immigration and Nationality Act includes a requirement for the federal government to assess the environmental impact of alien immigration on the United States. Specifically, the Immigration Reform and Control Act of 1986 [IRCA] specifies that the Triennial Report to Congress shall provide a ". . . description of the impact of immigration on environmental quality and resources . . ." (Sec.401(b)(3)). The Immigration Act of 1990 gives the Commission on Legal Immigration Reform the mandate to consider the ". . . social, demographic and natural resources impact of immigration . . ." (Sec.141(c)(1)(C)).

The goal of this report is to contribute to this area of policy analysis by reviewing existing scientific literature concerning immigration and environment, to identify research issues emerging from extant scholarship, and to develop recommendations for areas of needed research that will benefit the immigration policy process. It is important to note at the outset that remarkably little hard evidence exists about the environmental effects of alien migration on the United States. A great deal of speculation exists about the nature of the relationship and there is increasing popular commentary about the degree to which immigration is associated with environmental problems in local areas as well as in the nation as a whole. The direct or causal effects of U.S. immigration on the environment have not been established, however, through scientific study. Moreover, there are significant limitations in U.S. statistics on immigration and population for the study of environmental impacts.

The report is organized around four dimensions of the research process that are relevant for examining the relationship between U.S. immigration and environmental issues. First, the section, *Perspectives on the Role of Migration in Population-Environment Dynamics,* considers the relevance of theories of population and environmental change for the study of immigration and its effects. Second, the section, *Empirical Research Concerning Migration and the Environment,* reviews the results of research relevant for the study of immigration and environment. Third, the section, *Methodologies for Assessing the Environmental Consequences of U.S. Immigration,* briefly reviews selected approaches to measuring environmental impact. Fourth, the section, *Information Requirements for Studying the Environmental* Conse*quences of U.S Immigration,* outlines strengths and weaknesses of the federal statistical system for

analyses of the role of immigration in population and environmental change. Recommendations for needed research are presented at the end of each section. The *Conclusions* section reviews research issues and priorities within the context of a national program of research on U.S. immigration and environment.

Perspectives on the Role of Migration in Population-Environment Dynamics

The general model of environmental impact identifies three broad sets of factors influencing environmental change: *Environmental impact* [I] is conceptualized as a function of *population* characteristics [P], patterns of *consumption* [A, for affluence] and *technology* [T], the use and manipulation of energy and other natural resources. While this model has provided an organizing framework for much of the debate concerning population and the environment, it has also been criticized for incomplete conceptualization of the components and lack of grounding in social scientific theory. The degree to which the population concept is well specified or connected to theory is also contested: uses of the model focus primarily on the increase in population size without specification of the different sources of population growth, for example natural increase (births minus deaths) relative to net migration.

Theories on population and environment vary in assumptions about the relative importance and direction of the effect of each of the factors (P,A,T) as well as the significance of interrelationships among the factors. Neo-Malthusian perspectives emphasize the significant influence of population growth for environmental impact and conceptualize a negative relationship between population growth and the availability and, increasingly, the quality of environmental resources. In constrast, more "optimistic" perspectives emphasize the enhanced potential inherent in positive population growth for social, economic, and technological progress, and hence, the means to solve environmental problems. Primary importance is given to changes in technology and social and economic organization in mitigating the effects of the other two factors. A third approach conceptualizes population pressure and short-run negative effects as a stimulus to technological innovation and more effective use of resources.

Perspectives thus vary in the degree to which population is proportional to envi-

ronmental change. According to the demographer Keyfitz:

If all else is equal, action damaging the environment is directly proportional to the number of people. That at least seems the most appropriate initial hypothesis. . . . The burden of proof is one anyone who argues against the proportionality hypothesis in either way. (Keyfitz 1993: 547)

In thinking about the impact of alien immigration on the U.S. environment, relevant questions center on the degree to which the impact of alien migration is proportionally less than, greater than, or equal to the number of immigrants.

Not surprisingly, different theoretical perspectives lead to different conclusions about the national and regional environmental impacts of U.S. immigration. Some economists have emphasized the potential contributions to human capital and the potential for technological innovation deriving from positive population growth in the United States and from alien immigration. Many ecologists, in contrast, highlight the role of alien immigration in U.S. population growth with its negative environmental consequences and often focus on the contribution to future growth resulting from the descendants of current immigrant streams.

In addition to the need to specify more clearly the role of migration in theories of population and environment, several additional issues emerge from the review of theory. Both geographic level and temporal frame of analysis must be specified in theoretical models and ultimately in empirical research. The effects of immigration on environmental processes may be expected to be significantly different for metropolitan areas, rural communities, states, and in the short-term versus the long-term. A third issue is the importance of understanding linkages or connections among geographic areas, economic sectors, and through time. For example, the concentration of immigration in certain metropolitan areas in the United States may have environmental consequences for areas and natural resources geographically removed from the cities.

The most fundamental recommendation for theory development is to revise models of population and environment to break population growth into its component parts in order to consider more clearly the effects of migration. Of particular relevance for the United States, moreover, is the specification of effects for different types of international population movements, including permanent resettlement, refugee migration, tempo-

rary labor migration, and tourism, within theories of environmental impact.

Empirical Research Concerning Migration and the Environment

There is a strong and long tradition of research on the consequences of immigration for U.S. society, economy, and polity. Scholarly interest in the environmental consequences of U.S. immigration has a relatively more recent history, originating in the late 1960s with environmental concern over national population growth and the role of annual alien immigration in the path to population stabilization.

There is increasing interest among scientists and policymakers in the environmental implications of immigration for states, metropolitan areas, and local communities in the United States. Most research to date, however, tends to focus either on population growth and trends in alien immigration, viewed as the causes of environmental change and problems, or on the environmental outcomes of interest, such as land use patterns and urban sprawl, water supplies and quality. Social demographic research is being conducted concerning the role of alien immigration in metropolitan and regional growth patterns in the United States. Inferences about environmental impacts resulting from alien migration are often drawn without direct measurement of the relationships between the two sets of factors: patterns of population growth and immigration are observed to co-vary with environmental outcomes, while data on causal relationships are not presented. Similarly, environmental research often focuses on direct measurement of environmental processes and quality with only cursory measurement of population and social processes that are set out in the introductory statements as direct causes of environmental change.

In short, there exists very little direct causal analysis of relationships among population, immigration, and environment in the United States. Virtually no research has been conducted on the role of immigration status or nativity in the analysis of consumption and production, such as differential patterns of energy consumption, commuting and land use patterns, and water conservation practices.

Probably the best research on migration and environmental outcome has been conducted in areas of the developing world. Very often these are case studies of the complex relationships among migration,

social, economic and technological change and environmental processes. These studies may serve to inform conceptual models, research design, and measurement in empirical studies of population, migration, and the environment in the United States.

The general observation concerning the status of empirical research on U.S. immigration and the environment is the need for more of it. There is critical need for the initiation of well-designed studies that will yield both descriptive information concerning trends and patterns of demographic and environmental processes in U.S. states and local areas, as well as causal analyses of the relationships between types of alien immigration and environmental impacts. It is particularly important that research on the environmental effects of immigration identify different sources of alien migration, for example, permanent resident aliens, foreign students and workers, and tourists. This significance of subsequent internal migration among immigrants should also be studied.

Methodologies for Assessing the Environmental Consequences of U.S. Immigration

Two frameworks that have been developed to study environmental change are relevant for the study of U.S. immigration and the environment: environmental impact assessment [EIA] and population-environment monitoring systems [PEMS]. Environmental impact assessment most often attempts to forecast the impacts of development projects or structural or engineering initiatives, generally new activities within a geographic area. Monitoring systems represent ongoing social and environmental accounting frameworks for the collection and analysis of data over time for specific geographic areas.

The goal of the EIA process is the provision of objective, typically quantifiable, information for policymakers and program administrators concerning the range of environmental consequences of some proposal, often a building project, for a region or place. Inherent in the EIA process are theoretical models of the nature

of causes of environmental change. It is important to place the proposed source of environmental change, i.e., the project or policy initiative, within a multivariate framework in which all exogenous influences on environmental outcomes are documented. The process of EIA involves predictive and, thus, causal analysis. The approach may be useful in assessing various immigration policy options, for example, changes in overall levels of annual alien immigration to the United States, as well as changes in the structure of immigrant admissions in terms of individual and family characteristics.

Population-environment monitoring systems measure changes in these factors over time and are useful in providing an empirical foundation for evaluation of existing policies and collecting baseline data for identifying subsequent environmental impacts. If the approaches to monitoring are standardized across administrative units, results of PEMS can be compared among local areas and also aggregated for analysis of regional dimensions of national policies. This characteristic of PEMS is critically salient for purposes of U.S. immigration policy evaluation.

A critical issue in exploring the use of EIA or PEMS for the study of immigration and environment is the degree to which the assessment or monitoring system documents all significant dimensions of environmental impact for the regions. Beyond the contribution of alien immigration to population growth for a region or area are issues concerning patterns of resource consumption, technological innovation, conservation behaviors, land use patterns, and how these vary between immigrants and U.S. residents, and among types of immigrants. Moreover, the methodologies must be open to document other sources of environmental impact for the study area, such as in- and out-migration of U.S. residents and economic change. Finally, the relevance of any EIA, monitoring system, or other more appropriate research design for determining the effect of U.S. immigration on the environment will rest, finally, in the degree to which *national, state,* and *local* data collection systems can support multivariate analysis of complex dimensions—demographic, economic, institutional, behavioral—of environment change.

Information Requirements for Studying the Environmental Consequences of U.S. Immigration

The specification of data needs should be guided both by theory and by the important policy questions concerning U.S. immigration and the environment. While the emphasis of this report is generally on the relevant research concerning immigration, it is important to note the serious concern among environmental scientists about the status of environmental data for the United States and the capacity for monitoring environmental quality and resources for different geographic areas.

Fundamental to the analysis of immigration and the environment, however, is statistical information on the contribution of alien immigration to population growth for states, regions, cities, and local communities in the United States. Further, because the present policy debate concerns the impact of *alien* migration, disaggregation of the components of population growth—fertility, mortality, and migration—by immigration status is also a necessary characteristic of statistical information. Accordingly, the report focuses on the adequacy of U.S. data on population processes for measuring the role of alien immigration in population dynamics on national, regional, and local scales of analysis.

Problems in the adequacy of national demographic accounts for the comprehensive measurement of trends and components of population change have been well documented. Three sets of issues pose particular problems for the empirical evaluation of the role of alien immigration in population growth and generally in environmental processes. First, conceptual problems exist in official data on alien immigration. U.S. statistics on immigration collected by the U.S. Immigration and Naturalization Service [INS] represent legal and administrative categories, including permanent resident alien, nonimmigrant, refugee, asylee, and parolee. As a result these data are less than ideal measures of demographic concepts of long and short-term immigration that use criteria such as length of stay and activity in the country. Work has been done to manipulate INS administrative data better to represent demographic concepts of alien immigration. Comparison of demographic measures with official INS data on admissions yields important differences in the national origins characteristics of annual alien immigration to regions and states in the United States.

Second, U.S. statistics on international migration lack closure: it is not possible to assess the impact of alien immigration on population growth in an area if not all sources of population change are known. For example, no systematic source of data exists on the process of out-migration of

aliens or citizens from the United States; measurement of levels and patterns of undocumented migration relies on demographic estimation. Very useful work has been conducted by the U.S. Census Bureau to estimate emigration using census and survey data. There has also been consideration of other federal sources of administrative data as a basis for estimating emigration. As with alien emigration, estimates of undocumented migration have been developed using methods of demographic estimation for U.S. census data, immigrant data records, and assumptions about mortality levels, emigration, and census undercount. Demographers at INS have also estimated the size of the undocumented alien population by state of residence.

Third, the role of alien migration in annual population growth for states and local areas is not easily measured. Decennial census data are extremely valuable for measuring components of population change for small geographic areas at ten-year intervals. Currently, however, annual measures of the immigrant population at the subnational level are available for large states and metropolitan areas through the Current Population Survey. The lack of data on internal migration patterns of immigrants is particularly frustrating for comprehensive study of the effect of immigration on states and local areas.

Longitudinal survey design holds strong potential as a means more effectively to collect data on the social demographic behavior and experiences of immigrants and U.S. citizens relevant for the study of immigration and environment. The research community has recognized the value of a survey of immigrants to directly study patterns of settlement and internal mobility among immigrants, as well as social characteristics and economic behavior among immigrant cohorts and how these change over time. To yield results appropriate to environmental research, survey design must address, first, the need for reliable data at different geographic scales, and, second, the critical need to compare environmental relevant behaviors and characteristics among different groups of immigrants and with U.S. citizens over time.

Conclusions

Four broad areas of recommendations for scientific research concerning U.S. immigration and environment emerge from this review:

First, research on the environmental consequences of U.S. immigration will benefit from the revision of models of the population-environment to specify the role of migration and, specifically, types of

international migration, in processes of environmental change. Theoretical development concerning migration and the environment needs to occur to derive relevant and testable hypotheses about causal relationships and effects.

Second, research on U.S. immigration and the environment should provide both descriptive results concerning trends in demographic and environmental change at different geographic scales and for specific places, as well as causal insights about the nature of relationships between levels and types of alien immigration and environmental outcomes. Studies should be undertaken on the national, regional, and local levels to compare the effects of immigration at different geographic levels, adding to our understanding of geographic variation of impacts.

Third, it is critical that attention be given to developing the necessary research designs for ongoing study of the interrelationships among population, immigration, and environmental processes for the nation, states, and local areas in the United States. Survey methodology has been shown to hold useful potential for studies of the social and economic consequences of migration and should be explored for studying environmental impacts.

Fourth, the statistical foundation for the analysis of the environmental consequences of U.S. immigration must be strengthened. Migration statistics—data on alien immigration, internal migration, and emigration—must be improved to accommodate local and regional analysis for intercensal periods. As relevant in these times of fiscal restraint in federal spending is the critical need to advocate the continuation and maintenance of current statistical programs: INS statistics on the admission of aliens to the United States must continue to be collected and made accessible for public use; questions concerning nativity, citizenship, and geographic mobility must continue to be asked on the decennial census and the Current Population Survey. Finally, an assessment of the status of indicators of environmental quality and resource availability is a critical component of developing an agenda of policy relevant scientific research.

These broad recommendations beg the question of strategy for stimulating and organizing research efforts to address the important analytic issues concerning U.S. immigration and the environment. Interdisciplinary collaboration is essential for the development of a research program on U.S. immigration and the environment. Interaction among environmental and

social scientists in government agencies and planning offices, as well as in universities and research institutes, must be encouraged to initiate theoretical development, to reflect on research design, to document the status of available data, and, ultimately, to establish a framework for interpretation of research results in connection to the policy process.

Given the need for both baseline documentation and exploratory analytic research, it seems highly appropriate to initiate a coordinated research program on immigration and environment for specific regions, metropolitan areas, and local communities in the United States. Selected places should be identified as research sites in which an integrated program of population and environmental research would be implemented. Interdisciplinary collaboration among scientists must be organized within research sites and coordinated with relevant planning and scientific agencies at the federal, state, and local areas.

A Final Observation

Barry Commoner once stated that he knew ". . . of no scientific principle which can tell us how much to rely on population control and how much on technological change (and the required economic controls) in order to reduce environmental impact. The choice between these alternative paths is clearly a political one, not a matter of science." A somewhat contrasting perspective is evident in this report. Research on relationships between U.S. immigration and the environment is an essential component of rational and responsible decisionmaking concerning U.S. immigration. Whether environmental criteria are appropriate grounds for revising immigration policy encompasses questions that are within the grasp of social and environmental research.

INTRODUCTION

Each of the most recent major amendments to the Immigration and Nationality Act includes a requirement for the federal government to assess the environmental impact of alien immigration on the United States. Specifically, the Immigration Reform and Control Act of 1986 [IRCA] specifies that the Triennial Report to Congress shall provide a ". . . description of the impact of immigration on environmental quality and resources . . ." (Sec.401(b)(3)). The Immigration Act of 1990, which focused on legal immigration, gives the Commission on Legal Immigration Reform the mandate to consider the ". . . social, demographic and natural resources impact of immigration . . ." (Sec.141(c)(1)(C)), and also requires the government to provide statistical information that is ". . . useful in evaluating the social, economic, environmental, and demographic impact of immigration laws . . ." (Sec.142(c)(1)).

These statutory mandates to consider the relationship between U.S. immigration and environmental processes and issues provide an opportunity for social and environmental scientists to expand theoretical and empirical knowledge concerning population-environment dynamics by giving specific attention to processes of international migration, mobility, and circulation. The goal of this report is to contribute to this area of policy analysis by reviewing existing scientific literature concerning immigration and environment, to identify research issues emerging from extant scholarship, and to develop recommendations for areas of needed research that will benefit the immigration policy process. It is important to note at the outset that remarkably little hard evidence exists about the environmental effects of alien migration to the United States. A great deal of speculation exists about the nature of the relationship and there is increasing popular commentary about the degree to which immigration is associated with environmental problems in local areas as well as the nation as a whole. The direct or causal effects of U.S. immigration on the environment have not been established, however, through scientific study. Moreover, there are significant limitations in U.S. statistics on immigration and population for the study of environmental impacts.

The report serves as an initial review of four salient dimensions of a policy relevant research agenda concerning the relationship between U.S. immigration and environmental issues. First, we consider the relevance of contemporary theoretical perspectives on the relationships among population change, migration, and environmental processes and problems. Sec-

ond, we review the extant scientific literature concerning these relationships. While primary attention is directed to studies pertaining to the United States, the review seeks to be comprehensive by considering relevant research concerning migration and the environment in other countries and regions; particular attention is given to research concerning immigration and the environment in Australia. Third, we consider the relevance of existing methodological approaches to studying environmental change for the analysis of the environmental consequences of alien immigration and international population movements to and from the United States. Environmental impact assessment and population-environment monitoring systems are considered specifically. Fourth, given existing theory and methods, we reflect on the information requirements for analysis of immigration-environmental relationships at various geographic scales in the United States. The degree to which federal statistics can support analyses of the role of immigration in national, regional, and local population dynamics is considered a critical issue for policy research concerning immigration and the U.S. environment.

Throughout the review, we draw on scientific literature specific to the United States as well as studies and perspectives on human environmental impact specific to other countries and regions, including areas within the developing world. We thus attempt to glean from this array of scholarship insights about theory, methods, and empirical research that are relevant for developing a research agenda for the U.S. context. The paper concludes with an outline of research priorities concerning the consequences of immigration for environmental processes and trends in the United States.

A Further Rationale

As implied above, the legislative mandate for information on the environmental consequences of U.S. immigration provides an important opportunity for policy relevant research and also for the expansion of scientific literature concerning population-environmental dynamics. In short, there is an opportunity for both basic and applied research concerning human-environmental interactions. There is also a need for such research because conclusions or inferences about the environmental consequences of immigration may be preceding systematic study of the issues (for example, Mann 1990; Population-Environment Balance, Inc. 1992; Simcox 1992; Federation for American Immigration Reform 1991). It is relevant to note that

the premature use of environmental arguments in debates over immigration was anticipated in Canada a few years ago. The Canada Employment and Immigration Advisory Council observed that given evidence about the positive economic impacts of immigration, the Canadian public might be expected to shift its attention to another rationale to restrict immigration, and that argument could likely settle on environmental issues (see Canada Employment and Immigration Advisory Council 1991:30-31).

It is also interesting to note that the discussions about environmental effects are somewhat reminiscent of the tone of statements made in the early decades of this century concerning the social and cultural effects of immigration, e.g, in such statements as the one below made in 1926 by George Cutten, President of Colgate University concerning the effects of immigration for the quality of the U.S. population and society. [Currently on display in the exhibit on immigration restrictionism at the Ellis Island Museum, perhaps it is not the most appropriate illustration, but it holds intrinsic interest for this writer.]

The melting pot is destructive to our race. . . . We must either build up from own resources and conserve our race power, or else we must admit only such immigrants as shall strengthen and not weaken our race, or both. The danger the 'melting pot' brings to the nation is the breeding out of the higher divisions of the white race and the breeding in of the lower divisions. (Wood 1923)

A recent statement by the Federation for American Immigration Reform concerning the environmental effects of current alien immigration to the United States directs attention to the relationships among immigrant fertility and population growth within the context of declining environmental quality and resources:

WHY A LIMIT?
Our Natural Environment
Says There Must Be Limits
on Increasing Numbers
of Immigrants

> We are plagued by water shortages, overflowing landfills, crowded transportation systems, deteriorating wilderness and recreation areas and toxic pollution, ailments that point very clearly to the fact that the U.S. is overpopulated. . . .
>
> Some experts point to the increasing number of immigrants and refugees admitted to this country during the last ten years as one reason for the rising

> fertility rate. Most of the recent entrants to the U.S. have come from countries with high fertility rates, and many who come are in their childbearing years. . . . (Federation for American Immigration Reform 1991:41-42)

Even somewhat more scientific accounts of U.S. immigration draw illusions to ecological concepts. Note, for example, the reference to limits on the absorptive capacity in a recent publication of RAND-Ford Foundation Program for Research on Immigration Policy:

> **Policy Questions Regarding the Flow of Immigrants**
>
> Policies of the last decade leave three central issues regarding new immigration unresolved.
>
> **Aggregate Total Numbers**. Each of the three significant immigration measures passed by Congress during the 1980s has been considered independently, and each has had an expansionary and compounding effect on the size of legal immigration. For the most part, each has been considered without a unifying debate on the overarching question of how much total immigration . . . the nation can productively absorb. Of particular note, policy makers have not examined the ***absorptive capacity*** of the major metropolitan receiving centers.
>
> . . . The policy question will be how to respond to the growing pressures [for immigration to the United States]: Is there a ***limit*** to the nation's ***absorptive capacity*** , and , if so, what is the ***limit?*** [emphasis added] (Rolph 1992:50-51)

These are appropriate questions reflecting ecological perspectives concerning the human environment. While Rolph does not define explicitly absorptive capacity, we can infer the concept to refer to the capacity of societal institutions to receive and integrate alien migrants (as opposed to the addition of native births) into local communities, regions, labor markets, and, ultimately, national society. Absorptive capacity is thus related to an area's carrying capacity [see pages 24-25 below] but encompassing the availability of social, economic, and political resources effectively to accommodate newcomers.

Increasingly, however, there are popular interpretations of the effect of immigration on both the social and physical environment. While questions concerning absorptive capacity are similar to the

above statements, definitive answers are being forwarded identifying immigration as the cause of a range of social and environmental problems. Excerpts from the *San Francisco Examiner-Chronicle* are illustrative:

Bursting at the Seams

> . . . It is time to consider a moratorium on immigration until we have provided a lamentably lacking element in our governance system—a population policy. We need to determine the carrying capacity of the state.
>
> Fiscal problems aside, how many people can our dwindling natural resources support at a reasonable standard of living?
>
> Consider water, for example. As we have learned recently, the filling of the reservoirs by this year's rains will not solve the long-term water shortage.
>
> Even with reservoirs at capacity there is not enough water to satisfy present demands, much less an unending demand for more. The population grows; the water supply does not. . . .
>
> Water conservation can extend existing supplies, but you can only tighten the belt up to a point. A continually growing population will overtake all efforts at conservation.
>
> Another declining resources is topsoil. . . .
>
> . . . Where once there were miles of orange groves beneath snowy mountains, there are now miles of besmogged suburbs, and the mountains are seldom visible. . . .
>
> Half of the state's population increase comes from net births . . . [net increase]. But most of the births that increase the population are attributable to immigration. (Gilliam 1993:7,12)

The point is that statements currently are being presented about the relationships among population, immigration, and the environment in the United States. It is critical that scientific evidence concerning these relationships enter into the policy arena both to inform the immigration policy process and to clarify the multiple causes and correlates of environmental issues. As Preston (1993:601) observes, "[d]iscussions of appropriate levels of im-

migration inevitably will become heated, and it is important to begin now to establish a sound basis for any revisions."

PERSPECTIVES ON THE ROLE OF MIGRATION IN POPULATION-ENVIRONMENT DYNAMICS

Introduction

Theoretical perspectives on the relationship between population and the environment generally fall into three broad camps, each with different implications for policies concerning population regulation and migration. These perspectives have been critically presented by Hogan (1992), Lowe and Bowlby (1992), Fincher (1991:9-16), and Lowenthal (1992, 1990) among others, and will be described only briefly here. Neo-Malthusian perspectives conceptualize a negative relationship between population growth and the availability, and, increasingly, the quality of environmental resources (see, for example, Ehrlich & Ehrlich 1992; Grant 1992). More optimistic perspectives emphasize the enhanced potential inherent in positive population growth for social, economic, and technological progress and, hence, the means to solve environmental problems (see for example, Simon 1990, 1992; Repetto 1987); Boserup conceptualizes population pressure as a stimulus to technological innovation and more effective use of resources (Boserup 1981). A third perspective, less associated with proscriptions concerning population control policies, identifies population growth as a factor that retards efforts at social and economic development and exacerbates social inequality within poor societies (see Mink 1992; Caldwell 1985; cf. National Research Council 1986; United Nations Secretariat 1991).

The general model of environmental impact has been presented and applied by Ehrlich & Ehrlich (1990) among others (see Marden & Hodgsen 1975). Environmental impact [I] is conceptualized as a function of population characteristics [P], patterns of consumption [A, for affluence] and technology [T], the use and manipulation of energy and other natural resources. This model has provided an organizing framework for much of the debate concerning population and the environment. Neo-Malthusians emphasize the significant influence of population growth for environmental impact, while "optimistic" perspectives give primary importance to changes in technology and social and economic organization in mitigating the effects of the other two factors.

The model has been criticized for the incomplete conceptualization of the causal components and the lack of grounding in social scientific theory. Meyer and Turner (1992:52) note that the model ". . . suffers from the handicap of a mismatch between its categories of driving forces (apart from population) and the categories customarily used in the social sciences. Neither "affluence" nor "technology" as defined is associated with a substantial body of social science theory; any bridges between the IPAT and other approaches would have to be built between these categories and those better-conceptualized aspects of behavior and social structure that may drive and limit changes in production and consumption." Demeny (1991:410-12) comments on the implication of independence among the three components of environmental impact and hence the lack of conceptual attention to the ways in which changes in population, consumption and technology are interrelated.

The degree to which the population concept is well specified or connected to social theory can also be contested: uses of the model focus primarily on the increase in population size without conceptualization of the different sources of population growth, for example, natural increase relative to net migration. For example, critical attention to the interrelationships among migration, patterns of consumption, and shifts in technology is not accommodated in the model; in general, testable hypotheses about the effect of population movements on social and technological change are not derived from the model. Relatedly, the model frustrates a dynamic perspective concerning the consequences of changes in the factors over time. Pragmatic considerations of short-term versus long-term relationships are not prominent in the theoretical discussions.

In spite of these conceptual deficiencies, however, the IPAT model has become an important conceptual construct influencing general thinking about population-environment relations. Keyfitz (1993:547) clarifies the strengths and weaknesses of the general model and states the hypothesis clearly:

> If all else is equal, action damaging the environment is directly proportional to the number of people. That at least seems the most appropriate initial hypothesis.

Keyfitz provides examples of circumstances in which population has a more than proportional effect on environmental change, that is, a 1 percent increase in population results in more than 1 percent change in some environmental characteristic, for example, the stock of some natural resource; similarly, one can illustrate

circumstances in which population growth is associated with a less than proportional environmental impact. According to Keyfitz, however, "(t)he burden of proof is one anyone who argues against the proportionality hypothesis in either way" (1993: 547).

Population-Environment Models and Migration

This discussion of general perspectives on population and environment suggest that an appropriate modification of theory is the improvement of the ways in which population processes and concepts are specified. For example, the effect of in-migration on environmental change is likely to be different from the effect of above replacement fertility or of mortality decline, thus, using the vocabulary of Keyfitz, immigration may have a different level of proportionality than other demographic processes. Hence, results specific to demographic behaviors (mortality, fertility, and geographic mobility and migration) will be relevant to different policy responses.

Theoretical discussions of population-environment relationships vary in the degree to which migration is critically considered. For example, neo-Malthusian perspectives give greater conceptual prominence to the negative effects of aggregate (positive) population growth and hypothesize that any source of growth, such as positive net migration, has negative consequences for the environment. The application of these perspectives to the United States, for example, leads to conclusions about the negative effects of alien immigration for preservation of resources and environmental quality. Not surprisingly, more optimistic conceptualizations draw the converse hypothesis about the role of migration on technological and environmental change (see Simon 1990). Fundamentally, however, the role of migration in environmental change derives directly from the underlying conceptual model of population-environmental dynamics: the effect of migration is specified on the basis of its (positive) contribution to population growth.

Among the recommendations of the National Research Council Committee on the Human Dimensions of Global Change was the need to ". . . 'unpack' broad concepts, such as technological change, economic growth, and population growth, that are frequently offered as explanations of how human activities cause global change" (Stern, Young & Druckman 1992:97; see

also Ness, Drake & Brechin 1993b:377-406). Such recommendations hold particular relevance for specifying the role of migration in environmental process and change. For example, in a critique of perspectives on population and the environment, Hogan (1992:113-14) identifies, first, the theoretical disadvantages of the concept of aggregate population growth and, second, the advantages of considering more meaningful demographic processes:

> But in all of these cases [theoretical perspectives], with a pure or moderated or even inverted Mathusianism, what we see is an emphasis on the volume or growth rate of population. The refrain is always the race between population and resources. The question of the population/ resource or population/ environment relation is reduced to a unidimensional relation. the ways in which patterns of fertility, morbidity, mortality, migration, nuptiality, and age structure relate to environ-mental change, have received little attention. What seems to have occurred, on the one hand, is that for the Neo-Malthusians, there is not reason to go beyond this point; the relation is clear, and the solution obvious. On the other hand, the critics look for the causes of environmental problems in other processes. It is as though population growth causes everything or population is unimportant.
>
> What is needed is an analysis of the relationships of demographic dynamics, in all their complexity, with environmental change. . . .
>
> An important starting point in efforts to go beyond such generalizations is to decompose what we mean by "population pressure" which has been nearly universally understood to mean excess numbers with clear conclusions about policies to reduce fertility rates.

Hogan's observation about the derivation of fertility policy proposals is increasingly applicable to policy recommendations to restrict or to promote immigration. Such proposals similarly derive from inherent conceptualizations of the environmental effects of aggregate population growth.

The theoretical necessity to disaggregate the components of population growth in order to specify the role of migration (or any demographic behavior) in environmental processes is reinforced by Mink

(1992) in his discussion of the interrelationships among population, development, and the environment. In reference to developing countries, Mink identifies the range of effects of migration on environment processes that are conditioned by social and economic factors in both places of origin and destination:

> Migration often represents a response to imbalances between population levels and the capacity of local environmental resources to support them. There are also potent environmental impacts in areas receiving the migration, which will differ according to the form the migration takes—whether of individuals or households, seasonal or permanent, to frontiers or established communities—and which can either mitigate or exacerbate the environmental impact of population growth. Some forms of episodic migration, such as flight from political strife, can expose environmental fragile areas to massive population increases . . . (Mink 1992:26-27).

Implicit in Mink's discussion is both an emphasis on the importance of shorter-term effects of migration on developing areas, particularly refugee migration, as well as the importance of incorporating causes and characteristics of migration processes in studies of environmental change. Finally in their critical analysis of population-environment perspectives, Arizpe, Stone, and Major (1994:340) state:

> Population must not be reified as if the simple numbers of human bodies were all that mattered. From the standpoint of population/environment analysis, people are significant in terms of what these humans do in a matrix of social and environmental interactions. This means that population must be understood as a process of biological and social reproduction whose components are principally interactions. Research must focus on these interactions as the relate to the three determinants of population—fertility, mortality and migration.

They emphasize the relevance of study on the relationship between migration and environmental change and the role of gender and income inequality in migration processes and changing environmental processes, such as patterns of consumption, resource extraction, and

waste production (Arizpe, Stone & Major 1994: 339-40).

Perspectives on the relationship between global dimensions of urbanization do focus on the significance of migration as a component of regional population growth and redistribution (see Keyfitz 1991; Berry 1990; Detwyler 1971) but generally in the form of regional rural-urban movements and labor circulation. Perspectives on optimum city size, in contrast, grapple with the effect of the aggregate concept, urban population growth, on urban efficiencies in accessibility of services and resources, and urban environmental characteristics, such as residential and industrial density, air and water quality, pollution, waste disposal, and sewage processing. Less attention is given to the nature of the relationships between specific sources of urban growth, for example, alien immigration versus internal migration, and social and environmental outcomes in urban areas and metropolitan regions, although issues of population homogeneity and urban problems have been raised (see for example, Speare & White 1990, 1992; Fincher 1991; Murphy, et al. 1990; cf. Muller 1993:211-13).

Migration and Global Environmental Change

The degree to which migration processes are considered in conceptualizations of population-environmental linkages is a function of both theoretical perspective and geographic scale of analysis. Perspectives on global environmental change generally focus on overall population growth without significant or specific attention to component processes underlying patterns and trends in geographic distribution (see, for example, National Academy of Sciences 1991; Ehrlich & Ehrlich 1990; Stern, Young & Druckman 1992; Barry, Mather & Sdasyuk 1991; Mathews 1991a; also Royal Society of London and National Academy of Sciences 1992). Moreover, models of global population change emphasize the implications of regional variations in population growth but tend to obscure the role of international or interregional migration in the global outlook and regional trends (see Keyfitz 1991; Demeny 1990; Goudie 1990; Smil 1990, 1991; Bongaarts 1992; also Coale 1975). In this sense, some contemporary perspectives are reminiscent of earlier consider-

ations of population growth for the environment (see, for example, Turk, Turk & Wittes 1972; Waldron & Ricklefs 1973; Detwyler 1971a; cf. Dubos 1971; see also Goudie 1990).

Perspectives on U.S. Immigration and the Environment

Perspectives on the national and regional environmental impacts of U.S. immigration similarly reflect underlying theoretical frameworks. Simon (1990) has emphasized the potential contributions to human capital and the potential for technological innovation deriving from positive population growth in the United States and alien immigration. Short-run costs of immigration are distinguished from long-term benefits; age composition of immigrants, rather than such characteristics as national origin or education, is considered the important policy issue relevant for questions of immigration impacts. Ehrlich and Ehrlich (1992), in contrast, have used the IPAT model to illustrate the degree to which the United States is over populated and the need to constrain population growth. These authors recognize both the long-term benefit of reducing levels of fertility as well as the political and sociological difficulties in recommending the cessation of immigration as a route to stationary (zero) population growth (Ehrlich & Ehrlich 1992:130-31).

Most neo-Malthusian perspectives on the environment, however, generally highlight the role of alien immigration in U.S. population growth and often focus on the contribution to future growth resulting from the descendants of current immigrant streams (see for example, Bouvier 1991, 1992). The results from these studies, often population projections, present images of unending population growth deriving from the rising demand for immigration within developing countries and positive annual levels of permanent immigrant additions. Inherent in these perspectives are critical conceptual and analytic issues concerning immigration and population growth. For example, there is contention over appropriate approaches to conceptualizing the source of population growth resulting from international migration in annual measures of population growth as well as in population projections. Interpretations of population projections must also be resolved with results of formal demographic studies of the relationship between annual immigration and the achievement of a national stationary population.

Conceptual Issues Emerging from Models of Population-Environmental Change

Several analytic issues emerge from this review of the conceptualization of migration in population-environment models. Very fundamentally, the conceptu-alization of immigration as a component of population growth must be revisited. Second, both geographic level of analysis or geographic scale and temporal reference, for example, short-term or long-term, must be specified in theoretical models and, ultimately, in empirical research. The effects of immigration on environmental processes may be expected to be significantly different for metropolitan areas, rural communities, and states. Similarly, the setting of policy goals regarding immigration and the environment and the process of policy evaluation require explicit time frames for analysis and assessment. A third analytic issue is the importance of understanding linkages or connections among geographic areas, economic sectors, and through time. For example, the concentration of immigration in certain metropolitan areas in the United States may have environmental consequences for areas and natural resources geographically removed from the cities.

Immigration as a Component of Population Growth

There is not consensus among demographers concerning the most appropriate approach to conceptualizing, and hence measuring, the proportion of population growth due to migration or the role of immigration in future population growth. For example, partitioning annual population growth among demographic components to yield the proportions (in percents) of growth due to immigration ignores the overall level of population growth and also assumes all sources of population change are measurable (see pages 57-59 below). Warren (1994b) suggests the comparison of annual immigration to total additions to the population, that is, immigrants and births is a more appropriate approach to thinking about immigration's contribution to population growth (see also Keely 1974). Weeks (1992) advocates the migration ratio: net migration as a proportion of natural increase, (births minus deaths) for areas. Simon (1990) argues for the use of the ratio between either the flow of immigration (immigration admissions or arrivals) or the stock

of immigrants (such as the foreign-born population) to the residential population in a given year as a gauge of immigration of both demographic and social impact.

Similarly, there are differing approaches to conceptualizing the impact of immigration on future population growth in both the short and long-run. Population projections simulate future patterns of population growth by making assumptions about changes in behavioral patterns of demographic processes (mortality, fertility, and migration), by age and sex, and often by other social demographic characteristics such as race and rural or urban residence. The effect of the demographic components of growth on future population size and structure (age and sex composition) is shown by comparing the results of different projection series in which different assumption are modelled. For example, the U.S. Census Bureau conducts population projections assuming the continuation of current levels of net immigration (see page 59 below) and projections assuming zero net immigration.

Problems in interpreting the results of population projections concerning the contribution of immigration population growth have been discussed by demographers (see, for example, Edmonston & Passel 1992; Keely & Kraly 1978; Kraly 1981). A fundamental issue concerns the choice of reference data for measuring the demographic impact of immigration: nearly 100 percent of U.S. population growth since 1790 has resulted from immigration and the descendants of immigrants. There are empirical difficulties in developing assumptions about fertility among first and subsequent generations of immigrants. Further, emigration is often not modelled as an age specific propensity, but is subsumed with a concept of net immigration. Given the wide use made of population projections in discussions of U.S. immigration policy issues, it is critical that conceptual issues in both approaches to modelling and in the interpretations of results be clearly set out.

Similarly the results of formal demographic analysis of immigration and population growth should be incorporated into models of population and environment. As mentioned above, there is a solid body of demographic theory that has revealed the relationship between positive immigration and the achievement of population stabilization at zero annual growth, that is, a stationary population (Keyfitz 1971; Coale 1972; Pollard 1973; Espenshade, Bouvier & Arthur 1982; Mitra 1983; Espenshade 1986; Feichtinger & Steinman 1992). A stationary population is consistent with annual immigration given fertility at replacement or below replacement levels. The ultimate size of

the population is a function of the level of fertility and mortality, annual levels of immigration, and the age composition of immigrants. These results suggests the importance of better understanding demographic characteristics of immigrants, specifically fertility and age characteristics, in order to interpret more effectively results of models of immigration, population growth.

Geographic Scale and Temporal Specification

Geographic scale is a critical conceptual and analytic dimension of contemporary perspectives on population and environment. The importance of considering the role of demographic processes in environmental change on regional and local scales of analysis is increasingly emphasized in literature on the relationship between economic development and the environment in less developed countries (see, for example, Arizpe, Stone, and Major 1994; Mink 1992; Ogata 1989:48; United Nations Secretariat 1991; Glaser 1980; Milliman 1992; Huguet 1992). Mink (1992:13), for example, calls for both spatial and temporal specification:

> The impact of population intervenes along three main dimensions: its scale in relation to the resource base, its rate of growth, and its redistribution across resources through migration. Population's impact on the environment is critical in some countries or regions within countries, but is less important in others. Moreover, the three dimensions will not be equally important for the environment in different places and points in time. Thus, assessments of population's impact on the environment, and the appropriateness of addressing such impact through direct population interventions, need to take local circumstances into account.

In reflecting on the study of environmental processes among island ecosystems, Glaser (1980:9) offers a very clear statement on the "limitations of global synthesis" in the study of population and the environment:

> The population/resource/environment situation differs from country to country and varies even from area to area within most countries, in particular the larger ones. The problems of assessing population/resource ratios, and of defining measures for their beneficial adjustment,

> must be tackled on a disaggregated and areal basis. In fact, there seems to be a need for almost every country to develop a population/resources environment model for its particular national situation for its major geographic subdivisions.

Bilsborrow (1992) argues for local and regional studies as opposed to cross-country analysis on the basis of principles of research design and the analytic goal to move beyond descriptive studies of covariation to conclusions concerning causal processes:

> While cross-country-level data have the appeal of generalizability, there are important reasons for focusing research efforts at the individual country level. One is the much greater possibility of controlling for other factors that influence demographic and environmental change, such as national resource endowment, climate and topography; soil quality; transportation linkages to markets and cities and availability of off-farm employment; access to family planning, health and education facilities; . . . and national and local government policies relating directly to the environment, such as restrictions against tree cutting, cost of logging concessions, and protection of parks and nature reserves. All of these factors, and undoubtedly others, may influence demographic processes, agricultural and land use change, and environmental degradation in rural areas.

A second reason for preferring within-country studies is that aggregate country-level data cannot relate well (differences in) natural resources trends to (differences in) demographic variables. If it were true that countries with faster rates of population growth appeared to be experiencing faster rates of forest loss, this would not necessarily mean that the two are related, particularly from the production or supply side, as per the focus in this paper. One would need to see if those areas *within* the country experiencing forest loss are also the areas experiencing population growth (in-migration). This can only be addressed at the country level . . . (Bilsborrow 1992:144-45)

Critical perspectives on the concept of carrying capacity further underscore the need to relate population and environmental processes on local and regional scales defined most appropriately by ecological analysis (see Bayliss-Smith 1980; Glaser 1980; Brookfield 1980; McCall 1985; Talbot 1986; Santos 1990:39-40,75-76; see also McConnell 1991). Carrying capacity is the size of population that can be supported by the resources of an ecological system. In human population, the concept must be understood to be dynamic, that is, open to change through technological and social factors. Hogan argues for the value of the concept of carrying capacity in order to relate demographic processes, resources, environmental trends, technological change, and patterns of production and consumption within specific regions:

> The value of the concept of carrying capacity is that it should direct our attention to specific ecosystems, exploited with specific technologies, to produce a specific standard of living. Here one may meaningfully relate population pressure to environmental degradation. (Hogan 1992:116)

Because carrying capacity is altered by technological and institutional change, the conceptual framework requires the specification of the temporal context for analysis. Hence, the short-term outcomes of migration for environmental change may be conceptualized quite differently for places and regions in comparisons to models with longer-term time horizons in which feedback between migration and social and technological change may be envisioned (cf. Simon 1990:188-92). A useful discussion of issues in the interpretation of the concept of carrying capacity is provided by Cater and Goodall (1992:312-13) who consider carrying capacity within specific destinations for tourists in Australia (see also Bayliss-Smith 1980; Huguet 1992:388). Because of the relatively short-term impact of increasingly large numbers of certain types of international migrants—tourists, business persons, students—in selected places in the United States, it may also be useful to explore the use of the concept of carrying capacity in relationship to the demographic notion of "person-years" of impact (K. Woodrow 199).

Meyer and Turner summarize these issues of scale concerning perspectives on population and the environment and also with relevance to conceptual models and research design: "Comparative assessments assume that if population is a key driver of environmental change, then the pressures of population (e.g. density) should

closely match the magnitude of various kinds of environmental change across regions and locales" (Meyer & Turner 1992:53).

Spatial, Sectoral, and Temporal Linkages

Finally, there is emerging emphasis on the significance of linkages across geographic scale and among regions that holds theoretical potential for informing conceptual models of the relationships between migration and environmental processes. The published results of interdisciplinary symposium, *The Earth As Transformed by Human Action* (see Turner, et al. 1990) address conceptual issues concerning interregional and intersectoral linkages by disentangling, both conceptually and empirically, the temporal and spatial patterns of the effects of human society on global and regional environmental processes at different scales. In this regard, Merchant (1990) provides critical insight to the characteristics and limitations of models of society-environment interactions. Again, however, the role of interregional and international population movement in processes of transformation in selected regions is not highlighted either in theory or application (see, for example, Ezcurra 1990).

Emphasis on linkages among regions and across geographic scales is often matched with attention to the dynamic dimensions of societal and environmental processes. For example, the University of Michigan Population-Environment Dynamics Project (Ness, Drake & Brechin 1993b) has emphasized the need for interdisciplinary study of human-environmental interaction and for theoretical refinement of general models of environmental impact (cf. Ehrlich & Ehrlich 1990). Transitional analysis, that is, interaction among processes of change, is underscored (cf. Lutz 1994:63; United Nations Secretariat 1991:58). Drake (1993) identifies several areas of global transition which characterize population-environmental dynamics including the demographic transition, epidemiological transition, and the urbanization transition. While trends in international labor and refugee movements are noticeably absent from this conceptualization, the framework is conducive to similar consideration of the prominence of international population movements in regional and global dynamics. The importance of determining the degree of synchrony in rate of change in transitions is particularly salient for the analysis of the role of international migration in social and environmental change in the United States (Drake 1993:334-48).

It is interesting to note that studies that place theoretical emphasis on the linkages between developed and developing countries and increasing international integration among economic sectors vary widely in the attention given to international migration. Some perspectives do not explicitly consider the role of international migration and population circulation as an important dimension of global and interregional economic relationships (see, for example, Bowlby & Mannion 1992:332; Contanza 1992; Cater & Goodall 1992:320; Sadik 1989:4,5; cf. Berreby 1994:49). Other perspectives on economic development in developing countries emphasize the importance of international and interregional labor migration in economic change in both send-ing and receiving societies and in trends toward increasing global economic integration and interconnectedness (see, for example, Massey, et al. 1987, 1993; Massey 1988; Castles & Miller 1993; Bailey & Ellis 1993; see also Simon 1990:274-76).

Perspectives on the role of the United States in global environmental protection place emphasis on the significance of the United States in global economic integration, international trade, and the potential for sustainable development in southern regions (Ridker 1975; Keyfitz 1991; Cooper 1991; Sadik 1989:4,5). The relationship between U.S. foreign policy and migration pressures in developing countries has also received increasing analytic attention (see, for example, Tucker, Keely & Wrigley 1990; Loescher & Scanlan 1986; Teitelbaum & Weiner, forthcoming). Absent from these discussions, for the most part, is explicit conceptualization of the role of U.S. immigration policy as an agent of global and regional environmental change. Ehrlich and Ehrlich (1992:331) do relate issues of brain drain to the acquisition by immigrants of patterns of consumption associated with U.S. lifestyles: ". . . even though immigration to the United States does not produce a net increment to the global population, it does produce a net increment in total environmental impact."

There is a need for additional thinking about the role of international migration and, specifically, immigration to the United States on patterns of environmental change in both sending and receiving communities. The role of environmental degradation in serving as a stimulus to out-migration from agricultural areas, rapid urbanization in developing countries, and international migration is receiving increasing attention (see for example, Myers 1991; M. Schwartz, 199). The role of U.S. immigration policy and patterns in these processes is an area of needed theoretical development.

Implications for Theoretical Research on U.S. Immigration and the Environment

This wide-ranging discussion of perspectives on population, migration, and the environment suggests several areas of needed scholarship, the most fundamental of which is the need to revise models of environmental change and impact to incorporate more effectively concepts of migration. Of particular relevance for the United States, moreover, is the specification of effects for different types of international population movements (permanent resettlement, refugee migration, temporary labor migration, and tourism) within theories of environmental impact.

Recommendations for Theoretical Research

1. General models of environmental change and impact should be reformulated to specify the role of migration and, specifically, international migration in processes of population growth, consumption and production, and technological change.

   a. Hypotheses concerning the short- and long-run effects of migration processes for these relationships and environmental outcomes should also be derived.

   b. The reformulation of theoretical models should also recognize the importance of geographic scale for both scientific analysis and policy and program development.

   c. Attention should be given to the dynamic relationships among sources of population growth and social, economic, and technological change.

   d. The relevance of intersectoral linkages, illustrated, for example, in the global division of labor in manufacturing, for environmental process at different scales of analysis should be investigated.

2. Specific theoretical research should be devoted to conceptualizing the role of international migration as an agent of change in environmental-related processes: technological change, and the promotion of shifting patterns of consumption and production within both countries of origin and destination. As emphasized above, conceptual models should consider these relationships specific to major types of international migration and mobility.

a. The environmental consequences of immigration should be specified within economic sectors, as well as among geographic areas; for example, the environmental implications of the relationship between international migration and changes in agricultural practices in countries of origin and countries of destination should be conceptualized, as well as the environmental consequences of relationships between labor migration associated with the spatial and technological reorganization of manufacturing.

3. Theoretical research should be undertaken to conceptualize immigration as a component of population dynamics at different scales of geographic analysis.

a. A critical assessment of approaches to measuring sources of population growth in relationship to different models of environmental change should be initiated.

4. Theoretical attention is needed concerning the concepts of urban efficiency and scale in relationship to environmental quality, available resources, and patterns of urban and metropolitan spatial growth. These concepts should be related to sources of population growth as outlined in previous recommendations.

EMPIRICAL RESEARCH CONCERNING MIGRATION AND ENVIRONMENTAL PROCESSES AND CHANGE

Introduction

Deep analytic traditions exist in western social science for conceptualizing and measuring the consequences of international migration for national society, economy, polity, and for interregional migration for local communities. Scholarly interest in the environmental consequences of immigration, certainly, in the case of the United States, has a much more shallow history, originating in the late 1960s with environmental concern over national population growth and the role of annual alien immigration in paths to population stabilization (see Coale 1972; U.S. Commission on Population Growth and the American Future 1972; see also Keely & Kraly 1978). Complementary to these concerns is demographic interest in the historical contribution of immigration to national population growth (see Gibson 1975; Keely 1974).

As described above, there is current interest in the environmental implications of immigration for regions, states, and local communities in the United States. Most research, however, tends to focus either on population growth and trends in immigration, i.e., the independent variables, or on environmental processes and problems, the dependent variables. There exists very little direct causal analysis of relationships among population, immigration, and environment in the United States. Sparse empirical attention has been given, for example, to the unique effect of immigration in studies of subnational population dynamics. Similarly, the role of immigration status, nativity, and ethnicity in analyses of consumption and production remains to be fully specified and empirically evaluated. For example, comparison of patterns of energy consumption, commuting, land use patterns, and water conservation practices between foreign and native born, among immigrant cohorts and generations, and among groups of immigrants would add to discussions of the environmental consequences of immigration. Similarly, analyses of the significance of immigration status relative to social and economic characteristics for levels and patterns of consumption should be undertaken.

Because of the relative absence of empirical studies concerning the environmental consequences of U.S. immigration and, generally, international migration to and from the United States, we have looked broadly at the research literature for empirical studies that are relevant for informing the development of a national research agenda. This review has taken us to scientific areas that at first glance do not appear highly relevant for framing studies on U.S. immigration and the environment. The selected areas of research do, however, illustrate salient issues in conceptualization, research design and analysis, and interpretation of findings.

It should also be acknowledged that comparative research on the implications of trends in international migration and mobility has not given prominent attention to the environmental consequences of population movements in comparison to issues concerning economic and development processes, social integration and immigrant adjustment, and foreign relations (see, for example, Vernez 1990; de la Garza, Rodriguez & Pachon 1990; Massey, et al. 1987; Appleyard 1992; Tucker, Keely & Wrigley 1990; Kritz, Lim & Zlotnik 1992; Kritz & Keely 1983; Kubat 1993; Elliott 1989; Zolberg, Suhrke & Aguayo 1989). There is empirical research, most often field studies, however, concerning the converse relationship, that is, the contribution of environmental degradation and crisis to patterns of migration. Studies of

environmental refugees acknowledge the economic and political dimensions of poverty in tandem with population growth in the erosion of local and regional environmental conditions that then result in out-migration. Environmental refugee movements thus emerge from changes in land use and land degradation associated with shifts in agricultural organization, such as farm ownership and land tenure systems, and such patterns of production, as single versus multiple cropping (see, for example, Catanese 1990-91; Tamondong-Helin & Helin 1990-91; Jacobsen 1988; Purcell 1991; Appleyard 1992; Sadik 1989; Talbot 1986; World Resources Institute 1994-95; Zolberg, Suhrke & Aguayo 1989:103-25). Studies of the relationship between natural disasters and migration and population displacement similarly reveal the role of social and economic factors in mediating the differential effects of natural calamities for local and regional populations and communities (see, for example, Clarke et. al. 1989). Research has also addressed the role of environmental factors such as groundwater use in population dynamics and community sustainability (see White 1994).

Research on Regional and Local Population-Environmental Dynamics

Commenting on research concerning economic development in rural areas of developing societies, the United Nations Secretariat (1991:65) makes an important observation about the relationship between population processes and land degradation, relevant for empirical research concerning population, migration, and the environment:

> While the outlines of this environmentally destructive interaction between growing populations and land degradation are clear, the magnitude of the problems, their geographical distribution and their causes remain unclear. These ambiguities must be investigated analytically if Governments are to address these environmental problems in an effective way.

There are, however, empirical studies of the interrelationships among population, migration and environmental processes that transcend the analytic problems identified by the UN above. For example, Arizpe, Stone, and Major (1994) have sought to synthesize important empirical research on population and environment in developing socieites. Their critical analysis of existing research serves to inform the development of conceptual models of population, migration, and the environment, as well as appropriate research design and data requirements (see also Palloni 1994). Among their conclusions is the need for continued research on the connections between population and environmental processes within local and regional contexts (Arizpe, Stone & Major 1994:8-9; see also Lutz 1994:63).

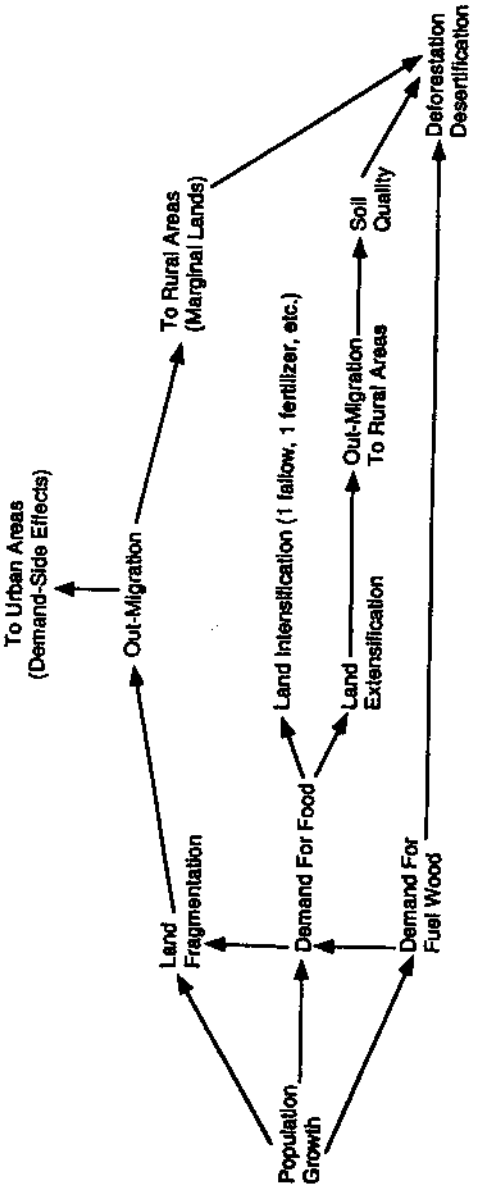
For example, in a series of papers, Bilsborrow and his colleagues have explicitly established goals to conceptualize and measure relationships between demographic processes, notably migration, environmental outcomes, and agricultural practices in particular (see Bilsborrow & Geores 1994; Bilsborrow 1992; Bilsborrow & Stupp 1989; Bilsbor-row & DeLargy 1991). Bilsborrow's conceptual model of land extensification in developing societies, shown in **Figure 1**, specifies the nature of the relationships among population growth and trends in land and resource use, change in land use and agricultural practices, migration, and environmental degradation. While the model might be criticized for the omission of other factors influencing land use change, such as national agricultural and food policies and urban-directed development programs, the empirical research to test the model is significant in measuring the structural and behavioral linkages among social processes and environmental change and, as a result, providing a basis for causal explanation and theoretical development.

Bilsborrow (1992:145-46) also emphasizes the necessity of measuring changes in these processes over time and the value of survey methodology to identify micro-level relationships:

> A number of other scholarly studies have used individual country data on changes over time, sub-national data, to study relevant population-migration-environment linkages, but few identified specific mechanisms by which population factors cause environmental change. . . . I believe we came close to doing this in a study of Guatemala . . . linking rural population growth to land fragmentation and out-migration, but the subsequent link from household to deforestation

Figure 1.

CONCEPTUAL FRAMEWORK OF RELATIONSHIPS BETWEEN POPULATION GROWTH, MIGRATION AND THE RURAL ENVIORNMENT



Source: Adapted from Bilsborrow 1992:129.

is more circumstantial. For this reason I am proposing a household survey in areas of both in-migration and out-migration in rural Ecuador to examine this possible linkage. This is necessary to determine where the migrants come from and why, how they acquire land, and what they are doing with it, including past and present forest-clearing practices.

Interestingly, in a study of the environmental consequences of rural out-migration in Nepal, Thapa (1993) implements several of these analytic recommendations. Thapa utilizes a household survey to measure directly the relationships between household characteristics, agricultural practices, migration patterns, patterns of consumption and remittances, and watershed management practices. The augmentation of household income through remittances did not promote watershed conservation that were devoted primarily to meeting basic household needs; instead, emigration in the study areas was found to be associated with watershed degradation resulting from insufficient labor available for land management and the reliance on pooled labor and economic resources.

Similar analytic strengths are evident in research by Young (1985) and Talbot (1986) that considers migration processes in the form of settlement schemes in Africa. Young studies the environmental consequences of refugee settlement programs in Somalia by collecting detailed data on the agricultural and domestic practices of refugee households in relationship to measurable environmental outcomes: changes in grazing, vegetation, erosion, and soil quality; trends in irrigation and salinization; and loss of forest resources. Included in the analysis is information on environmental conditions in the selected regions prior to the refugee agricultural program, as well as documentation of trends in agricultural practices and environmental outcomes. In a similar fashion, Talbot (1986) studies the social and environmental effects of population growth in rangeland areas in east Africa. Changes in population size among the Maasai are related to resources, primarily livestock, necessary to support traditional ways of life. Balance between demographic and social structure and natural resources has been disrupted in large part by forces external to Maasai society and include population growth among agricultural groups, development programs concerning settlement of pastoralists, and environmental degradation associated with agricultural change.

A similar framework and approach is followed by McCall (1985) in his detailed analysis of the environmental effects of villagization programs in Tanzania. Like

Bilsborrow, McCall raises important analytic issues concerning the empirical basis for interpreting relationships between such social demographic processes as resettlement and environmental degradation in this region of Africa. His conclusions (1985:139) are provocative: ". . . villages are here to stay and there can be no solution which involves eliminating them. The [environmental] impacts emphasized have been mainly the negative ones; there are of course positive effects on services, information and accessibility. A full evaluation would also have to address the methodological problem of comparing 'with and without'—what direction would rural development have taken in the past decade without villagization?"

Research on Environmental Outcomes

Environmental research that focuses on direct measurement of environmental processes and quality is often characterized by indirect or cursory measurement of population and social processes that are often presented initially as causes of environmental change (see Keough & Quinn 1991:539-41). For example, research in Japan (Bower & Takao 1993) has documented patterns of land reclamation in Tokyo Bay and the implications for coastal resources and environmental quality. Causes of land use change include trends in urbanization and migration, industrialization, dredging technology, and political organization among fishing cooperatives. The analytic focus of the research, however, concerns the analysis of environmental outcomes, not the specification and measurement of the relationships among causal influences or between social and demographic causes and environmental effects. In a similar fashion, Tamura (1993) hypothesizes about the effects of urbanization, economic development, and innovations in earthwork technology on residential development in hill regions in Japan but measures environmental processes not causal relationships.

Environmental research concerning coastal zones and marine systems almost uniformly identifies population growth, migration, and temporary population movements (tourism) as ultimate causes of environmental degradation. In their study of fresh and waster water discharge along the California coast, Griggs and McCrory (1975) identify population growth as the fundamental cause of pollution in nearshore marine environments. The empirical substance of the study, however, is the analysis of the spatial variation in volume and composition of

nearshore water discharge rather than an analysis of causal effects of demographic and economic factors. Linden (1990) discusses the complex interactions among social, political, economic, and demographic factors in relationship to environmental processes in tropical coastal zones, but presents detailed documentation only for the environmental problems observed in specific coastal regions. Using a more explicit model of spatial covariation, Saliba (1990) similarly emphasizes the impact of tourism, industrial activity, and agricultural practices for land use change and environmental problems in Mediterranean coastal areas.

Finally, an excellent collection of papers by marine scientists concerning human impacts on the seafloor emphasizes patterns of global and regional social, economic and demographic change as potential causes of environmental degradation of the deep ocean floor (see Hsu & Theide 1992). Aggregate world population growth, trends in migration to coastal areas, and patterns of consumption and economic activity are identified as ultimate causes of marine environmental change (see Milliman 1992; Bunt 1992: 229; Vadus, Bregman & Takahashi 1992). For example, in a summary group statement, Burnett (1992:245) reports:

> Pressures caused by exponential population growth over the past several decades have resulted in two great needs which will affect human interaction with the deep ocean: (a) demands for additional resources; and (b) localities for waste disposal. Although large-scale deep ocean mining and solid waste disposal are not presently occurring, depletion of land resources and environmental damage on land require that we give consideration to future use of the seafloor as a course of minerals and as a repository for anthropogenic wastes.

The focus of the analysis, however, is the documentation of available data concerning the characteristics and patterns of change in deep ocean environments and the delineation of information needs for monitoring change.

Urbanization and Environmental Issues

There is extensive research on the relationship between patterns of urban population growth and urban and metropolitan

environmental problems in both developed and developing nations. In not all studies of urbanization, however, is the role of urbanward migration considered separately from natural increase. Speare and White (1992:91) examine the concept of optimum city size given environmental criteria and specify the nature of the relationship between city size and environmental quality by identifying the effect of two concepts, population density and homogeneity:

> Smaller cities have two advantages in dealing with the environment. First, because of smaller size and typically lower density, they have less concentration of pollutants to deal with, other things being equal. Second, because they have a smaller and often more homogeneous population, they may have an easier time mobilizing support for programs to regulate and reduce pollution.

The role of migration is considered only indirectly through concepts of urban population growth and racial and ethnic composition. Moreover, while the nature, extent, and trends in urban environmental problems are often documented, the causal relationships between population growth and environmental outcome are not empirically tested and established (see Milne 1988; Sarre & Smith 1991; Huguet 1992:388-90).

Increasing research is being conducted concerning the consequences of immigration for metropolitan and regional growth patterns in the United States (see Frey 1994; McHugh 1994; Kraly & Hildebrandt 1993; cf. Frey & Speare 1992). Scientific assessment of the effects of immigration for cities and regions has focused on specific infrastructural effects and relationships (see Clarke, et al. 1994; Fix & Passel 1994; Vernez 1993). Studies that seek to address environmental consequences of immigration for urban areas, however, are often plagued with the analytical problems described above: patterns of population growth and immigration are observed to covary with environmental outcomes, while causal relationships are not directly tested. To illustrate, in a study of the sources and distribution of population growth in California, Goodenough (1992:124) states: "[i]n the last decade one-quarter of the US population growth has occurred in the state, generating problems in school provision, transportation, air and water quality and agricultural land conversion." The author interprets shifts in commuting patterns as a response of native residents to intrametropolitan pressures and problems. No direct data on residential choice or commuting behavior, however, are presented.

Research on Immigration and the Environment in Australia

A final body of scholarship that is directly relevant for framing research questions concerning U.S. immigration and the environment derives from Australia. Debates strikingly similar to those emerging in the United States (see Jones 1992:362) circle around the degree to which immigration to Australia should be manipulated in order to achieve national environmental goals and maintain natural capital, relative to such other sources of environmental impact as internal population movements, temporary and seasonal international migration, market forces, patterns of consumption, technological change, etc. Recent government response to increasing public concern about environmental issues in Australia has emerged in the form of goals concerning "ecologically sustainable development." Moreover, according to the National Population Council (1991:x), a group appointed by the Prime Minister to assess the implications of population growth, immigration is considered the essential component in the development of a national population policy for Australia. Correspondingly, government sponsored research has been initiated to assess the effect of population growth, hence, levels of immigration, on the "ecological integrity" of Australia, its sparsely populated regions (Clarke, et al. 1990) and metropolitan areas (Murphy, et al. 1990; see also National Population Council 1991; Nieuwenhuysen 1992).

Fincher (1991) has synthesized these and other research findings concerning the relationships among immigration, population, and environmental processes and issues in Australia. Consistent with the discussion above, she underscores conceptual, analytic, and data difficulties inherent in the available empirical research concerning these relationships. For example, research on optimum city size struggles with the identification of justifiable criteria for determining thresholds in population associated with environmental damage. On the one hand, immigration to Australia is clearly associated with the centralization of the population in metropolitan areas. On the other, the hypothesis that immigration results in increased suburbanization and, hence, decentralization of population within metropolitan areas has yet to be effectively tested through either survey research concerning residential choice or analysis of trends in the supply of and demand for housing and service infrastructure

throughout metropolitan areas (see Murphy, et al. 1990). In this regard, Fincher (1991:33) observes that "[i]f refugees, for example, require public housing, then the public and private rental market nearby may suffer. If wealthier business migrants bid up housing prices in certain localities others may be not longer able to afford housing there. Indeed the degree to which immigrants' arrival 'pushes' others to the urban fringe by bidding up house prices further in, or by taking up scarce public and private rental housing, is unclear." Hence, both patterns of immigrant settlement and the degree of variation in characteristics of immigrant groups also prompts Fincher to note the importance of conducting local and regional analysis of the impacts of immigration on urban infrastructure in Australia cities.

The available research on energy and water consumption in Australian cities has yet to measure directly the effects of urban population growth and immigration. Fincher (1991) identifies the multiple causes of air pollution and increases in the demand for water. For example, the lack of clear evidence on the connection between immigration and residential relocation to the fringes of metropolitan areas erodes conclusions about the general relationship between immigration and automobile energy use (Murphy, et al. 1990:163).

The role of immigration in environmental degradation in nonmetropolitan environments in Australia has been considered by Clarke, et al. (1990) and Flannery (1992) among others (see also Blaikie & Brookfield 1987). Clarke, et al. (1990) place the analysis of environmental issues in both agricultural practices and ecologically fragile environments in Australia, first, in historical context and, second, within a framework of international and regional economic relationships. For example, in assessing the relation of Australian population growth to agricultural sustainability, it is important to reveal the connection between agricultural practices and production for export markets. The relationships between international trade and stock of natural resources must also be considered. Similarly, these issues are also relevant for the analysis of the implications of tourist migration to remote and/or fragile environments throughout Australia.

> Whether those tourists are Australian-born or not, or whether they are attracted here because they are friends of recent immigrants, seems rather a trivial point. The importance of wilderness areas to our growing tourist industry, a further use of

> our resources for economic growth, is undeniable. . . . Curtailing the immigrant intake of permanent settlers would not stop this. But there is cause to examine the impact on these sites of the growing number tourists and temporary visitors. (Fincher 1991:44)

Coming somewhat full circle, Fincher's perspectives also reveal the conceptual and analytic importance of developing more refined specification of demographic sources of environmental impact.

Implications for Empirical Research on the Relationship between U.S. Immigration and the Environment

As shown here, very little direct research has been initiated concerning the relationships between U.S. immigration and the environment, a situation that is not uncommon in other major immigrant receiving countries (cf. Canada Employment and Immigration Advisory Council 1991; National Population Council 1991). Perspectives on U.S. immigration and environmental processes remain largely on the conceptual, if not rhetorical, level of analysis, with results of demographic models translated into environmental outcomes concerning resources availability and environmental quality (see, for example, Pimental & Pimental 1992; cf. Parkes & Dennis 1993). In this regard, population-environmental research in the United States lacks precise or explicit specification of relationships between demographic processes and environmental change.

The general observation concerning the status of empirical research on U.S. immigration and the environment is the need for more of it. There is critical need for the initiation of well-designed studies that will yield both descriptive information concerning trends and patterns of demographic and environmental processes in U.S. regions, as well as for causal analyses of the relationships between migration and environmental change. Given this starting point, the recommendations for empirical research for the United States are relatively basic, unlike recommendations for research developed by Fincher for Australia (1991:57-50). In contrast, the suggestions presented below reflect fundamental needs for baseline data on trends and patterns and causal analysis to test hypotheses deriving from conceptual models of immigration-environment relationships. In important ways, several of

the recommendations for research are connected to issues concerning both conceptualization and data availability and quality discussed in sections above and below, respectively.

Recommendations for Empirical Research

1. Research should be undertaken to synthesize what is known about the components of population growth and change on the regional, state, metropolitan, and local levels in the United States.

a. Analytic attention should be given to trends in each source of migration to and from geographic areas, including permanent resident aliens, temporary visitors (including foreign students and temporary workers), and refugees.

b. Patterns of secondary or internal migration of immigrants should be documented and distinguished from patterns of initial settlement among immigrants.

c. The process of temporary international movements and mobility, such as international tourism and temporary workers, should be measured and described for regions, states, and metropolitan and local areas in the United States.

2. Research should be initiated to document what is known about trends and changes in environmental processes, resources, and quality for regions, states, and metropolitan and local areas in the United States. Environmental data should also be organized in relation to such ecological systems as marine and coastal environments, aquifer basins, as well as other relevant units, for example, national parks and wilderness areas.

3. Research to measure causal relationships between immigration processes and selected environmental outcomes should be initiated for regions and local areas.

a. Macro-level analyses that measure the relationship over time between each source of population change and regional and local environmental indicators should be conducted; control for other exogenous sources of environmental change should be considered carefully in such research.

b. Micro-level studies of patterns of consumption and use of environmental resources should be initiated to provide estimates at the national and subnational levels.

c. Studies of environmental behavior should relate the effects of immigrant characteristics (country of birth, length of residence, patterns of internal migration) to the effect of social demographic factors (age, gender, household composition, education, occupation, etc.).

4. The effect of immigration trends in urban environmental quality and resources should be measured, again, within the context of other sources of environmental change and given a dynamic analytic framework. Case studies of environmental change within specific urban and metropolitan areas should be undertaken.

a. Analysis of the role of immigration in the geographic expansion of U.S. metropolitan areas should be initiated.

b. Research on the effect on immigration on urban housing markets and patterns of commuting should be initiated for specific cities and metropolitan areas.

METHODOLOGIES FOR ASSESSING THE ENVIRONMENTAL CONSEQUENCES OF U.S. IMMIGRATION

Introduction

The emerging wisdom from studies and perspectives on population-environment dynamics includes recommendations to pursue research, assessment, and monitoring of interrelationships on local and regional scales (for example, National Research Council 1992; Fincher 1991; Turner, et al. 1990; National Population Council 1991; cf. Linden 1990:10; Bunt 1992:229) and with comparative methods and cooperative synthesis of findings (Ness, Brechin & Drake 1993c; Harf & Trout 1986). These analytical visions of the necessity for regional and local analysis and comparison of effects are particularly consistent with what has been learned from research efforts to assess the economic effects of immigration on U.S. labor markets and communities.

We have initially considered two analytic frameworks that have been developed to study dimensions of environmental change: environmental impact assessment (see Westman 1985; Mather & Sdasyuk 1991; Clark & Herrington 1988; Black 1981) and population-environment monitoring systems (see Westman 1985; Ness, Brechin & Drake 1993b). Environmental impact assessment most often attempts to forecast the impacts of development projects or structural or engineering initiatives, generally, new activities within a geographic area (see, for example, Newson 1992 :261-70; cf. Ofori-Cudjoe 1990). Monitoring systems represent ongoing social and environmental accounting frameworks for the collection and analysis of data over time for specific geographic areas.

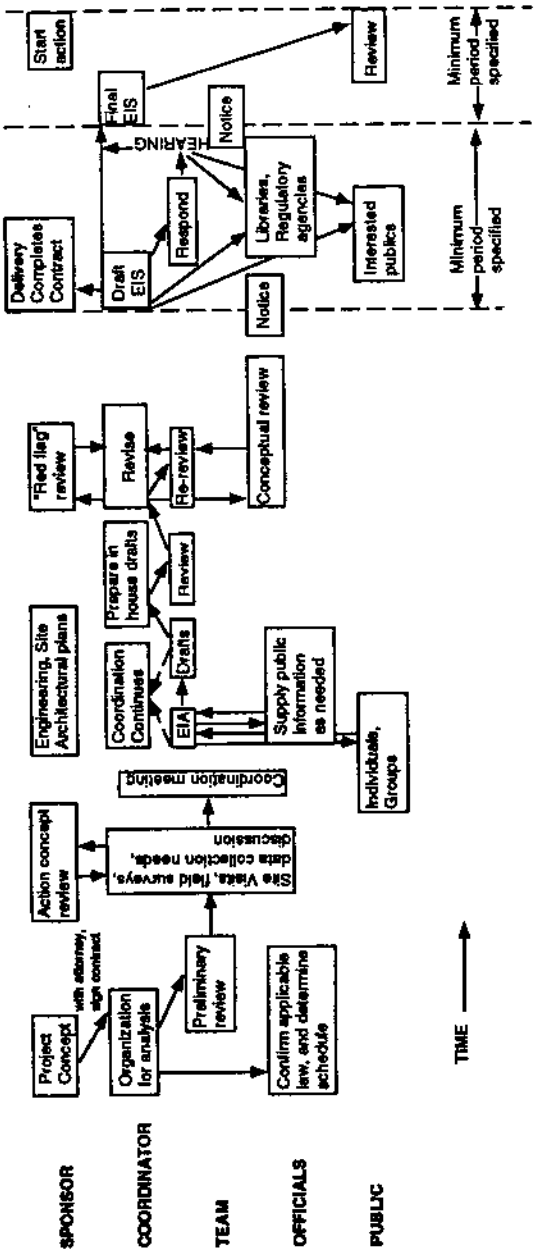
Environmental Impact Assessment

Lein (1991-92:168) describes environmental impact assessment [EIA] as "the principal means of understanding human impacts on the environment within a structured decision-making framework." The formal adoption of EIA as an approach to anticipating environment change came in 1970 with the requirement in the National Environmental Protection Act for federal agencies to formulate environmental impact statements [EIS] for proposed activities (see Rosenbaum 1991:14). The analytic objective of the EIA process is the provision of objective, typically quantifiable, information for policy-makers and program administrators concerning the range of environmental consequences of some proposed source of change for a region or place. The results of the process thus contribute to the identification of an "informed trade off among conflicting aspects of a proposed activity" (Lein 1991-92:168). Environmental assessment is thus conducted for a specific place, time and proposed event. The emphasis on short-term environmental effects is, according to Lein, a disadvantage of the methodology for long range environmental planning and the avoidance of irreversible environmental damage.

The steps followed within the EIA process are often described schematically as a decisionmaking tree or flow chart. To illustrate, **Figures 2a** schematically shows the EIA process for the United States, and **Figure 2b** shows the process as organized by the Scientific Committee on Antarctic Research. The actual process of assessment, that is, measurement of environmental outcomes of a proposed program or activity, is usually not specified but represented as an activity box with the

Figure 2a.

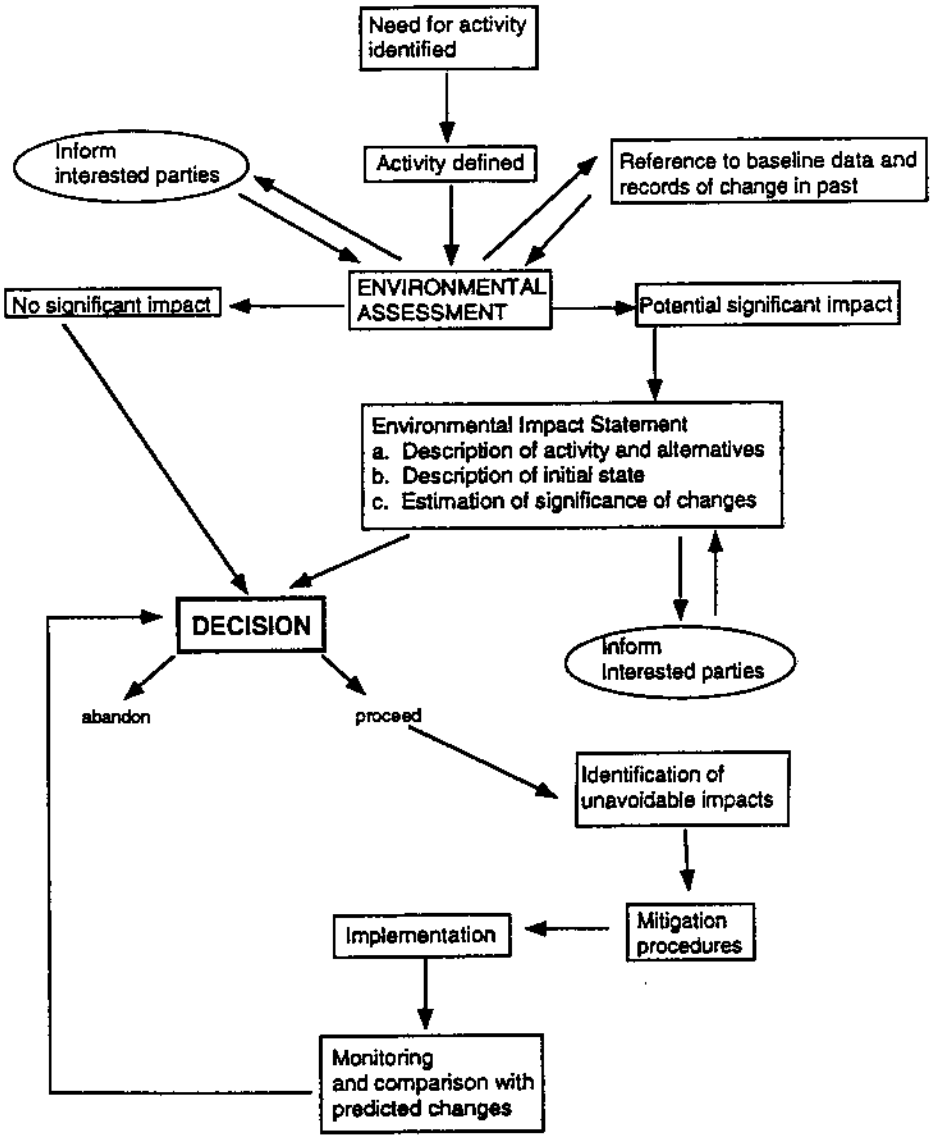
THE PROGRESS OF ENVIRONMENTAL IMPACT ASSESSMENT
AND THE PREPARATION OF THE STATEMENT [EIS] IN THE UNITED STATES



Source: Adapted from Black 1981.

Figure 2b.

THE ENVIRONMENTAL IMPACT ASSESSMENT [EIA] PROCESS AS ENVISAGED BY SCAR



Source: Adapted from Bonner 1986:86

flow chart. Discussions of environmental impact assessment indicate only in broad strokes the methodological approach. Newson (1992 :268) describes the tasks of assessment as including:

> Identification methods—to assist in identifying the project alternatives, project characteristics and environmental parameters to be investigated in assessment
>
> Data assembly methods—to assist in describing the characteristics of the development and of the environment that may be affected. Predictive methods—to predict the magnitude of the impacts which the deveopment is likely to have on the environment
>
> Evaluation methods—to assess the significance of the impacts which the development will have on the environment
>
> Communication methods—to assist in consultation and public participation, and in expressing the findings of the study in a form suitable for decision-making purposes
>
> Management methods—to assist in managing the scoping of the study, the preparation of the impact study, the efficient conduct of the consultation process, etc.
>
> Decision-making method—to assist decision-makers in assessing and understanding the significance of environmental impacts relative to other factors relevant to a decision on the proposed development

Similarly, Bonner (1989:86-87) identifies within the process of EIA: first, specification of the proposed program or activity as well as alternatives; second, provision of baseline environmental data on the local region or site and an estimate of changes in those measures in the absence of the proposed activity; estimates of the "nature, extent, duration and intensity" of the predicted environmental outcomes; and evaluation of the significance of the predicted impacts and possible approaches to mitigate the effects.

Inherent in these methodologies of environmental assessment are theoretical models of the causes and effects of environmental processes. Predictions about the impact of human activities on the environment of a defined region require not only specification of significant causes of environmental impact, change, or disruption, but also of the nature, that

Figure 3.

MATRIX FOR TORGOME RESETTLEMENT TOWNSHIP

Environmental Components / Project Components		Physical Environment					Biological Environment				Socio-Cultural Environment								Subtotal
		Agricultural Land	Soil Erosion	Slope Stability	Surface Water Quality	Surface Water Quantity	Soil Fertility	Aquatic Ecosystem	Terrestrial Ecosystem	Wildlife	Disease Vector	Public Health	Employment	Migrant Population	Al-Risk Population	Community Stability	Cultural Religious Values	Tourism, Recreation	
Planning and Design	Land Location	-1	-1	0	-1	1	1	-1	-1	-1	-1	-1	-2	2	-1	-1	-1	1	-11
	Land Grading	1	-1	-1	-1	0	0	0	-1	-1	0	0	0	0	0	0	0	0	
	Surface Water	1	-1	-1	0	1	-1	1	0	0	-1	0	0	1	-1	-1	0	0	
	Ground Water	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Distribution System	0	-1	0	0	0	0	0	0	0	2	3	0	2	2	3	2	0	
	Drainage System	0	2	1	1	1	1	0	0	0	1	1	0	1	1	1	0	0	
	Subtotal (A)	1	-6	-2	-3	1	-1	0	-2	-2	-1	0	-2	3	-1	0	3	1	-4
							-10				-5								-11
Construction	Access Roads	0	-1	0	-1	0	0	0	-1	0	0	0	0	1	1	1	0	0	
	Conl.Water Supply	0	-1	-1	-1	1	-1	1	-1	0	-1	-1	0	0	-1	1	1	0	
	Elec. Transmission	0	0	0	0	0	0	0	0	0	0	0	0	1	0	2	0	2	
	Houses	0	-1	-1	-1	0	0	0	0	0	2	3	0	2	2	-2	-1	-1	
	Sanitary Facilities	0	0	0	0	0	0	0	0	0	2	2	0	1	-1	2	0	0	
	Subtotal (B)	0	-3	-2	-3	1	-1	1	-2	-2	3	4	0	5	1	4	0	1	4
							-8				2							-15	9
Operation	Agric. Exten. Service	-1	0	0	0	0	0	0	0	0	0	0	-1	0	0	-1	0	0	
	Bills for Utilities	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	
	Water Monitoring	0	0	0	2	0	0	1	0	0	-1	2	0	0	0	2	2	0	
	Soil Monitoring	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Irrigation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
	Subtotal (C)	1	0	0	2	0	0	1	0	0	1	2	1	0	0	0	2	0	
							1				0							3	4
Grand Total																			2

Key
High 3
Medium 2
Low 1

Adverse
High -3
Medium -2
Low -1

Source: Adapted from Ofori-Cudjoe 1990:120

is, form and direction, of the relationships between the causes and outcomes. Newson cautions, moreover, of the problems in predicting environmental change without an appreciation of the full spectrum of sources of change. Hence, answering the basic questions of environmental assessment—"What will be the direction of future change? By how much? How certain are we?" (Newson 1992 :264) requires an assessment analysis that is embedded in a dynamic and comprehensive model encompassing all the important sources of environmental change for the study area. This, according to Newson, is the process of 'scoping' (Newson 1992 :264,268; see also McNabb 1989:109; Colthern 1993b:6).

The results of EIA are often summarized in the form of a matrix in which scores are assigned to each combination of impact and outcome. McNabb (1989), among others, has been critical of the tendency in this approach to simplify complex, essentially multivariate relationships between social processes and environmental outcomes. What is as critical is the degree to which the approach subdues the influence of both theory and method. For example, in an *ex post facto* environmental assessment of an electric power plant Ofori-Cudjoe (1990) presents the EIA matrix relating each of the components of the plant construction and operation to seventeen environmental outcomes, including impacts on the physical, biological, and social environments. The matrix is shown in **Figure 3**. The methods of determining the scores for each cell of the matrix, that is, the level and direction of the impact, rely on observation, documentation, and interviews with members of the resettled communities: "[t]he only positive impacts on the physical environment are on agricultural land-use and surface water quantity. The people expressed a lot of misgivings during our fieldwork. Their oil palm plantations stood in danger of destruction without sufficient compensation" (Ofori-Cudjoe 1990:124). The underlying conceptual relationships, however, remain implicit in the assessment process.

Critical perspectives on EIA underscore the importance of studying environmental change within a multivariate framework in which all exogenous influences on environmental outcomes are documented and comparatively evaluated. The observation of Preston (1993:600) is relevant: "Even if links can be established between demographic and environmental change, there remains the difficult task of evaluating the costs of environmental change relative to other things that humans value." The approach inherently assumes, moreover, that the counterfactual can be known; that is, that the causes and

consequences of environmental change are sufficiently well understood to be able to predict outcomes resulting from both the presence, as well as the absence, of the causal influence. Using the issue at hand and also following Simon's example (1990:190), one might ask whether enough is known about the role of immigration in technological and environmental change to conclude what the urban environment would have been like in the absence of immigration to the United States during the nineteenth century.

Population-Environment Monitoring Systems

The process of EIA involves not only predictive and hence causal analysis, but also monitoring and auditing of the outcomes of the program or activity through some future point in time (Newson 1992 :264). Population-environment monitoring systems [PEMS] are useful in providing an empirical foundation for evaluation of existing policies (Zinn, Brechin & Ness 1993) and baseline data for identifying subsequent environmental impacts. If the approaches to monitoring are standardized across administrative units, data for smaller geographic units can be aggregated and, thus, results of PEMS can support analysis of regional dimensions of national policies. This characteristic of PEMS is critically salient for purposes of U.S. immigration policy evaluation and recalls the effort by Clark et. al. (1994) to apply common methods of measurement among states in their study of the fiscal impacts of U.S. immigration. Further, population-environment monitoring assumes the collection of logitudinal data concerning interrelationships among social demographic and environmental processes. Newson's emphasis on the importance of identifying all significant causal influences is also salient for the PEMS approach. The analysis of observed trends in population and environment processes must be embedded within the context of social, economic, political, environmental change occurring on each relevant level of analysis: local, regional, national, and global.

Relevance of Methodologies for Analysis of Immigration and Environment

There are challenges to interpreting the predictive results of environmental impact assessment or even the results of environ-

mental monitoring. In reference to EIA statements, Westman (1985:9) states, "[f]or an accurate prediction of cumulative impacts to be made, impact analysts must be able to refer to some plan for the future development of the region. The plans in turn usually derive from a set of policies for regional development and national goals, and values. To speak to the combined effects of independent proposals for a region, impact assessment is dependent on regional planning." The implication is the need for clearly articulated goals and priorities concerning immigration and the environment for the geographic area. It is important to acknowledge in this regard the potential for conflict between national (and international) goals concerning immigration, for example, family reunification, refugee resettlement, and local and regional concerns, which are increasingly characterized by NIMBY ["not in my backyard"] frames of reference (cf. Castles & Miller 1994).

Turning to the application of the approach to the analysis of the environmental consequences of U.S. immigration, environmental impact assessment may serve as an appropriate approach if the analytic goal is to determine or predict the environmental effects of changes in the levels and patterns of immigration to an area within the country. In this case, the EIA methodology may be useful in assessing various immigration policy options that might include changes in overall levels of annual alien immigration to the United States, as well as changes in the structure of immigrant admissions in terms of individual and family characteristics. Such analysis would also include models of internal or secondary migration among immigrants and generally consider the consequences of immigration in a longitudinal perspective for the nation, region, and local areas. Comparison of different assumptions about both patterns of geographic settlement and secondary migration among immigrant groups may be particularly relevant for efforts to balance federal immigration goals with economic and environmental goals and programs for states and metropolitan and local areas.

In conducting such analyses of immigration and environmental change, however, the most critical issue in exploring the use of EIA or PEMS is the degree to which the environmental impact study or monitoring system incorporates all factors (social, economic, institutional, etc.) in relationship to population processes (components of growth, rates of growth, etc.) and demographic characteristics (age, gender, education, income, etc.) that are hypothesized to have environmental impact, using the concept of Ness, Drake, and Brechin, the population-environment

dynamic. In the general IPAT model, patterns of consumption [A] and technology [T] may be conceptualized as mediating the effects of demographic characteristics and processes on the environment (cf. Demeny 1991:410; Arizpe, Stone & Major 1994:8; Ehrlich & Ehrlich 1990). Methods of assessing or monitoring environmental change require, however, explicit specification of the nature of the relationships between demographic processes and behaviors, patterns of consumption and production, sources of technological and social change, and environmental outcomes. Moreover, as discussed above, emerging perspectives on global and regional dynamics have focused more critically on reexamining the institutional realm of mediating factors (see Arizpe, Stone & Major 1994; Ness, Brechin & Drake 1993b; Merchant 1990; Simon 1990; Espenshade 1991; Jones 1992), noting the variation in effects at different scales of analysis (see Meyer & Turner 1992:53-54).

As discussed above, these requirements for analysis assume a strong base of knowledge about population, migration and environment dynamics. Another way of expressing these analytic problems is the recognition of the limitations of knowledge about the counterfactual: What would have been the status of an area's environment in the absence of immigration? What will be the patterns of environmental change associated with different levels and patterns of immigration? Is there sufficient empirical evidence and accumulated knowledge to model or project these relationships in order to predict environmental outcomes associated with different immigration policies?

These issues provide an imperative for analytic approaches seeking to address the relationships among population, migration, and environmental change to incorporate—measure—the significant factors that determine the environmental impact of immigration to the nation or locale, beyond the direct effects of increasing population size. From the emerging literature we can quickly identify such factors as patterns of resource consumption, technological innovation and production of knowledge, conservation behaviors, land use patterns, etc. Further exploratory research may be required, however, to complete the model of causal factors, that is, behaviors and institutional arrangements with environmental impacts.

The challenge is thus to develop behavioral and structural models and incorporate them in methodological approaches to studying environmental change. In this regard, survey methodology has been shown above to hold particular promise for revealing the relationships among population, migration, and the environment. Macro-level analyses of these relationships will provide relevant results if

research designs are dynamic, longitudinal, and encompass or control for the effects for other exogenous sources of environmental change. Finally, the relevance of any EIA, monitoring system, or other more appropriate research design for determining the effect of U.S. immigration on the environment will rest, finally, in the degree to which *national, state,* and *local* data collection systems or ongoing surveys can support multivariate analysis of complex dimensions—demographic, economic, institutional, behavioral—of environmental outcomes.

Recommendations for Research on Methodologies

1. A review of research methodologies inherent in environmental impact assessments and population-environment monitoring systems should be conducted.

   a. An inventory should be taken of the degree to, and manner in which, demographic processes have been incorporated in EIAs or statements in the United States or in other immigrant-receiving countries.

   b. A comparison of PEMS and other demographic accounting systems should be undertaken to assess the degree to which statistical systems embody consistent or complementary concepts of population growth and migration.

   c. Specific analysis should document the temporal and spatial context of EIAs and monitoring systems.

2. Analysis of assumptions in environmental methodologies concerning causal determinants and correlates of environmental outcomes should be conducted to reveal the degree to which models of environmental change are completely specified.

a. Strategies for incorporating hypotheses concerning migration and environmental change and consequences in environmental methodologies should be considered.

3. Analysis of alternative research designs for the study of immigration-environmental relationships should be undertaken.

INFORMATION REQUIREMENTS FOR STUDYING THE ENVIRONMENTAL CONSEQUENCES OF U.S. IMMIGRATION

Introduction

The specification of data needs should be guided both by theory and by the important policy questions concerning U.S. immigration and the environment. While the emphasis of this report is generally on the relevant research concerning immigration, it is important to note the serious concern among environmental scientists about the status of environmental data for the United States and the capacity for monitoring environmental quality and resources for different geographic areas.

Colthern has critically addressed the need for a more coherent statistical base for environmental monitoring and comparative risk assessment (Colthern 1993b:3-10; see also Day 1993; Bunt 1992; Milliman 1992; Burnett 1992). Rosenbaum (1991:60) has raised similar issues specifically for the United States:

> One of the nation's major environmental problems remains the neglect of basic research on environmental quality. Almost all current evaluations of environmental quality are compromised in some way by missing data, constricted time frames, and incompatible measurements. At times, estimates of environmental conditions, or the risks from human or environmental exposure to chemical substances, or predictions about future environmental trends must be made on the basis of data so meager that predictions are little more that the scientists' best guess. Data essential to understanding basic environmental trends, the kind of information "everybody should have," often nobody has. Frequently, the data were never created.

Sadik (1989:5) has called for the incorporation of environmental accounting in economic reports and forecasts. McCall (1985:133-34) also describes the need for baseline data on local environmental processes in developing societies.

Fundamental to the analysis of population and the environment, however, are data concerning the components of population change—fertility, mortality, and migration—for regions and communities. Further, because the focus of the present policy debate concerns the impact of *alien* migration, disaggregation of demographic processes by immigration status is also a necessary characteristic of statistical information. Accordingly, the general focus here is on the adequacy of U.S. data on population processes for the measurement of the role of alien immigration in population trends and dynamics on the national, regional, and local scales of analysis.

Problems in the adequacy of national demographic accounts for the comprehensive measurement of trends and components of population change have been well documented (see Valdez, et. al. 1993; Levine, Hill & Warren 1985; U.S. General Accounting Office 1988; Teitelbaum 1986; for a comparative analysis of international migration statistics, see Kraly & Gnanasekaran 1987). Three sets of issues pose particular problems for the empirical evaluation of the role of immigration in environmental processes. First, conceptual problems exist in official data on alien immigration to the United States. While collected on a continuing basis, U.S. statistics on immigration suffer from problems in validity and reliability in representing demographic concepts of international migration and mobility. Second, U.S. statistics on international migration lack closure: it is not possible to assess the impact of alien immigration on population growth in an area if not all sources of population change are known. No systematic source of data exists on the process of out-migration of aliens or citizens from the United States; measurement of levels and patterns of undocumented migration relies on demographic estimation. Third, and related to the first two issues, alien migration as an annual component of population change is not easily measured at all relevant geographic scales of analysis. Decennial census data do provide very useful data at ten-year intervals; intercensal measures of immigration and local population change are available from Current Population Survey data, however, for large states and metropolitan areas.

Reasons for the persistence of problems in international migration statistics for the United States derive largely from the separation of responsibilities for demographic accounting among federal agencies and programs that differ in mission, resources, and priorities for demographic research. Most industrialized nations, in contrast, have central statistical offices in which data collection, analysis, and dissemina-

tion are coordinated. The absence of a comprehensive population policy is also a critical influence on the status, organization, and management of national demographic statistics. It is also important to add that the United States is not distinctive in the persistence of weaknesses in statistics of international migration. International migration statistics generally are recognized by many nations, both developed and developing, as the weakest component of national population accounts; the lack of international comparability in international migration statistics is also a source of multilateral concern (United Nations 1985; Kraly & Gnanasekaran 1987).

Conceptual Issues

As discussed in the previous section, the effect of immigration on the environment must be considered within the context of, or relative to, other components of population change for specified geographic areas in the United States. Ideally, this requires a demographic perspective guiding the measurement of the process of international migration to and from the United States in which demographic characteristics, specifically length of stay or departure, are documented for all migrants. To address immigration policy issues, citizenship status and category of visa also must be known along with the full battery of social and economic characteristics, including age, gender, education, household composition, occupation, employment status, income, etc. Clearly, information must be collected for states and local areas and made available for comparative analysis of population dynamics for current time periods. The ideal system of social demographic accounts remains beyond reasonable grasp. It is useful, however, to dwell on the first conceptual issue—the degree to which U.S. immigration statistics represent demographic concepts of international migration.

Statistics on international migration to the United States are collected on an ongoing basis: the U.S. Immigration and Naturalization Service [INS] is mandated to inspect every person seeking entry to the United States. Primarily because of this mission to enforce the Immigration and Nationality Act, official statistics generally reflect legal and administrative categories: U.S. citizen; permanent resident alien; nonimmigrant; refugee; asylee; and parolee. Data on admissions of permanent resident aliens usually serve as the measure of annual international migration to the United States. These statistics, however, refer to date or year of admission to the status of permanent resident alien and not year of actual arrival in the United

States. In many years, the proportion of immigrant admissions that is composed of adjustments of temporary migrants or nonimmigrants to permanent resident is on the order of 35-40 percent. In 1992, for example, 47 percent of immigrant admissions were aliens adjusted from other statuses; a large proportion of these were persons who had been in the United States at least since 1982 and were adjusting status under the provisions of IRCA (U.S. Department of Justice 1993).

Work has been done to manipulate INS administrative data to better represent demographic concepts of international migration (Kraly & Warren 1991, 1992). Data on new immigrant arrivals, arrivals of nonimmigrants who ultimately adjust to permanent resident status, nonimmigrants who remain in the United States for more than one year and subsequently depart, and refugees and asylee approvals have been combined by calendar year of entry to measure the concept of long-term immigration, a statistical concept recommended by the United Nations Statistical Commission (United Nations 1980). Comparison of data measuring this demographic concept with official INS data on admissions yields important differences in the national origins characteristics of annual alien immigration to the United States and, perhaps relatively more salient to this discussion, patterns of geographic distribution. Large absolute differences in immigration levels have been shown for New York, California, Illinois, and Massachusetts, with large relative differences in levels for smaller areas, notably the District of Columbia.

This work reveals important differences between alternative measures in the magnitude of the demographic effects of immigration for U.S. regions and states. Whether INS will continue to experiment with producing measures of long-term immigration to compare with administrative measures is not known. As mentioned above in the discussion of theory, it may also be useful if data on length of stay of nonimmigrant aliens were analyzed to measure demographic impact using person-years concepts for specific categories of nonimmigrant aliens for major places of destination in the United States.

The U.S. Census Bureau also combines different sources of data, including INS administrative data, to operationalize the concept of net immigration in its program of population estimates and projections (see, for example, Word 1993). The concept of net immigration includes six categories of international migrants for which data are collected or estimated for estimates of annual population change for intercensal years and to operationalize the concept of net immigration for national

population projections. The categories include legal alien immigration, undocumented alien immigration, foreign- and native-born emigration, net migration from Puerto Rico, net movement of armed forces personnel and dependents, and net movement of civilian federal employees and dependents. By seeking to measure international migration on the basis of residence criteria of the decennial census, the concept of net immigration is more relevant for demographic analysis of population change. By omitting some categories of international migration, however, the validity of net immigration as a demographic concept fall shorts. For example, international migration *to* the United States of nonfederal employees and dependents and increasingly important, categories of nonimmigrants with long-term length of stay in the United States (e.g., students and foreign government officials) are not represented in the concept of net immigration (Word 1994).

Closure in Demographic Accounts

Migration from the United States is not directly measured in the federal statistical system and as a result we have no comprehensive source of statistics on emigration from the United States (Warren & Kraly 1985; Edmonston 1989: 30-36; Kraly & Warren 1991). The measurement of emigration of immigrants and the foreign born derives primarily from residual methods of estimation (Warren & Peck 1980; see also Warren & Kraly 1985). In the past few years, the U.S. Census Bureau has explored the use of multiplicity techniques to estimate emigration using the Current Population Survey [CPS] (Woodrow 1991; Woodrow 1990). Other attempts to estimate emigration of immigrants have relied on linkages among administrative data sets (see Jasso & Rosenzweig 1982). Each of these analytic approaches, however, provides data that are of limited usefulness for the measurement of emigration of either aliens or U.S. citizens from the United States at either the national or sub-national levels or for documenting changes in emigration patterns over time.

There has been consideration of other federal sources of administrative data as a basis for estimating emigration (see Levine, Hill & Warren 1985; Edmonston 1989; Kraly 1991). Social Security files hold promise for the estimation of outmigration from the United States of U.S. citizens and alien workers in social security-covered employment and social security beneficiaries; U.S. Department of State records on U.S. citizens who have regis-

tered at U.S. consulates may be useful for monitoring changes in the size and distribution of the expatriate community; the Nonimmigrant Information System has been shown to be an effective source of information on length of stay of temporary migrants to the United States (see Warren 1990, Kraly & Warren 1991); and the passenger surveys conducted by the U.S. Travel and Tourism Administration may provide a useful sampling frame for survey of intentions concerning departure and residence abroad (Kraly 1991).

No direct data, other than statistics on apprehensions, are available to measure level, trends and characteristics of undocumented alien migration to and from the United States. As with alien emigration, estimates of undocumented migration have been computed using residual methods of demographic estimation for U.S. census data, immigrant data records of the INS, estimates of emigration, and census undercount and assumptions about mortality levels. Reliability of estimates of undocumented migration is thus challenged by the nature of error in measuring the other components of population change, notably legal alien immigration and emigration.

Research by Warren and Passel (1987) has provided the conceptual framework for subsequent development of estimates of undocumented migration (see, for example, Passel & Woodrow 1987; Woodrow & Passel 1990). Increasingly apparent, however, are constraints on the methodology to provide reliable estimates, particularly at the subnational level. Error in the estimates reflects problems in assumptions about emigration and coverage error in census enumeration and in measuring nonimmigrants and agricultural workers with long-term length of stay in the country (Woodrow 1992). A different estimation methodology using INS data has been applied by Warren to develop estimates of overstay among aliens admitted on nonimmigrant visas, by country of origin (Warren 1990). Extending this analysis, Warren has also estimated the size of the undocumented alien population by state of residence (see Warren 1994a).

Availability of Data for Regional and Local Analysis

These issues concerning the conceptualization and measurement of the process of international migration *to and from* the United States hamper the analysis of the components of population change on the national level. These issues are also rel-

evant for the measurement of the components of population change for states, regions, metropolitan areas, and local communities throughout the United States. As discussed earlier, the issue of geographic scale is critical to rigorous study of the role of population and immigration in environmental change.

The lack of direct data on the place of residence and internal migration patterns of immigrants poses particular problems for analyses which seek to relate flow statistics on alien migration to population characteristics for regional or local areas. For example, the Population Estimates Program of the U.S. Census Bureau incorporates international migration into estimates of annual population for states and counties in the United States using the geographic distribution of previous alien immigration streams. Estimates of annual net immigration are derived from both direct measurement of some categories of alien immigration (e.g., permanent resident alien immigration refugees and nonimmigrants adjusting to permanent resident status) and indirect estimates of other categories (e.g., net undocumented migration and foreign-born emigration). The estimates are allocated to states and counties on the basis of the geographic distribution of alien immigrants, by selected region and country of birth, for alien residents in the United States entering in the five years prior to the decennial census. Assumptions about geographic distribution become increasingly out-dated for measures of annual population growth at the end of the censal decade (see Word 1993).

INS statistics do document intended state and city of residence for immigrants and nonimmigrants admitted to the United States. The reliability and validity of these data on residential intentions, however, are not well understood (see Kraly & Hildebrandt 1993). For the most part, demographers must rely on decennial census data for such analyses using fixed period data on residential change (see, for example, Frey 1994; also Plane & Rogerson 1994:91-95). Census data on previous residence abroad are not ideally suited for the analysis of the demographic impacts of alien immigration for local populations. The temporal limitations of decennial census data also inhibit the measurement of the components of local population change. Increasingly, state and city planners have turned to other administrative sources of data to tap the role of migration in local population dynamics during intercensal years (see Weeks 1992 :492-96; see also Heer & Passel 1987).

Implications for Research on U.S. Statistical Information Concerning Population Immigration and the Environment

It is productive to continue to evaluate issues concerning the measurement of the international migration component of national, regional, and local population dynamics. But to summarize, several issues emerge from this brief review of general problems in U.S. immigration data, each of which has serious implications for the analysis of the relation between immigration and the environment. There exists a lack of a demographic conceptualization of international migration and mobility inherent in INS information systems, the primary source of data on the flow of international migration to the United States. As a result, there is lack of congruence between INS statistics and demographic data collected through the decennial census or the CPS. Comprehensive population characteristics and patterns of in- and out-migration for local areas are measured at ten-year intervals through decennial census data; the Current Population Survey generates very valuable data for intercensal periods on the role of immigration in population change but only for the nation as a whole and the largest states and metropolitan areas. Finally, lack of closure exists in demographic accounts, notably, the absence of data on emigration from the United States, the international mobility patterns of U.S. citizens, and undocumented migration patterns.

As stated earlier, the nature of the problems in U.S. statistics on international migration for purposes of demographic analysis of national and local population change are relatively well documented. Left unspecified, however, is the nature of the information necessary to determine the environmental impacts of population and migration trends given appropriate demographic data. As embodied in the models of population-environmental dynamics discussed earlier, such "mediating factors" include behavior patterns concerning consumption, production, and conservation among immigrants and internal migrants and residents, as well as such contextual characteristics as industrial mix, patterns of economic and technological change, political organization, and policy and program implementation (see also Ness, Drake & Brechin 1993c:377-406). Moreover, specification of data needs also assumes a clear identification of relevant environmental outcomes for a specific locale, region, or metropolitan area

(see Rosenbaum 1991:60-61; Day 1993; Risler 1993; Colthern 1993b).

A longitudinal survey of immigrants holds strong potential as a means to collect data more effectively on the social demographic behavior and experiences of immigrants. The research community has recognized of the value of a survey on immigrants to study directly patterns of settlement and internal mobility among immigrants, as well as social characteristics and economic behavior among immigrant cohorts and how these change over time. Valdez, et al. (1993:2-3) recognize the need for more appropriate data to address the complicated policy questions concerning U.S. immigration and argue strongly for the use of survey methodology to assess the impacts of immigration on regional and local communities (see also Chokor 1985:18). Their study of Salvadorean and Filipino communities in Los Angeles represents an important effort to use survey methods to document the role of immigration in social, political, and economic processes in local areas.

The use of social survey methodology is also highly appropriate for the collection of data concerning environmentally-relevant behavior, attitudes, and impacts of immigrants. To yield results appropriate to environmental research, however, survey design must address, first, the need for reliable data at different geographic scales and, second, the critical need to compare over time behaviors and characteristics among different groups of immigrants and with U.S. citizens. Similarly, survey results also must foster the comparison of causes and correlates of environmental change in geographic areas experiencing different levels of in- and out-migration, including areas lacking significant alien immigration.

Certainly, there is a great deal of work remaining to develop a comprehensive statement concerning the nature of information and methodologies appropriate for the study of the role of population, and specifically immigration, in environmental processes and change in the United States. Several initial recommendations for policy relevant research clearly emerge, however, from this initial review of information requirements. The recommendations that follow generally focus on the requisite needs for improving the statistical basis for measuring the role of immigration in population change at different scales of analysis; complementary issues should be addressed concerning the status of data on environmental change for places and regions in the United States.

Recommendations for Improvements in Data

1. An inventory and comprehensive description should be conducted to document the availability and accessibility of data on environmental processes, quality, and resources for the regions, states, and metropolitan, urban, and local areas in the United States.

2. An inventory and comprehensive description of demographic data available to measure regional, state, and local population dynamics (births, deaths, and migration) for different periods of time (intercensal, annual, etc.) should be developed; social demographic characteristics of population (age, sex, education, occupation, country of birth, length of residence, etc.) that are available also should be identified.

   a. Documentation should be made of the degree to which alien immigration can be identified as a component of population change at different geographic scales and for different periods of time.

   b. Documentation should be made of the degree to which sources of internal migration, both in-migration and out-migration, can be identified as components of population change at different geographic scales, for different periods of time and for immigrants and U.S. citizens.

   c. Documentation should be made of the degree to which sources of emigration from the country can be identified as components of population change at different geographic scales, for different periods of time, and for immigrants and U.S. citizens.

2. Data available for the measurement of the components of regional and local population change should be evaluated in terms of both validity and reliability.

3. The implications of different concepts of migration, for example, administrative measures versus demographic concepts, should be evaluated empirically for the measurement of regional and local population change.

4. An exploration of the collection or use of alternative sources of population and migration data for measuring local and regional population change should be initiated.

a. Evaluation should be conducted of the use of sampling techniques in estimation of components of population change for different geographic scales.

b. Evaluation should be conducted of the use of survey methodology for the estimation of components of population change for different geographic scales.

c. Analysis of the degree to which proposals for a longitudinal survey of immigrants can address issues concerning environmental impact should be conducted.

5. Research on data availability should be coordinated with analytic efforts by environmental scientists to identify regions, places, and locales in the United States for which study of population, immigration, and environmental relationships is particularly salient.

CONCLUSIONS

The general criticism of Meyer and Turner (1992:51) concerning the state of scholarship on human impacts on the global environment is particularly useful in assessing the current state of scholarship on U.S. immigration and the environment:

> Two extremes in approach are ultra-empiricism and ultra-theoreticism. In the former vein, Newell and Marcus [1987] present a correlation of +0.9985 between world population growth and tropospheric CO_2 since the 1950s as proof of population's fundamental role. In the latter, Harvey [1974] deprecated neo-Malthusian arguments for the primacy of population growth in resource depletion as politically founded. The former is apt to mistake correlation for cause (or absence of correlation for causal unimportance) in a highly complex area; the latter is apt to narrow excessively the scope of investigation without recourse to data. Theory—including theory from the social sciences—and evidence need both to be drawn upon.

This review has sought to develop recommendations for scientific research on U.S. immigration and the environment that address the salient analytic issues identified by Meyer and Turner. Four broad themes emerge from the specific recommendations set out in each section of the review.

Research on the environmental consequences of U.S. immigration will benefit

from first, attending to the adequacy of conceptual models of the population-environment relationships, and more generally, perspectives on human environmental impacts, in specifying the role of migration in processes of environmental change. On the basis of this review, it is apparent that theoretical development concerning migration and the environment needs to occur in order to derive relevant and testable hypotheses about causal relationships and effects.

Second, given the significance of geographic scale for empirical findings about the relationship between demographic processes and environmental change, studies for the United States should be initiated on national, regional, and local levels. Results of studies should be interpreted with an explicit appreciation of the differences in the effects of population dynamics for environment processes at different geographic scale: "[Popu-lation's] connections to land-cover change become weaker at increasingly smaller spatial scales because of the importance of the other variables that affect demand or spatially deflect its impacts" (Meyer & Turner 1992:54). Similarly, research results should synthesize the effects of immigration processes spatially, among regions and local areas, and, structurally, across economic sectors.

Research on U.S. immigration and the environment should provide both descriptive results concerning trends in demographic and environmental change at different geographic scales and for specific places, as well as causal insights about the nature of relationships among factors. It is critical that analytic attention be devoted to studying the implications of research design for the production of useful and relevant information for improving our understanding of immigration and environmental processes. Specifically, research results must be relevant first, for the accumulation of knowledge about interrelationships among population, migration and the environment in the United States and second, for the analysis of national policies concerning immigration, population and environmental protection, and programs to allocate federal resources among states and localities. In other national and regional contexts, survey methodology has been shown to hold useful analytic potential for explanatory studies of migration and environmental change and should be explored for the U.S. context.

Finally, the statistical foundation for the analysis of the environmental consequences of U.S. immigration must be strengthened. Migration statistics—data on alien immigration, internal migration

and emigration—must be improved to accommodate local and regional analysis for intercensal periods. As relevant in these times of fiscal restraint in federal spending is the critical need to advocate the continuation and maintenance of current statistical programs: INS statistics on the admission of aliens to the United States must continue to be collected and made accessible for public use; questions concerning nativity, citizenship, and geographic mobility must continue to be asked on the decennial census and the Current Population Survey. Finally, an assessment of the status of indicators of environmental quality and resource availability is a critical component of developing an agenda of policy relevant scientific research.

These broad recommendations beg the question of strategy for stimulating and organizing research efforts to address the important analytic issues concerning U.S. immigration and the environment. Interdisciplinary collaboration is essential for the development of a research program on U.S. immigration and the environment (cf. Preston 1993:600). Interaction among environmental and social scientists must be facilitated to initiate theoretical development, to reflect on research design, and to document the status of available data, and ultimately to establish a framework for interpretation of research results in connection to the policy process.

Given the need for both baseline documentation and exploratory research, it seems highly appropriate to initiate a research program on population, immigration, and environment for specific regions, metropolitan areas, and local communities in the United States. Selected places should be identified as research sites in which an integrated program of research on population dynamics and environmental processes would be implemented. Interdisciplinary collaboration among scientists must be organized within research sites and coordinated with relevant planning and scientific agencies at the federal, state, and local levels. Taken together, national and local priorities for environmental planning and management, national goals for immigration policy, and local needs for population forecasting underscore the importance of a coordinated research program concerning population, immigration, and the environment for regions and communities in the United States.

A Final Observation

Barry Commoner (1975:111) once stated that he knew ". . . of no scientific principle which can tell us how much to rely on population control and how much on

technological change (and the required economic controls) in order to reduce environmental impact. The choice between these alternative paths is clearly a political one, not a matter of science." A somewhat contrasting perspective, inherent in the analysis presented here, holds that research on the relationships between U.S. immigration and the environment is an essential component of rational and honestdecisionmaking concerning U.S. immigration. "Green" arguments are currently more acceptable than the ethnocentric rationale for restrictionism of Colgate's President Cutten (Wood 1923). Whether environmental criteria are appropriate grounds for revising immigration policy encompasses questions that are within the grasp of social and environmental research.

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U.S. COMMISSION ON IMMIGRATION REFORM

RESEARCH PAPER

Western European Strategies to Deter Unwanted Migration: Neither New Barbarian Invasions Nor Fortress Europa

Mark J. Miller

U.S. COMMISSION ON IMMIGRATION REFORM

The U.S. Commission on Immigration Reform is a bipartisan commission authorized by the Immigration Act of 1990 and charged with examining immigration policy and its impact on social, economic, and community relations, on population size and characteristics, and on the environment.

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RESEARCH
PAPER

Western European Strategies to Deter Unwanted Migration: Neither New Barbarian Invasions Nor *Fortress Europa*

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U.S. COMMISSION ON IMMIGRATION REFORM

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Abstract

This paper analyzes major developments in European migration policies over the last decades with an eye towards U.S. public policy concerns. It summarizes trends in legal immigration, legalization policies, policies towards asylum-seekers, temporary foreign worker admissions, and measures taken to curb illegal migration.

Western European states have developed a limited capacity to deter illegal migration through such measures as employer sanctions, carrier sanctions, visa policies, reform of asylum policies. These measures will continue to be incrementally strengthened. However, they cannot hermetically seal Europe. Despite statements like the French Minister of the Interior's call for zero immigration, legal immigration will continue—as will some illegal migration. Further steps will be taken to enhance integration of legally resident aliens, who are the most affected by illegal migration.

Rising unemployment and economic restructuring have disproportionally affected foreign workers in Europe. Their employment characteristics are very different today from what they were in the 1970s. Despite employer calls for a return to guestworker and seasonal worker policies, there does not appear to be a prospect for massive recruitment of foreign labor. There also is no serious prospect for rollbacks on migrants rights achieved in the 1970s. Support for anti-immigrant parties may have crested and does not seriously challenge democratic institutions. There exists a dense web of bilateral and multilateral treaties that will prevent achievement of zero immigration.

This paper seeks to dispel exaggerated notions of *Voelkerwanderung* and of gestapo-like treatment of aliens in Europe. It reveals a remarkable convergence in migration policy concerns between Europe and the U.S. at a time when transatlantic coordination on migration issues is urgently needed. Europe confronts enormous challenges in the migration area. Situations like Algeria are most worrisome. But uncontrollable mass migration has not bowled over Europe. Instead only a fraction of the migrants who aspire to take up residency there make it.

Introduction

President Clinton's moving visit to Western Europe in early June 1994 reaffirmed long-term United States interests in European democracies and in further development of transatlantic partnership. Within this context, it seems imperative for Americans and Europeans, as well as the

rest of this interdependent world, to arrive at an accurate assessment of Europe's migration problem. There are several reasons why Americans, in particular, should be concerned.

First, regulation of international migration arguably is Europe's most pressing domestic and foreign policy issue. Other competing priorities, such as Europe's alarming unemployment, often are bound up inextricably with the migration issue. Given global realities, there is no reason to expect international migration regulation concerns to diminish over the short to medium term. Indeed, prospects for the twenty-first century in this regard are most daunting. If not dealt with in a constructive, comprehensive, and sustained manner, the international migration issue risks endangering Europe's democratic institutions, appreciably destabilizing societies, and adversely affecting Europe's ties with other regions. Europeans increasingly view international migration as affecting their national security (Hamilton 1994). Americans must take note of this, as what affects European security indirectly affects us. We have a long-term and vital stake in European security.

Second, Americans are in the same boat as Europeans. For all the differences in our respective immigration histories, we confront similar long-term challenges in the realm of international migration. A palpable convergence in U.S. and European immigration issues and concerns has occurred since World War II. These similarities make European policies on international migration instructive, although analysis must be guarded and nuanced both by appreciation of underlying and often highly significant transatlantic differences and by variations within Europe.

In this regard, two images of Western European response to the international migration challenge are unsettling. One portrays Western European and other Western democracies as unable to prevent illegal migration. The most extreme version of this image is conjured up by the German term *Voelkerwanderung*—the barbarian invasions. This term re-emerged in the aftermath of the collapse of Communist regimes in Eastern Europe. The tottering Soviet government helped propagate the image as part of a gambit for increased assistance (Brubaker 1992). Essentially, the message was, "Help us or millions of us will descend upon you." This recalls Mexican President Salinas' often repeated remark that the U.S. will either get Mexican tomatoes or Mexican migrants.

The *Voelkerwanderung* image, however, is not to be dismissed lightly. It is taken

very seriously by more than a handful of respected immigration scholars (Cornelius, Martin & Hollifield 1994). In its academic version, the image holds that Western European and other Western democracies currently are, and will be, unable to cope with international migration. The immigration control strategies of Western democracies are flawed and fated to fail. The deep structural forces at work in the international economy and in global society are such that immigration control measures are more symbolic than real. International migration essentially is a function of employment demand. Democratic states can do little to correct or adjust continuing employer demand for cheap foreign labor. Hence, the flows will continue in one form or another. As one high-ranking French official phrased it, "One closes the door but opens the windows." Viewed through this optic, immigration control strategies serve mainly to legitimate the state but they ignore or obscure the realities of illegal migration.

The scenario of mass uncontrollable migration is disquieting for manifold reasons. It fuels right-wing extremist parties that advocate draconian measures, not only to stop illegal migration, but usually also to roll back the rights of resident aliens and even of the rights of certain freshly naturalized citizens. The most extremist envisage mass involuntary repatriation of "unwanted aliens"—particularly Muslims. The appeal of anti-immigrant politics, in turn, frustrates integration policy goals by deepening the chasm separating immigrant and nonimmigrant communities. Moreover, the notion that little can be done by governments to prevent illegal migration has insidious effects on the credibility of governments and adversely influences the morale of those charged with the implementation of public policies. In brief, the image threatens to become a self-fulfilling prophecy if officials and publics at large come to view governmental policies as doomed to failure or, worse yet, as orchestrated hypocrisy.

The second image or scenario is the converse of the first. Western Europe has become a *Fortress Europa* of draconian immigration policies, hermetically sealed borders, and oppressive measures towards all immigrants—illegal, resident alien, or naturalized citizen (Ireland 1991). Key to the *Fortress Europa* image is an interpretation of mainstream Western European political parties and their electorates as afflicted by contagion from the extremist, anti-immigrant right. Parties and leaders with generally principled and constructive stands on immigration are portrayed as pandering to xenophobia. Measured efforts to prevent illegal immigration or render inevitably restrictionist policies

more effective are interpreted as racist or neo-Nazi in inspiration. Legitimate distinctions between resident and nonresident aliens are obscured in order to denounce the alleged callousness of governments and their contempt for the human rights of migrants. In this second image, migrants themselves seem incapable of doing wrong and Western European governments incapable of immigration restriction consistent with human rights and democratic norms.

If this second image were accurate, the cornerstone of America's relationship with Western Europe would be in jeopardy. Democratic societies falter when there is systematic disregard for human rights and persistent legal status inequality. The rule of law would be in doubt. One could expect the massive migrations of the post-1945 period to end in Spartacus-style revolt or sullen acquiescence to a new form of apartheid.

Fortunately, both commonplace images badly distort contemporary Western European immigration realities. Moreover, there appears to be only a remote chance that either scenario will come about in the future. One cannot completely rule out anti-immigrant extremist parties achieving power one day. If the National Front in France or the Republikaners in Germany were to achieve power, the democratic nature of those two societies would very much be in doubt. However, even in this most extreme and unlikely scenario, international constraints, the enmeshing of these states within the European Union and NATO, as well as other bilateral and multilateral treaties and relationships, make effective implementation of extreme anti-immigrant policies, such as the National Front's 50- point program, dubious.

Despite the outcome of the most recent Italian general election, the spectre of a resurgence of the extreme right in Western Europe has been blown out of proportion. There are ample grounds for vigilance and worry, particularly with regard to rising anti-immigrant violence in some countries. But most voters for extreme-right parties are not committed ideologues (Veen, et al. 1993). Rather, many are protest voters fed up with perceived governmental laxity in immigration matters, particularly vis-a-vis asylum-seekers. The perception of laxity is incongruent with the image of *Fortress Europa*, but it probably is more consistent with the facts than the latter image. Western European governments were unprepared for the asylum-seeker influx and it took them a decade or more to adjust. But steps have been taken to reduce abuse of asylum and these measures have had results. This should weaken the appeal of

anti-immigrant extremism in the future. Recent elections suggest that support for the National Front in France may have crested at 15 percent of the electorate.

The spectre of mass uncontrollable migration and the related notion of democratic state incapacity to regulate international migration also cannot be dismissed readily. Western European states do face daunting challenges in regulation of international migration and many of their control efforts to date have been inadequate. Some Western European states appear more effective than others in this respect (Freeman 1994). Substantial illegal immigration to Europe continues two decades after the onset of serious efforts by Western European states to curb illegal immigration. But the apocalypse has yet to happen. Indeed, it is very difficult to ascertain how extensive illegal immigration is, although the figure of 2.6 million illegal residents within the European Union has gained credence.[1]

Estimates of illegal immigrant populations are educated guesswork and often are made to suit political purposes, whether it be to embarrass a government or a political rival or to discredit efforts to curb illegal migration. The indeterminate nature of the illegal alien population renders interpretation of Western European efforts to control illegal immigration much more akin to an art than a science and condemns scholarship in this area to unrelenting controversy. Nonetheless, it seems fair to observe that much more is known about illegal immigration to Western Europe today than two decades ago. Indeed, improved understanding of what might be termed the sociology and political economy of illegal migration constitutes a major reason for believing that Western European states will be able to cope with the challenge of international migration in the twenty-first century.

Key Trends in Migration to Europe since 1970

The great watershed events in the post-1945 history of international migration to Europe were the domino-like decisions from 1972 to 1975 to curb most further foreign worker recruitment. These curbs did not apply to community workers in various member states of the European Community, nor within the Nordic Community, and there were other exceptions, such as continuing recruitment of seasonal foreign workers in France and Switzerland. Roughly concurrently with the re-

[1] The estimate is W.R. Boehning's—the ILO's migration specialist and the leading authority on migration to Western Europe (Salt, et. al. 1994).

cruitment curbs, Western European states—some more grudgingly than others—came around to acceptance of the principle of family reunification rights for resident aliens. In some instances, significant family reunification had occurred prior to the recruitment curbs. Indeed, this growing reality contributed to decisions to stop or curb further recruitment. European governments belatedly began integration policies. Acceptance of family reunification was viewed as part and parcel of integration. The third prong in Western European policymaking at this juncture was the advent of an effort to deter illegal migration. Recruitment curbs, integration of resident aliens and their families, and prevention of illegal immigration became the cornerstones of policy in most Western European states. The overarching goal was stabilization, if not reduction, of alien populations.

For more than a decade, a rough stabilization did occur. This did not mean international migration to Western Europe stopped or that alien populations themselves were immutable. To the contrary, considerable legal immigration continued in the form of family reunification. Some scholars have chosen to interpret post-1972 family reunification as evidence of governmental incapacity to regulate international migration. But, for the most part, this interpretation is misleading, despite the discomfiture of many governments and the currency gained by terms like "immigration stop" and "sealing the borders" (Hollifield 1993; van Amersfoord & Pennix 1994). Foreign worker settlement meant that all Western European states became de facto immigration lands insofar as they recognized a right to family reunification.

As far as resident alien populations were concerned, while overall numbers stabilized, their characteristics changed significantly from 1975 to 1985 and even more so thereafter. The key trends were contraction of alien populations from nearby European countries offset by growth of populations from more culturally and physically distant countries. The number of Spaniards in Germany declined while the Turkish population grew.

Whereas in Western Europe there were roughly two employed to one economically inactive alien residents prior to 1970, this ratio was reversed by the mid-to- late 1980s, partially because of the continuing arrival of foreign worker dependents and of births to resident aliens. But alien unemployment was rare until the recession of the mid-1970s. By the 1980s, as suggested by **Table 1**, rates of foreign worker unemployment typically far exceeded rates for citizens. Foreign workers were disproportionally adversely affected by the

massive layoffs stemming from recession and economic restructuring after 1973. This was due to their concentration in employment sectors particularly vulnerable to recession, such as the building industry, as well as their generally lower levels of professional qualification and education. For instance, many of the foreign workers in automobile manufacturing had been recruited for assembly line work. When robots replaced teams of finishing painters in plants like Renault-Flins, the unemployed foreigners had few prospects for reemployment in industry or for retraining. Most lacked the educational background to find employment in computer-assisted manufacturing (Miller 1986a).

The growth and persistence of resident alien unemployment profoundly affected Western Europe. It contributed to the growth of anti-immigrant movements. One of the paradoxes of the period from 1975 to 1985 is that massive resident alien and citizen unemployment did not end the illegal migration and illegal alien employment that had become significant in a number of Western European states prior to 1973. One key factor behind this was the difficulty of rapidly altering employer behavior. As many foreign workers gained more secure legal status, their rights of residential and labor market mobilty increased. For example, during this time many seasonal workers in Switzerland acceded to resident alien status.

Table 1.

Unemployment Rates of Nationals and Nonnationals in France, Germany, the Netherlands, and Sweden, by Age (below and above 25 years of age) as well as by EEC and Non-EEC Origin, 1991

	Nationals			Foreigners				
	Above 25	Below 25	Total	Above 25	Below 25	EC Nationals	Non-EC Natonals	Total
France	7.8	19.4	8.7	15.5	25.8	9.5	22.8	16.7
Germany	3.2	3.8	3.7	8.1	7.1	4.3	9.6	8.0
Netherlands	5.7	10.4	6.6	22.3	31.7	7.8	32.6	24.0
Sweden	1.9	5.7	2.4	5.8	11.5	4.4[1]	8.5[2]	6.6

[1]Nordic Countries
[2]Non-Nordic Countries.

Source: Heinz Werner, *Integration of Foreign Workers into the Labour Market-France, Germany, the Netherlands and Sweden*, Geneva: ILO, 1994, p.51.

As they did, they left their jobs for better paying and more attractive (e.g., day jobs rather than night shifts) employment. The key to any seasonal worker or guestworker program is to restrict the labor market and residency mobility of foreign workers, thereby ensuring certain employers access to labor outside the wage and working conditions constraints set by normal national (and now regional) labor market mechanisms. At the same time, Swiss employers faced dwindling access to legal seasonal labor as their government, under considerable political pressure from anti-immigration campaigns throughout the 1970s, reduced annual contingents of seasonal workers. Seasonal foreign worker admissions fell from 206,000 in 1964 to 90,000 by 1976 (Miller 1986b). Many Swiss employers probably illegally hired foreign workers rather than restructure their employment practices.

Hence, the paradoxical coexistence of high resident alien unemployment and continuing illegal alien employment arose. Some governments began efforts to improve manual labor conditions, such as the French in their *revalorisation du travail manual* program of the mid-to-late 1970s, but the effects of several decades of massive foreign worker recruitment upon labor markets and employment practices could not be undone quickly. It is difficult to say whether employer recourse to illegal alien labor rose or fell across Western Europe from 1975 to 1985 as compared to the previous decade. The suspicion is that it fell in France but rose in Germany and Switzerland.

Another key change in employment characteristics was the dramatic increase in foreign labor employment in service industries and the decline in the traditional sectors of foreign worker concentration—manufacturing and construction. The French data in **Table 2** are emblematic of a broader trend. The implications of this massive shift for nascent European efforts to curb illegal immigration are important. Aliens increasingly found employment in firms and sectors more prone to illegal alien employment. Additionally, the development of temporary employment, manpower leasing, and—more generally—greater flexibility in labor market and management practices created new and more extensive illegal employment opportunities. The decline of unions probably was both a cause and an effect of these trends.

This decade of stabilization also witnessed the affirmation of Islam. This was part and parcel of the settlement process. As more and more immigrants gained secure residency and employment rights and as prospects for return home dimmed, they built mosques, formed

Table 2.

Evolution of Employed Aliens and Citizens in France by Sector from 1975 to 1990

Economic Sector	1975	% Aliens	1990	% Aliens	Evolution from 1975 to 1982 (%)		
					Total	French	Aliens
Total Employment	20,943,900	7.2	22,232,974	5.8	+ 6.1	+ 7.7	-14.2
Agriculture	2,108,680	4.1	1,250,994	3.5	-40.7	-40.3	-48.8
Industry	8,074,040	12.3	6,692,221	9.0	-17.1	-14.1	-38.8
(of which Automobile)	499,010	17.3	394,492	10.8	-20.9	-14.7	-50.7
(of which Building)	1,906,070	21.3	1,638,468	16.3	-14.0	- 8.6	-34.0
Services	10,761,180	4.1	14,289,759	4.5	+32.8	+32.1	+49.0

Source: Adapted from Claude-Valentin Marie, *Restructuration du système productif, emploi des étrangers et travail illegal: L'experience française*

Islamic associations, and created Islamic educational and cultural institutions. This affirmation was aided in many cases by Western European governments and employers, in some instances as part of integration policy, in others to forestall the appeal of trade unions and radical political movements (Kepel 1987). Homeland governments and states like Libya and Saudi Arabia also played key roles. There were violent spillovers of homeland politics to Western Europe as well as the penetration of Islamic fundamentalism. Many Western Europeans, in mounting apprehension over the long-term political integration of Muslim immigrants, viewed this religious affirmation with alarm. The anti-immigrant movements of the 1980s and 1990s often had anti-Islamic as well as antisemitic overtones.

Another hallmark of the stabilization decade was a North-South convergence within Western Europe. The countries of massive emigration in Southern Europe prior to the 1970s became significant countries of immigration. In part, this was due to closing of the development gap between countries like Italy and Germany within the European Community. In part, this was due to the recruitment curbs instituted in Northern Europe. Foreign workers, who might have gone to France or Belgium in the 1960s, went to Italy or Spain instead.

Within a decade, Spain, Italy, Greece, and even Portugal became immigration lands in their own right and confronted many of the immigration control questions faced by their partners to the North. This inter-

European Community convergence in immigration circumstances, while very uneven, created more of an objective basis for inter-European state cooperation and coordination on questions and issues of prevention of unwanted immigration than earlier. Nevertheless, enormous differences between Western European states persisted by the mid-to- late 1980s in migration policy and the Southern European states generally manifested less alarm over international migration than Northern Europe. There may be empirical reasons for this; annual rates of legal migration vary sharply in Western Europe, from more than 1 percent per year in Germany (more than 1 million newcomers in a population of 81 million), to 0.5 to 0.6 percent in the Benelux and Scandinavian countries, to 0.1 to 0.3 percent in Southern Europe.

For all the North-South convergence, Italians, Spaniards, Greeks, and Portuguese tended to view international migration somewhat differently and more generously. Their permeability to illegal immigration and the relative complacency about it deeply worried immigration officials in such countries as France. Ultimately, this disjuncture would impede efforts by European Union member states to coordinate policies towards illegal immigration in the 1990s. While the spring 1994 postponement *sine die* of the elimination of international frontiers foreseen under the Single European Act [SEA] was attributed to technical reasons, lurking in the background were the concerns of Northern Europeans that their Southern European Union partners simply are not far enough along the path to controlling illegal immigration to risk elimination of frontier controls.

One final defining feature of the period bears underscoring, particularly in light of the *Fortress Europa* image. While Western European governments clearly became drastically more restrictive in terms of foreign worker admissions by 1975, more and more legally-admitted aliens gained greater security of residency and employment rights. This constituted a major achievement for European democracy, as it was long unclear that many foreign workers would be allowed to renew residency and employment permits. Most foreign workers secured greater residential and labor market freedom by qualifying for more favored status through continuous employment and residency.

By the early 1960s, the Swiss government for instance, had come under pressure from the Italian government to accord a more liberal status to long-term Italian seasonal workers. The 1964 revision of the Italo-Swiss bilateral labor agreement enabled more and more Italian seasonal

workers, who technically are not residents and thereby are not counted as part of the total population of Switzerland, to qualify for resident alien status. The movement for migrant rights began in the 1960s and, in some respects, resembled the civil rights movement in the United States. It made great progress across Western Europe by 1985. The French government's decision in 1984 to accord qualified resident aliens a ten-year, automatically renewable residency and employment permit—*le titre unique*—represented one capstone of a process long in the making.

The advances made in legally-admitted alien rights conferred a more liberal status upon resident aliens in Western Europe that narrowed transatlantic differences pertaining to resident alien status. While the goals of Western European integration policies were not achieved in many areas, significant progress, as attested to by the German data in **Table 3**, was made in terms of resident alien rights. Western European strategies of immigration control were predicated on the notion that prevention of illegal immigra-

Table 3.

Improvements in Residence Status of Germany's Aliens

	1982	1992
Aliens with residence permit of any kind	3,245,959	3,870,765
Aliens from non-EC countries with a limited residence permit.	1,482,9449 (=45.7%)	99,685 (=25.8%)
Aliens from non-EC countries with an unlimited residence permit.	804,975 (=24.8%)	991,799 (=25.6%)
Aliens from non-EC countries with a right of residence.	40,178 (=1.2%)	809,236 (=20.9%)
Aliens with an EC residence permit	917,862 (=28.3%)	1,070,045 (=27.6%)
Aliens with a consolidated residence status (items 3, 4, and 5).	1,763,015 (=54.3%)	2,871,080 (=74.2%)

Source: *Survey of the Policy and Law Concerning Foreigners in the Federal Republic of Germany*, 1993, p.24.

tion was complementary to integration of resident aliens.

The Crisis of International Migration to Europe

A confluence of five factors ushered in a new period by 1990. Historical periodization is highly interpretative and seldom uncontroversial. Many of the hallmarks of the current migratory period can be traced back to the 1970s or earlier. On the whole, there was more continuity than discontinuity between what are labelled here the decade of stabilization and the current period. However, since the late 1980s, a new sense of urgency over international migration has set in. Crisis is too strong a term if one compares the contemporary situation to that which existed in Europe in the late 1930s. What the term connotes here is the growing saliency of international migration issues in domestic and foreign policies by roughly 1990.

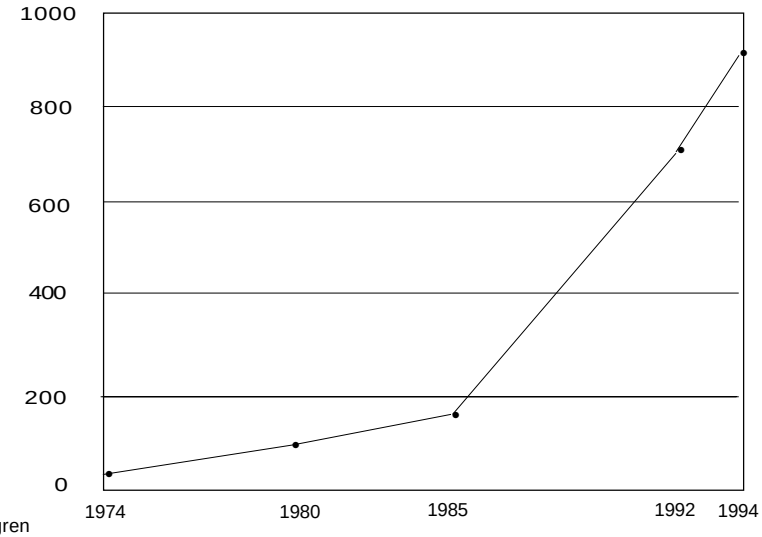
International migration increasingly was viewed as linked to national security and moved up the agendas of high-ranking officials—including diplomats. Indeed, the idiom of the international migration specialist—terms like "boatpeople," "guestworkers," "nonrefoulement" and "asylum-seekers" that were not in most persons' vocabularies several decades earlier—increasingly had become the idiom of diplomacy. There was a marked increase in diplomatic efforts on the international migration front beyond what there had been during the Cold War era. In part, this was imputable to a long overdue redefinition of national security as the threat of East / West military confrontation waned.

The asylum-seeker influx had reached perceived crisis proportions in Germany by 1980. What is important is how rapidly asylum requests snowballed. As late as the early 1970s, as seen in **Table 4**, there were minuscule numbers of asylum-seekers. The increase was clearly linked to the recruitment curbs, but there also were numerous adverse developments in political order around the world. The global refugee population doubled in the 1980s.

Rightly or wrongly, the asylum-seeker influx undercut the credibility of Western European immigration control strategies. As **Table 5** indicates, the vast majority of asylum-seekers were not found to be *bona fide* refugees entitled to asylum. Adjudication of claims and maintenance of the claimants cost enormous sums. Further, more than one-half of those claimants denied refugee status managed to stay on,

Table 4.

Asylym-Seekers in Western Europe 1974-1994



Source: Jonas Widgren

Table 5.

Asylum-Seekers Recognized as Refugees in Germany 1979-1993 (%)

1979	16.5%
1980	12.0%
1981	7.7%
1982	6.8%
1983	13.7%
1984	26.6%
1985	29.2%
1986	15.9%
1987	9.5%
1988	8.6%
1989	5.0%
1990	4.4%
1991	6.9%
1992	4.3%
1993 (first six months)	2.1%

Source: *Survey of the Policy and Law Concerning Foreigners*, 1993, p.61

thereby frustrating immigration control goals. The perception that asylum-seekers were circumventing the recruitment curbs through abuse of asylum provisions caused a political firestorm that today still threatens the viability of the international refugee system. Its sustainability vitally interests the United States as well as Europe.

The second factor contributing to a qualitative change was the collapse of Communist systems. Since the early 1970s — the time of the Jackson-Vanik Amendment in the United States—Western democracies had pressed for softening of the rigid mobility controls imposed by Communist governments upon their citizenries. German *Ostpolitik*, US-Soviet détente and signing of the Helsinki Accords gradually opened the door to emigration from the Soviet bloc states. During the 1980s, as seen in **Table 6**, Germany granted ever greater numbers of visas to citizens of Soviet bloc states. This outflow probably contributed to the momentous events of 1989 and 1990. Mass exit of citizens of the German Democratic Republic through Czechoslovakia and Hungary to Austria triggered a fateful chain of events that led to an East German decision to open the Wall. Within a year, the euphoria over German national reunification had given way to the spectre of *Voelkerwanderung*.

A third factor contributing to change was the progress made toward implementation of the SEA. Within the Schengen Group (established to hasten progress towards realization of a single market), discussion of the modalities of eliminating internal frontiers had advanced. While the SEA had been rapidly signed and ratified without consequential political op-

Table 6.

Visas Delivered to Citizens of Eastern Bloc States by Germany 1980-1989

Year	Poland	Hungary	Czech	Rumania	USSR	Bulgaria	Total
1980	283,800	116,700	121,700	43,100	29,800	17,200	591,600
1981	458,700	127,600	130,700	43,600	33,000	19,600	813,200
1982	135,500	131,500	131,600	41,100	30,700	20,700	492,100
1983	210,400	131,400	133,700	40,300	30,700	20,400	566,900
1984	327,400	151,226	164,700	43,979	26,097	20,300	733,702
1985	375,554	182,739	154,790	39,622	31,156	24,774	808,635
1986	408,232	214,362	165,882	35,528	31,462	24,315	879,781
1987	501,780	213,221	183,742	39,499	57,801	25,658	1,021,702
1988	725,000	314,160	266,369	36,360	84,067	33,949	1,459,965
1989*							2,000,000

Adapted from Michael Vial and Werner Walzel *Illegale Beschaeftingung*, p.159.
*Estimate as of May, 1990

position, some citizens feared that the elimination of internal frontier controls would result in large influxes of aliens from nearby states. The National Front in France, for instance, stoked the fear that the single market would result in a new influx of Turks from Germany, such as had happened during the legalization period of 1981 to 1983. While these fears for the most part seemed unfounded, they nevertheless contributed to a sense of unease.

The persistence of integration problems constituted a fourth factor. Immigrant disadvantage in housing, education, employment, health, and other areas was nothing new. But these problems seemed more intractable by 1990 than they did fifteen or twenty years earlier. U.S.-style urban disturbances involving predominately immigrant-origin minority populations erupted in the United Kingdom, France, and Belgium. Muslim demonstrations against Salman Rushdie shocked many Western Europeans. A growing rift between the Islamic and Western worlds increasingly seemed to rend the fabric of Western European societies. The progression of the electoral inroads of extreme right anti-immigrant parties augured poorly for integration.

And then there were the illegal immigrants. Nobody knew how many there were, but their presence in certain industries and jobs persisted despite enforcement of employer sanctions, legalizations in some countries, and other steps.

A siege mentality set in, fostered in no small part by exaggerated fears of *Voelkerwanderung*. The *Fortress Europa* image was clearly exaggerated too. That the two could co-exist in the early 1990s was symptomatic of a profound malaise. Mercifully, Europe's migration problem can, and probably will, be managed in a fashion consistent with human rights and democratic values. One can best begin to fathom this by examining the new barbarian invasion potential from Eastern Europe and beyond.

Why the New Barbarian Invasions Have Not Materialized from the East or the South

Table 7 reveals a steady increase in the numbers of East to West migrants. But many of these post-1989 immigrants are welcomed abroad. They are Jews migrating to Israel, ethnic Germans being reintegrated into German society, ethnic Greeks returning to Greece, and so on. Although both German and Israeli authorities suspect that a fraction of those emigrating from Eastern Europe and beyond have

Table 7.

Total Annual Immigration of Aliens to Western European States (EC and EFTA), 1985-1992

	1985	1986	1987	1988	1989	1990	1991	1992
Regular registered Immigration for Residence	650,000	720,000	760,000	910,000	1,080,000	980,000	1,020,000	1,240,000
Constitutional immigration right	50,000	53,000	101,000	217,000	392,000	417,000	239,000	252,000
Asylum seekers	160,000	190,000	170,000	220,000	310,000	430,000	550,000	680,000
War refugees from former Yugoslavia	---	---	---	---	---	---	42,000	370,000
Illegal immigration (estimate)	50,000	65,000	55,000	90,000	150,000	210,000	280,000	370,000
TOTAL	910,000	1,028,000	1,086,000	1,437,000	1,932,200	2,037,000	2,131,000	2,912,000

Source: J. Widgren, Shaping a multilateral response to future migrations. In K. Hamilton (ed.), *Migration and the New Europe*, pp.40-41.

falsified their origins to qualify to emigrate, the overall numbers of ethnic kin, in principle, are finite. Despite the zeal shown by Israeli authorities to attract Jewish emigration from the former Soviet bloc, numbers of Jewish immigrants have declined sharply. The Israelis probably will not get the one or two million immigrants foreseen by former Prime Minister Shamir. The German government, perhaps because it bears the full cost of reintegrating the ethnic German *Aussiedler*, unlike the Israelis, has taken steps to limit the inflow. It has signed agreements with the Russian Federation to aid the reestablishment of the Volga Germans along the Volga River. It also has instituted an annual quota on the number of *Aussiedler* permitted to reintegrate into Germany.

Most aspiring migrants from Eastern Europe and beyond cannot qualify for privileged treatment on ethnic grounds. If they are to emigrate, they will need a visa or they will have to emigrate illegally. For most, visas will be difficult to come by. Illegal emigration is an option, but it is difficult and, for many, expensive. Thriving human smuggling rings have sprung up to funnel immigrants into Western Europe much as Chinese gangs do with illegal Chinese migrants to the United States. Indeed, punishment and prevention of human smuggling was one of the major goals of both the October 1991 Berlin Conference attended by twenty-seven

West and East European countries and of the February 1993 follow-up meeting in Budapest.

According to German crime statistics, more than one-half of recorded offenses for smuggling of people in 1992 were perpetrated by aliens. Parenthetically, those same statistics record 550,583 foreigners as having broken German laws in 1992. Aliens comprised one third of all suspects. While aggregate crime statistics need to be interpreted with care as they include violations of immigration laws, and while sociological factors like the relative youth and lower socio-economic status of aliens in general must be considered, alien criminality clearly also is contributing to the malaise over migration (Federal Misistry of the Interior 1993).

While human smuggling obviously will be a long-term concern, steps are being taken to stanch it. Two other factors appear to mitigate against mass unwanted migration from the East. The first is demography. International migration largely involves young adults. Much of Eastern Europe's demographic profile is not that dissimilar from Western Europe although there are exceptions like Romania.[2] One simply does not find the same demographic pressure to migrate that one finds in Egypt or Morocco, for example. Demography suggests that the threat of mass unwanted migration is much greater from the swath from Turkey to Morocco than from Eastern Europe.

Moreover, studies of illegal immigration underscore the importance of networks to illegal immigration. Networks can be comprised of family, kin, fellow villagers, or even fellow nationals who provide information about employment opportunities, offer lodging, and help aliens melt into an immigration society. In the case of the former Soviet bloc lands, they were cut off from most of the rest of the world, including Western Europe, until only a few years ago. This leads to a suspicion that networks are not in place to facilitate massive illegal migration from the East. Again the threat appears greater from the South than it does from the East because of the durable legacy of the guestworker period.

A further reason why *Voelkerwanderung* from the East has not materialized to the extent feared is proactive policy. Since 1990, Western European governments, including the European Union, have stepped up efforts to ensure that *Voelkerwanderung* does not occur. This effort is multipronged, encompassing fi-

[2] This observation was first made by Georges Tapinos, the leading French immigration expert, in a speech at the Salzburg Seminar in Austria in April 1991.

nancial and other forms of assistance, bilateral and multilateral negotiations, and other initiatives. The undeclared strategy seems to be to fashion the traditional transition zone from Eastern to Western Europe into a kind of international migration buffer zone—an illegal migration *cordon sanitaire.* Poland, Hungary, and the Czech and Slovak Republics have signed association treaties with the European Union. Their nationals will benefit from visa-free entry into the European Union (although the United Kingdom has not been cooperating on many immigration-related initiatives). The unstated *quid pro quo* is cooperation with EU member states in regulation of international migration. Specifically, readmission treaties have been signed (or prepared) that will enable states such as Germany to deport unauthorized alien entrants to the countries through which the detained illegal entrant transited.

Implementation of the readmission agreements has been difficult and incomplete, but a conceptual and legal system has been put in place that should facilitate exclusion of detected illegal residents. This has long been the achilles heel of Western European migration control strategies—a problem to which Americans should pay a great deal of attention as they reform asylum procedures. Recent reporting on bilateral Polish-German and Czech-German cooperation in control of illegal immigration suggests numerous barriers to effective cooperation remain, but progress also has been made.

All four of the buffer states have become significant immigration lands in their own right. Hundreds of thousands of Russians and others enter Poland to barter goods or to work temporarily in much the same way that Poles did in Germany in the late 1980s. Much will depend on whether these buffer states develop their governmental capacity to regulate international migration. The European Union states are encouraging them to do so through fora like the Berlin, Budapest, and Vienna conferences and more discretely by informally linking economic assistance and good relations to effective cooperation on regulation of international migration.

Another prong of proactive policy concerns steps to prevent the generation of refugees. The Treaty of Paris, to which the United States is a signatory, created the Conference on Security and Cooperation in Europe [CSCE]. The third basket of this treaty in essence envisaged the creation of a zone from the Urals to the Atlantic in which there would be minimal criteria for respect of human rights and personal welfare. If attained, the criteria theoretically would preclude *bona fide* requests for asylum by persons living in the

zone. As **Table 8** indicates, asylum applications by persons from five Central and Eastern European countries in EU member states more than doubled between 1991 and 1992. The goal of CSCE is to ensure respect for rights and maintenance of a minimal level of personal welfare so that such requests become transparently frivolous.

Table 8.

Number of Asylum-Seekers from Central and Eastern Europe (Excluding Former Yugoslavia) in the European Union

Country of Origin	1991	1992
Bulgaria	15,094	33,203
Czechoslovakia	1,873	3,109
Hungary	646	1,163
Poland	5,899	5,979
Romania	50,872	111,346
TOTAL	76,375	156,792

Source: Commission of the European Communities, *On Immigration and Asylum Policies*, p.5, Annex 1.

Alas, CSCE has not worked as hoped. The breakup of Yugoslavia has created an estimated 3.8 million refugees and displaced persons. As **Table 9** suggests, significant numbers of persons fleeing the fighting in Yugoslavia have been accorded refugee status in Western Europe, particularly in Germany. Others have been afforded temporary protected status as seen in **Table 10**. However, without wishing to appear insensitive to the suffering of others, the key lesson of the Yugoslav crisis, if it is not to premature to draw one, is that most refugees and displaced persons have not reached Western Europe, despite Trieste being a day's drive from Sarajevo. Visas are required for the refugees and displaced to get out. Most do not get them. Instead, the bulk of the victims of war and ethnic cleansing have had to find haven nearby in Croatia or UN-protected safe havens. Thus, while the Yugoslav tragedy testifies to the shortcomings of the CSCE launched with such fanfare, perhaps it also suggests what may be the pattern for the future.

Most observers agree that there is enormous potential for Yugoslav-style conflict from Bosnia to the Caucuses and throughout Soviet successor states. It is not farfetched to imagine millions and millions of additional refugees and displaced persons being created in the next decade. Like the Bosnians, many of these hypothetical refugees would undoubtedly prefer to find haven in Western Europe and other Western democracies. However, they probably will be unable to reach Western Europe and will have to find safe havens nearby. *In extremis,* confronted with an imminent mass inflow of aliens—be they refugees or not—of such magnitude as to endanger security, most West-

ern European states would conceivably use their armies to stanch unwanted entry. As a well-informed Dutch official once put it, there are three scenarios for migration from the East—bad, worse and catastrophic. Contingency planning for the latter scenario includes utilization of the military.

It is too early to declare *Voelkerwanderung* from the East a false alert. But contemplation of further variables and factors also suggest it is not going to happen in disruptive ways. Several Western European countries have authorized fairly substantial temporary foreign employment from Poland in particular. The number of Poles

Table 9.

Balkan Refugees

Outside Former Yugoslavia.
(Aug. 1992 est)

Location	
Austria	57,500
Belgium	1,800
Czech Rep.	4000
Denmark	1,795
Finland	1,892
France	1,108
Germany	220,000
Greece	7
Holland	6,300
Hungary	50,000
Ireland	10
Italy	17,000
Lux.	1,200
Norway	2,617
Poland	1,500
Spain	120
Sweden	47,600
Switz.	70,450
Turkey	15,000
U.K.	2,000
Others	30,013
Total	**531,912**

Within Former Yugosalvia
(Sept. 1992 est.)
From:

Location	Croatia	B&H	TOTAL
Croatia	271,798	335,985	607,783
UN-Areas	87,000		87,000
Servia	162,337	252,130	414,467
B&H	93,000	588,000	681,000
Montenegro	6,743	50,857	57,600
Slovenia	1,000	69,000	70,000
Macedonia	2,500	28,000	30,500
TOTALS	**624,378**	**1,323,972**	**1,948,350**

Source: *The Economist*, September 19, 1992, p.66.

officially admitted as temporary workers in agriculture and other industries in Germany has soared to between 200,000 and 300,000. Many of the new temporary foreign workers are contract workers and trainees. Many are skilled. There are some indications that Western European states are reorienting foreign labor policies to the East, particularly to Poland.

Highly-skilled and professionally-educated workers are in demand in many Western European countries despite high unemployment. Many Eastern European and Soviet successor states seek to export their labor much like East Asian states do. The Vienna Conference on East-West Migration in January 1991, which was backed by the Council of Europe, pushed the idea

Table 10.

Number of Places Offered to Vulnerable Groups from Former Yugoslavia by the End of April 1993/EU and Other Receiving Countries (figures marked with + do not include family members).

COUNTRY	NUMBER OF PERSONS
Belgium	200
Denmark	200
France	1,320
Germany	17,000
Greece	150
Ireland	340
Italy	400
Luxembourg	10
Netherlands	200+
United Kingdom	1,000+

COUNTRY	NUMBER OF PERSONS
Australia	250
Austria	200+
Canada	500
Czech Republic	500
Finland	72+
Malaysia	100
New Zealand	50+
Sweden	150+
Switzerland (incl. refugees and temporary protected status	5,635
Turkey	270
USA	1,000

Source: Commission of the European Communities, *On Immigration and Asylum Policies,* p.6, Annex

of bilateral foreign labor programs. But there are no current expectations for large-scale recruitment of foreign labor from Central and Eastern Europe. Long-term labor market prospects for blue-collar workers in Western Europe are grim, despite the much ballyhooed aging of European societies within the European Union. (The total population of the European Union—347 million—is expected to fall to 340 million by 2025). The European Commission has recommended that third country nationals, e.g., Turkish residents of Germany or Algerian residents of France, be granted priority in access to employment if job vacancies occur anywhere in the EU (Commission of the European Communities 1994, p.34). As Heinz Werner has argued, and as suggested by the contrasting trends in unskilled and skilled employment of foreign workers from member states within the EU in **Table 11**, the future of labor migration belongs mainly to professional-level migrants.

All in all, the scenario of mass unwanted migration seems much more plausible for migration from the South than from the East. Demographic pressures and networks make the prospect real. Here again the worst has not yet happened. The Algerian impasse, however, is most worrisome. Already in 1990, middle-class Algerians (e.g., professors) were getting out (Talha 1990). Now millions want out and some, like Sheik Turabi in Sudan, have predicted that up to four million refugees will flee the establishment of an Islamic government. Unlike the former Socialist Minister of the Interior, who declared that France would not accept mass migration

Table 11.

Foreign Employees in the F.R. of Germany by Occupational Qualification 1977-1992
(indices 1980 = 100)

Level of Qualification	Foreign Employees					
	Total			EC Nationals		
	1977	1987	1992	1977	1987	1992
Trainees	87	157	292	92	82	93
Employees with low qualification	96	74	94	103	62	60
Middle-level qualification	93	87	109	94	78	82
Graduate employees	86	98	122	84	96	115
Total Employees 9580	102	100	67	67		
Absolute Numbers (in 1000)	1889	1589	2036	730	492	494

Source: Heinz Werner

from Algeria, the current Foreign Minister, M. Juppé, estimates that France might receive one million refugees from Algeria in the event of regime change (Eizenstat 1994).

There is a great deal of uncertainty because, under the Evian Accords that enabled Algeria's independence, Algerian citizens born before 1962 (when Algeria was legally part of France) are entitled to request French citizenship (Abdi 1994). And, the numbers of Algerian citizens requesting asylum are growing both in France and throughout the EU. In 1991, 1,730 and in 1992, 8,158 applications were made by Algerians in the EU (Commission of the European Community 1994, p.9, Annex I).

How, though, would a million Algerians flee to France? It would have to occur as a trickle, gradually, and this is happening. Some Algerian citizens with valid residency permits are returning, as are dual citizens. But as in Bosnia, most who might want to get to France cannot; they stand a better chance making it to Tunisia or Morocco. The French, and probably the Spaniards and Italians as well, will not permit a mass spontaneous arrival of tens of thousands of Algerians. They will use their militaries, if necessary, to prevent it. In the French case, in particular, one cannot ignore historical precedents. Draconian measures were taken against French citizens of Algerian Muslim origin as late as 1961 albeit in the context of the Algerian war (Einaudi 1991).

At this point, the *Fortress Europa* image might seem apt after all. But, even in this acute scenario, it is not. The French will allow entry to those entitled (the potential numbers are unclear). They will accommodate as many refugees as possible, but there is an undefined limit beyond which they will not go. Governmental handling of the Algerian impasse may damage integration goals. The arrival in power of an Islamic government would certainly complicate Franco-Algerian relations and management of transnational Franco-Algerian society. It is conceivable that fundamentalist influence would grow amongst resident aliens and citizens of North African Muslim origin, but the secularizing influence of French culture should not be underestimated. It appeals particularly to Berber minorities like the Kabyles who historically emigrated to France in dispro-portionally high numbers relative to other Algerians.

Realistically, a more frightening scenario concerning Algeria would be spillover of the violence across the Mediterranean to metropolitan France. This has not yet happened, but there is ample historical precedent. The French government al-

ready has taken steps to round up suspected Islamic militants. This cannot be said to endanger the rights of Algerian residents of France any more than it does those of French citizens. After several years of armed conflict and a steadily mounting human toll, however, a resolution to the impasse has not materialized. This casts a long shadow over the future of North Africa and Europe.

Assessing West European Capacity to Prevent Illegal Migration

Nightmare scenarios over Algeria aside, there are many reasons to expect Europe to cope with its migration dilemmas. The imagined *Fortress Europa* cannot come about short of a revolution. French Minister of the Interior Pasqua may declare that the goal of his government is zero immigration, but this represents ill-considered rhetoric, nothing more. Western Europeans realize they have a great stake in immigrant integration. Indications suggest that they will do more not less to achieve this goal in the future. Western European democracies, as **Table 12** indicates, are scarcely hermetically-sealed societies. Quite significant numbers of aliens enter legally each year. It is the illegal immigrants and asylum-seekers that most worry Europeans.

On the asylum front, virtually all Western European states have streamlined asylum procedures. Critics worry that governments have gone too far, thereby endangering respect for *nonrefoulement*. They also worry about displacement of asylum-adjudication to the fledgling democracies of Central and Eastern Europe.

Table 13 reveals a drop in overall asylum applications in 1993. A consistent pattern, however, did not emerge as asylum applications in the Netherlands, for instance, rose. Nonetheless, reforms undertaken in Germany and France in recent years clearly have had the desired effect. Apparently, asylum applications are down more than 50 percent in Germany since the revision of asylum law in July 1993 (Papademetrios 1994). Better data on the effects of recent reforms on France are available and, from the standpoint of immigration control, also are quite encouraging.

As seen in **Table 14**, asylum applications skyrocketed in France, reaching a high point of 61,422 in 1989. In 1988 and 1989, the specialized French agency for refugees —known by its acronym OFPRA—received a large budget increase. The additional monies were spent to modernize

Table 12.

Total Immigration in the European Union

Member State	1989	1990	1991	1992
Belgium	54.149	62.682	67.460	66,763
Denmark	38.391	40.715	43.567	43,337
Germany	1522,190	1256.250	1182.027	666,585
Greece	38.644	42.021	24.346	32.132
Spain	33.910	33.988	24.320	38.882
France		94.855	102.108	110.867
Ireland		33.300	40.800	
Italy	81.201	168.754	128.935	
Luxembourg	9.143	10.281	10.913	10.698
Netherlands	98.916	117.350	120.237	116.928
Portugal				13.700
United Kingdom	249.752	288.787	288,522	215.900
"Total"	2.128.285	2,150,973	2,035,236	1,317,784

Source: *EUROSTAT*

procedures and to recruit and train additional personnel. This, in turn, enabled more decisions to be taken, and the number of decisions nearly tripled from 1989 to 1990. The average time that applications took to be adjudicated decreased to less than six months. **Table 15** indicates that the applicant recognition rate also plummeted in the late 1980s and early 1990s, although France continued to recognize a higher percentage of asylum applicants than Germany. The quickening of the average adjudication duration may have had a deterrent effect upon frivolous claims. However, roughly simultaneously, the French stopped the automatic grant of employment permits to asylum applicants.

Recent trends in asylum applications in Germany and France suggest that revisions of rules and procedures and beefing up personnel do make a difference. The change in the German asylum law will make it very difficult for applicants who transit countries abutting Germany to have their cases heard as most such individuals will be returned to the neighboring state. The Dublin Convention signed by EU member states to discourage multiple applications is not yet functioning. But, when it comes into effect, it should ease the enormous burden shouldered by Germany. The question is: Will the Austrians and the Czechs be able to cope?

Legalization policies represent another way that Western European states attempt

Table 13.

Number of Asylum-Seekers in European Union

Year	1991	1992	1993
Belgium	15,354	17,647	22,039
Germany	256,112	438,191	322,599
Denmark	4,609	13,884	6,121
Spain	8,138	11,708	5,778
France	47,380	27,000	
Greece	5,944	4,000	827
Ireland	31	250	65
Italy	28,000	2,500	1,005
Luxembourg	238	2,000	381
Netherlands	21,615	20,346	35,399
Portugal	163	200	2,091
United Kingdom	57,700	32,000	22,350
Total	447,275	571,718	420,718

Source: Commission of the European Communities, . . . *On Immigration and Asylum Policies*, p.12.

Table 14.

The Recovery from the Asylum Emergency in France

	Number of Asylum Applications	Number of Decisions	% of Decisions/ Applications
1981	19,863	18,767	94.5
1982	22,505	21,210	94.2
1983	22,350	20,860	93.3
1984	21,714	21,928	101.0
1985	28,925	26,662	92.2
1986	26,290	27,274	103.7
1987	27,672	26,628	96.2
1988	34,352	25,425	74.0
1989	61,422	31,170	50.7
1990	54,813	87,352	159.4
1991	47,380	78,442	165.6
1992	28,873	37,202	128.8

Source: Adapted from OFPRA Documents

Table 15.

Evolution of Asylum Adjudications: Refugee Status Accorded and Asylum Recognition in France, 1981-1992

Year	Number Cases Abjudicated	Refugees Recognized	Recognition Rate
1981	18,767	14,586	77.72%
1982	21,210	15,670	73.88%
1983	20,860	14,608	70.03%
1984	21,928	14,314	65.28%
1985	26,662	11,539	43.28%
1986	27,274	10,645	39.03%
1987	26,628	8,704	32.69%
1988	25,425	8,794	34.59%
1989	31,170	8,770	28.14%
1990	87,352	13,486	15.44%
1991	78,442	15,467	19.72%
1992	37,202	10,819	29.08%

Source: Adapted from OFPRA documents

Table 16.

Summary of Legalizations in Selected Western European States

Austria:	Small-scale and unpublicized administrative legalizations permitted in the 1980s.
Belgium:	Overtime legalization in 1974. Government has since opposed the option.
France:	Routine legalization 1946-1968, exceptional legalization policy thereafter, 1.4 million legalizations 1948-1981, exceptional legalizations 1972-1973, 40,000; 1977-1979 (Mauricians 1,000; 1980-1981, Sentier, 3,389; 1981-1983, 150,000.
Germany:	Legalization-like policy through nominative recruitment process until 1973, small-scale, unpublicized legalizations on individual basis for humanitarian reasons thereafter,[c] officially eschews legalization policy.
Italy:	Unpublicized small-scale legalization possible until (around) 1985, on and off legalization policy in 1987 and 1988 (105,000 applicants), major legalization policy in 1990, 204,000 aliens legalized.
Netherlands:	15,000 aliens legalized in 1975, 850 legalized in 1980.
Spain:	44,000 aliens legalized in 1985-1986. Political movement in support of legalization and Spanish-Moroccan negotiations lead to limited reopening of legalization opportunity for Moroccans by 1991.
Sweden:	Several hundred aliens legalized in 1976. Government has since eschewed legalization.
Switzerland:	Legalization eschewed, but cases of excessive rigor policy grants legal status to more than 10,000 aliens, mainly asylum-seekers denied refugee status, since 1982.
United Kingdom:	Small-scale legalization 1974-1978.

to cope with illegal migration. **Table 16** summarizes the major Western European legalizations in recent years. Several states have expressly eschewed legalization. In France, "exceptional" legalizations are recurrent. The most recent one there dates from 1991 and was available to asylum applicants who had not been recognized but who could demonstrate integration into French society.

Legalization policies are attractive in that they hold out the hope of reducing the illegal alien population. However, assessment of a legalization policy's impact is difficult. There is some evidence that the French legalization of 1981 to 1983 served to attract additional illegal immigrants. French scholars disagree bitterly on how successful the legalization was. Some allege that there was widespread fraud—particularly in applications from agricultural workers—much as was witnessed in the SAW program in the United States.

Overall, the results of European legalization efforts appear mixed. They clearly did enable tens of thousands of aliens to accede to legal status—a matter of more than passing interest to the individuals and states concerned. But they were also plagued by problems and most decidedly did not resolve the illegal alien issue in one fell swoop.

Western European states also consider temporary foreign worker policies germane to their immigration control strategies. Fewer and fewer Western European officials seem to recall today that it was the guestworker idea from which so many of their current migration dilemmas arose. Few appear to remember that Western European employers and governments actively recruited foreign workers until 1973 or so.

Some scholars and officials would hold that the reverse is true, that the cause of illegal immigration is unmet employer demand and that, if only temporary foreign workers were admitted to take those jobs, much of the problem of illegal immigration would be resolved.

Whereas the debate over the wisdom of temporary foreign worker policies in Western democracies was once thought closed, the 1991 German decision to lift the 1973 blanket curb on foreign worker recruitment opens up a new chapter. Generally, however, high unemployment rates, particularly among foreign residents, discourage a resumption of large-scale foreign worker policies. Adverse political reaction to aliens also is a factor.

Table 17 chronicles the evolution of seasonal foreign worker employment in France. Retention of seasonal foreign

worker policy constituted a major exception to the recruitment curb declared in 1974 and testifies to the clout of agricultural interests in French politics. Nonetheless, seasonal worker admissions dropped steadily during the 1980s. This reflected an effort by French officials to wean growers from utilization of foreign seasonal workers. Mounting unemployment made it increasingly difficult to justify seasonal foreign worker admissions. At the same time, changes in Spain were affecting the Spanish grape pickers who used to comprise the bulk of seasonal workers. As their numbers dwindled, French growers increasingly looked to Eastern Europe, especially Poland, for new sources of labor.

Other policy instruments commonly used by Western European governments to limit illegal immigration include employer sanctions, airline carrier sanctions, more stringent visa policies, interior controls, and border controls. In a period of twenty years, most Western European states have developed panoplies of laws directed against illegal immigration and a limited, but still significant, capacity to enforce these laws. Many factors affect how well a particular Western European state fares in terms of overall deterrence of illegal immigration. The insular British, for instance, would appear to acquit themselves well without employer sanctions. The Germans, because of their geography, appear to be having a harder time. But even where illegal immigration is thought to be extensive, illegal alien employment appears concentrated in certain industries and jobs with poor wages, difficult working conditions, and work that is held in low esteem.

Off-the-books employment of Americans is not uncommon across Western Europe, but there is not much worry over it. The real worries are over the millions of unemployed and underemployed youth of North Africa, Turkey, or Rumania. Millions of them aspire to come to Western Europe, but most cannot make it. There are many hurdles in their way now that were not there in the 1950s or 1960s. Some do make it, but their existence is often quite bleak. Legalization of their status no longer appears to be either a moral imperative or advisable as Western European democracies have made it clear that they no longer intend to tolerate illegal immigration—although some refuse to believe this.

The gap between stated policies and realities may narrow in coming years despite the daunting prospects alluded to earlier. Western European governments appear to attach a high priority to international migration and they are linking immigration control aims to foreign policy,

trade, and foreign assistance initiatives. Only time will tell whether they succeed in coordinating and implementing a sustained and comprehensive approach to ameliorating their migration problem. But chances are that they will.

Implications for the United States

Regulation of international migration looms as one of the principal post-Cold War challenges to the transatlantic partners and other Western democracies. Sustained, systematic, and comprehensive bilateral and multilateral coordination and cooperation is imperative if the challenge is to be met.

Asylum policy reform, legalization policies, temporary foreign worker programs, employer sanctions, and other policies all are of broad interest, as are initiatives on the migration and development nexus. This is an area where the vision of multilateral coordination and cooperation with international agencies articulated in recent U.S. foreign policy statements can be given substance.

Western Europeans appear to desire dialogue and cooperation with the United States in this realm. In light of situations like the Algerian impasse, it would appear urgent to step up the pace of dialogue and concrete cooperation.

International migration to Europe indirectly affects U.S. national security interests. While this analysis suggests that the West Europeans will be able to cope with their migration problem, this outcome is not foreordained. As in other areas, the U.S. could play a constructive leadership role in the international migration area. Our immigration history is an important U.S. foreign policy asset and, in light of transatlantic dilemmas on migration, a multilateral resource. The key is to build a framework of predictable, sustainable, and democratically legitimate policies in the international migration area and thereby create a pillar for a return to order and comity in world affairs. Failure to accomplish this will gravely compromise any future prospects for world order. In view of the possible immensity and complexity of the international migration challenge for the United States and Western Europe, the post-Cold War challenge to transatlantic partnership can be said to be very different than that of the past, but no less vital.

Currently, Western democracies view international migration mainly as a problem. Both positive and untoward poten-

Table 17.

Immigration of Seasonal Workers to France by Nationality 1946-1989

Year	Belgian	Italian	Spaniard	Moroccan	Portugese	Tunisian	Yugosalv	Other	Total
1946	10.880	662-	-	-	-	-	-		11.542
1947	17.474	1.968-	-	-	-	-	-		19.442
1948	20.217	1.584-	-	-	-	-	-		21.801
1949	15.898	4.152-	-	-	-	-	-		20.050
1950	11.119	4.796-	-	-	-	-	-		15.915
1951	12.424	13.289-	-	-	-	-	-		25.713
1952	15.494	18.290-	-	-	-	-	-		33.784
1953	13.188	20.952	. 35-	-	-	-	-		34.175
1954	11.973	16.775	1.126-	-	-	-	-		29.874
1955	9.584	22.812	2.880-	-	-	-	-		35.276
1956	9.577	30.208	8.946-	-	-	-	-		48.731
1957	8.505	33.378	15.086-	-	-	-	-		56.969
1958	8.116	37.008	18.405-		--	-	-		63.529
1959	6.675	35.152	21.844	-	126-	-	-		63.797
1960	6.665	32.977	69.150	2	937-	-		67	109.798
1961	5.903	23.314	66.400	-	1.328-	-		11	96.956
1962	4.609	14.638	74.366	16	1.368-	-		96	95.093
1963	3.752	8.050	87.120	34	2.269-	-		49	101.274
1964	3.309	5.673	107.027	811	3.729	332	2	67	120.950
1965	2.725	4.875	119.039	593	4.190	65	7	77	131.571
1966	2.019	3.155	114.902	949	3.035	39	67	104	124.270
1967	1.629	2.689	104.672	1.220	3.131	62	308	260	113.971
1968	1.382	2.408	119.301	2.097	3.110	94	1.319	165	129.858
1969	1.041	1.295	122.438	3.720	3.068	173	870	266	132.871
1970	779	843	124.236	5.385	3.004	252	440	119	135.058
1971	708	601	126.386	5.702	2.821	555	211	213	137.197
1972	598	482	130.407	8.626	2.837	1.145	189	208	144.492
1973	494	409	120.486	15.405	2.674	2.218	402	370	142.458
1974	442	298	107.298	19.168	2.094	1.589	196	698	131.783
1975	379	169	109.215	10.515	2.138	973	259	478	124.126
1976	304	105	104.565	11.472	2.846	1.291	289	602	121.474
1977	294	57	94.310	11.247	3.802	1.250	270	886	112.116
1978	243	34	102.816	11.745	5.478	1.282	276	784	122.658
1979	196	29	101.098	12.597	8.235	1.504	255	801	124.715
1980	193	32	93.751	12.923	10.666	1.605	275	991	120.436
1981	161	28	90.655	12.771	10.823	1.552	261	1.291	117.542
1982	140	28	89.539	5.536	10.497	900	173	271	107.084
1983	122	12	83.378	4.540	10.593	739	148	325	101.857
1984	102	14	76.843	4.126	11.199	581	139	216	93.220
1985			70.167	3.908	11.316	518	75	210	86.180
1986			64.681	3.716	12.453	481	84	187	81.670
1987			59.321	3.752	12.777	509	84	200	76.647
1988			51.978	3.734	14.020	548	79	188	70.647
1989			42.073	3.874	14.719	606	115	482	61.868

Source: Office National d'Immigration, Statistiques-Année 1984 and André Lebon, *Regard san l'immigration et la présence étrangère en France 1989/1990.*

tialities inhere the phenomenon, however. Legal immigration policies express democratic will and recognition of such rights as family reunification. The legal immigration tradition of the United States is one that deserves emulation. One consequence of closer U.S.-European cooperation might well be to nudge Western Europeans towards embracing a legal immigration system that now exists *de facto.*

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RESEARCH
PAPER

U.S. COMMISSION ON IMMIGRATION REFORM
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U.S. COMMISSION ON IMMIGRATION REFORM

MIGRATION BETWEEN MEXICO & THE UNITED STATES

ESTUDIO BINACIONAL

BINATIONAL STUDY

MÉXICO—ESTADOS UNIDOS SOBRE MIGRACIÓN

A report of the

Binational Study on Migration

ACKNOWLEDGMENTS

The Mexico/United States Binational Study on Migration was a joint effort undertaken by twenty scholars from both countries who worked together in teams on five separate subject areas and collaborated on the production of this shared report. Their efforts have produced a collective and state-of-the-art assessment of many aspects of Mexico-to-United States migration. We are appreciative of the efforts of the members who, despite their different academic disciplines and subject area expertise, worked in a productive and collegial atmosphere. This report demonstrates the commitment of the Binational members to producing a thorough and groundbreaking document.

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SUMMARY OF MAJOR FINDINGS

Mexican migration to the United States is a complex and dynamic phenomenon with long historical roots. There has been migration northward since the settlement of both countries, across the frontier established in 1848, and especially from the first sizable labor migration flows during the 1870s. Today, much of the migration flow remains economically motivated by wage differences that affect supply and demand, and it is sustained by the family and social networks that connect the two countries.

The two governments have approached this northward migration with unilateral policies, as well as bilaterally negotiated programs, such as the well-known temporary agricultural "Bracero" program that existed from 1942 to 1964. Since then, the major U.S. policies affecting the flow have emanated from the Immigration Act of 1965 and the Immigration Reform and Control Act of 1986 [IRCA] that legalized some two million Mexicans in the United States under a long-term or "pre-1982 resident" program and a Special Agricultural Worker program [SAW]. IRCA also applied sanctions against employers who knowingly hired unauthorized workers. More recently, the U.S. Congress adopted the Illegal Immigration Reform and Immigrant Responsibility Act [IIRIRA] to strengthen border and worksite enforcement, facilitate removals of unauthorized aliens, and deter utilization of public programs.

This new approach occurred simultaneously with a period of heightened Mexico-United States engagement, driven in large measure by the positive bilateral relations promoted through the North American Free Trade Agreement [NAFTA]. In the last five years, there has been an upsurge of initiatives to formalize the bilateral dialogue and consultation on migration, as well as on such other issues as water management and health along the border. The Working Group on Migration and Consular Affairs of the Binational Commission has proven an important and effective forum for frank discussion of various migration issues.

This study is both a reflection and manifestation of the new spirit of cooperation. A joint undertaking by the governments of Mexico and the United States, the study's aim is to contribute to a better understanding of the nature, dimensions, and consequences of migration from Mexico to the United States. The research was conducted by a team of twenty independent researchers, ten from each country, who reviewed existing research, generated new data and analyses, and undertook site visits and consulted with migrants and local residents to gain a joint understanding of the issues raised in this study.

Assessing Mexico-United States Migration

Migration includes residents and sojourners, both legal and unauthorized. We constructed estimates of the Mexican-born population in the United States using well-known national-level data sources, with special efforts to adjust for undercounts and the number of SAW workers included. Our results suggest that the total size of the resident Mexican-born population in the United States in 1996 was within the following ranges:

Total Mexican-Born Population	7.0 - 7.3 million persons,
Legal Residents	4.7 - 4.9 million persons,
Unauthorized Residents	2.3 - 2.4 million persons.

The numbers of Mexican-born migrants represent approximately 3 percent of the overall United States population, about 40 percent of the U.S. population of Mexican-American ancestry, and are equivalent to 8 percent of the overall national population of Mexico. More than one-quarter arrived in the past five years.

About 0.5 million were naturalized U.S. citizens. In recent years, naturalization of legal Mexican-born immigrants has increased dramatically from just over 67,000 in FY 1995 to 233,000 in FY 1996. These figures for the foreign-born population are in addition to the 11 million native-born citizens of Mexican American ancestry as of 1996.

The decade of the 1980s showed a massive increase in Mexican legal immigration, largely because of the legalization program. During the 1990s, legal immigration from Mexico remained sizeable as the family members of legalized Mexicans obtained permanent resident status. In FY 1996 alone, more than 160,000 Mexicans became legal immigrants, all but about 5,300 under family-based admission categories. The future demographic consequences of IRCA could be considerable, with at least an estimated 1 million Mexican family members of legalized persons eligible to apply for U.S. admission.

Legal temporary visits between Mexico and the United States also are substantial. The border crossings between Mexico and the United States are among the busiest in the world. In FY 1996, for example, there were 280 million land crossings through the southwest border. The exact number of unauthorized entries of Mexicans into the United States is unknown, but in FY 1995 more than 1.3 million apprehensions of persons attempting to enter without inspection took place at the Mexico-United States border. These are records of events, however, and not of individuals.

Mexican census data and indirect measurement methods show that the loss of Mexican population from international migration has been systematic since 1960. According to our best estimates, the migration of persons to the United States who have established permanent residence there has been within the following ranges:

1960-1970	260,000 - 290,000
1970-1980	1,200,000 - 1,550,000
1980-1990	2,100,000 - 2,600,000

For 1990-1995, net outmigration was 1.39 million people, with essentially equal participation by gender, which is equivalent to an annual average of 277,000 for the five-year period. Our estimates based on U.S. data indicate a similar net growth in the size of the Mexican-born population from 1990 to 1996 of approximately 1.9 million persons, or about 315,000 persons per year. Breaking down the 1.9 million figure into components, we estimate that approximately 510,000 were legal immigrants, 630,000 unauthorized migrants, and 760,000 migrants who either were legalized under the SAWs program or legalized as an IRCA family member. Many of SAWs legalizations occurred in the first half of the 1990s; future flows of this type should be negligible.

The rate of back-and-forth labor movement seems to be slowing. Mexican border surveys on sojourners show a decrease in the number of persons moving in both directions between 1993 and 1995 (south-north migrants decreasing from 790,000 to 540,000 and north-south migrants decreasing from 624,000 to 433,000). This reduction in the rate of circulation can be explained by several hypotheses, the most likely of which is that many people are deciding to establish residence in the United States or to prolong their stay there. It is possible that, as the Binational Study members heard in their visits to communities in Mexico, the increasing difficulty of crossing the border has led temporary migrants to reduce the number of times they move back and forth between the two countries. New enforcement techniques have caused an increase in the number of times an individual Mexican is apprehended before making a successful entry or determining to return home. Legalization, too, may have permitted Mexican workers to bring their families, thereby reducing their need to return frequently to Mexico. Increasingly, participation of migrants in urban jobs, which are less seasonal than rural jobs, may also contribute to lengthier stays in the United States.

Characteristics vary by migrant type. We are able to approximate the characteristics of three "types" of migrants using combinations of several databases: *sojourner migrant* (legal or unauthorized whose principal residence is in Mexico); *settled resident* (legal or unauthorized who habitually reside in the U.S.); and *naturalized U.S. citizen* (who have met five-year legal residence and other requirements).

The characteristics of Mexican migrants reflect their "type," gender, the historical patterns of U.S. recruitment for Mexican labor, and the job market in which Mexicans continue to find work. For example, some 73 to 94 percent of sojourners are young men and more than one-half work in agriculture. About 55 percent of settlers are slightly older males, and about 13 percent work in agriculture. Women, who are a smaller proportion of employed migrants, tend to work in the service economy. Naturalized citizens are long-term residents and only 54 percent are males in their early forties on average and less than 10 percent work in agriculture. A greater proportion of sojourners and settlers are employed in certain sectors of construction, manufacturing, and services than are U.S. natives or naturalized Mexican-born citizens.

Clearly, the primary motive for the migrant stream is economic; however, that does not mean Mexican migrants necessarily lack jobs in Mexico. Most migrants had some kind of work in Mexico prior to migrating. Border crossing data with large numbers of unauthorized migrants find that most had work prior to leaving. Nevertheless, the majority migrated with the intention of working in the U.S., mainly to obtain higher wages.

Mexican-born migrants tend to have low skill levels, relative both to the U.S. population at large and to other migrant groups. The sectors employing Mexican-born migrants tend to seek lower-skilled workers. They also pay low wages, accounting for the low incomes and high poverty rates of Mexican-born settlers in the United States. This situation is exacerbated by the unauthorized status of many of these migrants. Less than one-tenth of sojourners complete high school, but just over one-quarter of the settlers and well over one-third of new legal immigrants and naturalized citizens do. More than one-seventh of new legal immigrants are college graduates. About one-half of the families accompanying sojourners in seasonal agriculture live in poverty while in the U.S., but their roughly U.S. $200 in weekly earnings are substantially higher than wages in Mexico for comparable work. About one-quarter of settler families live on

poverty incomes. While the average U.S. household saw income gains between 1990 and 1996, Mexican-born resident households lost income: in 1996, 11 percent of recently arrived households had incomes less than $5,000, whereas in 1990, about 5.5 percent had such low incomes. Unauthorized status is a factor, the annual earnings of legal immigrants in 1996 was more than $19,000.

Despite much continuity in origins and characteristics, migration shows increased diversity over time. Traditionally, migrants have been rural males from a subset of communities in the west central states of Jalisco, Michoacán, and Guanajuato. The new diversity shows up in changing demography, origins and destinations, and labor force characteristics. Today, Mexican migrants appear to be older, have more education, more are women, and more are coming from "new sending" states and urban areas. In the United States, Mexican migrants are highly concentrated in California, Texas, and Illinois: about 85 percent of all Mexican-born immigrants resided in these three states compared to 45 percent of all immigrants to the U.S. in 1990. At the same time, Mexican-born migrants have become attracted to new geographic destinations. Midwestern, southern and eastern states that have had few Mexican-born workers now are destinations for Mexican-born persons employed in agriculture and food processing, construction, manufacturing, and low-skill service occupations.

The demand of United States employers and the economic motivation of Mexican migrants is sustained by network and supply factors. The catalyst for much of unauthorized Mexican migration is better-paying U.S. employment, but over time new factors have created a larger and more complex set of reasons that sustain the flow. Migration is a dynamic process and the factors that drive it change. Today new employers and labor brokers, along with cross-border social networks of relatives and friends, link an expanding list of U.S. industries, occupations, and areas to a lengthening list of Mexican communities that send migrants to the U.S. Push factors that increase the supply of labor seem to have become more important since the mid-1980s as a result of recurring Mexican economic crises and Mexican policies, such as the restructuring of rural Mexico that made small-scale farming less attractive. This means that Mexicans migrate to the U.S. within well-established networks, as well as through new networks that are developing to move migrants to the U.S. from regions without a tradition of migration. One of IRCA's effects was to strengthen such networks and to transform a portion of the flow from sojourner to settler.

Demographic and economic factors may reduce future migration. There is reason to believe that currently high levels of migration may represent a "hump" or peak in the volume of Mexico-United States migration. In the U.S., American employers are adjusting to higher minimum wages, to greater global competition, and to a likely increased supply of low-skilled U.S. residents shifted out of welfare programs. In the past, employers have adjusted to higher wages and increased competition by switching to means of production that lessen their reliance on low-skilled labor. All of these factors may decrease the availability of jobs for some types of Mexican migrants.

Within the next decade, changes in Mexican demographics and other structural changes should begin to reduce emigration pressures. Net increases in the labor forced aged 15 to 44, which was between 500,000 and 550,000 in 1996, is projected to decrease to 430,000 in 2010. Mexico has adopted an ambitious restructuring and privatization program in the 1990s that promises to increase economic efficiency and job growth in the medium- to long-term. The International Monetary Fund and Mexico's 1997 development plan both project 5 percent annual economic growth that, if achieved, would soon create sufficient new jobs to match or exceed the growth of the labor force. Analyses done for this study show that even a more modest 3 percent rate of growth could generate just under 800,000 new jobs annually by 2005. Sustained job growth can help Mexico catch up on job creation for currently unemployed and underemployed workers, those displaced from agriculture and other industries, and nonworking women who rejoin the labor force. These changes in Mexico may reduce supply-side pressure, while the changes in the U.S. may lessen the demand for Mexican workers.

Migration has varied effects, producing both benefits and costs. It is difficult to establish a balanced evaluation of migration's impacts because of the lack of data and the need for focused research in both countries. We caution against overly simplistic conclusions about costs and benefits and note that the perspectives on the balance differ in each country. In Mexico, those who return most often are the sojourners, many of whom benefit from their U.S. experience. In the U.S., the settler population—often older and sometimes unauthorized, but increasingly with legal status—has relatively low skills that place it at a disadvantage relative to other U.S. residents in an "information age" economy. At the national level, economic impacts are diffuse in both Mexico and the United States. However, strong impacts are found at local and regional levels.

Remittances play an important role in many Mexican communities, but migration creates costs due to the loss of human capital and social disruption. The most important direct impact of migration is the income sent home to Mexico by migrants in the United States. Remittances were equivalent to 57 percent of the foreign exchange available through foreign direct investment in 1995, and 5 percent of the total income supplied by exports. In Mexico, the impacts are concentrated in about 100 municipalities in the west central and northern regions of the country. The average remittances received by migrants' families are equivalent to the household's other earnings. Remittances have financed some productive investments, as well as housing and urban development. Although the direct beneficiaries are households that receive remittances, markets spread some effects to other households and businesses.

Remittances vary widely among migrants depending on their U.S. earnings and the cost of trips back-and-forth. Most migrant earnings do not accrue directly into Mexico's economy as they are spent in the U.S. Migration represents some loss of human capital for Mexico as migrants are mostly a working-age population with education and good health. Other adverse effects in Mexico include the social disruptions that affect the outmigrants' families and communities.

Migrants themselves, businesses, and consumers benefit most in the United States, with costs incurred by state and local governments and low-skilled workers. The primary beneficiaries of Mexico-to-United States migration are the migrants themselves and the U.S. owners of capital and some agricultural land, as well as American consumers and the American economy that grows through the employment and the consumption generated by Mexican migration. In the labor market, the costs associated with the migration are primarily to labor "substitutes," i.e., new Mexican migrants compete primarily with other low-skilled workers, especially already resident Mexican migrants.

On the fiscal side, Mexican migrants were not more prone to use welfare than similar natives. A statistical analysis of 1990 Census data finds that, *compared to similar native* households, Mexican-born households with young heads are *less* likely to obtain means-tested benefits. By contrast, those with heads older than 65 years are *more* likely to receive assistance, probably Supplementary Security Income [SSI]. Sojourners and recent migrants pay some taxes yet rely little on government services because they are young and, oftentimes, their unautho-

rized status makes them ineligible. However, research on settlers finds that many state and local governments pay more in services to Mexican-born households than they receive in taxes, largely because their lower incomes result in lower taxes paid. The single largest fiscal cost is related to education, which can be seen both as a public expenditure and as an investment in the future.

The Mexican-origin population is projected to be of increasing importance early in the next century. Because of the combination of migration and higher than average fertility rates, the proportion of the U.S. population that is of Mexican origin will grow. Low past rates of naturalization and of voter turnout, coupled with voting districts apportioned according to Hispanic population totals that have few eligible and voting-age persons, have weakened the potential impact of the Mexican migration in the U.S. political system. This could change. In some cases, Mexican-Americans have helped rebuild decaying inner-city neighborhoods.

Border relations are largely positive, although tensions do erupt. Migration within the border area is a special case because of the strong family, commercial, and social connections of the residents of many neighboring communities. The vast majority of border crossers go for short visits, often purchasing goods on the other side of the border. The contributions to local economies on both sides of the border that emanate from this cross-border commerce are substantial. Nevertheless, some byproducts of cross-border migration, including petty crime, vandalism, vice, violence, and uncompensated use of health care and other services, can create tensions.

Violence and human rights abuses of unauthorized migrants are major sources of concern. Unauthorized migrants are sometimes victims of crimes—from attacks and abandonment by smugglers to theft, rape, and even murder—and suffer the physical consequences of difficult border crossings. Human rights abuses by federal, state, and local officials have been recorded, which is a matter of great concern for both countries. Officials in both countries have been attacked by smugglers as well. Both governments have taken action to curb these various abuses but border violence continues to be a source of tension.

Policymaking has been episodic in nature. The political responses of Mexico and the United States to migration have an episodic character; the debate on migration is greatly influenced by the changing economic conditions in

both countries. Policymaking also has been reactive with the action of one country leading to the reaction of the other. The pace of the reactive process has accelerated in recent years. Often the U.S. has acted unilaterally. And due to the influence of various interest groups, migration policy at many times has been contradictory and yielded unexpected results. There may be many unanticipated impacts for resident—authorized and unauthorized—populations in the wake of a trilogy of legislation passed in the United States in 1996 (on immigration, terrorism/crime, and welfare).

The Mexican government has shifted from a position of deliberate nonengagement on migration matters, based on the principle of noninterference in the internal affairs of other countries, to a stance of increasing dialogue with U.S. counterparts to better address migration issues. The Mexican government also has developed a presence in Mexican communities in United States. In addition, diplomatic and consular protection activities and cultural and business promotion, have increased. The North American Free Trade Agreement [NAFTA] signed in 1993 did not contain major policy on migration; nevertheless, it created new institutional arrangements facilitating political and economic contacts and breathed new life into consultative groups. These developments are of major consequence for the bilateral relationship. However, with the policy of opening the border for commerce and investment but not for people, the potential for bilateral tension remains.

Institutionalizing Cooperative & Effective Dialogue

The study findings argue for increased dialogue and forward-looking consultative mechanisms to facilitate bilateral cooperation in finding mutually beneficial solutions to unauthorized migration between Mexico and the United States. The Working Group on Migration and Consular Affairs of the Binational Commission has been an effective platform for frank discussions on migration issues. However, the Working Group's efforts could be supplemented and enhanced with frequent discussion around an agenda of issues that would be informed by the best possible empirical and policy analyses. At a minimum, the framework for discussion must acknowledge that no single approach will address adequately the issue of unauthorized migration. Demand, supply, and networks all contribute to these movements, and, thus, solutions must be multifaceted and found in both countries. And there must be a careful approach to migration problems that is sensitive to differences in perspectives and build on the joint Mexican-United States commitment to foster human rights.

More specifically, the following issues should be on the agenda for joint discussion:

Outcomes of 1996 Legislation. The U.S. adopted a trio of laws affecting migration, including the Illegal Immigration Reform and Immigrant Responsibility Act, the Antiterrorism and Effective Death Penalty Act, and the Personal Responsibility and Work Opportunity Reconciliation Act, while Mexico adopted a Constitutional amendment that will allow dual nationality for Mexicans who naturalize. Regular, joint monitoring could help identify the intended and unintended results of newly enacted legislation in a more timely fashion.

Migration Impact Statements. One way of bringing these issues to discussion would be to formalize them as "impact statements" along the lines of the suggestion in 1990 by the U.S. Commission for the Study of International Migration and Cooperative Economic Development. These impact statements should assess direct changes in immigration policy as well as changes in economic and other policies that may affect migration patterns.

Addressing the Demand, Supply, and Network Factors. On the top of any rolling agenda list should be unauthorized migration that both countries have an express interest in addressing. The governments should assess the effectiveness of strategies to reduce employer demand for unauthorized workers, to provide increased economic opportunities within Mexico, and to reduce the efficacy of formal and informal networks that now link the supply of unauthorized labor in Mexico with U.S. demand for such labor.

Facilitating Legal Movements between Mexico and the United States. Economic and social integration means increased need to accomodate, and even to facilitate, mobility of persons between the two countries. Mexico and the United States should engage in systematic analysis of policies that will support trade, investment, and commerce by facilitating legal movements and easing barriers to legal entry.

Continued Bilateral Research and Data Collection. The development of a binational policy agenda would be greatly enhanced, as we have learned from the Mexico-United States Binational Study, with the use and analysis of data from both nations. The dynamic process of migration, also documented in this study, calls for building capacity and infrastructure to assess migration's nature, effects, and responses.

Maximizing Benefits and Minimizing Costs. It is to the clear benefit of both countries to work towards eliminating unauthorized migration, which creates costs for both countries and makes migrants vulnerable to exploitation. That process should be helped over the long-term by demographic and potential economic trends in Mexico and the United States. In the interim, the two countries should explore ways to capitalize on the economic return to migration (for example, by reducing the cost of transferring remittances and helping families use them towards productive purposes) in order to stimulate economic development in Mexico. Further, ways to enhance labor standards in the United States should be explored to reduce the incentives to employers for hiring unauthorized workers.

A "Guestworker" Program is unlikely to be a Solution to Unauthorized Migration. The United States and Mexico should study carefully the concept of a bilateral foreign worker program, recognizing that such a program is unlikely to be an effective remedy to unauthorized migration or to have sufficient labor standards to protect the rights of workers. A guestworker program could stimulate new migration networks, adding to, rather than substituting for, unauthorized workers. Continued outflow of workers also might make investors reluctant to invest in emigration areas.

Recognizing and Addressing Social Costs of Migration. Mexican migration has social costs, particularly the separation and breakup of families. Attention should be given to ways to alleviate the disruption to families and communities. For example, the two governments could explore ways to identify and obtain support for families, mostly female-headed, who have been deserted by migrating husbands/fathers.

Glossary

Immigrant. A person who migrates over international-boundaries into a country of which he or she is not a citizen. In the United States, the legal-technical meaning of "immigrant" is restricted to persons admitted for legal permanent residence. Because international migrants from Mexico sometimes are not legally admitted or are not permanent residents, the text often refers simply to migrants.

Legal Status in the United States. There are several major legal status categories (Mexico has a parallel division of legal status as well):

> **Unauthorized Migrant.** Person who has entered without inspection [EWI] or overstayed his or her U.S. legal temporary visa. Also a person who works without authorization, regardless of mode of entry. Commonly referred to as "undocumented" or "illegal alien."

Legal Nonimmigrant [NIV]. Person admitted into the United States legally on a temporary visa for a temporary stay for tourism, study, or work.

Legal Permanent Resident [LPR]. Most Mexican-born settlers are LPRs and are predominantly sponsored in the family reunification categories of the U.S. admission system.

Legalized Resident. The Immigration Reform and Control Act of 1986 granted a one-time amnesty to formerly illegal residents who, after one year, become LPR-eligible (DOL 1996:87).

Pre-1982 Residents [245A]. 1.09 million Mexican-born were legalized under this program that required continuous five-year residency at the time of application.

Special Agricultural Workers [SAW]. 877,000 Mexican-born were legalized with the requirement that they had worked at least ninety days in agriculture in the preceding three years.

Naturalized Citizen. Legal permanent residents must wait five years and meet certain qualifications before becoming "naturalized citizens" with the full voting and societal rights of the native-born citizenry (born on U.S. soil).

Mexican-Born. Persons born in Mexico and, with few exceptions, originally nationals of Mexico at birth.

Mexican-Origin. Residents in the United States, who are Mexican or native born of Mexican ancestry. Includes Mexican Americans.

Migrant Types. Persons vary in the time they spend abroad and/or their purpose for migration. Of the many different patterns that exist, we distinguish two broad ones:

Sojourner. Includes many different types whose primary residence is in Mexico, the largest subgroup may well be "circular" or "target" migrants who work in the United States for short periods.

Settler. Encompasses both unauthorized and legal permanent residents of the United States whose primary residence is in the United States.

Networks. The social connections between people that provide information and, often, a way of facilitating migration northward. For example, a "migrant network" might link an aspiring migrant in Oaxaca with a friend or relative in Los Angeles, from whom the aspiring migrant can learn of job and housing possibilities.

Remittances. Monies sent by migrants abroad back to their families or friends in their country of origin.

Stock and Flow. Migration is measured either as a "stock," or persons who reside in a place, or "flow," persons who have moved in or out of a place within a given period.

Supply and Demand. Employers need workers or, as economists say, they demand labor. The supply of labor refers to the number of workers with certain characteristics from whom the employer can choose. Just how many workers employers "demand" or how many workers are "supplied" depends on the wage employers offer and the wage that workers will accept.

MIGRATION BETWEEN MEXICO & THE UNITED STATES

ESTUDIO BINACIONAL

BINATIONAL STUDY

MÉXICO—ESTADOS UNIDOS SOBRE MIGRACIÓN

A report of the

Binational Study on Migration

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I. INTRODUCTION

Few issues hold greater implications for bilateral relations between Mexico and the United States than does migration. As a member of this team recently wrote, "the tension created by migration from Mexico to the United States is perhaps the most intractable theme in the relationship between the two neighbors, one highly developed, the other less developed. At times, the friction between the two countries over this issue is modest and, at others, incandescent, but it is never absent" (Weintraub 1997:284).

Migration from Mexico to the United States is more than one hundred years old. This history is replete with efforts by one or both countries to regulate the movements northward. Sharing one of the longest land borders between two countries with disparate earnings and income levels, Mexico and the United States have found many ways to address migration concerns. Table I-1 gives a brief summary of policies in the major historical periods of Mexican migration to the United States.

Over the years, when labor shortages have grown as a result of war or other factors, unilateral recruitment and such bilateral agreements as the Bracero Program have resulted in large-scale movements of Mexican workers into the United States. When economic conditions have reduced the need for additional labor, created anxieties among U.S. workers, or made it difficult for migrants to find work, large-scale repatriation has occurred, sometimes by U.S. government action and with Mexican government assistance to returnees.

During the past two decades, unauthorized migration between the two countries has tended to dominate the policy agenda on Mexico to United States migration (Bean et al. 1997). Through much of the period from 1975 to 1986, U.S. authorities debated what would be the best approach to reduce unauthorized migration. Eventually, in 1986, Congress passed IRCA, which adopted a variation of the grand compromise that had been advanced by such bodies as the congressionally-mandated Select Commission on Immigration and Refugee Policy: employer sanctions and mass legalization. Because the largest national group in the unauthorized immigrant population was from Mexico, both of these provisions were seen as having a major impact on Mexicans.

IRCA had significant intended and unintended consequences for Mexico to United States migration. The size of the Mexican population in the United States increased dramatically during the late 1980s and early 1990s due to IRCA's legalization provisions. Starting in 1987, about 1.7 million long-term unauthorized migrants and an additional 1.3 million unauthorized Special Agricultural Workers [SAWs] applied for legalization under the amnesty provisions of IRCA.

Table I-1. Major Historical Periods in Mexico-to-United States Migration

1870-1890	U.S. recruitment for southwestern rails and agriculture, Mexican Consular Law of 1871 provides for protection of Mexicans abroad with respect for local sovereignty;
1891-1917	U.S. laws restrict Mexican (and Canadian) land admissions, U.S. World War I recruitment (including some Canadians and Bahamians), Mexican Consular report of salary abuses of Mexican workers in U.S. (Gomez Arnau 1991);
1920s	U.S. Border Patrol established, undocumented entry considered a misdemeanor with penalties attached, and exclusions of Mexicans on "public charge provisions" are common;
1929-1933	U.S. Depression-times repatriation of Mexicans partly funded by Mexican and private aid groups with frequent promotion by Mexican consulates (Gamio 1930);
1940s	World War II era Bracero agricultural workers program begun, jointly negotiated by both governments (also a smaller railroad program from 1943-1946);
1951-1952	Upon third renewal of Bracero program, Mexico suggests U.S. measures against the employment of unauthorized workers, but U.S. adopts "Texas Proviso" making it a felony to import "illegal aliens" while exempting employers from culpability (García y Griego 1981);
1954	Negotiations for a new Bracero agreement break down though U.S. continues recruitment, Mexican government attempts unsuccessfully to stop outmigration, massive U.S. deportations of unauthorized workers under "Operation Wetback;"
1964	Termination of the Bracero program;
1980s	U.S. Immigration Reform and Control Act of 1986 [IRCA] imposes sanctions on employers who knowingly hire unauthorized workers and legalizes two million unauthorized residents, U.S. Asencio Commission recommends economic development to address unauthorized flow, Mexico reinforces and expands its consular protection of Mexicans abroad;
1990s	Bilateral dialogue on migration increases, North American Free Trade Agreement [NAFTA] signed, U.S. strengthens border control, new U.S. laws expedite removal of unauthorized migrants and restrict welfare benefits to legal immigrants, the Mexico/U.S. Binational Study on Migration is established.

Most of these persons had already been in the U.S.; during the 1990s, their close family members began to obtain legal status in sizeable numbers. INS reports that nearly 1.6 million Mexicans were admitted as legal U.S. residents between 1981 and 1990; an additional 1.5 million were admitted in Fiscal Years 1991 - 1995. Beginning in 1995, the number of Mexican immigrants becoming citizens also increased substantially, at least in part because those legalizing their status under IRCA became eligible for naturalization.

At the same time, unauthorized migration continued, pointing to weaknesses in IRCA's enforcement approach. A proliferation of fraudulent documents permitted unauthorized workers to obtain jobs despite the requirement that employers check the employment authorization of new hires. After an initial decline in border apprehensions, the number of apprehended migrants began to climb and returned to almost pre-IRCA levels, with 1.3 million apprehensions in 1995.

The continuing unauthorized entries, not only of Mexicans, but also other nationalities, led to passage of the Illegal Immigration Reform and Immigrant Responsibility Act [IIRIRA] of 1996. Building in part on IRCA's provisions, the new legislation augmented border controls, required new pilot programs to test more secure forms of employment verification, clarified eligibility for public benefit programs, bars unauthorized residents for three or ten years from legal admission, and made sweeping changes in provisions for the removal of unauthorized migrants. In conjunction with two other new laws—the Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA] and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Welfare Reform Act]—IIRIRA represents a new phase in recurrent efforts by the U.S. government to address migration issues.

The last two decades also brought different measures on the part of Mexico. Some were internal, such as the border-industry or Maquiladora Program that was intended to absorb workers returning from the Bracero program. Yet, most measures were directed to strengthen and broaden the consular protection of Mexicans in the United States. More Mexican consular offices have been opened in the United States, mobile consulates reach out to Mexicans outside of the major cities, and more personnel have been dedicated to the protection of Mexican nationals. Consular officers have increased their visits to U.S. worksites and Migrant Detention Centers. Hospitals and jails are likewise included in regular visits. These visits provide an opportunity for consular officers to assist migrants in their relations with U.S. authorities and nationals, to advise migrants on U.S. laws, to help recover unpaid salaries or solve other labor-related problems, and to assist migrants to contact their relatives in Mexico or the U.S.

Despite the continuity reflected in these legislative initiatives and protection policies, the overall context for addressing migration issues between the two countries has shifted markedly. The 1990s brought closer relations and a cooperative economic relationship after the 1993 approval of the North American Free Trade Agreement [NAFTA] between Mexico, the United States, and Canada. NAFTA alone will not solve the problems of unauthorized migration although increased trade and economic development continue to pose the best hope for reducing migration pressure in the long run.

The two governments are engaged, as never before, in working together to solve common problems. Binational working groups meet regularly to coordinate and cooperate on issues ranging from facilitating border crossing to antismuggling initiatives. A further measure of these new arrangements can be seen in new responses. In contrast to earlier periods, when the U.S. acted unilaterally and Mexico was largely silent regarding U.S. legislation, both governments promote dialogue through various bilateral groups and mechanisms, including the summit meeting between Presidents Zedillo and Clinton in May 1997.

This study itself derives from the new spirit of cooperation. After a meeting of the Migration and Consular Affairs Group of the Mexican-United States Binational Commission in March 1994, the governments of Mexico and the United States agreed to undertake a joint study of migration between the two countries. The main objective of the Mexico/United States Binational Study (1995-1997) is to contribute to a better understanding and appreciation of the nature, dimensions, and consequences of migration from Mexico to the United States. It also provides an opportunity to identify options to respond to these movements.

This study is the joint effort of a team of twenty researchers, ten from each country. They have worked in five subgroups focusing on distinct elements of the migration phenomenon: quantification of the scale of migration between Mexico and the United States; characteristics of the migrants; the factors that cause, sustain, or hinder migration; the impacts on the two countries; and the responses adopted individually or jointly by Mexico and the United States. The study team reviewed existing research conducted on migration between Mexico and the United States, and it generated new data and analysis conducted by team members and outside consultants to the project. The research team also undertook site visits to Mexican and U.S. communities experiencing the effects of migration in order to gain a joint understanding of the issues raised in this study.

II. THE MEXICAN-BORN POPULATION IN THE UNITED STATES

In both Mexico and the United States, questions about both the numbers of migrants from each country residing in the other (the "stock" of migrants) and the size of the migration streams crossing the border (the "flow" of migrants) arise frequently in public debates about migration. Moreover, analyses of the causes and impacts of migration in both countries depend, to a considerable extent, on calculations about the size of the stocks and flows of migration within and between both countries. In assessing and developing estimates of the stocks and flows of migrants between the two countries during the mid-1990s, we build on the approaches and results of earlier assessments as well as on newly available data and research conducted in the 1990s.

Methodology & Data Sources

The stock of Mexican-born persons refers to the number who have ever come to the United States who reside in the U.S. at any given point in time. The flow refers to the number coming in only within a given period of time, usually expressed as a net figure by subtracting the number leaving within the same period from the number coming in. In developing estimates of stocks and flows, this study bases its conclusions on data collected in both Mexico and the United States. As a result, our confidence in the estimates is considerably enhanced because we are able to assess consistency by comparing information from each country.

Mexican Data Sources. The study uses a variety of Mexican data sources. Since the late 1970s, Mexico has carried out various household sample surveys with the goal of directly quantifying how many migrants move to the United States. The 1992 ENADID (National Survey on Demographic Dynamics), the most up-to-date survey developed by INEGI, provides a basis for classifying Mexican residents (who at the time of the interview were living in Mexico) as either sojourners (people who had been in the United States to work but had not intended to stay) or as return migrants (people who had gone to the U.S. to establish residence but eventually returned), or both. This survey also provides estimates of the number of Mexican emigrants who established their residence in the U.S. between 1988 and 1992 and still live there. Other surveys, like EMIF (Survey of Migration to the Northern Border) developed by CONAPO (National Council on Population), COLEF (College of the Northern Border), and the Ministry of Labor, provide additional data to measure the number of persons involved in circular migration. Because direct survey measures of migration to the United States are based on data such as these that are difficult to collect, researchers also apply indirect demographic methodologies to Mexican census data to estimate migration stocks and flows.

United States Data Sources. The study also utilizes a combination of United States data sources, including the U.S. Census, the Current Population Survey, and administrative data from the Immigration and Naturalization Service. We develop new information on the survey undercounts of migrants and immigrants and on the relative inclusion of newly-legalized workers to get a balanced sense of the most probable range of legal and unauthorized persons. Rigorous analytic approaches are necessary because, as is well known, early efforts to determine the size of the total unauthorized migrant population produced results that were highly speculative and ranged widely (Bean et al. 1990). Unfortunately, this can be misleading for decisionmakers. Several kinds of estimation difficulties are addressed separately in the cases of the legal and unauthorized populations to reach the soundest possible estimates of these Mexican-born populations in the United States.

Migrant Types: Sojourner Settler & Citizen

In estimating numbers, or discussing characteristics and impacts, it is not possible to talk of a "homogenous" Mexican-born population in the United States. It is highly diverse, varying in terms of permanence of residence, legal status, and education and skills. It is made up of persons who stay from only a few hours to a few days to a few years, to those who reside permanently. It also includes persons with different legal statuses: (1) legal temporary visitors; (2) legal permanent residents, otherwise known as legal immigrants; (3) naturalized United States citizens; and (4) unauthorized migrants, including individuals who enter without permission, through the use of fraudulent documents, or with permission but who violate the terms of their visas. Legal status shapes the environment in which the migrant makes decisions when searching for a job, deciding where to live, and investing in schooling and English language skills. These legal status groups are often dissimilar; yet, occupational backgrounds as different as agricultural worker or skilled operator may be found within any given legal status.

Two major migration patterns, apart from legal status, can be found in the data to distinguish migrants. Sojourners may remain in the United States for anywhere from hours to months but consider Mexico to be their place of principal residence and are mostly "circular" migrants who work short periods in the U.S. (other subtypes of sojourners may include short-term visitor such as shopper, visitor, businessperson, temporary-resident worker, student, family member, vacationer). Settlers consider the U.S. to be their permanent residence even if they return to Mexico for short visits (also known as long-term residents) (Chavez 1988). Mexican-origin persons are found in all combinations of the four

legal statuses and the two migrant patterns. For example, sojourners include unauthorized migrants, legal temporary workers, students (nonimmigrants), persons who become legal permanent residents, and even naturalized citizens. And individuals within a household may differ by legal and migration status, as well as move across legal-status and migration-patterns over their life.

Population Estimates

Our estimates are presented first for the stock of Mexican-born population in the United States and then for the flow of Mexicans northward, with distinctions made where possible among the various types of migrants.

Estimates of Stock. *Our results indicate that the total size of Mexican-born resident population in the United States in 1996 (both enumerated and unenumerated, legal and unauthorized) was 7.0 - 7.3 million persons. Of this population, legal residents accounted for about 4.7 - 4.9 million persons, about 0.5 million of whom were naturalized United States citizens. Unauthorized migrants accounted for 2.3 - 2.4 million persons* (Bean et al. 1997). These estimates are derived from a combination of Mexican and United States data sources. We emphasize that these are estimates. The U.S. Census and other surveys, such as the CPS, do not ask residents about their legal status. However, because the total population is known, and because it is possible to estimate legal residents, residual methods provide an estimate of the part of the unauthorized population that is enumerated (i.e., unauthorized = [total foreign born] - [legal residents]). Each of the components of the residual equation may be too low, primarily because a subpopulation is undercounted or "underenumerated" due to the practical problem of finding all countable persons with survey methods. To address this in our estimates of these populations, we undertook demographic investigations to find plausible levels of undercount. We also addressed the likely number of newly-legalized Special Agricultural Worker [SAW] immigrants in the United States as of 1996, a rather substantial issue in making residual estimates.

Table II-1. Total Mexican-Born Population in the United States: 1996

Total (in millions)	7.0 - 7.3
Legal Permanent Residents	4.7 - 4.9
Unauthorized Migrants	2.3 - 2.4

The Flow of Migrants Northward. *Mexican migration to the United States has increased notably since the decade of the 1960s, and it has continued to grow significantly in recent years.*

Direct measures based on Mexican data indicate that 2.6 million persons living in Mexico as of 1992 had migrated to the United States sometime in the past—1.0 million migrated just to work, 1.3 million migrated to work and settle, and 0.3 million migrated to take up residence but not to work. Between 1988 and 1992, 1.1 million Mexicans migrated to the United States, but by 1992 had returned to live in Mexico—250,000 had migrated just to work, 707,000 to work and settle, and 140,000 to settle only. At the same time, another 1.0 million Mexicans entered the United States and were still resident in the U.S. in 1992—their numbers represent a lower limit of the net flow of Mexican migrants during the period.[1]

Estimates from indirect measures using census data from Mexico indicate that the loss of Mexican population from international migration has been systematic since 1960 and that the estimated size of the flow during the past decade was substantial and lowered Mexico's rate of population growth (Corona & Tuirán 1996a).

Table II-2. Growth in Permanent Mexican Migration to the United States

	Migrants Who Have Established United States Residence
1960-1970	260,000 - 290,000
1970-1980	1,200,000 - 1,550,000
1980-1990	2,100,000 - 2,600,000

During 1990-1995, total net outmigration was 1.39 million people, with roughly equal shares comprised of males and females, and equivalent to an annual average of 277,000 for the five-year period. This estimate is substantially higher than that observed during the decade 1980-1990. The estimates based on U.S. data (from the 1990 U.S. Census and 1996 U.S. Current Population Survey) indicate a net growth in the size of the Mexican-born population from 1990 to 1996 of approximately 1.9 million persons, or about 315,000 persons per year, a figure somewhat above the figure based on Mexican data. (The U.S. figure is higher because U.S. data sources include both some sojourners and settlers.) Breaking down the 1.9 million net figure into components, we estimate that approximately 510,000 are legal immigrants, 630,000 are unauthorized immi-

grants, 210,000 are IRCA family members, and 550,000 are migrants who had legalized under the SAW program.

Subdividing these figures into net annual flows can be misleading because on a yearly basis some flows are so uneven. For example, many of the SAWs probably came in the early 1990s; future flows of this type should be negligible, because of the termination of the SAWs program nearly a decade ago.

In addition to these numbers, data from the EMIF indicate that the number of Mexican sojourner migrants involved in the circular flow (those who live in Mexico and travel periodically to the U.S. to work or look for work) appears to have declined in recent years: the south-north flow (i.e., from Mexico to the U.S.) decreased from 792,000 in 1993 to 543,000 in 1995, and the north-south flow (i.e., from the U.S. to Mexico) also decreased from 624,000 to 433,000 during the same years. This reduction can be explained by any of the following three hypotheses: (1) a growing number of sojourners have decided to establish residence in the U.S. or decided to prolong their stay there; (2) an increasing number of migrants decided to remain in Mexico instead of travelling periodically to the U.S.; (3) a combination of the two previously-mentioned possibilities, although with specific weights yet to be determined by research. The observed increase in the estimated size of the net flow of permanent residents in the U.S. during those years, associated with both unauthorized immigrants and legalized immigrants under the SAWs program, suggest that the reduction in the magnitude of the flow of circular migration is mainly explained by the first hypothesis suggested above.

Other Issues & Trends

Legal Permanent Immigration. *An upward trend in legal immigration to the United States and, in the case of Mexico, the additional impact of IRCA's amnesty programs, resulted in an increasing presence of legal residents.* The decade of the 1980s showed a massive increase in Mexican legal immigration, largely because of the amnesty program. During the 1990s, legal immigration from Mexico remained sizeable as the family members of legalized Mexicans obtained permanent resident status. Table II-3 presents INS data showing the number of Mexicans admitted with legal permanent resident status. In FY 1996 alone, about 160,000 Mexicans became legal immigrants, all but about 5,300 under family-based admission categories. Many of the legal immigrants are believed already to have been living in the United States at the time they gained legal status.

Table II-3. United States Legal Admissions: FY 1996

CATEGORY	ALL IMMIGRANTS	MEXICAN-BORN IMMIGRANTS	MEXICAN PERCENT OF ALL IMMIGRANTS	PERCENT OF MEXICAN IMMIGRANTS IN CATEGORY
FAMILY-BASED	593,692	154,400	26.0	96.7
Immediate relatives	299,941	55,400	18.5	34.7
Preference visas	293,751	99,000	33.7	62.0
EMPLOYMENT-BASED	117,300	3,501	3.0	2.2
OTHER	198,927	1,830	0.1	1.1
TOTAL	909,959	159,731	17.6	100.0

Source: Public use admission data, U.S. Immigration and Naturalization Service.

The exact level of net legal immigration has been difficult to pinpoint because alternative estimates for net legal immigration as of 1990 and 1996 vary as to return migration assumptions, incorporation of agricultural worker beneficiaries as United States residents, and nonspecific sources of net legal immigration. The extent of United States residence among agriculturally-legalized individuals (SAWs) has only recently been approximately estimated in research conducted for this project. The volume of transitions from unauthorized status into lawful permanent residence among family members of legalized immigrants and the timely accounting of nonimmigrants in the United States are not known with certainty. The future demographic consequences of the IRCA legalization programs could be considerable, involving as many as 3 million eventual immigrants, including at least 1 million Mexican relatives.

Legal Temporary Visitors. *Legal temporary visits between Mexico and the United States also are substantial. The border crossings between Mexico and the United States are among the busiest in the world.* In FY 1996, the Department of State issued 508,400 temporary "nonimmigrant" visas to Mexicans; 38,600 were for business or work in the United States. Additionally, an estimated 500 - 600 thousand Mexicans living in border areas have border crossing cards that permit them regular entry to the United States. In FY 1996, there were some 280 million land crossings from Mexico through the Southwest border of the U.S. (approximately 70 percent of all land crossings). At the San Ysidro port of entry alone, there were almost 40 million crossings in FY 1996, and in the first sixth months of FY 1997 there already have been almost 25 million. The top five land ports of entry into the U.S. are all on the Southern Border, including San Ysidro,

Bridge of the Americas, Caléxico, Juárez-Lincoln Bridge, and Laredo. (When the Detroit Tunnel and Bridge along the United States-Canadian border are combined, however, that will become the third largest port of entry.) Given the increase in crossings for the first half of FY 1997, this year's numbers could be the highest ever.

Unauthorized Entries. *The exact number of unauthorized entries of Mexicans into the United States is unknown. Traditionally, these entries have been measured by number of apprehensions; however, apprehensions refer to events, not individuals.* In FY 1995, more than 1.3 million apprehensions of Mexicans attempting to enter without inspection were recorded by U.S. immigration authorities. However, the same individual may be apprehended more than once, and many individuals who cross are never apprehended. Also, many apprehended individuals are local crossers, not migrants per se (Bean et al. 1994). During our site visits to Tijuana and San Diego, the research team learned that new enforcement techniques implemented in that area have caused an increase in the number of times an individual Mexican is apprehended before making a successful entry. Another new enforcement tool, the IDENT system, which stores the fingerprints of apprehended persons, may yield further data to provide an unduplicated count of the number of persons apprehended.

Trends in Naturalization. *In recent years, the naturalization of Mexican born immigrants has increased dramatically.* As noted above, recent estimates place the number of Mexican-born naturalized U.S. citizens resident in the United States at about one-half million (Passel & Clark 1997). Traditionally, only a small portion of eligible Mexican-born immigrants become United States citizens. The INS has been tracking the cohorts of legal immigrants admitted in 1977 and 1982 to determine if and when they became naturalized citizens. Overall, 46 percent of the 1977 cohort and 41.5 percent of the 1982 cohort had naturalized as of 1995. For Mexicans, the comparable proportions are 22.2 and 14.4 percent, respectively.

In the period 1961-1995, a total of 470,515 Mexican nationals naturalized, not including children deriving U.S. citizenship from their parents' naturalization. Annual naturalizations hovered between six and ten thousand during the 1960s and 1970s, but in the 1980s they more than tripled. Since then, naturalizations have continued and will continue to increase due to the confluence of several factors (from 39,310 in fiscal 1994, to 67,238 in 1995, and to 233,000 in 1996).

Interestingly, more women than men have naturalized, almost twenty-thousand more in the 1961-1995 period, and the female was greater than the male proportion in every year since 1966 except 1990-1993.

Endnote

[1] This is a lower limit because the figure does not include the emigration of complete families or of migrants who lived in Mexico alone, as there is no reporting of these people in household surveys such as the ENADID (Corona and Turián 1996c).

III. CHARACTERISTICS OF MEXICAN-BORN MIGRANTS

The demographic, educational, and income characteristics of Mexican-born migrants form a picture of their likely achievement and impact in both countries. These characteristics also mirror the forces driving migration. Unfortunately, no single data set from either side of the border provides information on all the major characteristics or on all of the varied Mexican-born subgroups. Thus, the characteristics of Mexican-born migrants have to be pieced together from a number of data sources in the United States and Mexico. These are examined here to describe how migrant groups have changed over time and how they differ from one another today.

We utilize well-known data sources and only those that reliably reflect the characteristics of the Mexican-born. All provide data on different migrant subpopulations. However, they either do not distinguish legal status or imperfectly capture the varied "types" of migrants (by time spent in the United States). For example, the U.S. Census has excellent information on characteristics, but does not capture legal status perfectly.[1] Thus, Census data do not permit contrasting the characteristics of, for example, legal permanent resident aliens and legal temporary aliens, to say nothing of unauthorized persons.

Analysis of the incomplete yet complex wealth of information available leads to three broad conclusions:

- Mexican-born migrants differ systematically along two fundamental dimensions: legal status in the United States (from unauthorized persons to naturalized citizens), and a basic migration pattern or "type" (from short-term visitors to occasional sojourners to settlers).

- Mexican-born migrants tend to have low skill levels, relative both to the U.S. population at large and to other migrant groups. These low skill levels reflect the demand for labor in sectors where Mexican-born migrants are employed and, in turn, are reflected in the low incomes and high poverty rates of Mexican-born settlers in the U.S. This situation is exacerbated by the unauthorized status of many of these migrants.

- The characteristics of migrants show increased diversity over time, consistent with the increasingly diverse demand, supply, and network factors that are shaping migration flows.

Characteristics of Migrant Types

Though data constraints are considerable, we can contrast, with representative and primarily national-level data, the following types of migrants to the United States:[2]

- *Sojourner migrant* (legal or unauthorized whose principal residence is in Mexico);
- *Settled resident* (legal or unauthorized who habitually reside in the U.S.); and
- *Naturalized U.S. citizens* (who have met five-year legal residence and other requirements).

Sojourners may be of any legal status and encompass those who come for short periods of stay for reasons varying from brief family visits and tourism, to work in unauthorized status or with legal visas—although most migrate to work. We draw on several sources to describe these mobile individuals. The primarily ones from Mexico are the 1992 national survey (ENADID), surveys at the northern border (EMIF), the Zapata Canyon project, a special survey in the state of Michoacán, and the Mexican Migration Project.

Table III-1. Demographics & Education for the United States & Mexican Populations & Mexican-Born Migrants

CHARACTERISTICS	MEXICO RESIDENT POPULATION (1992)[1]	MEXICAN-BORN SOJOURNER (1992-1994)[2]	U.S. RESIDENT POPULATION (1990)[3]		
			MEXICAN-BORN		TOTAL RESIDENTS
			SETTLERS	NATURALIZED	
DEMOGRAPHICS					
Age (average)	25 YRS	28 - 32 YRS	30 YRS	42 YRS	33 YRS
Male Proportion	49%	73 - 94%	55%	54%	49%
Married[4]					
Men	83%	56 - 85%	59%	76%	56%
Women	72%	43 - 66%	61%	80%	57%
SCHOOLING[4]					
Years (average)	5 YRS	6 YRS	8 YRS	—[5]	—
Fewer than 5	46	39%	28%	24%	3%
Fewer than 12	90%	91 - 99%	76%	67%	28%
12 or more	10%	1 - 9%	24%	33%	72%
ENGLISH					
Not speaking well or very well	—	93%	71%	57%	6%

[1]Source: Encuesta Nacional de Indicadores Demográficos [ENADID].
[2]Multiple sources. See Bustamante et al. 1997.
[3]Source: 1990 United States Census.
[4]Population 25 years and older.
[5]— means data not available.

Settlers establish a usual or permanent residence in the United States, although many return regularly to Mexico and as many as one-half reestablish residence in Mexico after a ten-year stay or longer in the U.S. Eventually, many legal settlers become naturalized citizens, a process that takes time and commitment; they tend to be older and more assimilated. To describe these populations we draw primarily upon the 1990 U.S. Census, the 1996 Current Population Survey [CPS], public and special analyses of INS administrative data, and several other sources.[3]

Selected characteristics are presented in Tables III-1 and III-2 as ranges, when drawn from more than one data source, and are compared with the total or average U.S. population (native *and* foreign-born). The text below summarizes and explains the tabular results and presents additional information.

Mexico to United States migrants have tended to be selected from the middle-to-lower segments of Mexico's socioeconomic hierarchy, a selection process that originated at the start of this century with the recruitment of low-skilled workers by U.S. employers for seasonal jobs, mostly in agriculture (Bustamante et al. 1992). This flow was facilitated by the long and historically porous border that put U.S. labor markets within reach of individuals with limited financial re-

Table III-2. Labor Force & Income/ Earnings for the United States & Mexican Populations & Mexican-Born Immigrants

CHARACTERISTICS	MEXICO RESIDENT POPULATION (1992)[1]	MEXICAN-BORN SOJOURNER (1992-1994)[2]	U.S. RESIDENT POPULATION (1990)[3]		
			MEXICAN-BORN		TOTAL RESIDENTS
			SETTLER	NATURALIZED	
LABOR FORCE[4]					
Total Participation	43%	83%	70%	69%	65%
Male	68%	91%	85%	82%	75%
Female	20%	58%	50%	53%	59%
Unemployment Rate[4]	3%	6 -11%	11%	9%	6%
Employment Sector[4]					
Agriculture	23%	47 - 53%	13%	10%	3%
Construction/Manufacturing	29%	25 - 26%	37%	36%	25%
Services	48%	23 - 26%	51%	54%	72%
INCOME & POVERTY					
Individual Earnings U.S. $ (year)	—	$185 - 240 (week)	$14,138[7]	$16,553[7]	$24,408[7]
Household Income, Mean U.S. $ (year)	$8,880[6]	—	$27,120	$28,210	$38,940
Poverty	36%	—	27%	25%	13%

[1]Source: 1990 Mexican Census, note that these figures reflect the greater enumeration of formal sector activity.
[2]Multiple sources. See: Bustamante et al. 1997.
[3]Source: 1990 United States Census.
[4]United States population 16 years and older and Mexican population 12 years and older.
[5]—means data not available.
[6]Source: Escobar Latapí 1996.
[7]Source: Special tabulations by Jeffrey S. Passel, Urban Institute, persons ages 25 and over.

sources, by an expanding demand for low-skilled migrant workers in and out of agriculture, particularly in the southwestern United States (Alba 1992), and by extensive migration networks connecting families with low-skill U.S. jobs.

Sojourner migrants tend to be young males with little schooling who work in agriculture. Today, more than one-half of the highly mobile sojourners, particularly the seasonal workers captured in the data sources shown in Table III-2, still find employment in agriculture. Their short-term employment, however, is associated with very low earnings of as little as $185 per week, and more than one-half of their families have incomes below the poverty line.

Settled or permanent residents tend to look more like the U.S. population as a whole, even though differences between Mexican-born migrants and the total U.S. population remain substantial. Many, if not most, settlers begin their stay in the United States as circular or sojourner migrants, often as legal entrants (but also in unauthorized status) to work or live with their families. As their time in the U.S. lengthens, they gain in experience. Over time they and their families and households develop greater resources and their ability and willingness to adapt to the economy increases.

The settler population is more equally balanced between the sexes and appears to be better educated than sojourners (Donato 1993). Although, as Table III-1 shows, they generally complete only six years of education and three-fourths of those 25 years and older have not completed high school, 31 percent of those aged 18-24 are high school graduates. Moreover, 6.5 percent of all Mexican-born persons 18 and older were enrolled in college at the time of the 1990 Census. Within the settler population, legal immigrants are better educated. Among 1996 legal immigrants aged 25 and over, 35 percent are high school graduates and 15 percent are college graduates (Jasso et al. 1997). Fewer settlers than sojourners work in agriculture and, with longer-term residence and more resources, their households bring in more income. Nevertheless, as Table III-2 shows, settler household income ranges from two-thirds to about three-quarters that of the average U.S. household and twice as many live below the poverty line.

The legalization programs of IRCA formalized and speeded the transition from sojourner, to settler, to legal resident, and, finally, to naturalized citizen. There is limited information on the Mexican SAW workers who, upon legal admission, typified the seasonal agricultural or sojourner type migrant. Primarily males, most were employed in agriculture while many were likely employed in casual

urban-based jobs as well. SAWs have little education and income, but with time they are moving out of agriculture to potentially more stable households and more secure jobs—they comprised 33 percent of seasonal U.S. farm workers in 1989, but only 19 percent by 1995.

The pre-1982 legalization population typifies a settler population with a relatively balanced proportion of males and with only 7 percent employed in agriculture. Yet even in 1992, five years after legalization, they remained a population with little education; only 45 percent have completed primary education. Research finds that legalization has afforded some modest improvements, partly due to increased use of English and job training: the rate of earnings growth of legalized men 1989-1992 was greater than other U.S. workers. Two-thirds reported that legalization afforded them "easier" advancement at work. Earnings increased from U.S. $7.14 to U.S. $9.43 per hour in 1992 (constant dollars). Median family earnings were U.S. $19,112 (U.S. DOL 1996).

The number of Mexican-born becoming naturalized U.S. citizens is rapidly increasing as shown in Chapter II. Historically, the Mexican-born, along with Canadians, had among the lowest rates of naturalization of any foreign-born group. Proximity to their country of origin is a key factor. Mexican-born migrants who live in the Southwestern United States are even less likely to naturalize than their counterparts who settle in the Midwest or in New York or New Jersey, although there has been a recent surge in naturalizations among the Mexican-born. One of the more important of the many other reasons for recent trends[4] is the legacy of IRCA, those granted legal permanent resident status first became eligible to naturalize starting in 1994. Forty-three percent of legalized Mexican-born adults reported an intention to naturalize as of 1992. The surge in naturalizations, however, is not limited to the IRCA cohorts.

Longitudinal INS data on naturalization for Mexican-born persons admitted to permanent residence in 1977 and 1982 indicate that those who naturalize are drawn from among the more highly-skilled. They also experience occupational upgrading during the years between admission and naturalization. Moreover, for women, those who report work upon admission are more likely to naturalize, and labor force participation also increases between admission and naturalization. According to the 1990 Census, more than 42 percent of naturalized citizens speak English "very well" compared with 25 percent of those who do not report being naturalized. Similarly, the naturalized citizens are better schooled: 33 percent of those 25 years and older are high school graduates, compared with 24 percent of those not naturalized.

Changes in Characteristics over Time

There are some indications that the characteristics of migrants—in terms of origins and destinations, gender, age, education, and employment—are becoming more diverse over time. Migration, thus, is a dynamic process: the forces selecting people into and out of migration change over time. Migrant characteristics partly reflect the characteristics of the population-at-large from which migrants are drawn and partly are determined by selective migration forces. For example, if migrants are drawn randomly from a population that becomes increasingly educated over time, the average education of migrants will increase. The spread of migration networks may make migration "less selective" of individual characteristics over time. Increased diversity may also partly reflect changes in the kinds of worker in demand by U.S. employers. Studies document cases in which differences in characteristics between migrants and nonmigrants from specific locales in Mexico, at one time pronounced, have faded or disappeared. They also show increasing diversity of migrant origins, destinations, and demographic characteristics.

Places of Origin in Mexico. *The traditional sending states continue to dominate, but Mexican-born migrants increasingly have come from other states in Mexico.* In 1926, more than one-half of all monetary remittances from the United States were directed to the three core states of the west-central region Guanajuato, Michoacán, and Jalisco. The role of these three has diminished somewhat and today they are joined by Durango, Zacatecas, the state of México, México City, Chihuahua, Tamaulipas, and Guerrero: these ten entities represent 49 percent of Mexico's total population, but more than 70 percent of the migrant total.[5]

A broader picture of migrant sources can be constructed by dividing Mexico into six regions based on the geographic distribution of migrant birthplaces and using 1992 data:

(1) West-central core states—38 percent of all migrants: Guanajuato, Michoacán, Jalisco, and Colima;

(2) Northern-border states—21 percent of all migrants: Baja California, Sonora, Chihuahua, Coahuila, Nuevo León, and Tamaulipas (including Baja California Sur);

(3) States between regions One and Two listed above—22 percent of all migrants: Sinaloa, Durango, Nayarit, Zacatecas, San Luis Potosí, and Aguascalientes;

(4) Interior states—9 percent of all migrants: in and surrounding the Valley of México, the Federal District, the state of México, Querétaro, Hidalgo, and Tlaxcala;

(5) Four southern states—8 percent of all migrants: Oaxaca, Guerrero, Puebla, and Morelos;

(6) Six southwestern states—2 percent of all migrants: Veracruz, Tabasco, Chiapas, Campeche, Yucatán, and Quintana Roo.

In recent years, the share of migrants from rural areas appears to have fallen and a progressively larger share comes from urban areas. Traditionally migrants predominantly originated from rural areas (places with population less than 20,000). As of 1992, 59 percent of the Mexican-born who had lived in the U.S. reported coming from rural areas.[6] Nevertheless, 25 to 31 percent of migrants born in rural areas had changed their homes to urban areas.

Places of Destination in the United States. For historical, geographic, and labor-market reasons, Texas was the leading destination for Mexican-born migrants prior to the 1920s, joined much later by California and Illinois. While the southwest remained the core sending area, during the Bracero program Mexican-born migrants fanned out across a broader geographic area from Texas and California to Arizona, Indiana, Delaware, Michigan, Arkansas, Montana, and Washington. The connections to California and Texas are widespread across Mexico, but vary depending on sending traditions and networks: case studies in Michoacán indicate that communities "channel" their migrant streams to particular U.S. destinations.

Mexican-born migrants in the United States remain concentrated in a few states and localities, but increasingly they are found in new destinations. Border surveys find that the traditional predominance of Texas, California (70 percent of experienced migrants), and Illinois has continued for sojourner and settler alike. The 1990 U.S. Census indicates that the Mexican-born are highly concentrated in California, Texas, and Illinois: about 85 percent of all Mexican-born immigrants resided in these three states compared to 45 percent of all immigrants to the U.S. California is the single major destination with 50 percent of all Mexican migrants.

Los Angeles is the single most important urban destination of all Mexican-born migrants. It is followed by San Antonio, the south Texas Rio Grande Valley, Houston, Dallas-Fort Worth, El Paso, Fresno, and Phoenix.

At the same time, Mexican-born migrants have become attracted to new geographic destinations. Midwestern and eastern states with few foreign-born workers have become destinations for thousands of Mexican-born persons employed in agriculture, food processing, construction, and manufacturing operations. Mexican data show sojourners are increasingly headed to Florida, Arizona, New Mexico, and North Carolina. Although the majority of legal immigrants continue to list California, Texas, and Illinois as their selected places of residence, increasingly they go now to destinations such as Florida and Georgia.

Demographic Profile of Migrants. Mexico to U.S. migration flows traditionally were dominated by young, solo males. For example, a classic study published in 1975 analyzing apprehended migrants found that more than 90 percent were 40 years of age or younger, 92 percent were males, and 62 percent were single. The Zapata Canyon border survey, dominated by unauthorized circular migrants and sojourners, finds high concentrations of males: 97 percent in 1996.

The importance of males persists at least among sojourner migrants, although there is a trend toward more female migrants, and women dominate among new legal immigrants. The 1992 ENADID survey found that 21 percent of the Mexicans had lived or worked in the United States were women.[7] The share of males in Michoacán surveys—a traditional sending area—was 63 percent in 1983 and 56 percent 1993, indicating that more women are joining the migration stream. In contrast, the U.S. Census and other standard surveys, undoubtedly better at capturing settlers, show Mexican-born migration to be much more gender-balanced [see Table III-1]. INS admissions data on legal Mexican immigrants to the United States show that women outnumbered men for eight consecutive years between 1964 and 1971, and they outnumbered men again in 1993 and 1994.

Mexican migrants appear to be a young group, younger than migrants to the U.S. from other countries and than the U.S. population at large [see Table III-1]. This relative youthfulness may partly reflect the presence of young pioneer migrants in early migration streams and children accompanying legal immigrants.[8] The INS legal admissions data also show Mexican immigrants to be a young group with a lower mean and median age than other immigrants in the U.S.

Mexican community surveys and INS data indicate, however, that migrant ages may be increasing. The average age of Michoacán migrants rose from a mean of 29 in 1983 to 32 years in 1993.[9] Border crossing surveys for 1988 to 1996 reveal sharply rising shares of unauthorized migrants between the ages of 25-29 and decreasing shares of younger migrants. The age of women in U.S. legal admissions increased from 21 to 26 years from 1971 to 1994. Among these legal immigrants, increases in age may reflect longer waits for visa issuance and/or fewer children.

One last demographic characteristic: most migrants are married [see Table III-1]. Among sojourners, men are more likely to be married, while among settlers, women are more likely to be married. Additionally, a substantial proportion of persons who become legal U.S. immigrants do so as the spouses of U.S. citizens. Although the Mexican-born spouse flow has declined, from more than 30,000 per year in 1986-1988 to less than one-half of that in 1995, Mexico remains the leading source country for spouses of U.S. citizens. While most spouse immigrants from other countries are women, a majority of those from Mexico are men.[10]

Educational Profile. *Mexican migrants have less schooling relative to the U.S. population and other immigrant groups. Nevertheless, it appears that the average schooling of northbound migrants is increasing over time.* Sojourners average around six years of schooling. In the early 1980s, relatively well-educated villagers were likely to migrate, but their destinations were urban areas of Mexico. Over the decade, several Mexican data sources indicate increases in the schooling of U.S. migrants.[11]

Among migrants in the Michoacán surveys, average schooling increased from 4.1 to 5.8 years between 1983 and 1993. At the same time, average schooling among nonmigrants who remained in Mexico decreased from 4.5 to 4.3 years. These changes reflect shifts in migrant selectivity. During Mexico's crisis years in the mid-1980s, better-educated migrants appear to have shifted destinations to the United States.

The 1990 U.S. Census data present a similar picture of increasing educational levels: recent arrival cohorts have been better schooled. At the upper end of the educational spectrum, 4 percent of the 1980-1990 and 6 percent of the 1987-1990 migrants were college graduates. As already noted, 1996 legal immigrant complete college at a rate approaching the native-born and a higher rate of post-graduate school (9 percent compared to 7 percent) (Jasso et al. 1997) Mean-

while, the absolute number of Mexican-born doctorate holders in the U.S. 1990 Census was 3,869 (of which 27 percent were women).[12]

Labor Force Characteristics. *Work is the single most important attraction in the U.S.; however that does not mean Mexican migrants lack jobs in Mexico or combine jobs in the U.S. with usual residence there.* Most migrants had some kind of work in Mexico prior to migrating, although the share who were unemployed before migrating may be rising. Border crossing data (which include large numbers of unauthorized migrants) find that while most had work prior to leaving, the majority migrated with the intention of working in the U.S. Data also show that among females, about one-third worked outside the home in Mexico prior to migrating.

Mexican data sources reveal that those who have lived in the United States have worked there. Of course, work experience may include periodic unemployment and U.S. data show Mexican migrants have nearly double U.S. unemployment rates. As of 1992, men are more likely than women to report a habitual residence in the U.S. *and* work experience (92 percent versus 54 percent). Still, the 1992 survey found more than one million Mexican-born migrants who declared having worked in the U.S. *without* having "lived" in or established a usual residence.

Mexican-born migrants in the United States have, over time, become less likely to be agricultural workers and are found in an increasing diversity of jobs. From the turn of the century and through the end of the Bracero program, Mexican-born migrants were employed primarily in agriculture. Today [see Table III-2], most settlers and Mexican-born citizens work outside of agriculture. Concurrently, even northward bound sojourners increasingly are found outside of agriculture. Mexican data sources show evidence of an upward trend in U.S. urban-sector employment—particularly in services and construction—for unauthorized migrants [see Appendix B]. Still, Table III-2 shows that Mexican-born workers retain an industrial profile that differs from the U.S. average.

Income Characteristics. Mexican-born households are much more likely than all U.S. households to be found at the bottom of the income distribution. The 1990 Census shows that the share of households in the lowest income groups was greater for the recently arrived 1980-1990 cohort and lower for the pre-1980 cohort. The share in the highest income groups was higher for the earlier cohort. This suggests the possible operation of two mechanisms: expe-

rience in the U.S. leads to higher earnings and/or the less successful migrants in the earlier cohorts returned to Mexico, leaving the higher earners.

A 1996 U.S. survey finds that, while the average U.S. household saw income gains between 1990 and 1996, Mexican-born households lost income. On average, all U.S. households brought in $38,453 in 1990 and $44,938 by 1996. In contrast, the average U.S. Mexican-born household brought in $27,122 in 1990, but only $26,481 in 1996. Comparison of median household income shows the same relative loss in the incomes of Mexican-born households (all figures in current dollars). The 1996 data reveal a concentration of new (1990-1996) migrant households at the bottom of the income spectrum: 11 percent of recently arrived migrant households have incomes less than $5,000, double the proportion of earlier arrivals. This may reflect differences in the legal status mix, for example, a larger proportion of undocumented among the recent arrivals. It also may reflect the lower earnings at entry among some of the IRCA-legalized aliens. Recent legal immigrants in 1996, for example, have higher earnings. A recent survey indicates earnings of $19,130 for adult male and $13,620 for adult women immigrants (Jasso et al. 1997).

Endnotes

[1] Information on the characteristics of citizens is biased because of substantial misreporting of naturalization by noncitizen settlers (special tabulations by Jeffrey Passel, Urban Institute). However, the systematic differences between settlers and citizens appear to be reasonable approximations.

[2] To obtain a picture of the sojourner, we piece together data from numerous sources: the National Survey of Demographic Indicators [Encuesta Nacional de Indicadores Demográficos, or ENADID], the Survey of Migration at the Northern Border [Encuesta sobre Migración en la Frontera Norte, or EMIF], the Mexican Migrant Survey undertaken jointly by COLEF and a team of researchers from the University of Southern California [USC], the Mexican Migration Project, the Michoacán Project, INS Data on Nonimmigrants (Temporary Visitors), the UC-EDD Survey of California Farmworkers carried out by the University of California, Davis [UC], the State of California Employment Development Department [EDD], and the National Agricultural Workers Survey [NAWS] conducted by the U.S. Labor Department.

[3] For pictures of the settlers and U.S. citizens, we rely on two main U.S.-side data sources: (1) the decennial censuses, including microdata as well as historical time series published in Historical Statistics of the United States; (2) official government information, including microdata compiled by the U.S. Immigration and Naturalization Service [INS], tabulations published by the INS in its Annual Report (published 1943 to 1977) and the successor Statistical Yearbook (published since 1978), tabulations published by the U.S. Department of State in its annual Report of the Visa Office, and a special microdata sample assembled from INS data by the General Accounting Office [GAO]. Of these, only INS data provide information on legal status; and measurement of naturalization in the censuses is problematic.

[4] These factors include: visa backlogs for spouses and minor children of permanent resident aliens, largely due to IRCA legalizations; the Green Card Replacement Program, initiated in 1992, which requires that permanent resident alien cards issued before 1978 be replaced and which leads some to naturalize rather than obtain a new green card; initiation of an expiration date, ten years after issuance, on green cards issued since 1988, which may similarly lead some to choose naturalization over green-card renewal; recent U.S. legislation which dramatically reduces the civil rights and social entitlements of nonnaturalized immigrants; and recent amendment of the Mexican Constitution that provides that Mexican nationals who become naturalized citizens of another country do not automatically forfeit Mexican nationality.

[5] The share of migrants in a state's total population varies. It is highest in Zacatecas, where 9.7 percent of the population had lived or worked in the United States. It is 8.3 percent in Durango, 8.2 percent in Michoacán and 6.5 percent in Jalisco. In contrast, the share is only 0.9 percent in México City, and 1 percent in the state of México.

[6] As of 1992, there were marked differences in rural versus urban origins across regions. While the Valley of México and border regions have small shares of rural migrants, 32 percent and 34 percent respectively, in other regions the rural share is more than 60 percent.

[7] The share for those who had lived in the U.S. over the previous five years was 24 percent, suggesting that the female share is increasing slightly.

[8] For example, in the nineteen communities studied by Massey and Durand, the average age of migrants in the United States at their most recent trip was 29 years. The average age of unauthorized migrants in the Michoacán surveys, who comprised just over 58 percent of all 1993 migrants, was younger at 28.5 years than legal migrants at 37 years of age.

[9] The 1983 migrants were somewhat younger than nonmigrants, whose average age was 32, but the 1993 migrants were considerably older than nonmigrants, whose average age was 20.

[10] INS public-use data do not include sponsor's nativity, but a special study carried out by the General Accounting Office [GAO] on data from 1985 indicates that almost 78 percent of the U.S. sponsors of Mexican-born spouses were U.S. citizens by birth (worldwide, the rate was 80 percent). In an intergenerational twist on the international character of these couples, among the birth-citizen sponsors in the GAO sample, 4-5 percent were themselves born abroad to U.S. citizen parent(s).

[11] The Mexican Migrant Project show increased schooling and increased schooling is one of the more salient findings of the Zapata Canyon border survey. Mexican data for 1978-1979 found migrants had 4.9 years of schooling on average, slightly greater than the 4.7 years for the Mexican population over 14 years old.

[12] Note that Census data do not reveal whether these are persons undergoing further training or engaged in postdoctoral work with nonimmigrant visas as opposed to permanent residents of the United States.

IV. CAUSES OF THE MIGRATION NORTHWARD

For most of the twentieth century, the major linkage between the two most populous countries in North America has been the migration of people from Mexico to the United States. "Go north for opportunity," is an idea deeply embedded in Mexican youth, especially in the rural areas of west central Mexico.

Many factors cause and sustain this movement of Mexicans across the border to work temporarily or to settle in the United States (Massey et al. 1993). We group the factors that sustain Mexico-United States migration into three broad categories: (1) demand-pull factors in the United States; (2) supply-push factors in Mexico; and (3) the networks of human contacts that bridge the border.

Our analysis leads to a simple conclusion: the migration of persons from Mexico to the United States is a dynamic process. What began largely as the U.S.-approved or U.S.-tolerated recruitment of Mexican workers for seasonal U.S. farm jobs has become a far more complex migration flow that is sustained by supply and network factors. Our key findings are that:

- The catalyst for much of today's unauthorized Mexican migration for United States employment lies in the United States, but over time new factors have created a larger and more complex set of reasons that sustain the flow;

- The same tendencies that currently seem to be increasing and diversifying Mexico-United States migration flows may be dampened or reversed starting in the next fifteen years. These demographic and economic trends, if sustained, could reduce pressure for Mexico-United States migration.

Starting & Sustaining Factors

Mexico-to-United States migration is primarily economically motivated and the initial motivations for the migrant flow lie largely inside the United States—Mexican workers were recruited by U.S. farmers earlier in the twentieth century, creating linkages between jobs in U.S. agriculture and workers in particular Mexican communities. We find that there is still a demand-pull for Mexican workers in the low-unemployment U.S. labor market in the sense that most recently-arrived legal and unauthorized Mexican migrants can find jobs in high turnover farm, manufacturing, and service jobs. Low-skill Mexican workers are employed both in areas where Mexican-born workers traditionally have played important roles, as in southwestern agriculture, and now in industries in the Midwest, the southeast, and east coast, including construction, meatpacking,

and services. In some cases, including poultry and meat packing, private labor brokers and recruiters continue to play an active role in moving Mexican workers to jobs in the Midwest and southeast.

However, the factors that initiated Mexico-United States migration are not necessarily the only ones that sustain the flow. Today cross-border networks of relatives, friends, and labor brokers and recruiters link an expanding list of U.S. industries, occupations, and areas to a lengthening list of Mexican communities that send migrants to the U.S. In Mexico, residents of some communities have better information about the availability of certain types of U.S. jobs than do nearby U.S. residents.

Supply-push factors in Mexico play as fundamental a role as the availability of U.S. jobs in sustaining Mexico-United States migration. Supply-push factors seem to have become more important since the mid-1980s as a result of rapid population growth in the 1970s, recurring Mexican economic crises, peso devaluations, and Mexican policies aimed at economic modernization, such as the privatization of government-owned industries that resulted in layoffs and the restructuring of rural Mexico that made small-scale farming less profitable (Roberts & Escobar Latapí 1997).

This means that Mexicans migrate to the U.S. (1) within well-established networks, as well as (2) through new networks that are developing to move migrants to the U.S. from regions without a tradition of Mexico-United States migration, such as Mexico's urban areas and the southern states identified in Chapter III. Friends and relatives established in the U.S. often provide financing, advice, shelter, and jobs to newly-arrived unauthorized migrants. Settled family members in the U.S. use family unification policies to have spouses and children join them and eventually to secure legal migrant status.

In some areas of west central Mexico, the data suggest that migration to the U.S. has become a way of life. Based on migration histories collected in thirty-nine communities that have long histories of sending migrants to the U.S., we estimate that by the time they are 40, most of the men in some of these communities have made at least one trip to the U.S. Based on a statistical model that predicts migration to the U.S. on the basis of age and community characteristics, it appears that in some communities the probability that a young man will make a first trip to the U.S. increased after 1992.

Evolving United States Labor Markets & Legislation

The United States labor markets where Mexican migrants work are changing and may change even more as a result of technological advances, trade trends, and labor force and legislative changes. On the demand side of U.S. labor markets, employers are adjusting to higher minimum wages and more global competition. On the supply side, the U.S. retains a sizable low-skilled labor force. Recent welfare reforms may add to the supply of low-skilled U.S. workers seeking employment, most notably in sectors where Mexican-born workers are concentrated (nine of ten Mexican-born workers in the U.S. hold nonfarm jobs, often in low-skill industries). High immigration since the 1980s, legalization in 1987-1988, and changing hiring practices have made Mexican-born workers significant components of the U.S. food processing, construction, service, and manufacturing labor forces.

Employment Trends. *It is not clear whether the U.S. labor market will continue to evolve in ways that absorb large numbers of Mexican migrant workers.* On the one hand, the U.S. unemployment rate dropped to its lowest levels in twenty-five years in 1997, and there are reports of labor shortages, especially in low-wage labor markets in areas with unemployment rates of less than 2 percent, such as the Midwest. Job growth has been very rapid: between January 1994 and June 1997, the U.S. economy added about 8 million jobs. With Mexican-born workers spreading throughout the U.S. in a period of rapid job growth and low unemployment, networks that bridge the border may be strengthened, increasing the demand for migrant workers and making Mexican migrant workers a permanent feature of more U.S. industries and areas.

On the other hand, the U.S. is committed to implementing more border and interior controls, to moving 2 to 3 million adult welfare recipients into jobs, and to creating jobs for the rapidly growing domestic labor force. The U.S. labor force, which usually expands by about 1 percent per year, has been expanding about twice as fast due to international migration, welfare recipients moving off the rolls, more older men working, and an increase in the percentage of working-age women seeking jobs. In January 1997, a record 67.2 percent of the U.S. population 16 and older was in the labor force, employed, or looking for work, for a total of 136 million persons.

It is hard to project the evolution of labor markets that migrants traditionally enter. In many areas of the U.S., migrant workers, a fear of labor shortages, and high welfare caseloads go together. For example, in the San Joaquin Valley of

California, about 85 percent of the 400,000 individuals who work as farm workers sometime during a typical year are foreign-born, including 100,000 or more unauthorized migrants. Farmers fearful of labor shortages are calling for modifications of the H-2A program that would make it easier to obtain temporary foreign farm workers (reducing wage and housing protections for both the H-2A and other workers). At the same time, local conditions suggest that workers are available: 25 percent of the 761,000 residents of Fresno county are receiving some form of welfare assistance, and many may soon be seeking employment in a competitive labor market with an unemployment rate of over 14 percent as of April 1997.

Border Enforcement Strategies. *The United States border enforcement strategies begun in 1994 are affecting migration patterns, but not preventing unauthorized entry*. The major programs begun since 1994, 1995, and 1996 are "Hold-the-Line" in El Paso, "Gatekeeper" in San Diego, and "Safeguard" in Arizona, respectively. Our research along the border found that migrant smuggling has achieved enough regularity and volume to become an established business with three segments: local agents; local and border smugglers; and border-only smuggling businesses—each with a menu of prices and services. As border control operations were stepped up in 1994, more migrants turned to smugglers or "coyotes," whose services became increasingly diversified. Thus, unauthorized migrants have several available packages of services and several options to pay for the cost of illegally entering the U.S., including working in a coyote-provided or coyote-arranged job in the U.S.

Our survey in Jalisco in January 1996 found that most Mexicans attempting unauthorized entry into the U.S. hire smugglers to help them cross the border. Migrants with the fewest network links to bridge the border are most likely to rely on the smugglers who operate as border-only businesses; one-half of the migrants who have no networks in the U.S. turn to these border-only coyotes. The increased use of coyotes generally, and particularly at the border, helps to explain why most migrants attempting unauthorized entry succeed despite significantly more U.S. Border Patrol agents and technology on the border. It remains to be seen whether or not triple fences, augmented border strategies, and more effective internal employer sanctions enforcement will have deterrent effects over the long run.

Outlook. These trends suggest several scenarios. One is that migrant labor markets will segment with different employers /industries pursuing different

strategies. Some U.S. employers, reacting to low unemployment and welfare reforms that limit assistance for migrants, may offer English and other services to help their migrant employees become naturalized U.S. citizens. Other U.S. employers, such as farm labor contractors, may go further into the underground economy to avoid labor law and immigration enforcement, hiring recently arrived migrants despite high unemployment rates that prevail in their regions. Further segmentation of migrant labor markets could mean that networks may become more important, with the ability to get into the upper segment of the unskilled migrant labor market being the key to economic mobility in the U.S.

Migration & the Future

We find that there is reason to believe that currently high levels of Mexico- United States migration may represent a "hump" or peak in the volume of Mexico- United States migration. Within the next fifteen years, we think that demographic and economic factors within Mexico are likely to reduce emigration pressures.

Structural Changes and People Seeking Work. *A major long-term supply-push factor explaining the mid-1990s migration hump and the eventual decline in emigration pressure is demography—the number of new job seekers entering the labor force in Mexico has been very high, but will decline.* Between 1993 and 1997, Mexican National Employment Surveys indicate that employment increased from 32.4 million to 36.7 million, by about 3 percent per year, adding about 1.1 million paid and unpaid jobs per year.[1]

A declining birthrate since 1970, when Mexican women averaged nearly seven children each reduces the need to create additional jobs,but Mexican women today average less than three children each, a downward trend that appears to be continuing. Net growth of the labor force ages 15 to 44 is projected to drop to 500,000 to 550,000 per year by 2010.

Our longer-term perspective emphasizes that these demographic trends, in combination with other patterns in Mexico and the United States, may reudce Mexico-to-United States migration.[2] Within Mexico, the effect of demographic factors on reducing emigration pressure could be magnified if, for example, more young persons follow the trend of staying longer in Mexican schools. Migration networks are most established in rural areas with long traditions of sending young men to the U.S., including the areas of Mexico currently undergoing structural change. But Mexico's rural restructuring can displace workers from agriculture only once. After the Mexican farm labor force has been reduced from 25 per-

cent of all workers in the mid-1990s to 12 to 15 percent by 2015, supply-push emigration pressures from the areas that have some of the best network connections to the U.S. should diminish.

As the number of persons employed in Mexican agriculture shrinks, and some ex-farmers are absorbed into Mexico's service economy, there should be fewer Mexicans with strong network connections ready to migrate to the US. The destabilizing impacts of Mexican institutional and market reforms should run their course. If current and projected moderate economic growth is sustained—both in the rural sector and in the new export-oriented activities in Mexican urban areas—then jobs and upward pressure on wages should encourage many potential migrants to remain in Mexico.

Projections of Job Growth. *Mexico adopted an ambitious restructuring and privatization program in the 1990s that promises to increase economic efficiency and job growth in the medium- to long-term* (although it will displace workers in the short-term). If Mexico maintains market-driven economic policies, the International Monetary Fund projects 5 percent annual economic growth and 2.5 percent employment growth for 1997 and thereafter—given this two to one ratio between real GDP growth and employment growth, there would be 750,000 new jobs created each year, based on 30 million employers, self-employed workers, and wage and salary employees. Even if economic growth is less than the IMF forecast, the Mexican economy may be able to generate enough jobs for the smaller entry labor force cohorts projected for the years after 2000.[3] If Mexico is able to generate this additional employment, emigration pressures should diminish. Substantially lower growth rates, however, would slow down this process.

Another promising sign is the recent growth of jobs in the formal economy. The number of permanent workers enrolled in the Mexican Institute for Social Security [IMSS] rose by a record 661,024 in 1996 to 9,163,459, an expansion characterized by the OECD as "strong job creation in the 'formal' economy" (OECD 1997:98). However, interest rates remain high, and the recovery is unequal, accentuating inequality (Escobar Latapí 1996).[4] Mexicans linked to the world economy via exports of manufactured goods are doing much better than those operating only in the domestic economy, such as personal services, traditional manufacturing, construction, and small-scale agriculture. The latter still represents the largest sector for employment.

Differences in the speed of recovery among economic sectors is accompanied by differences among Mexican regions. For supply-side pressures to lessen, economic and employment growth should reach those sectors and regions with strong migration networks.

These medium- to long-term economic and demographic considerations suggest that supply-push emigration pressure should decline from current levels. We emphasize this point because it is easy to focus on recent events that point to increases in emigration pressure, including the peso devaluation and economic crisis of 1995, and the uneven recovery from recession. And, of course, economic factors are less certain: Mexico has experienced uneven economic growth over the past several decades and could experience recessions and crises again.

Sustained economic growth and the current growth-jobs ratio, plus a projected decline in the number of new job seekers, means that early in the twenty-first century Mexico could be creating enough net new jobs to absorb new labor force entrants. Mexico could then begin to catch up on job creation for currently unemployed and underemployed workers, those displaced from agriculture and other industries, and nonworking women who rejoin the labor force.

Thinking about Mexico-United States Migration

We find it useful to think of migration processes between Mexico and the U.S. as being analogous to a river that creates a delta on its way to the ocean. When the Bracero program was in operation, the flow of Mexicans north was largely confined to the channel created by legal recruitment. Blocking that channel by abolishing the Bracero program in 1964 enabled the U.S. to stop the migration flow temporarily. The migration soon resumed, however, with a myriad of small streams becoming the channel for Mexicans migrating north. Visualizing Mexico- United States migration as having evolved from a narrow channel to rivulets meandering through a delta provides insights into a complex and dynamic migration process.

Both the U.S. and Mexico took steps over the past decade that reinforced the network and supply-push factors that encourage Mexicans to go north for opportunity. As we saw in Chapter II, the U.S. legalized more than 2 million Mexicans in 1987-1988, including almost 1 million farm workers. The long-term (pre-1982 arrival) legalized population is poised to sponsor a large number of legal admissions. The legalized agricultural SAW workers were the equivalent of one-sixth of the adult men with paid jobs in rural Mexico; they also gained the right to settle in

the U.S. and petition to bring their families to the U.S. legally. Ironically, one U.S. government commission concluded that the SAW farm worker legalization program promoted unauthorized Mexico-United States migration by giving the impression that doing unauthorized farm work in the U.S. was a way to become a legal immigrant (Commission on Agricultural Workers 1992).

In the early 1990s, Mexico undertook measures that may compress into a decade or less what would otherwise have been a slower shrinking of employment in agriculture. Mexico eliminated most input subsidies and price guarantees in agriculture, switched to direct payments to farmers, and eased trade restrictions, signaling the eventual shrinking of the production of many commodities, notably corn, that today absorb a great deal of labor, but in which Mexico does not have a comparative advantage.

Extensive networks of family, community, and private agents have developed to assist Mexicans wishing to migrate legally and illegally to the U.S., including a variety of advisors, smugglers, and transportation agents. The migration infrastructure has become very sophisticated. Migrants have choices in deciding who will help them to cross the border, in choosing how to finance the trip, and in finding U.S. employment.

If the underlying demand-pull, supply-push, and network factors change in strength and relative importance, policies designed to deal with just one factor at one level of migration may lose their effectiveness over time. For example, U.S. policies that were based on the assumption that the major factor sustaining Mexico- United States migration was legally-authorized demand-pull U.S. employer recruitment became less effective in the 1970s and 1980s as the key factors sustaining migration shifted to informal U.S. employer recruitment and supply-push and network forces. In such circumstances, simply stopping legally-authorized foreign worker recruitment did not stop migration. There is a need for policymaking that avoids the "law of unintended consequences," that uses a combination of approaches, is effectively implemented, and to the extent possible has the support of both governments.

Endnotes

[1] The 37 million persons currently in the labor force include about 4 million unpaid family workers and 2 million unemployed workers (those classified as employers or wage and salary workers totaled about 30 million in 1997).

[2] The U.S. labor market is expected to absorb a large number of unskilled workers over the next few years, as the normal complement of new job seekers are joined by persons removed from welfare rolls. This increased supply of U.S. workers, as well as even more border and interior enforcement, may reduce the availability of jobs for newly-arrived Mexican workers.

[3] Mexico's total labor force may grow, as persons not in the labor force seek work if jobs are available. A "tight" labor market will not ensue immediately because there is a reserve of inactive, unemployed, and underemployed persons that these shifts in supply and demand should gradually accommodate.

[4] Inequality has increased. According to the 1997 UNDP Human Development Report, the richest Mexican *person* has assets equivalent to the *combined incomes* of the poorest 17 million Mexicans.

V. ECONOMIC & SOCIAL EFFECTS IN BOTH COUNTRIES

Migration has repercussions through labor market supply and demand, through fiscal implications for national and local governments, and on political and social institutions. Some of the differences in perspectives on migration's impacts—favorable or adverse—come from very real differences observed in the populations in each country. In Mexico, those who return most often are the sojourners who may bring some benefits of their U.S. experience back with them. In the United States, it is the settler population, often older and sometimes unauthorized, whose relatively low skills place them at a disadvantage in an "information age" economy. Thus, disparate pictures emerge depending upon which end of the telescope one looks through.

Mexico & Migration Effects

Migration has many impacts on Mexican national development, the most studied of which are the economic consequences flowing from migrant remittances and from the interaction of labor supply and demand in Mexico and the United States. Numerous caveats must accompany any conclusions about the impacts of migration in Mexico, including variations in impacts across regions and through time and national-level versus regional or community- specific effects. Migrants originate from villages, towns, and cities throughout Mexico, but intense migration is most heavily concentrated in just 109 of Mexico's more than 2,400 municipalities (similar to U.S. counties) and in 9 western and northern states. And today's migration, while increasingly of an urban character, remains strongly influenced by rural conditions.

Distinctions also need to be drawn between communities with a "long tradition" of migration and those more recently incorporated into migratory flows, for migration experience shapes impacts. The nature of a community's migrant flows—temporary, recurrent or permanent—will create variations in impacts. Most of the information available to estimate effects of migration comes from community studies, many of which do not cover the full range of possible impacts. Special attention has been given to remittances and their effects on the well-being of migrants, their families and their communities. Most detailed studies to date have focused on rural areas in a few states, and more research clearly remains to be done.

Economic Effects

Remittances to Mexico and National Multiplier Effects. Migrant remittances represent the most direct and measurable benefits of international migration on Mexico (Lozano 1993). The benefits received by the communities from remittances depend on: (1) the number of households with migrants employed abroad; (2) the relative importance of remittances as compared with other sources of income (estimates of remittances as a proportion of income from all sources range from 5 to 93 percent); and (3) on whether or not the community is capable of retaining the multiplying effects of remittances. It is common for the benefits derived from consumption and investment to be concentrated in the important regional cities. The diversion of remittances to these regional centers is a topic that merits special attention.

Remittances of permanent migrants represent about two-thirds of the total, and as these migrants tend to reduce their remittances as time passes, it is anticipated that their contributions will diminish in the future.

Temporary migrants, on the other hand, incur higher costs of mobility (especially if they are unauthorized), lesser residential costs, and lesser costs for the United States due to their limited demands on health, education, and other services.

At the national level, remittances reached a considerable overall figure of between U.S. $2.5 and U.S. $3.9 billion in 1995. Remittances are equivalent to more than one-half (57 percent) of the foreign exchange available through foreign direct investment in the same year. This represents a little less than 5 percent of the foreign exchange obtained by Mexico for the export of goods.

Remittances over time are mostly concentrated in the same few states and areas of origin. There the remittances have greater economic importance. For example, in the state of Zacatecas, migrant income was higher than federal revenues in 1988.

The amount remitted per migrant was around U.S. $700 in 1995, but this figure is very different for permanent and temporary migrants. Alternatively, the net amount of remittances per receiving household is equivalent to one average wage in places of origin. In a context in which 60 percent of households' earnings are below that average, the amount remitted is of great importance.

To gauge the full effect of remittances, one needs to measure more than just the quantity of remittances and how they are spent. Economic simulations of

remittances attempt to estimate these complex effects (Taylor 1996). Estimates represent not only the direct effect of migrant remittances on the households that receive them, but also the indirect effects across all households that result from their spending. Remittances produce the largest income multiplier when they flow into Mexico's rural households, whose consumption and expenditure patterns favor goods produced domestically with relatively labor-intensive production technologies and few imported inputs. When migrant remittances go to urban households, more of the money leaks out of the country in the form of import demand. Based on these multiplier estimations, which are partial pictures of a complex reality, it estimated that for every dollar sent or brought into Mexico the gross national product [GNP] increases by about U.S. $2.90. Each dollar in remittances may translate into an increase of U.S. $0.3 to U.S. $0.4 in the income of small farmers and rural workers; and U.S. $1.10 in the income of urban-worker households (although urban households do not receive most remittance dollars, they benefit from rural household's demand for urban goods and services) (Adelman & Taylor 1990).

As the North American economy becomes increasingly integrated, remittance multipliers in Mexico are likely to decrease as production in Mexico responds more to demand in the North American market as a whole and less to demand in Mexico alone. In a North American free trade area, migration may affect production and incomes in Mexico in new ways.

There is a wide variety of migration experiences among the migrants; these differences are reflected in remittances. Frequently, especially now, remittances are limited to covering families' expenditures with nothing going to savings. In such cases, remittances may still have a relatively high impact on those families as this income becomes a sort of survival insurance.

Remittances are also dependent upon circumstances that might reduce their importance. At the extreme, up to one-third of return migrants do not manage to send remittances or take money home with them upon return. In other cases, the earnings that finally reach families are not high, partly because there are considerable losses in the remittances, but above all because migrants have heavy expenses both on the journeys to the U.S. and back and during their working stay in the U.S. These expenses are generally greater for unauthorized migrants than for residents or for temporary migrants with documents. There is some evidence that migrant wages recently have dropped and of labor competition among Mexican migrants themselves. Also, particularly in agriculture,

it is common to face periods without work and, therefore, without income. For these reasons, remittances for such families are cyclical, unstable, and unequal.

In contrast, some studies suggest that there are workers in more stable work and some who manage to obtain employment more quickly, perhaps because of their previous experience or their contracts through established networks. In such cases, their savings, after deducting expenses, can be anticipated and more efficiently channeled to their families.

Remittances, Investment, and Development. Remittances have two types of impact on communities. In most cases remittances become a source of support for family consumption, housing improvement, and basic urban services. Yet, other communities show productive changes in which the remittances play an important role as a source of investment. On occasion that role is complementary to the development process driven by other local and regional forces.

The impacts can be shown by using social accounting matrices. These have been constructed for a handful of specific communities, estimating different multiplying effects of remittances. These effects vary depending on the degree of development previously reached by the localities, as well as on their economic links with other communities and on the importance of remittances in relation to other income in the community. It is clear that when a sending village does not have an adequate source of income, remittances are of paramount importance.

Other studies we have carried out suggest similar trends with respect to the relationship between "migratory intensity," migratory "trajectory" in time, and the economic performance of communities. In localities where the wage of the formal sector is greater, lower rates of migratory activity are observed. Similarly, higher wages are related to a reduction in migratory intensity over time. Of course, the causality may run in either direction, but it is important to suggest that economic improvement eventually will reduce migration.

According to the literature, most migrants' families invest their remittances primarily in improving their housing and, to a lesser extent, in productive investments. For the nine major sending states, we found that migratory intensity is associated with improved provision of services for housing and a greater use of modern agricultural technology. These are probably the most important effects stemming from remittances we found.

Remittances also enable many communities to overcome capital constraints and to finance public works projects, such as parks, churches, schools, electrification, road construction, and sewers. The impacts and changes reported at the community level are generally in keeping with findings reported in other parts of the world. Our interpretation coincides with others who view remittances as a vehicle for furthering the development of migrant areas. The benefits increase as long as the channeling of remittances goes hand-in-hand with other conditions, such as the concentration of private and public resources in the same areas, notably on infrastructure.

Possible Productivity Gains from United States Work Experience. There is some evidence that working experience in the United States may produce additional benefits to migrants when they return to Mexico. Such a bonus would be realized as improved earnings (Greenwood & Tienda 1997), if they are able to capitalize on their experience acquired.

Demographic Impacts

It is estimated that 7.0 to 7.3 million Mexicans were residents in the United States in 1996.[1] Although a small figure in comparison with the total Mexican population, this represents more than 7.9 percent of the population from Mexican sending states. Most of this loss involves persons in their working ages.

Projections for the major sending states suggest slowing population growth in the next century. Assuming current rates of migration, growth rates would fall from 2.1 percent today to 0.6 percent in 2010. Assuming no migration, growth rates would fall from what would otherwise be 3.1 percent today to 1.4 percent in 2010. In these states, the loss of population due to past and ongoing outmigration is projected to reduce the potential growth of the working age population by 46 percent.

Social Effects

Costs of Migration for Mexico. The loss of human capital is the most important cost to Mexico. These costs have commonly been estimated to be small by assuming an excess of redundant labor in the developing sending country. However, for Mexico this assumption is questionable because of the selectivity or characteristics of its migrants. Family and community costs have only recently received attention.

The loss of human capital could be estimated by looking at the costs of education, health, and social infrastructure incurred throughout the life of individuals to achieve an economically active person in good working conditions. The cost for Mexico in human capital is the "opportunity cost" represented by having invested in preparing that person and having foregone the value added of the migrant's productive economic activity. The net returns on Mexico's investments in that person are those remittances or savings sent or brought to the country.

There are relative costs or returns. By return we understand the quotient between what is obtained as a wage or added value and what is invested or spent in exchange for that product. For Mexico as a country, the return is small if we consider the quotient between the amount saved from the wage paid to migrants and the costs of education, health, etc., incurred. The return on migrants is only in relation to the net amount in remittances or savings, as approximately 90 percent of what they receive in the United States is consumed there. In this regard, it is incorrect to associate the total U.S. wage with Mexican earnings.

Family and Community Costs. Migration is accompanied by significant changes in family organization, such as a necessary additional work effort by families to compensate for the migration of one or several of their members. Similarly, in the communities with the greatest migration, major changes occur in those communities' social and political organizations, which frequently make themselves felt in adverse ways. It is common for the young people with the most initiative to leave, with the result that communities lose their current and potential leaders as well have a weakened capacity for interaction with the exterior. The actual or potential loss of labor to migration may push up wages and create uncertainties that discourage investment and training of workers in places of high out-migration. It is also common for migration to be accompanied by serious problems of family disintegration, as well as by different psychological and social problems that previously were nonexistant in the communities of origin. Although such social costs are difficult to estimate accurately, observers realize their great importance in the communities of out-migration. Systematic research would be invaluable.

The United States & Migration Effects

The impacts of Mexican migration in the United States today may differ from those of the past because of changed economic and sociopolitical circumstances. There is extensive evidence that since the mid-1970s the earnings and employment of more educated workers have been improving relative to the less-skilled. This may translate into more limited economic mobility for today's migrants which, coupled with reductions in welfare and health benefits, increases the challenges of integration and adaptation.

These conditions fuel perceptions that the costs of migration exceed the benefits. Much evidence refutes this view—with the qualification that not all segments of society share equally in the benefits or bear equally the costs. To capture this distributional nature of impacts, we distinguish national, regional, and local impacts. We also separate economic, demographic, sociocultural, and political consequences, although these dimensions are interrelated.

Our major observation is that the failure to recognize distributional issues is an important source of misunderstanding about the benefits and costs of migration in general and of Mexican migration in particular.

- Therefore, we take as our point of departure the simple premise that Mexican migration produces economic benefits for the United States, but that these benefits come at a cost for some. Our main task then is to identify the particular benefits and costs of Mexican migration, and to specify which groups gain and which lose.

Such a balanced and nuanced portrait of impacts is crucially important for contemplating policy strategies. Simply stated, most impacts of Mexican migration will be more pronounced in locales and industries where migrants reside and work. However, short- and long-term impacts differ, some impacts are transmitted intergenerationally, and many benefits and costs cannot be quantified.

Economic Effects

Most researchers report that industry case studies uncover evidence of competitive effects of migrants. Most national-level analyses, however, typically find that the wage and employment effects of increased migration on native-born groups are not great; rather, the largest impacts are on other foreign-born workers (like the migrants themselves).[2] To evaluate these generalities, we reviewed all of the most recent empirical literature and performed a new econometric analysis.

Industry Case Studies. Employment displacement effects of migrant workers are evident in certain industries in regions, such as Los Angeles and New York, where migrants are concentrated. These may occur because the ready supply of migrant workers places downward pressure on industry wage rates. Alternatively, the displacement may occur because employers "prefer" or find it advantageous to hire new migrants even when natives are available at comparable wages. A shortcoming of most case studies is that they do not trace the ultimate outcomes for native workers who presumably find new jobs, but sometimes at a considerable cost.

The favorable aspects of these effects accrue most clearly to the migrant worker and to foreign and native-business owners. It is often observed that immigrants are highly entrepreneurial and that foreign-owned businesses contribute to the U.S.'s legendary job-creating, small business sector. *Some Mexican migrant worker networks have positive effects for small and large foreign- and native-owned businesses.* In many such businesses, migrant workers and employers appear to strike a bargain that benefits both: in exchange for lower starting wages, the migrant gains informal job training from the employer. The efficiency and speed with which networks operate gives employers ready access to a pool of workers vouched for by the employers' current workers. These hiring networks reduce search costs, reduce the likelihood of "problem workers," and provide redundancy during times of peak production or when employees are out sick.[3]

Impacts on Business and Workers Nationally and Regionally. Because they are so specific, it is difficult to generalize from case studies. Therefore, we undertook a statistical analysis of 122 metropolitan areas using the 1990 census. We introduced several analyses that permit us to unbundle effects to regions and metropolitan areas. The results of these econometric excercises are discussed below.

The primary beneficiaries of migration are, of course, the Mexican-born migrant workers. As discussed earlier in this chapter, migrants and their families consider the opportunity cost of migration; they balance the costs and benefits of working in the United States against their opportunities if they remain in Mexico. With a wage differential of at least five to one, the Mexican-born migrant working in the United States benefits from a higher standard of living.

Owners of capital, that is business owners and investors, are clear winners. We measure the effect of Mexican-born migrants on the "real rental price of capi-

tal." For example, a positive migrant effect means that an owner of a machine shop is able to charge a higher amount for a tractor or water pump rental. In California's metropolitan areas a 20 percent increase in Mexican-born migrants increases the return to capital by 0.8 percent on average. Agricultural areas benefit more, Merced and Salinas by 1.7 percent each and Visalia-Tulare by 1.4 percent. For Texas, a 20 percent increase in migrants is associated with a 0.3 percent increased return to capital on average. But the returns to border areas are greater: Brownsville 1.4 percent, El Paso 1.6 percent, and McAllen-Endinburg-Mission a 1.8 percent increase.

Shifting to the effects of Mexican-born migrants on the wages of other labor force groups, we find that *the principal adverse impact is on already-resident migrants from Mexico or elsewhere.* In our model, a simulated 20 percent increase in the number of foreign-born, low-skill Mexican workers lowered the average wage of this labor group by 3 percent, but left the wages of other labor categories almost unchanged. Next we simulated the direct wage impacts of Mexican-born labor, on average, for several metropolitan areas within a given region.

For the average United States region, even relatively large increases in Mexican-born labor have only relatively small impacts on native workers. Metropolitan areas in California and Texas have relatively heavy concentrations both of Mexican-born persons and of native-born persons of Mexican ancestry. The major impact of a 20 percent increase in foreign-born, low-skill Mexican labor in California is on other foreign-born, low-skilled Mexicans. Their wages fall by 6.9 percent and their employment declines by 1.3 percent. Otherwise, there are only minimal impacts on other skill or immigrant groups. The results for Texas, Arizona, New Mexico, and Colorado are similar to those for California, but for the most part are more moderate.

Empirical evidence appears to indicate that in areas where Mexican migrant concentrations are extremely high, such as along the southwestern border, wage depression and job displacement effects are evident. These impacts are strongest among less-skilled and already-resident Mexican male migrants. Areas of very high concentration of foreign-born, low-skill Mexican workers clearly experience the largest impacts. For thirteen metropolitan areas for which this labor group constitutes 60 percent or more of the foreign-born population, a 20 percent increase in this group results in wage decline among this same group of 11.4 percent. Employment of the group is reduced by 2.4 percent. Native, low-skill females of Mexican ancestry experience a 1.3 percent wage decline and a 0.4 percent job displacement effect.[4]

Economic Adaptation and Social Mobility. Social integration depends among other things on economic advancement. *One quite optimistic analysis favorably compares wage growth for first, second, and third generation Mexican-origin men with that of native whites and blacks.*[5] The findings show improvements, especially by the third generation, in both educational attainment and economic mobility. Nevertheless, the educational attainment of Mexican-origin men remains the lowest of any ethnoracial group. Our above-cited research and a study in Los Angeles, suggest that the wages of Mexican-origin men are dragged down by the combination of the group's low educational levels and competition with others with very low educational levels. These disadvantages are likely to persist and possibly increase if the volume of unskilled, and especially unauthorized, migration from Mexico continues.[6]

Enclaves and Entrepreneurial Activity. Mexican-owned businesses exist throughout the southwest and are making a strong showing in southern California. Research is finding successful Mexican enclaves in, for example, Los Angeles fruit markets. In Chicago, our work on "The Little Village Study" shows that dense settlement patterns (economies of scale) are conducive to the emergence of informal, and ultimately, formal, economic activity that caters to the needs of other coethnics. Evidently, economies of scale can have both offsetting and positive effects (Rosenthal & Tienda 1997). Clearly, more research is needed to address the positive attributes of Mexican entrepreneurs and consumers.

Welfare Participation & Fiscal Costs

Presumably motivated by the belief that legal and unauthorized immigrants participate "too much" in public assistance programs, Congress passed provisions related to immigrants as part of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This Act restricts the access of even legal immigrants to welfare. Accordingly, we performed analyses of the public assistance utilization of Mexican-born households.

Welfare Participation. *The empirical results indicate that Mexican-born households are no more likely to use welfare than either otherwise comparable native-born households of Mexican ancestry or otherwise comparable native-born households in general*. They are, however, more likely to participate than native whites, but less likely than native blacks. Moreover, recent cohorts from Mexico are less likely to use welfare than otherwise similar groups, whereas earlier cohorts are more likely users (Davies & Greenwood 1997).

There is a general consensus that relatively young and recently arrived Mexican-born migrants are not more prone to use public assistance than natives of similar socioeconomic characteristics. Yet, migrants' characteristics determine their eligibility for welfare and, to a large extent, their propensity to apply for means-tested income transfers.[7]

Unauthorized Migrants and Fiscal Costs. *Most studies agree that immigrants, and especially unauthorized migrants, impose a fiscal burden on state and local governments, but there is considerable disagreement about the magnitude of this burden.* In recent years, states have brought suit against the U.S. federal government to recover the costs of providing services to unauthorized migrants. At the national level, however, there is less consensus on costs that may not be fully resolved for several technical reasons. Despite the limits of fiscal impact studies, we prepared a secondary analysis of unauthorized migrants for California, Texas, and Illinois as an illustration.

Our calculations, using a *best estimate* of the unauthorized alien population, show that unauthorized migrants in California use $1,124 of state and local services per capita, which is higher than the $906 per capita used by the rest of the population. Public school expenses account for about two-thirds of these costs. In Texas, the unauthorized and the rest of the population *both* use somewhat more than $1,000 per capita in services. School costs account for more than 80 percent of these costs. In Illinois, unauthorized migrants use less state and local resources than the rest of the state population because of a comparatively older and smaller school population. The unauthorized in Illinois use relatively little in the way of state and local services.

California's total net fiscal burden of the unauthorized is the heaviest ($829 million) of all states, Texas's is much smaller ($194 million), and Illinois's is almost trivial ($17 million) relative to the state budget. These net figures are smaller than the states' estimates used in claims against the federal government because the states' costs (but not revenues) are based on figures for the unauthorized population that seem to be too high.[8]

There is no disagreement that California bears the brunt of immigration, including unauthorized migration. The fiscal impact of the state's many migrants is magnified by a relatively large per capita fiscal gap between the unauthorized and the rest of the population. This gap results from the higher rate and more progressive nature of the tax system in California, which leaves the unauthorized paying a smaller share of the total state and local tax burden.

A final caveat to these studies is that the fiscal impacts of migration that should concern us occur over the life span of migrants. In all static models to date, education is a cost. Yet, education is fundamentally an investment in future skills and earnings and we can reasonably expect that its current cost will be recovered in future greater productivity, especially if children complete school and become taxpayers. This expectation is born out by recent work by an expert National Research Council [NRC] (1997) panel.

Demographic Impacts

Contribution to Population Growth. Recent trends in immigration have left an indelible demographic imprint. From 1970 to 1990, *total* international migration accounted for 25 to 33 percent of net annual population increase. However, Mexican migration itself is only part of total immigration and contributed less (U.S. Bureau of the Census 1996). During the 1960s and 1970s, approximately 14 percent of all legal immigrants admitted were from Mexico. This share rose to 23 percent during the late 1980s owing to the impact of the legalization program. In FYs 1995 and 1996, Mexican-born immigrants were 12 and 18 percent respectively of total U.S. immigration.

Although Mexican migration has been a relatively small component of net aggregate population growth, its impact on the size of the Mexican-origin population is far more substantial. Migration was responsible for less than one-half (and substantially less for legal immigrants) of the growth of the Mexican-origin population between 1970 and 1980. At the latter date, only one in four persons of Mexican origin were foreign-born. By 1990, and in the wake of both the large volume of IRCA legalizations and continued migration from Mexico, more than one in three persons of Mexican origin were foreign-born (Greenwood & Tienda 1997).

Secondary (or indirect) demographic impacts derive from the fertility of native- and foreign-born women of Mexican origin. In 1990, the average number of children ever born to Mexican origin women aged 25 to 34 were 1.7 and 2.1 for the native and foreign-born, respectively. Among women aged 35 to 44, the nativity differentials in children ever born were greater still, 2.5 for U.S.-born women compared to 3.3 for Mexican-born women. Current and future demographic impacts, particularly those associated with the school-aged population and future workforce entrants, will be most pronounced in localities where Mexican migrants are concentrated. Female predomination in recent cohorts

(with the exception of the IRCA legalizations) has implications for the future demographic impacts of Mexican migration. For example, the median age of legal female Mexican immigrants in 1995 was 25, the peak of women's reproductive years.[12]

Population Projections. The U.S. Census Bureau estimates that the U.S. population will increase by 50 percent between 1995 and 2050, from 263 million to 394 million (U.S. Bureau of the Census 1996, 1997). Declining overall fertility and increased longevity mean that immigration will be a larger component of future growth. These projections do not separately identify immigrants, but we know that Mexicans comprise slightly more than 60 percent of all Hispanics, a share relatively stable since the early 1970s (Bean & Tienda 1987:Table 2.2). According to the Census Bureau's projections, the Hispanic population will contribute 37 percent of growth from 1995-2000, 44 percent from 2000-2020, and 62 percent thereafter. As a result, the absolute and relative sizes of Asian and Hispanic populations will more than double (rising from 5 to 8 percent of the total population for Asians and from 10 to 26 percent for Hispanics).[13]

A National Research Council panel (1997:26) made independent projections. The panel first estimated how large today's population would be in the absence of immigration since 1950. They concluded the U.S. population would have been 14 percent smaller than its 1995 size and would have been considerably older. Projecting forward current levels of immigration for fifty to fifty-five years would increase population by 80 million above what would occur without any immigration. This net increase reflects the direct result of 45 million new immigrants plus the dual indirect effects of higher immigrant fertility and a more youthful first- and second-generation immigrant population. As the single largest national origin group in recent years, Mexicans would account for approximately 10 - 12 percent of the increase at the base year, compounded by their higher fertility and young age structure.

Two important compositional changes follow from the current level and country of origin composition of immigrant streams. First, current immigration levels will increase future enrollments in primary, secondary, and college enrollments relative to lower immigration levels. Second, the race and ethnic composition of the United States population will change substantially with especially large proportions of Asians and Hispanics.

Social & Political Impacts

Social Relations and Status. In our study of social impacts, we address social status and the place of the Mexican-origin community relative to other ethnic and racial groups. It appears that Mexican migrants occupy some kind of intermediate social position between native whites and native blacks. Surveys indicate, for example, that all groups, including blacks, rate whites as the most desirable neighbors, blacks as the least desirable, and Hispanics in between. Whites in Los Angeles have been observed to be more opposed to housing integration with blacks than with Hispanics (in Los Angeles, Hispanics are almost entirely of Mexican origin). Other groups, such as Asians, seem to share the same preference for Mexicans over blacks as neighbors.

Let us be clear: Mexican immigrants do not occupy an intermediate social position because they are somehow middle class. On the contrary, that their social position seems higher than their relative socioeconomic status raises interesting questions about the significance of race and national origin, and suggests that Mexicans play a "buffer" role in the U.S. stratification system. And, the positive view of immigrants as neighbors may be explained, in part, by their role in revitalizing communities.[11]

Migrants and Crime. Relatively little research addresses the association between crime and migration. According to the 1991 Survey of State Prisons, Mexicans account for nearly half of the foreign born in state prisons. However, their overrepresentation may reflect differences in treatment through the criminal justice system. Migrants along the border are more likely to be arrested, detained prior to trial, convicted, and incarcerated (two to four times more likely) as citizens.[12] Unauthorized migrants also are less likely to be released from jail prior to trial.[13]

Voting and Political Impacts. Their neighborhood-building role in the inner city accords well with the reality or myth of the hardworking migrant, striving to get ahead. Survey work has shown that very few Mexican Americans believe that they have been victimized by racism or discrimination. Mexican Americans seem eager to embrace a meritocratic vision of American society. While Mexican Americans in the U.S. Congress tend to find common ground with black congressional leaders—both groups are predominantly Democratic, mostly urban, and largely progressive on fiscal issues—on the local level such black-Mexican coalitions have proved much harder to create or sustain.

The various political impacts of Mexican migration are felt primarily in *Mexican-American communities*. That most Mexican migrants cannot vote seems to imply

that no direct impact exists. Yet, the foreign-born affect electoral politics through census enumerations and decennial redistricting (congressional and state districts are based on all persons, not only adult citizens). Thus, Mexican-American districts have many fewer voters; in the 1992 United States elections, Mexican Americans cast only about 16 votes per hundred persons compared to 50 per hundred for non-Hispanic whites. While Mexican-born migrants increase the population base that creates Mexican-American districts, their disinterest in electoral politics, some argue, may dilute the natural bonds between elected officials and adult citizens.[14]

The Mexican-American community has increased its power in electoral politics since 1970 and the political impacts of Mexican migration—mediated through their relationship with Mexican-American communities—may have indirect effects on elections and legislation. In presidential politics, their concentration in California, Texas, and Illinois could give Mexican-American voters leverage, but only if the state in question were very closely contested. While Mexican-American voters have generally favored Democratic presidential candidates in proportions almost high enough to qualify as "bloc voting," their low turnout and fundraising potential means that national candidates have been likely to view them as marginal players. It remains to be seen whether or not the recent surge in the naturalization of Mexican-born adults, coupled with a political climate that might well cause new citizens concern, will affect these dynamics.

BORDER RELATIONS

Many of the impacts of Mexico to U.S. migration are experienced at the border itself and thus affect both countries.

Cross Border Commerce & Social Relations

Border communities are binational entities, with many residents on each side of the border having strong family, commercial and social connections to those on the other side. The volume of movements both ways across the long Mexican-United States border is substantial. The vast majority of border crossers go for short visits, often purchasing goods on the other side of the border. The contributions to local economies emanating from this cross-border commerce are also substantial.

The border relationship is not without its tensions, however. Cross-border petty crime, vandalism, and vice is a continuing source of concern in many border communities. Border cities complain about the fiscal impact when residents of the other country access such public services as health care and edu-

cation. The growth of poor, unincorporated areas that straddle the border presents challenges to public health and the environment. For the most part, however, the neighboring states, cities and townships have found it mutually beneficial to resolve tensions before they disrupt the important ties that bind the communities.

Violence en route to and at the border are among the most negative effects of migration between the two countries, largely but not exclusively related to the unauthorized movements. Migrants are victims of a variety of crimes, from attacks and abandonment by smugglers to theft, rape and even murder. Recorded and unrecorded deaths associated with attempted border crossings are of concern. So, too, are violent attacks by smugglers and others on officials who are responsible for border operations in both countries.

Human Rights Violations

Incidents of human rights abuses by federal, state, and local officials have been recorded as well. A well-publicized incident in Riverside, California, when local police were videotaped beating migrants after a high speed chase, highlighted the potential for such abuses. Both governments have taken action to curb the abuse of migrants by both private and official auspices on both sides of the border. Grupo Beta, for example, is a Mexican police unit charged with protecting migrants at the border itself. The recurrent allegations of abuse have led to the establishment of a number of monitoring groups, as well, including the Border Liaison Mechanism.

ENDNOTES

[1] According to U.S. data, 85 percent of Mexican-born persons are between 15 and 64 years of age; only 4.6 percent are 65 years and older (CPS 1995).

[2] The research literature repeatedly finds that migrants have only small national-level impacts on U.S. workers. Three reasons have been suggested: migrants are a small fraction of the labor force; offsetting effects occur in labor demand and supply relationships; and efficient U.S. markets may arbitrage the effects across the nation, making them difficult to detect. The first two reasons are most plausible. A large body of research on regional adjustments suggests that effects would not necessarily be rapidly "arbitraged" and large, direct impacts of new arrivals should be measurable.

[3] It is true that new migrants often work at lower than average wages that, in theory, reduce production costs for employers. However, this occurs mainly in labor-intensive, competitive industries with typically low-productivity and low-profit margins overall.

[4] The sectoral distribution of migrant labor ultimately determines the impact of migration on the wage rates of domestic unskilled labor. That dramatic differences exist in the regional concentration of migrants and in the interindustry distribution of migrants implies distinct effects across regions. Because of their sources and border entry points, unauthorized migrants may be even more concentrated than the legal migrants, and their impacts will be concentrated accordingly.

[5] Mexican migrants are disadvantaged relative to native blacks in terms of educational and language skills, yet in most states they have higher rates of labor force participation and lower unemployment rates. That the most economically and socially disadvantaged groups are not immigrants, but rather African-American, Native-American and Puerto Rican, suggests that Mexican migrants have a reasonable chance of adapting to U.S. labor market and society. This research also finds that the intergenerational changes in the wage structure take longer to play out for Mexicans than for other white migrant workers.

[6] This research effort also suggests that wage penalties for lack of fluency in English may have increased during the 1980s when returns to skills rose appreciably. This bodes ill for the pace of integration of Mexican migrants in the future (Trejo 1997). Exposure to other immigrants, not generational status, is the most powerful predictor of language maintenance. The forces for retaining Spanish in public and private settings is particularly high for Mexicans, not only because of the volume and concentration of recent flows, but also because Mexican Americans are less likely to migrate internally and more likely to reside in multigenerational households that include one or more foreign-born persons.

[7] For instance, Mexican migrants to the United States are characterized by low levels of educational attainment, large families, and poor English-language abilities. All these factors, among others, are generally found to be positively related with the level of welfare use.

[8] Considering that careful estimates of the unauthorized migrant population vary by as much as 15 percent or more, caution is necessary in drawing conclusions about state level fiscal impacts. The largest cost is of unauthorized migrants is primary and secondary education. In our "best estimate" only children who are foreign-born and unauthorized are counted. In our "citizen children" estimate we include the citizen children of unauthorized migrants. This change raises the unauthorized population by only 5 percent, but the unauthorized school-age population rises by 25 percent. In California, this increases the total cost of services by 18 percent and the net fiscal burden from $829 million to $1.08 billion. In our "states' estimate" we use the states' own estimates of the unauthorized population, which is considerably higher than the Census Bureau's high-end estimate for 1992. This increases California's unauthorized population by almost 50 percent. Nevertheless, both the "citizen children" and "states' estimate" yield similar aggregate fiscal impacts.

[9] The larger completed family sizes of Mexican immigrant women result from childbearing *after* migrating to the United States rather than initially entering the United States with larger families. This is contrary to predictions based on assimilation theory and differs from the fertility behavior of other immigrant women.

[10] The growth of the Mexican-origin population is likely to increase far more than the other Hispanic origin groups for several reasons. Mexicans are the largest source country of current immigration. Fertility of both native and foreign-born Mexican-origin women will likely contribute to relatively faster population growth. The 1995 Mexican-origin population is larger and relatively younger than other Hispanic origin groups, providing a bigger base from which to compound future indirect effects. Finally, Mexicans have been and are likely to remain the largest source of unauthorized migration.

[11] Research in Chicago's "Little Village" reveals that Mexican migration either contributes to community revitalization or prevents decaying inner city neighborhoods from

becoming underclass neighborhoods. From 1970 to 1990, Chicago experienced a tremendous polarization in neighborhoods inhabited by natives. By 1990, most of the neighborhoods that in 1970 were working class and stable middle class neighborhoods had either gentrified or been absorbed into black ghettos and abandoned by all but the poorest residents. The parts of Chicago in which working-class neighborhoods have grown or even been maintained are those areas settled by migrants—primarily Mexicans.

[12] Gross differences in the incarceration rates of Mexican and U.S. citizens disappear once differences in age structure (because Mexicans are younger and petty crime rates are higher among the young) and especially the differences in treatment in the criminal justice system of Mexicans and Anglos are taken into account (Hagan and Palloni 1996).

[13] Incorrect perceptions about criminality, nevertheless, contribute to what appears to be public misperceptions about immigrants generally. Especially during times of high unemployment and job competition, i.e., the changed climate of California in the late 1980s, public opinion is for reduced immigration. Surveys in 1995 found that Mexican-born migrants were the least preferred of any immigrant group. Several polls conducted during the 1990s found that respondents believed that two-thirds of migrants to the United States were unauthorized, an obvious impossibility, but partly an outcome of public leadership and discourse that continually blurs the line between illegal and legal immigrants.

[14] In turn, Mexican Americans seem to be ambivalent about new migrants from Mexico and, at times, at odds with the views of their leadership. Various surveys have found that Mexican Americans view unauthorized migration in particular very unfavorably. Perhaps this is associated with various election-day polls that found that as many as 30 percent of Mexican Americans voted for California's 1994 "Proposition 187," arguably one of the most egregious pieces of anti-immigrant legislation in the post-Civil Rights era.

VI. RESPONSES TO MIGRATION ISSUES

Societal responses on migration matters are manifested in the two countries in many ways. These include: legislation at the federal, state, and local levels; policies implemented at all these levels; decisions by the courts; advocacy from the private sector; and public opinion as reflected in polls and referenda.

To reach our overall conclusions, we draw upon the lengthy history of the two neighbors reaching back to the Bracero period and earlier. From this longer vantage, and with an eye toward today's events, our major conclusions are as follows.

- *Episodic nature of U.S. responses*. The debate on immigration into the United States waxes and wanes with the economic cycle. When the U.S. economy falters, restrictionist sentiment grows more intense. When the Mexican economy goes into a slump, this too leads to fear of an emigration push and anti-immigrant concern in the United States.

- *Unintended consequences.* Several important U.S. policy changes since 1965 have had unforeseen consequences often at variance with the policy intentions. One recent example is the growing immigrant visa backlog prompted by family unification requests stemming from the IRCA legalization provisions. The disjunction between policy intentions and actual outcomes has been a perennial feature of immigration history.

- *Mexican engagement*. The Mexican government has shifted from a position of deliberate nonengagement on migration matters to a stance of increasing dialogue with United States counterparts. The contrast is evident in Mexican unwillingness to comment when IRCA was under consideration compared with the Mexican authorities commentary regarding U.S. immigration and related legislation in 1996. The practical outcome of increased dialogue is still uncertain.

- *Interplay between economic integration/political cooperation and immigration control.* The bilateral engagement on migration began before NAFTA went into effect, but cooperation on this issue picked up after NAFTA facilitated a more elaborate framework for economic and political dialogue.

- *Border opening for commerce and investment but not people.* The flow of goods, services, capital, and the legal entry of people has been facili-

tated by NAFTA and other measures adopted in the 1990s. Simultaneously, the United States is increasing efforts to control unauthorized entries. This has the potential for increasing binational tensions.

- *Official action and ineffectiveness of immigration restriction in practice.* In the past, U.S. responses to deal with illegal immigration were riddled with loopholes or not carried out with vigor. It remains to be seen whether the current efforts will be more durable or will be pursued more seriously.

Analytical Model

Based on observation of migration responses, the following model was used as a basis of analysis:

- An underlying context, one usually rooted in the U.S. economic situation, triggers a U.S. immigration response;
- This, in turn, leads to a period of debate in the United States and political compromises resolve some differences but leave other issues on the table;
- A Mexican reaction to the U.S. action, and perhaps a U.S. counter-reaction follows;
- A new context for the next series of triggering events is thus born.

U.S. and Mexican responses also have a long-term trend: the intervals between the periodic debates has diminished.

Responses in the United States

United States responses to immigration are largely unilateral. This suits the U.S. style and had a practical logic when the Mexican authorities preferred not to be involved. This may now be changing, although to what extent is unclear.

Interest Group Influence. United States immigration responses usually are directed at immigration generally and sometimes Mexican immigration specifically. The U.S. has a diverse collection of politically active groups seeking to influence many aspects of policy and a long history of admitting large numbers of foreigners as permanent residents. Nongovernmental organizations, both

those favorable to increased immigration and others that support a more restrictive policy, play a large role in shaping U.S. immigration policies.

The political process translates these conflicting goals into policies that often have unanticipated outcomes. Given public opposition to increased legal immigration, the legalization provisions of IRCA in 1986 and the 1990 Immigration Act (both of which increased substantially the number of permanent legal residents admitted) were surprising. These outcomes stemmed from interest group influence on the legislation. In 1996, an effort to reduce certain categories of legal immigrants was unsuccessful, but new efforts are likely. Federal policy changes in the 1990s have reduced immigration backlogs, handled a quantum increase in naturalizations, and facilitated legal entries at the border through the use of commuter lanes and expedited preauthorized clearances.

State and Local Reactions. A less surprising development has been the government response to deter unauthorized immigration as manifested in IRCA and the rise in appropriations for border enforcement. Two other recent developments are the distinctions made between legal immigrants and U.S. citizens in their access to social services contained in the recent welfare legislation (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and the expanding role played by state and local governments in (1) restricting services to immigrants (e.g., the passage of Proposition 187 in California) and (2) the discretion given to state governments in welfare payments to legal immigrants. Because migration effects are local, a greater effort to bring states and localities into migration policy discussions would be desirable.

Immigrants are concentrated in a small number of states and metropolitan areas and, consequently, state and local officials differ in their reactions to immigration. States and localities with large numbers of immigrants typically face higher public costs to provide education and other services than those with fewer immigrants. But there have been significant variations in the responses of states and local governments with large immigrant populations. Proposition 187 was actively supported by Governor Pete Wilson and other California public officials. It was promoted with arguments that underscored the view that denying public services to unauthorized immigrants would deter further illegal immigration. State and local officials elsewhere, e.g., the governor of Texas and the mayor of New York City, disagreed sharply with these views and tactics.

More on Public Opinion and Interest Groups. Despite the substantial public support beginning in the 1970s for penalizing employers who "knowingly" hired illegal aliens, employer sanctions were not adopted until 1986. However, the means to identify persons unlawfully in the United States were slipshod and the law, even as written, was not rigorously enforced. These compromises reflected different views of the many interest groups and public officials involved. Public opinion has been less supportive of legal immigration than Congress and more inclined toward strong measures to deter illegal immigration. Public opinion on immigration tracks reasonably well with local economic conditions: restrictionist views rise as the economy worsens. The correlation between growing unemployment and restrictionist sentiment shows up clearly in U.S. data for at least the last fifty years.

Generally, small-and-medium size businesses and fruit and vegetable growers in the southwest, especially California, favor increased immigration. They sought unsuccessfully to obtain a new temporary worker program in the last Congress. (They have not, however, supported an expansion of the existing H-2A program.) Agricultural growers of labor-intensive crops have had much success in the past in achieving their objectives in legislation, as the Special Agricultural Worker [SAW] and Replenishment Agricultural Worker [RAW] provisions of IRCA testify. Labor unions generally oppose substantial immigration. Mexican-origin persons legally resident in the United States are ambivalent and as likely to oppose as to favor large-scale immigration. There is no uniformity in the positions of similarly situated interest groups, but the broad outlines described above tend to prevail. Nongovernmental organizations [NGOs] vary in their views depending on their functions. There are anti-immigrant NGOs, pro-immigrant advocates, and others concerned with related issues, such as the protection of civil and human rights.

Many of the vocal interest groups have an ethnic orientation. At times, the immigration interests of one ethnic group conflict with those of others. For example, there is a large backlog of spouses and minor children of Mexicans legalized under IRCA, whereas the traditional backlog among legal Asian immigrants is more heavily weighted by siblings. Nevertheless, the NGOs of the two groups and their respective congressional caucuses have stuck together to fight against any reforms in legal immigration priorities. They have a common conviction that political empowerment is the best path for achieving their objectives, and this has led to a dramatic increase in citizenship applications of

immigrants legally in the United States. This particularly affects legal Mexican immigrants who, as a group, have heretofore been slow to naturalize.

The 1996 United States Legislation. The year 1996 was an active one for legislation concerning immigrants [see table VI.1]. The full extent of the legislation enacted in 1996 will not be apparent for many months. The new immigration legislation should be viewed in combination with two other laws passed in 1996, those dealing with welfare reform and antiterrorism. Some of the significant elements of these three laws (the Illegal Immigration Reform and Immigrant Responsibility Act, the Antiterrorism and Effective Death Penalty Act of 1996, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, i.e., the Welfare Act), coupled with related policy actions taken by the INS are summarized below in Table VI-1.

U.S. Supreme Court decisions have shifted away from the initial presumption that immigration officers are bound by traditional fourth amendment requirements enunciated in cases such as *Almeida Sánchez v. U.S.* (1973), and *U.S. v. Brignoni Ponce* (1975). These more recent decisions have allowed the INS considerable discretion in the conduct of workplace enforcement activities (*INS v. Delgado*, 1984), and more recently suggested that the fourth amendment may not extend to all unauthorized aliens present in the United States (*U.S. v. Verdugo-Urquidez*, 1990).

Responses in Mexico

Migration is so prominent in Mexico's domestic and foreign affairs that a public stance is unavoidable. This need must be weighed against a long-standing tradition of noninterference in the domestic affairs of other countries. The way out of this dilemma has been to pursue certain objectives related to migration, but not to have a migration policy as such.

Major Objectives and Strategies. The Mexican government has pursued three major objectives over the recent decades: historically, and most prominent, the protection of the rights of emigrants; second, avoiding abrupt changes in U.S. immigration policy and in the flow of migrants; lately, in reaction to the recent negative U.S. climate against immigrants, seeking recognition for their contributions to the receiving society.

Until the mid-to-late 1980s, the Mexican government had a policy "to have no policy" on undocumented migration to the United States. This approach was

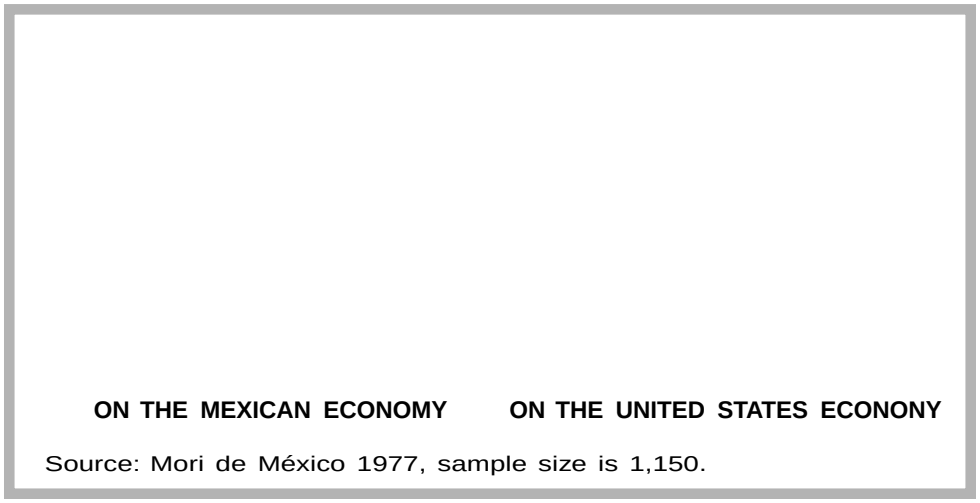
Table VI-1. 1996 Legislation Affecting Immigration

1. Number of border patrol officers increased annually for five years, a provision that has particular effect on illegal immigrants from Mexico.
2. New triple fencing installed between San Diego and Tijuana.
3. At same time, entry of legal immigrants and border crossers from Mexico facilitated.
4. Old border crossing cards removed, to be replaced with new card with a biometric.
5. Expedited removal is carried out without hearing of immigrants illegally in the U.S., unless there is a credible asylum claim or two-year presence.
6. Distinction between exclusion and deportation abolished.
7. New areas created for which administration decisions cannot be reviewed by the courts.
8. This includes lack of judicial review of final orders of deportation for most criminal aliens.
9. In addition, definition of “aggravated felony” is expanded even if imprisonment is suspended.
10. Certain legalization class action suits pending in courts are no longer subject to judicial review.
11. Standards for suspension of deportation (now "cancellation of removal") made more restrictive and burden of hardship increased from extreme to exceptional and extremely unusual hardship and harm must be to a U.S. citizen, legal permanent resident spouse, parent, or child.
12. Criminal penalties for immigration violations enhanced.
13. Legal immigrants barred from usage of supplemental security income [SSI] and food stamps until they obtain citizenship. (Proposals to ease some of these provisions are pending.)
14. Legal immigrants entering after enactment of Welfare Act barred for five years from most federal means-tested programs, including Medicaid.
15. Welfare reform amended to provide certain exemptions for battered spouses and immigrant children abandoned by parents.
16. Immigration affidavits of support raised to 125 percent of poverty level and made binding on sponsors until naturalization or forty quarters of employment by sponsored alien.
17. Aliens made inadmissible as legal immigrants for 3 years if illegally present in U.S. for 180 days to 1 year, for 10 years if present for 1 year or more, permanently if previously convicted of an aggravated felony; plus other grounds for inadmissibility.
18. Pilot programs to verify employment eligibility implemented.
19. Persons unlawfully in U.S. are not eligible for social security benefits or post-secondary education.
20. Attorney General permitted to enter into written agreements with state and local agencies to perform functions previously exclusive to federal immigration agents.

believed to suit the principle of mutual respect and recognition of both national sovereignties. This approach began to shift when Mexico started to liberalize its economy and play a more active role in world economic affairs, exemplified by entry into the General Agreement on Tariffs and Trade and closer engagement with the United States in NAFTA. The cooperation and consultation with the Commission for the Study of International Migration and Cooperative Economic Development (Asencio Commission) was an early signal of increased Mexican engagement with the United States on migration issues.

Mexican authorities now lobby in the United States on political and economic matters, which they did not do prior to the NAFTA negotiating process. The Mexican government no longer operates solely via its Secretariat for Foreign Relations [SRE] communicating with the U.S. Department of State, but rather fans out across the spectrum of U.S. private interest groups, public agencies, and the Congress. The increased closeness of the economic relationship and its salience for Mexican economic recovery and growth also means that it is important to handle other problems in a way that avoids prejudice to economic cooperation. On migration, it is worth noting the participation of the Secretariat for Government Affairs [Gobernación].

Public Perceptions. Mexican public opinion and the media have become quite sensitive and critical of the way the two governments respond to migration. U.S. measures tend to be perceived not only as anti-immigration, but also as unfair to immigrants. This perception derives in part from a broad belief that the U.S. benefits even more than Mexico from Mexican migration. [See figure VI-1.]



Source: Mori de México 1977, sample size is 1,150.

Figure VI-1. Perceptions about the Effects of Migration

Immigrant and Immigration Legislation. Immigrants and immigration legislation in Mexico have a radically different significance than in the United States. Immigrants in twentieth century Mexico have been few in number and of marginal demographic significance. Foreigners usually have come to Mexico with capital and skills and, therefore, have had an impact disproportionate to their numbers. At various times, Mexico has received sizeable number of refugees, most recently from Central America. Central Americans also come as temporary workers. Central Americans, among others, also use Mexican territory in their transit to the United States. Immigration legislation emphasizes family connections and employment skills as a basis for admission, but also confers great administrative discretion on Mexican officials.

Mexican law requires that nationals demonstrate at departure that they have permission of the receiving country to enter. This requirement has not been enforced and probably is not enforceable, especially when departures take place away from designated exit points. For several decades, Mexicans have interpreted the constitutional right to free transit within Mexico as extending to the right to leave the country. This interpretation has not been tested by the Mexican judiciary, but there is a national consensus that the Constitution forbids the government from stopping the departure of nationals from its territory.

A feature of Mexican immigration legislation is that it indicates goals and priorities without going into much detail. Mexican immigration law gives great administrative discretion to the executive branch to decide whether particular decisions are consistent with the overall policy goals. However, most recently in 1990, 1992, and 1996, immigration legislation has been modified to liberalize the entry of certain categories of foreigners, particularly to facilitate the entry of business visitors, investors, technicians, professionals, and others to conduct business in Mexico—under NAFTA, special facilities are given to American and Canadian businesspersons—but at the same time to strengthen the criminal penalties for the smuggling of human beings.

Responses to Mexican Communities Abroad. Through the years, a sizeable Mexican community—Mexican citizens and Mexican-origin population—has been created in the United States. To strengthen the links between migrants, recent or earlier, and their country of origin, as well as to support some of their demands, the Mexican government has developed various responses for these Mexican communities. Consular, cultural, and business activities have been expanded. One of the most recent responses has been to change the norms

regarding Mexican nationality. In December 1996, consti-tutional amendments were passed that when implemented will allow Mexicans to naturalize in another country and not automatically lose their Mexican nationality.

Current Context

The bilateral interaction on migration issues has altered in recent years from a lack of consultation to considerable discussion between the two governments. Negotiating NAFTA required a shift in bilateral political relations. Mexico's earlier reflexive opposition to U.S. international initiatives has given way to a more cooperative relationship. The United States gave political relations with Mexico a higher profile, and showed increased receptivity to Mexican overtures.

Economic-political contacts have been facilitated by embedding them in institutional arrangements. NAFTA created a number of such institutional arrangements and breathed new life into established consultation groups. The Working Group on Migration and Consular Affairs of the Binational Commission is the single most important body for consultation on migration matters. In May 1997, when President Clinton visited Mexico, the Working Group discussion dealt with the exchange of information on migration policies and legislation, consular protection, and increased cooperation at the border. The Joint Statement on Migration adopted by the two Presidents signals a commitment to enhance bilateral cooperation in the management of migration.

The bilateral engagement has led to a number of unilateral and cooperative actions. Fast lanes were set up to facilitate crossing into the United States. The wait to cross at San Ysidro was reduced from two hours to twenty minutes. Cooperation to prevent drug smuggling was increased at the border. Grupo Beta is a Mexican effort to make the border safer. Mexicans participate in the Citizens' Advisory Panel on the U.S. side. There is a joint Border Liaison Mechanism. Both sides took steps to reduce smuggling of immigrants.

Based on the premise that economic development is the best and only long-term strategy to deter mass migrations, NAFTA is seen as a way to stimulate development and thereby slow emigration through enhanced employment and higher wages.

Currently, goods and services can pass more or less freely across the Mexico-United States. border, as can capital—but not labor. NAFTA is a free-trade area, not a common market within which all factors can move freely. In the

buildup to the NAFTA negotiations, Mexico raised labor inclusion, but the U.S. rejected this on the grounds that the Congress would not accept it.

There are proposals from time to time for a U.S. guestworker program with Mexico for the admission of less-skilled workers. A modest temporary worker program exists between Canada and Mexico. Such proposals recently have been suggested by some groups on the Mexican side based on the premise of more equal treatment of all factors—labor as well as capital—on the inability of Mexico to control emigration. They have also been proposed by some groups in the United States based on their inability to seal the border and the desire of some employers to have ready access to legal-temporary workers..

Despite the increased dialogue, disagreement between the two countries on migration issues increased dramatically as a consequence of the 1996 U.S. enactment of legislation on immigration, welfare, and antiterrorism. All these laws will affect Mexican nationals. This increased tension came on top of the U.S. debate on whether to certify Mexico as cooperating with the United States in combating drug trafficking. This combination of problems—drugs on the one hand, migration on the other—set back the cooperative atmosphere that had been developing. Although the Clinton presidential visit sought to mitigate the conflict, it remains under the surface.

VII. CONCLUSIONS

Mexican migration to the United States is a long-standing phenomenon that remains complex and dynamic. In general terms, Mexicans in the United States fall into one of two migrant categories (sojourners or settlers) and in one of three legal conditions (unauthorized, legal immigrant, and naturalized citizen). Our results suggest that the total size of Mexican-born resident population in the United States in 1996 was 7.0 - 7.3 million persons. Of this population, legal residents accounted for about 4.7 - 4.9 million persons, about 0.5 million of whom were naturalized United States citizens. Unauthorized migrants accounted for 2.3 - 2.4 million persons. Estimates based on Mexican or U.S. data indicate an annual flow from 277,000 to 315,000 persons.

The characteristics of Mexican-born migrants differ systematically by migration pattern and legal status. This study demonstrates that, despite much continuity, the characteristics of migrants show increased diversity over time. Mexican-born migrants tend to have low skill levels, relative both to the U.S. population at large and to other migrant groups, although migration also absorbs a substantial portion of Mexico's skilled population. The low skill levels of most Mexican migrants reflect the demand for labor in sectors where Mexican-born migrants are employed and, in turn, are reflected in the low incomes and high poverty rates of Mexican born settlers in the United States. This situation is exacerbated by the unauthorized status of many of these migrants.

These changing characteristics are consistent with the increasingly diverse demand, supply, and network factors that are shaping migration flows. The catalyst for much of today's unauthorized Mexican migration for United States employment lies in the United States, but over time new factors have created a larger and more complex set of reasons that sustain the flow. The same tendencies that currently seem to be increasing and diversifying Mexico-United States migration flows may be dampened or reversed starting in the next five to fifteen years, reducing Mexico-United States migration.

There is substantial evidence of benefits to both the United States and Mexico from this migration, but the research also reveals costs to local communities and social sectors. Migration has repercussions through the labor market and supply and demand, through fiscal implications for national and local governments, and upon political and social institutions. In Mexico, the distribution of impacts are concentrated in a relatively small number of households, communities, and regions. The most important direct impact of migration is the income sent home

to Mexico by migrants in the United States (i.e., remittances). In terms of the remittance income they provide, migrants are Mexico's third leading export after oil and tourism and ahead of agriculture. In addition, migrant financing of new investments and reduced pressure for internal migration provide benefits. Given low productivity and low returns to labor in Mexico, migrants are an important source of income, investment capital, and income insurance. The negative impacts take the form of loss of human capital, as well as the social disruption that comes when families are separated.

In the United States, owners of capital, that is business owners and investors, as well as consumers, clearly benefit from Mexican migration. This benefit comes at a cost, however, to certain categories of workers, particularly already-resident migrants whose wages have fallen with the competition of new migrants. In areas where Mexican migrant concentrations are extremely high, such as in certain cities along the southwestern border, wage depression and job displacement effects are evident. For the average United States region, however, even relatively large increases in Mexican-born labor have relatively small impacts on native workers. With regard to fiscal impacts, Mexican migrants do present significant costs to certain states and localities. These costs do not derive from disproportionate use of welfare programs, however. The empirical results indicate that Mexican-born households are no more likely to use welfare than either otherwise comparable native-born households of Mexican ancestry or otherwise comparable native-born households in general. Mexican-born use of education is the greatest cost, but this can also be seen as an investment in the future.

Responses to Mexican migration have evolved over time, often reflecting economic cycles in the two countries. The unintended consequences of policy changes have been significant and often at variance with the intentions of those policies. One recent example is the growing immigrant visa backlog prompted by family unification requests stemming from the legalization provisions of IRCA. In recent years, there has been greater engagement on migration policy. The Mexican government has shifted from a position of deliberate nonengagement on migration matters based upon the principle of noninterference in the internal affairs of other countries, to a stance of increasing dialogue with U.S. counterparts on migration issues. The bilateral engagement on migration began before NAFTA went into effect, but cooperation on this issue picked up after NAFTA facilitated a more elaborate framework for economic and political dialogue. Simultaneously, the United States is increasing efforts to control unauthorized entries. This has the potential for increasing binational tensions.

Policy Implications

The study findings support an enhancement of institutionalized and forward looking consultative mechanisms to identify and develop mutually supportive policy options. Migration between Mexico and the United States is clearly a sensitive topic for both countries. Yet, finding effective ways to curb unauthorized migration that take into account both countries' commitment to foster human rights is essential. This topic requires, therefore, delicate management of the process that takes into account historical, demographic, economic, social, cultural, psychological, and political factors in both countries. Consistent with the greater dialogue and cooperation that has characterized United States-Mexico relations in recent years, and with the spirit of this study, it is important that both countries work together to explore policy options and initiatives that could be jointly undertaken to meet the needs of both countries and increase the information available about the migration phenomenon.

Although the catalyst for much of today's unauthorized Mexican migration is due to the attraction of United States jobs, demand, supply, and networks are all responsible for the continued migration and, thus, solutions are to be found in both countries. The United States and Mexican governments should jointly address the three factors that influence migration between Mexico and the United States—demand, supply, and networks. We have learned from past experience that a comprehensive approach is needed; addressing one of the factors will not achieve the desired results as long as other factors are present.

In recent years, the Working Group on Migration and Consular Affairs of the Binational Commission has proven to be an important and effective forum for frank discussion of various migration issues. These discussions, however, have generally focused on alleviating the effects of policy decisions rather than on potential future policies within each country and their implications on each country's migrant and/or resident populations. We envision that this group's work would be supplemented with more frequent and structured conversations to: explore policy options, scenarios, and alternatives to handle migration; identify prerequisites to change; and determine foreseeable implications of the continuation of the current situation.

More specifically, the study team presents the following agenda of policy issues that should be considered by the Binational Commission Working Group on Migration and Consular Affairs:

- **Determining the consequences of migration-related legislation adopted by each country.** Regular, joint monitoring programs could help identify the intended and unintended consequences of newly enacted migration legislation in a more timely fashion. In particular, study is needed on the trio of U.S. legislation passed in 1996 related to immigration: the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA]; the Anti-terrorism and Effective Death Penalty Act of 1996 [AEDPA]; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 [Welfare Reform]. IIRIRA augmented border controls, required new pilot programs to test more secure forms of employment verification, clarified eligibility for public benefit programs, bars unauthorized residents from legal admission for three or ten years, and made sweeping changes in provisions for the removal of unauthorized migrants.

  Study is also needed on the implications of changes to the Mexican Constitution related to nationality. Constitutional amendments were adopted in December 1996 that will allow Mexicans to naturalize in the United States and other countries and not lose their Mexican nationality. Once implemented, this provision could have notable impacts on naturalization patterns in the United States, as well as on return migration of Mexicans who become U.S. citizens.

- **Determining how best to address the demand, supply, and network factors precipitating continued unauthorized movements.** As research shows that the majority of Mexican migrants are economically motivated, both governments should focus their attention on this issue. For example, the governments should assess the extent to which the demand of U.S. employers can be reduced through enhanced enforcement of labor standards, including wage and hour requirements, child labor prohibitions, sanctions against the knowing recruitment and hire of unauthorized workers, and bars on discrimination based on national origin or citizenship. Also to be assessed would be the extent to which the supply factors motivating Mexican migration can be addressed through enhanced domestic economic development.

  Means of reducing the efficacy of networks in promoting unauthorized movements also need attention. Networks have been strengthened in recent years through both the traditional contacts of relatives and

coworkers and new smuggling networks. Recent surveys find that many Mexican migrants attempting unauthorized entry into the United States now pay for "professional" assistance. Continued strong efforts by both governments against the smugglers could reduce these networks as well as the exploitation of the migrants that often occurs with smuggling.

These asssessments of ways to address the combined demand, supply and network factors should recognize that dependence on immigration/emigration varies widely. Certain United States industries, occupations, and areas are more reliant on Mexican-born workers than others, just as Mexican regions, states, and communities differ in their dependence on the U.S. labor market. It may make sense to develop different tools in addressing demand in industries in which the employment of Mexican migrants is a long-standing practice versus those that are beginning to hire unauthorized workers. Similarly, different approaches may be justified in traditional versus nontraditional sending and receiving areas.

- **Developing migration impact statements in both countries.** Migration is affected by more than immigration policy. Although the social and economic policies of the United States and Mexico historically have affected Mexico United States migration patterns, the U.S. and Mexico repeatedly have been surprised by the others' changes in policies that affect migration patterns. There often have been unintended consequences of policy and legislative decisions that potentially could be avoided or lessened through this type of mechanism. Migration impact statements, discussed during annual United States-Mexican consultations and throughout the year, might alleviate some of the impacts of such policies as land reform or trade policies and include some mid-to-long-range perspectives.

  This recommendation echoes that of the U.S. Commission for the Study of International Migration and Cooperative Economic Development in 1990. That Commission called for U.S. government migration impact statements to prevent the shock of unanticipated migration such as the Caribbean migration following U.S. government increase in support for U.S. sugar producers. The feedback on these issues brought back by the delegations to their respective governments could be a useful addition to the debate of each country as it considers changes in immigration laws or policies.

- **Encouraging and promoting binational research on issues that can best be resolved through joint data collection and analysis.** This study amply demonstrates the benefits of joint data collection and studies on demographics and economic and social impacts. Data limitations often constrained the teams' abilities to draw firm conclusions on many issues. The research findings were strengthened, however, by the ability to work on both sides of the border and compare various data sets. Combining the different techniques and perspectives of researchers from both countries further strengthened the research findings. The very changes in migration trends that this study has documented call for a continuing capacity and infrastructure to examine the issues raised in this report

  Many of the most pressing questions about Mexican migrants simply have no adequate answers without data that track the same individuals over time. Without such data we cannot fully answer whether or not, or how, work experience and new skills lead to significantly better earnings either on return to Mexico or in the United States; how English skills at entry and Mexican American communities shape English ability over time; and, importantly, how schooling and parents' status affect the progress of migrant children.

  More specifically, joint data collection and analysis would enhance understanding of demographic, economic, social, and political/civic trends in the two countries that affect migration. Cooperative efforts to collect data in a way that enables comparisons between the experiences of migrants and nonmigrants would greatly enhance the ability to report on the changing characteristics and impacts of those who move between the two countries. A fuller research agenda is included in Appendix A.

- **Identifying measures to accommodate, and even to facilitate, the demand for increased mobility between the two countries.** Surely the size of the Mexican born population legally in the U.S. alone creates a need for facilitated flows for family and commercial purposes. The process of deeper economic integration—in trade, finance and investment—also will increase the pressures to deal with the migration consequences of this process. The number of border crossings in the southwest already has grown in the last few years.

One issue for the Binational Commission to consider is the degree to which Mexico should be treated as a special case in U.S. immigration policy (and vice versa), particularly given the existence of NAFTA and the long-shared border. The U.S. and Mexico already have begun to take measures to facilitate legal entry at the border, such as special lanes for frequent crossers. Prescreening of the applicants permits identification of those who are not likely to abuse the speedier inspection process.

The U.S. and Mexico, with Canada, also negotiated special nonimmigrant categories under NAFTA that allow for eased entry of business visitors, investors, intracompany transferees, and professionals. Canadians and Mexicans with a baccalaureate degree or appropriate professional credentials or experience may enter under the special TN visa rather than the numerically limited H-1B visa used to admit professionals from other countries. A transitional limit of 5,500 TN visas for Mexicans expires in 2003. Thereafter, an unlimited number of professionals who otherwise qualify for entry will be admitted.

The growing economic integration of Mexico and the United States calls for continued, systematic analysis of further arrangements that will facilitate trade, investment, and commerce between the two countries by facilitating the movements of people as well. The various barriers to easing constraints on legal movements also need to be identified and addressed.

- **Identifying mechanisms that maximize the benefits and minimize the costs of migration between the two countries.** As noted above, the study team recognizes that it is to the benefit of both countries to work towards eliminating unauthorized migration, which creates costs to both countries and makes migrants vulnerable to exploitation. The longer-term trends that suggest that emigration pressures may lessen in the years ahead are encouraging. In the interim, Mexican and U.S. policies should seek to capitalize on the economic return to migration to stimulate economic development. A thorough review of policies to identify how efforts to maximize the short term benefits and minimize their costs could be used to reduce the longer term pressures for migration.

  From the sending communities perspective, considerations should be given to how to decrease costs of transferring remittances, encourage

their use for productive investments, and help migrants use their U.S. working experience more effectively towards an economic return in Mexico. The cost of transferring remittances is often 20 percent of the amount transferred, meaning that as much as $1 billion is lost to the migrants themselves. Targeting more resources to poorer areas by reducing transfer costs, particularly if combined with new strategies to encourage their most productive use, may be one of the best ways to reduce migration pressures in the long term.

On the United States side, a long-term strategy to reduce unauthorized migration should consider policies that facilitate legal entry for those who are qualified for nonimmigrant and immigrant visas. The U.S. also should assess whether recently adopted policies are undermining the productive value of legal immigrants by withdrawing their eligibility for benefits when they are in need. The U.S. as well should consider how a more vigorous enforcement of labor standards could ensure that workers are paid full wages and work in humane conditions. Further, it should be recognized that excluding unauthorized children from school and basic health care may ultimately create larger costs for the society at large without substantially reducing the unauthorized flows. Both countries also should seek ways to facilitate transfer of school and health records as migrant children move from one country to the other.

- **Analyzing the advisability of a bilateral United States-Mexico foreign worker program, with due recognition that such a program is unlikely to be an effective remedy to unauthorized migration.** Perceptions in the United States and Mexico often differ widely regarding the ability of a temporary worker program to serve as a remedy for unauthorized Mexico-United States migration. We believe that the U.S. and Mexico should study the temporary worker idea very carefully to dispel myths about what might be involved in launching a new temporary worker program. Such a study is likely to puncture the notion that both sides easily could reach agreement on a truly binational program.

  While there is still employer demand for Mexican workers, there are few “certifiable” labor shortages in the U.S. industries, occupations, and areas in which Mexican and other nonimmigrant workers are employed. In some of these immigrant labor markets, real wages have declined and

work-related benefits have disappeared. Certification of the jobs currently filled by foreign workers is often the subject of litigation, and the use of legal nonimmigrant workers in these jobs may become more contentious as welfare reform augments the supply of unskilled U.S. workers. There also may be less seasonality in many of the labor markets in which Mexican-born workers are employed than is assumed, making it difficult to expect or enforce worker rotation.

Moreover, history has shown that U.S.-sanctioned Bracero recruitment in the 1950s oriented many Mexican workers toward the U.S. labor market instead of toward local jobs and development. This began a tradition of migration, raised expectations, and set into place a baseline of individuals and families who would eventually reside permanently in the U.S. Although meant to be a temporary supply of workers, one unintended consequence was to create a resident population. Many have argued that a "temporary" nonimmigrant program would not be temporary and would lead to an increase in permanent residents. If temporary workers in the United States were to come from nontraditional migration areas in Mexico, new migration streams might be set in motion.

Today, when Mexico is modernizing its economy and promoting export oriented economic development, a Bracero program might make investors reluctant to invest in areas from which migrants leave for the United States, thus reinforcing migrants' dependence on emigration. There is as yet no convincing evidence that U.S. border and interior control efforts have reduced unauthorized Mexico-United States migration, so that opening a legal channel for Mexican temporary workers would probably add to, rather than substitute for, unauthorized workers, perhaps depressing conditions for legal Mexican-born workers in the U.S. labor market. Indeed, the Special Agricultural Worker program [SAW] legislated in IRCA had that effect. Even though hundreds of thousands of farmworkers received legal status, agricultural growers continued to hire unauthorized labor.

Finally, various temporary worker proposals voted upon by Congress in 1996 had little in the way of protections for either United States or Mexican workers . For example, the proposed legislation would have weakened recruitment, wage, and housing requirements in current

farmworker programs. Also, 25 percent of the worker's wages would be withheld in a trust fund to be paid upon return—but only to the extent that the funds were not needed to cover health care costs associated with the temporary worker program. Such programs may "substitute legal for illegal workers," but it is not in the interest of either country to codify easily exploitable labor exchanges.

- **Addressing the social costs of migration, particularly regarding the separation and breakup of families.** Although there are not a great many studies on this issue, the information that does exist provides sufficient evidence that this is a serious issue needing attention. Migration too frequently has broken up families and left behind women and children and also lead children hoping for success as a migrant to leave their homes at a young age. Attention should be given to ways to alleviate the disruption/separation of families and the local economy and other social costs imposed by the migration. For example, the United States could seek ways to strengthen the family unit by eliminating the backlog of spouses and minor children awaiting family reunification (most of whom are Mexican). Further, the two governments could explore ways to identify and obtain support for families, mostly female headed, who have been deserted by migrating husbands/fathers.

APPENDICES
A. Agenda for Future Research

The binational team's agenda for future research includes studies of:

- **Demographic** issues, including the causes and consequences of differential fertility of Mexican-origin women in the United States and adjustment of their fertility behavior over time; the effects of intermarriage patterns on the assimilation of the Mexican-origin population; and the consequences of differential internal migration patterns by Mexican-born and United States born counterparts. Particular focus also is needed on Mexican immigration trends overall, as well as on: the demographic impacts of the IRCA legalization in both countries; the foreign-born populations' legal composition; modeling transitions among legal statuses; return migration, via surveys of relatives who emigrated from the U.S.; and migration-related interregional demographic changes in Mexico.

- **Economic** issues, including: whether capital and labor behave as substitutes and/or as complements; the scale effects resulting from concentrations of Mexican migrants in the United States; the reasons for the negative impacts of recent migrants on employment and earnings of earlier migrants; benefits and costs of migrants to particular industries and sectors of the economy; changes in welfare participation and levels of welfare based on duration of residence; the short and long-run fiscal impacts of legal and undocumented migrants from Mexico at the local, state, and national levels; the effects of NAFTA and other economic developments in Mexico on migration patterns and trends; Mexico's economic absorption of immigrants from other countries, including the degree to which new jobs generated in Mexico are taken by immigrants from other countries; better and more consistent estimates of costs of education, health, and social infrastructure related to migrants; the economic impacts of migration in nontraditional sending communities; the extent to which Mexican migrants working in the United States gain skills and capabilities that produce increasing benefits upon return; the contributions of remittances; the effectiveness of particular economic development strategies and programs on reducing migration pressures; and the relation between intensity of migration flow from communities and their economic and social performances over time.

- **Social** issues, including: the educational gains of the Mexican-born and their offspring compared to other immigrant groups; linguistic assimi-

lation of the Mexican-born population and the implications of Spanish language maintenance; possible bias against female sponsors in the new sponsorship requirements in the U.S.; the impacts and costs of migration to family, culture, and community in Mexico; and Mexico's social absorption of immigrants from other countries.

- **Civic and Legal Rights** issues, including Mexican immigrants' decisions on whether or not to naturalize; human rights violations of Mexican migrants en route and in the United States and of third-country nationals transiting Mexico; the main obstacles to correcting human rights violations in both countries; and the advocacy efforts of industry, agricultural, environmental, human rights, ethic, and other groups on immigration legislation.

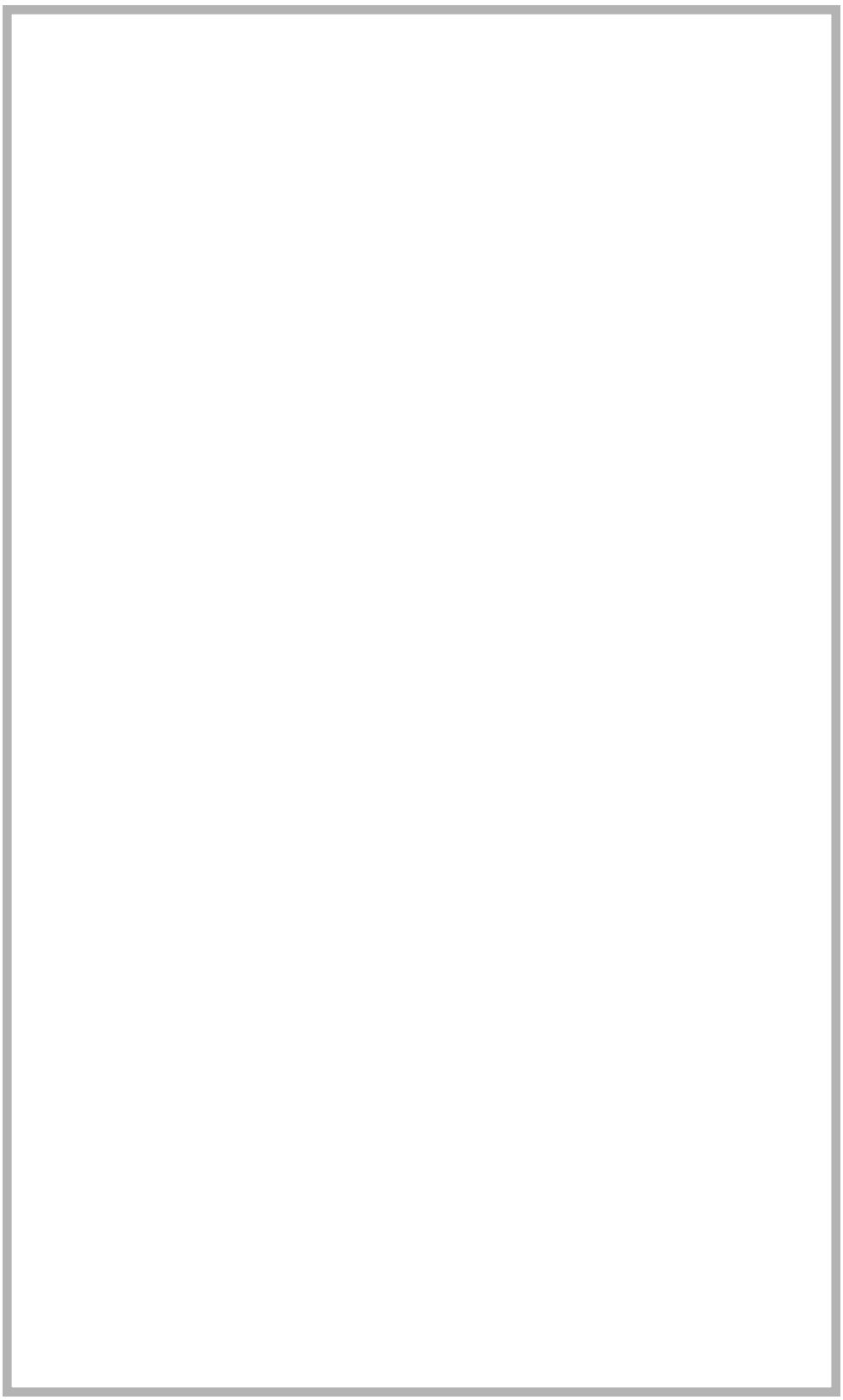
B. Migrant Occupations, United States Labor Demand, & Border Crossers

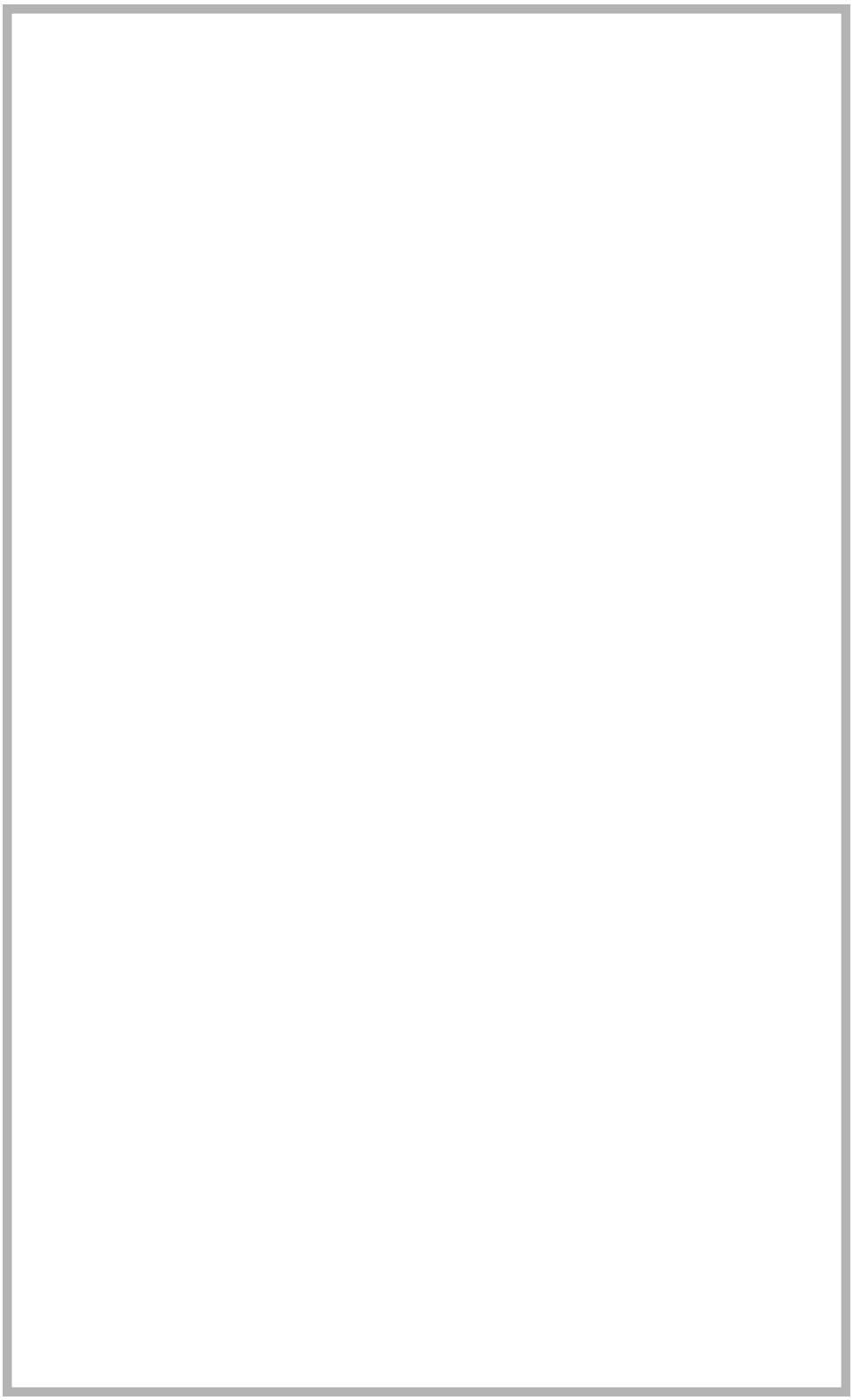
There appear to be substantial changes occurring in the U.S. occupations of migrants since 1988. There are notable gender differences in occupation. For example, Mexican-born male migrants appear to have shifted out of agriculture to some degree from 1988 to 1997 and into manufacturing occupations. Women migrants, however, remain unlikely to have been employed in agriculture and women are more likely than men to work in manufacturing and increasingly likely to find employment in service occupations.

These observations are based on the following graphs that draw upon questionnaires systematically administered from September 1988 to the present. The surveys were done in the cities of Tijuana, Mexicali, Ciudad Juárez, Nuevo Laredo, and Matamoros. Unauthorized migration through Tijuana alone makes up an estimated 50 percent of the total flow from Mexico to the United States.

To determine the occupations in which migrants worked, the following questions were asked:

(1) Have you had a job in the United States?
(2) When did you leave your last job in the United States?
(3) What type of occupation did your last job involve?





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Binational Study

Volume 1
Thematic Chapters

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The Binational Study was funded by both the Mexican and United States governments in conjunction with private sector funding in both countries. This

structure was created to optimize the independence of the research teams and to make the final summary report immediately available to institutions interested in the critical role of migration in the bilateral relationship. The Mexican Ministry of Foreign Affairs funded the Study and, with the Ministry of Interior, supported the work of this Study. The U.S. Congress appropriated funds coordinated by the U.S. Commission on Immigration Reform, and both the U.S. Immigration and Naturalization Service and the Department of State made contributions. We also acknowledge funding received from the Consejo Nacional de Ciencia y Tecnología and the United States Information Service in Mexico. Private sector funders were very interested in the project. The Fundación Muguel Alemán in Mexico contributed and the Ford and the Hewlett Foundations in the United States also supported the entire project.

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The Quantification of Migration between Mexico and the United States

Frank D. Bean, Rodolfo Corona, Rodolfo Tuirán & Karen A. Woodrow-Lafield

The migration of Mexicans to the United States is a complex phenomenon, with a long history and structural roots on both sides of the border. Not surprisingly, Mexico and the United States have often held dissimilar views of this migration. On each side of the border, government officials, policy specialists and the public have often revealed distinct perceptions as to the nature, magnitude, causes and consequences of the movement of persons between the two nations. This complicates the task of the analyst. This report seeks to simplify analysis by focusing only on the question of the quantity of migration. How large is the flow and what is the sizes of the populations in the two countries that result from it? These are among the most often discussed aspects of migration, ones that lend themselves to intense speculation. In Mexico and the United States, the question of numbers arises frequently as part of the public debate on migration, and analyses of the causes and impacts of migration in both countries depend, to a considerable extent, on the calculations (well founded or not) about the size of the phenomenon.

One of the first conclusions of this report is that Mexican migrants to the United States are not homogeneous, but rather consist of diverse subgroups that migrate

for different reasons (Bean, et al., 1994; Corona, 1993). Distinguishing among migrants is necessary in order to demarcate flows conceptually and in order to interpret the results of efforts to measure them. Recognizing differences among migrants also helps to evaluate the impacts of migration on the societies of origin and destination. From the outset, the question of the magnitude of immigration, therefore, has facets that imply a number of subquestions. How many Mexicans (authorized and unauthorized) are located at any given time in the United States? Of these, how many habitually reside in that country? How many work or look for work in the United States but actually live in Mexico? How many Mexicans enter the United States annually to reside in that country or to work in it? How many return within the same time period? What is the net flow, or the difference between the total entries and the total return flows?

Researchers trying to answer such questions on international migration are confronted with diverse methodological and technical problems. Besides the problems confronting efforts to quantify migratory flows that are well-known, other problems arise from the special characteristics of the movement of Mexicans to the United States. Analysis is difficult because of the surreptitious nature of much of the flow, the constant change in the nature of migratory populations, the difficulties in determining how long Mexicans stay in the United States, and the difficulties in estimating the considerable size of return flows to Mexico (even after lengthy periods of residency in the United States). This report seeks to overcome these difficulties insofar as possible. Its two main objectives are (1) to assess the results and adequacy of efforts of the past 25 years to estimate the magnitude of migration between Mexico and the United States, and (2) to develop estimates of the stocks and flows of migrants between the two countries circa the mid-1990s, based on the approaches and results of earlier assessments as well as on newly available data and research conducted in the 1990s.

Before proceeding further, two additional comments are in order. The first concerns terminology. We use the term “unauthorized migrant” throughout this report to refer to those Mexican migrants who are in the United States without authorization at a given point in time, either because they have surreptitiously entered the country or because they overstayed their legally authorized periods of stay. We are aware that many observers prefer other terms. Our choice of nomenclature is based on our conclusion that the term “unauthorized migrant” most accurately describes the category of persons who are not in the United States legally. We use the term migrant rather than immigrant because many of the persons in this category enter the United States for temporary purposes, that is they stay only short periods of time.

The second matter concerns the consequences of the Immigration Reform and Control Act (IRCA) of 1986 for Mexican migration flows. This legislation has had

such profound implications for the numbers and kinds of Mexican migrants going back and forth between Mexico and the United States that we wish to signal and underscore the importance of IRCA for our topic at the outset of this report. In almost every one of our discussions, we will be noting not only the ways in which we endeavor to measure the stocks and flows of migrants, but also the ways in which IRCA has influenced their magnitude. And because IRCA's legalization provisions have so increased the numbers of persons eligible for immigrant visas under the current provisions of U.S. immigration law, IRCA will also have implications for immigration flows in the future, as we note below.

The rest of this report is divided into six sections. We first consider the recent sizes of the total Mexican-origin and Mexican-born populations in the United States. Second, we discuss estimates of legal immigration from Mexico to the United States. Third, we examine estimates of unauthorized migration to the United States that are based mostly on U.S. data. Fourth, we present estimates of migration from Mexico to the United States that are based on recent data collected in Mexico. Fifth, we examine the available evidence about the migration to Mexico of persons from the United States and other countries. Sixth, we summarize and synthesize the results from the above sections, together with other recent data, to develop what we think are reasonable numbers as to the magnitude of the stock and flows of Mexican migrants to the United States just after the middle of the decade of the 1990s.

The Total Mexican-origin Population in the United States

The Mexican-origin population living in the United States has grown substantially during the 20th Century. The population consists of several groups with different experiences. First, there are those individuals born in the United States who can trace their ancestry to Mexico. This group in turn consists of those persons whose ancestors lived in those parts of the United States that once were part of Mexico, as well as those persons whose ancestors migrated to the what is now the United States. Second, there are those individuals born in Mexico who have subsequently moved to the United States. This group in turn can be broken down into three sub-groups—naturalized citizens, legal immigrants and unauthorized migrants from Mexico. The following discussion examines the size and growth of the total Mexican-origin population living in the United States, focusing on changes in the size of each of these components where possible. Our major purpose here is *not* to examine the estimates of these components in detail, because we undertake that exercise below. Rather, it is to demonstrate the rough size of the migration components in relation to the total. We begin by examining

changes in the way this group has been measured over time. Since the United States Census is the primary source of this information, we focus first on changes in census definitions. Then, we discuss the patterns of growth in the Mexican-origin population over the past century.

"Ethnicity" denotes a social identity deriving from group membership based on common race, religion, language, national origin, or some combination of these factors (Bean and Tienda, 1987:38). In part because ethnicity is a multi-dimensional concept, the way in which the Mexican-origin population has been defined by the United States Census Bureau has changed over the years in part because measurements have been based on a number of different indicators at different points in time (see Table 1). Prior to 1970, Mexican ethnicity could be operationalized through the use of various objective markers, including place of birth, parents' place of birth, language and Spanish surname. While serving to identify well Mexican-origin persons who were either foreign born or whose parents were born in Mexico, these identifiers failed to identify adequately third or higher generation Mexican-origin persons, especially those who no longer spoke Spanish at home or who no longer had a Spanish surname due to intermarriage. These limitations were especially problematic for identifying the Mexican-origin population given the group's long history in the United States. In response to

Table 1
Identifiers Available in the United States Census or Current Population Survey for the Hispanic Population, 1950-1996

Year	Birth-place	Foreign Parentage	Mother Tongue	Home Language Other than English	Spanish[1] Surname	Spanish Origin or Descent	Ancestry
1994-96	yes	yes	no	no	no	yes	no
1990	yes	no	no	yes	no	yes	yes
1980	yes	no	no	yes	yes	yes	yes
1970	yes	yes	yes	no	yes	yes	no
1960	yes	yes	yes [2]	no	yes	no	no
1950	yes	yes	no	no	yes	no	no

Source (1950–1980) Bean and Tienda, 1987; (1990 Census and 1994-96 CPS) Constructed by the authors.

[1] Only available for five southwestern states.

[2] Available for 25% of the foreign-born population

these concerns, a new measure of ethnicity was added to the 1970 Census in which Mexican ethnicity could be identified through the use of a subjective item, Spanish origin. The census measure on Spanish origin allowed respondents of any generation to identify themselves as possessing Mexican or several other Spanish-origin ethnicities.

Such changes in the basis for measuring the Mexican-origin population of the United States do not mask the fact that the Mexican-origin population has grown steadily over the last several decades (Table 2). Some of this growth can be attributed to natural increase in the U.S.-born Mexican-origin population. Mexican-American fertility rates are approximately 35 to 40 percent higher than those of Anglos (Bean and Tienda, 1987; Bachu, 1995; Clark and Ventura, 1994), while each of these groups appears to experience comparable mortality rates. Thus, even in the absence of migration, the share the Mexican-origin population contributes to

Table 2
Total Mexican-origin Population in the United States: 1900-1996

Year	Total Mexican-origin Population (in Thousands)	Percent of Total U.S. Population
1996	18,039 [1]	6.8
1990	13,393	5.4
1980	8,740	3.9
1970	4,532	2.2
1960	1,736 [2]	1.0
1950	1,346	0.9
1940	1,077	0.8
1930	1,423	1.2
1920	740	0.7
1910	385	0.4

Source: U.S. Immigration and Naturalization Service. *Historical Statistics of the United States, Part 1* (1975), U..S. Bureau of the Census, 1980 and 1990, and March Current Population Survey, 1995 and 1996.

[1] These figures are based on CPS data that are adjusted for undercount and thus are not comparable to census figures.

[2] Mexican-origin population calculated as a sum of the Mexican-born population and natives of Mexican parentage.

growth in the total population would increase relative to the share contributed by the Anglo population.

The present day size of the Mexican-origin population in the United States, however, is mostly attributable to immigration from Mexico during the 20th Century. Corona (1994) and Edmonston and Passel (1994) estimate that the Mexican-origin population in 1990 would only have been 12-14 percent of its current size had there been no immigration from Mexico since 1900. Table 3 presents the size of the Mexican-born population in the United States for each decade of the 20th Century. The flow of immigrants from Mexico has fluctuated substantially throughout this period, but it is clear that the Mexican-born population has become over time an increasingly large component of the foreign-born population of the United States.

The growth of the Mexican-born population in the United States has varied as a consequence of economic and political conditions on both sides of the border

Table 3
Total Mexican-born Population in the United States: 1900-1996

Year	Mexican-born Population (in Thousands)	Percent of the Total Foreign-born	Percent of the Total Mexican-origin Population
1996	6,679 [1]	27.2	37.0
1990	4,298	21.7	32.1
1980	2,199	15.6	25.2
1970	759	7.9	16.7
1960	576 [2]	5.9	33.2
1950	454	4.4	33.7
1940	377	3.2	35.0
1930	617	4.3	43.4
1920	486	3.5	65.7
1910	222	1.6	57.7
1900	103	1.0	

Source: U.S. Immigration and Naturalization Service. *Historical Statistics of the United States, Part 1* 1975), U.S. Bureau of the Census. 1980 and 1990, and March Current Population Survey, 1995 and 1996.

[1] These figures are based on CPS data that are adjusted for undercount and thus are not comparable to census figures.

[2] Mexican-origin population calculated as a sum of the Mexican-born population and natives of Mexican parentage.

(Freeman and Bean, 1997; Szekeley and de la Garza, 1997). The border between Mexico and the United States attained its modern definition in 1848, but records on the Mexican immigration to the United States were not kept until 1908. The accuracy of such data is dubious, however, as the border region at that time was largely unsupervised and the nature of immigration from Mexico at the very beginning of the 20th Century is unknown. Two of the border states (Arizona and New Mexico) were only territories under U.S. supervision until 1912. The first large scale officially measured immigration from Mexico into U.S. territory occurred between 1910 and 1919. Increased demands for labor brought about by the exclusion of Chinese workers in 1882, Japanese workers in 1907 and a shortage of European immigrants during World War I encouraged Mexican migration. Numbers of Mexican migrants continued to increase as the federal government exempted the Western Hemisphere from the national quota laws of the 1920s and early 1930s in the name of Pan Americanism which was also encouraged by many in the southwest who looked towards Mexico for cheap labor (Reimers, 1992). However, when the demand for labor decreased during the Great Depression of the 1930s, The United States repatriated many Mexican-origin individuals. Many of those sent involuntarily to Mexico were American-born children.

Levels of migration from Mexico once again increased with the introduction of the Bracero Program from 1943-1964 (Figure 1). Starting in World War II, non-Mexican farm workers in California sought higher paying jobs in the defense

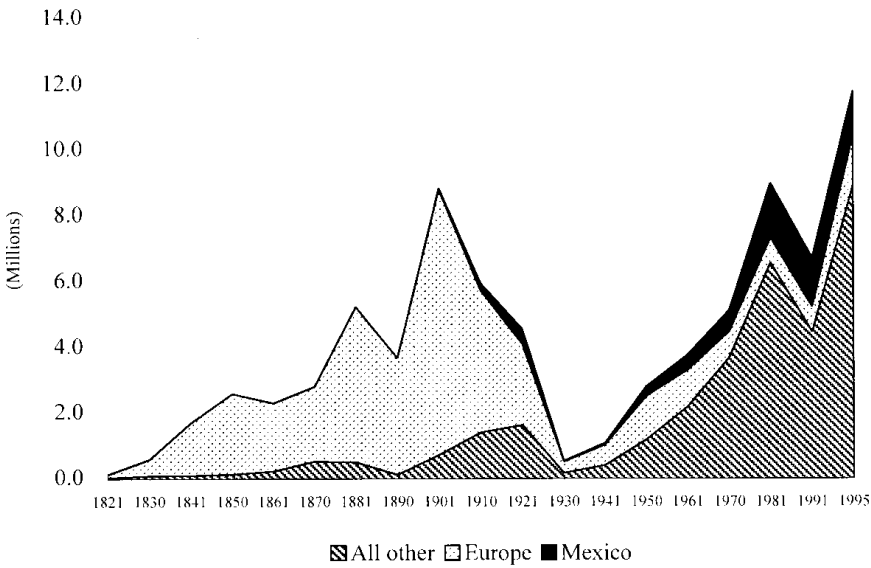

Figure 1. Legal Immigrants Admitted from Mexico, Europe and Total, 1821-1994

industry, reducing the available labor supply for farmers. This prompted growers to place pressure on Congress to admit temporary workers, or *braceros*, from Mexico. During the peak of the program in 1956, the number of workers recruited was 445,197 (Reimers, 1992). Although these workers were expected to be temporary residents in the United States, many stayed along with their family members. While growers fought to retain the supply of cheap Mexican labor, Congress refused to extend the program beyond 1964.

Despite the end of the Bracero Program, both unauthorized and legal migration from Mexico has continued to grow during the past three decades (Figure 2). In particular, the size of the legal population increased dramatically during the late 1980s and early 1990s, in part due to the legalization provisions of the 1986 Immigration Reform and Control Act (IRCA). Between 1989 and 1994, IRCA offered legal status to approximately 2 million undocumented Mexican migrants who had been either working in agriculture or living illegally in the United States before 1982. Table 4 illustrates the effect of IRCA's legalization programs on the size of the flow of immigrants from Mexico. When those legalizing their status under the amnesty provisions are removed from the official numbers of immigrants arriving in the decade, the size of the Mexican migrant population entering between 1981 and 1994 is greatly reduced. Another segment of the Mexican-born population in the United States is the unauthorized migrant population. We discuss below in

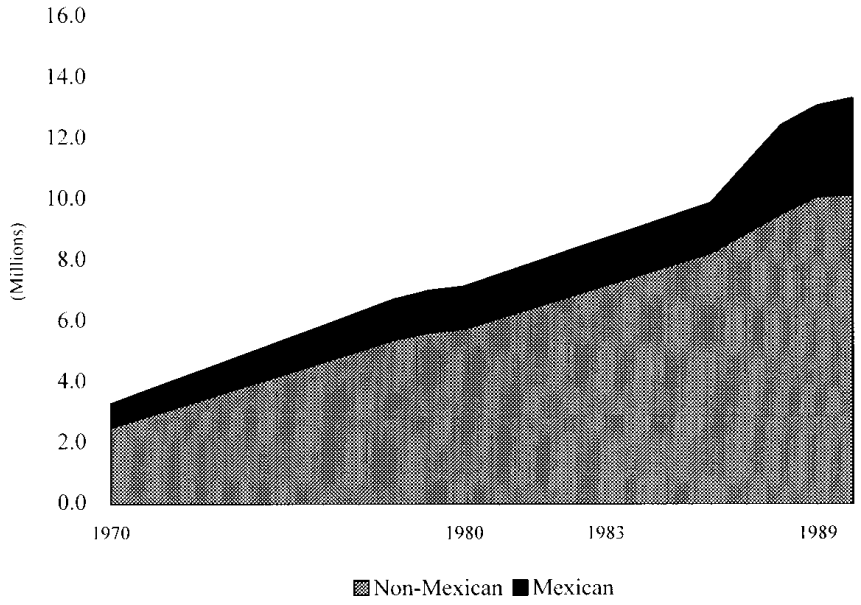

Figure 2. Legally Resident Foreign-born by Mexican Birth: 1970-1990

Table 4
Immigration from Mexico to the United States: 1900–1995

Years	Number Arriving from Mexico in the Decade	Percent of All Immigrants Arriving in the Decade
A. Published Totals		
1991-1995	1,490,040	28.5
1981-1990	1,655,843	22.6
1971-1980	640,294	14.2
1961-1970	453,937	13.7
1951-1960	299,811	11.9
1941-1950	60,589	5.9
1931-1940	22,319	4.2
1921-1930	459,287	11.2
1911-1920	219,004	3.8
1901-1910	49,642	0.6
B. Numbers of Mexican Arrivals Excluding IRCA legalizations[1]		
1991-1995	440,662	11.3
1981-1990	693,213	11.6

Source: U.S. Immigration and Naturalization Service, *1995 Statistical Yearbook of the Immigration and Naturalization Service.* U.S. Government Printing Office, Washington, D.C., 1997.

[1] Numbers of those legalizing their immigration status from the *Statistical Yearbook of the Immigration and Naturalization Service* (1989–1995).

considerable detail estimates of the size of the unauthorized Mexican migrant population and the methods used to arrive at these estimates

Another component of the Mexican-born population in the United States includes those immigrants who have become citizens of the United States. Table 5 presents the numbers of Mexican-born persons who have naturalized over the past 35 years. Compared to other immigrant groups in the United States, Mexican immigrants have been slow to naturalize (Grebler, 1966; Bean and Tienda, 1987). English language ability is frequently cited as the largest barrier to citizenship among Mexican immigrants (Reimers, 1992). It is clear from Table 5 that the proportion of persons from Mexico who are naturalizing in any given year relative to the total Mexican-born population has increased over time. During 1996 the

Table 5
Number of Naturalizations among Mexican-born Persons in the United States: 1950–1996

Year	Number of Naturalizations Among Mexicans	Number per 10,000 Mexican-born Persons In the United States
1995	67,238	110.9
1990	17,564	40.9
1980	9,341	4.2
1970	6,195	0.8
1960	5,913	1.0

Source: U.S. Immigration and Naturalization Service (1996).

number of immigrants becoming citizens increased substantially as those legalizing their status under IRCA become eligible for naturalization, and as permanent resident aliens seek to attain citizenship in order to be eligible for benefits as required by legislation passed in the 104th Congress (U.S. Immigration and Naturalization Service, 1997).

Growth in the Mexican-origin population in the United States is expected to continue into the next century due to both natural increase and increased net immigration. According to Census Bureau population projections, the Hispanic-origin population will add more people to the population in the next 60 years than all other racial and ethnic groups combined (Day, 1995). Table 6 presents projections of the size of the Hispanic-origin population based on U.S. Census projections. These projections assume that the Hispanic population will receive the highest number of immigrants than any other racial/ethnic group (350,000 annually). In addition, the Census Bureau projections are based on the assumption that the higher fertility rates of the Hispanic-origin population compared to other groups will persist. Fertility in the Hispanic-origin population is matched only by the Asian-origin population in the United States.

The projections indicate that the Hispanic-origin population will make up approximately 25 percent of the population by 2050 (Day, 1995). The last two columns of Table 6 present the population projection for just the Mexican-origin population based on its size relative to the Hispanic-origin population. Two projections are presented based on slightly different assumptions. The first is based on the assumption that the relative size of the Mexican-origin population as a segment

Table 6
Projected Size of the Mexican-origin Population in the United States: 1995–2040

Year	Projected Size (in Thousands) for the: Hispanic Population	Mexican Population (Estimate 1)[1]	Mexican Population (Estimate 2)[2]
1995	26,936	16,135	16,337
2000	31,366	18,788	19259
2010	41,139	24,642	25,876
2020	52,652	31,539	33,908
2030	65,570	39,276	43,211
2040	80,164	48,018	54,031

Source: Projection of the Hispanic Population from Day, Jennifer Cheeseman, *Population Projections of the United States by Age, Sex, Race and Hispanic Origin: 1995 to 2050*. U.S. Bureau of the Census, Current Population Reports, pp. 25-1130, U.S. Government Printing Office, Washington, D.C., 1996.

Projection of the Mexican-origin population constructed by the authors.

[1] Assuming that the proportion of the Hispanic population that is of Mexican origin remains the same as observed in 1990 (59.9%).

[2] Assuming the Mexican-origin population will continue to increase as a proportion of the total Hispanic population by 1.5 percentage points per decade.

of the total Hispanic-origin population in the United States will stay the same. The Mexican-origin population represented roughly 60 percent of the Hispanic-origin population in 1990. Table 6 also presents a projection assuming that the Mexican-origin population will continue to increase as a proportion of the Hispanic-origin population over the next several decades. Based on these assumptions, the Mexican-origin population in the United States will more than double in size over the next sixty years. In fact, using these projections, the Mexican-origin population alone will be larger than the projected size of the Black population by the year 2050.

The projections make it clear that the Mexican-origin population in the United States will continue to increase for some time based on the characteristics of the population as of 1990. In addition, there are other ways that the Mexican-origin population can change in the near future without changes in fertility or mortality. For example, as those who legalized under IRCA become eligible for citizenship in the United States, they will also be eligible to petition to bring family members

to this country (Immigration and Naturalization Service, 1992). Mexican immigrants have the largest pool of relatives who could become migrants to the United States under the family reunification provisions than any other foreign-born group in the United States (Schulte and Wolf, 1994; Woodrow and Peregay, 1991).

Another source of change that could affect the projected size of the Mexican-origin population is changing rates of intermarriage and/or changing self identification among the children of mixed-ethnicity parents. The projections in Table 6 do not account for the possibility of changes in patterns of exogamy. Intermarriage between racial/ethnic groups may alter the way future generations identify themselves given the present categories of race and ethnicity. Differential patterns of exogamy may alter the projected size of these groups (Bean et al., 1997). Edmonston, Lee and Passel (1994) have presented population projections adjusted for differential exogamy rates among Hispanics and other racial/ethnic groups. Increases in exogamy are built into their projections (see Table 7) and show that the Hispanic-origin population in the United States could vary from between 50.9 million and 77.4 million people by 2040 depending on actual rates of exogamy. Table 7 also presents the projected size of the Mexican-origin population based on the same patterns of exogamy built into the Edmonston, Lee and Passel projections. These projections demonstrate that, if the Mexican population remained approximately

Table 7
Projected Size of the Mexican-origin Population in the United States Adjusted for Potential Exogamy: 1995–2040

	Hispanic-origin Pop'n (in millions)		Mexican-origin Pop'n (in millions)	
	Single Ancestry Only[1]	Single and Mixed Ancestry[2]	Single Ancestry Only[3]	Single and Mixed Ancestry[4]
1990	22.4	22.4	13.4	13.4
2000	28.6	31.9	17.1	19.1
2010	35.0	42.1	21.0	25.2
2020	41.1	53.0	24.6	31.7
2030	46.5	65.0	27.9	38.9
2040	50.9	77.5	30.5	46.4

Source: Bean, Cushing, Haynes and Van Hook (1997), Edmonston, Lee and Passel (1994).

Notes: [1] Both parents are of Hispanic origin.
[2] At least one parent is of Hispanic origin.
[3] Both parents are of Mexican origin.
[4] At least one parent is of Mexican origin.

60 percent of the total Hispanic-origin population, individuals of Mexican origin would number between 30 and 46 million persons by the year 2040 depending upon actual rates of exogamy.

Estimates of Authorized or Legal Mexican Immigration

Measuring Legal Immigration: Knowns

Administrative Statistics

Admissions for lawful permanent residence, legalization approvals, adjustments to lawful permanent residence, and nonimmigrant arrivals are easily accessible administrative statistics. These would be considered "knowns" in the sense that the data sets are regarded as highly complete within the domain. Interpretive cautions must be noted for using these administrative statistics for social science research. First, those immigrants arriving as permanent residents may have had prior U.S. residence experience or may anticipate short or long stays abroad. Survey responses to questions about the timing of immigration may differ from recorded date of lawful permanent residence. Second, generally-legalized immigrants are usually presumed as having settled here for their lifetimes and at minimal risk of return migration as a consequence of their sustained presence. Third, those adjusting to lawful permanent residence from a nonimmigrant class may have substantial U.S. residence histories, either continuous or on an intermittent basis. Fourth, arriving nonimmigrants are presumed to be temporary residents, and the majority of non-immigrant departures occur following short durations of saty.

Measuring Legal Immigration: Unknowns

The following sub-sections address the major uncertainties stemming from "temporary" migration, emigration after legal immigration, incorporation of the agriculturally-legalized population, and the ultimate immigration consequences of the IRCA legalizations.

Presence of Nonimmigrants

A one-year entry cohort of nonimmigrant arrivals is comprised of (1) aliens who depart and (2) aliens who stay or are lifetime migrants. Among those who depart, most depart within a brief interval and others depart after stays of at least one year. Among those who stay, some adjust to permanent resident status, and others stay as unauthorized or undocumented, but either may have changed among nonimmigrant classes. Those nonimmigrant arrivals followed quickly by departure are not considered as counting toward population change and such individuals

would not meet residence rules for either census enumeration or inclusion in national surveys. Those eventually departing after longer residence periods and those ultimately becoming lawful permanent residents present accounting difficulties. The critical questions is: As of a specific date, how many nonimmigrants have stayed in the United States for at least one year or are likely to do so? The magnitude of the accumulated number of present stayers across various nonimmigrant arrival cohorts is needed to estimate the legally resident foreign-born populations for dates falling within the transition between nonimmigrant status and departure or adjustment to permanent status. Their presence is hidden until their adjustments are recorded in immigrants statistics.

This problem is difficult conceptually, analytically, and empirically. The appropriately detailed arrivals and departures statistics are not yet published for monitoring the nonimmigrant population, although considerable improvements have been made. Departures statistics have not been published regularly and are incomplete because the departure portion of the I-94 form may not be collected at exit or INS may receive it much later. Interpreting the net difference of 3.3 million for 1994 (22.1 million arrivals less 18.8 million departures [U.S. Immigration and Naturalization Service 1996b]) is impossible without modeling nonimmigrant processes of arrival, departure and adjustment over time with modification for undercoverage.

The residence rules for the census stipulate that individuals shoulds be living here on a permanent basis or should have lived here for at least six months. Therefore, even when migration may not be for the purpose of permanent residence, six months of residence might be considered a threshold for considering nonimmigrants as usual residents. The 1980 estimate of Warren and Passel included about 612,000 nonimmigrants whose class of admission was taken to imply "usual" residence—243,000 refugees, 192,000 students, and 177,000 other aliens (Woodrow 1990). Throughout the 1980s, the presumption was that newly-arriving nonimmigrants becoming "usual" residents for several months were offset by departures, including adjustments of status of similarly "usually resident" nonimmigrants. This could be a shaky assumption because the annual number of nonimmigrant arrivals has tripled relative to 1970. A total of 1,150,000 nonimmigrants adjusted to lawful permanent residence during 1990-1994. Thus there are about 230,000 annually who are identified as long-term temporary migrants.

Emigration after Legal Immigration

The volume of authorized or legal immigration rose over the 1960s, 1970s and 1980s. Following the post-war period of low immigration and low emigration, the magnitude of emigration after legal immigration, also known as return migration

or re-migration, also began to shift upward. Absent official counts for departing immigrants, several indirect approaches described possible emigration levels for the 1960s, 1970s, and 1980s decades (Warren and Peck, 1980: Warren and Kraly, 1985; Warren and Passel 1987; Woodrow-Lafield, 1996a; Ahmed and Robinson, 1994, Borjas and Bratsberg, 1996).

The crucial question is whether emigration levels for 1960-1980 are sufficiently descriptive of emigration levels for 1960-1990 and 1960-1999, or whether emigration has perpetually increased in the latter half of the 20th Century as the foreign-born population increased dramatically. Emigration levels might be unchanged because emigration rates may be lower among contemporary immigrant residents than among earlier cohorts. Origin or other characteristics associated with lower propensity to emigrate may be more highly represented among foreign-born residents. Indeed, the compositional mix of the foreign-born population has shifted to include greater proportions of (1) Latin Americans and Asians for whom emigration has seemed lower than for Europeans (Jasso and Rosenzweig, 1990); Warren and Kraly, 1985) and (2) immigrants who entered under visa categories associated with lesser likelihood of return migrating, such as refugees, asylees, adjustees from nonimmigrant statuses, and formerly undocumented or temporarily resident individuals.

The preponderance of evidence about emigration is more adequate for positing a broad range than for stating that emigration levels are higher in the 1980s than in the 1970s. The empirical evidence is mixed. First, several studies support a range for 1980 census coverage research of about 0.9 to 1.9 million foreign-born emigrants. Second, there is variance among estimates of emigration for the 1980s. A newly applied approach in the U.S. context, multiplicity sampling-based surveys of U.S. residents about nonresident relatives, supported a broad range for emigration occurring over 1980-1989 (Woodrow-Lafield 1996a). In combination with sensitivity analyses in Woodrow (1991b) based on using emigration rates by age, sex, period of entry, and country or region of origin, the preliminary evaluation of 1990 census coverage employed an estimate of 1.33 million for net emigration of legally resident foreign-born for the 1980s and allowed for variation between 0.8 million and 2.2 million. A re-application of Warren and Peck's (1980) intercensal approach yielded a result toward the upper end of this range (Ahmed and Robinson 1994). Although this study was taken to support higher emigration in the 1980s than in the 1970s and a higher allowance for population programs, the U.S. Bureau of the Census took an evenhanded approach in also increasing the allowance for net population change due to net undocumented migration.

For the present purposes of positing estimates for net legal immigration as of the 1980s and 1990s, we make assumptions about the level and composition of emigration flows that are generally consistent with prior research for the 1960s

and 1970s. For post-1989 analyses, alternative series will show the effects of varying assumed emigration from 95,000 to 195,000 annually. Legal foreign-born emigrants will be distributed to Mexico as country of origin and to all other countries of origin on the same basis as for undocumented research (Woodrow and Passel 1990; Woodrow 1992c).

The Mexico-born population has increased dramatically since 1950, but that increase has been dominated recently by legal immigration—primarily family-based and legalization-based. In one sense, there might seem to be lesser propensity for return migration given a greater density on legal status, greater demographic diversity, and possibly greater representation of sending communities at migration maturity. Alternatively, the Mexico-born population could ultimately reach a time at which Mexican return migration could emerge as more easily discernible, despite limitations of methodologies, simply because of its volume as a function of the larger size of immigrant cohorts over the 1970s, 1980s, and 1990s. Such a shift could be detectable, if not precisely measurable, by comparing multiplicity sampling-based estimates of Mexican emigrants over time, as Woodrow-Lafield (1996a) found for the post-IRCA period between 1987 and 1988.

The SAWs Population

In referring to the agricultural legalization, meaningful distinctions exist among SAW applicants, SAW-approved beneficiaries, SAW-default beneficiaries, and residents becoming SAW-approved beneficiaries. The SAW beneficiaries may not be presumed automatically as living in the United States because their "proof" of agricultural work experience was insufficient for establishing usual residence in the United States. Migrant agricultural workers have historically commuted for lengthy periods of time as part of the settlement process (Massey 1986; Lowell 1992; Tilly 1990). Because about 700,000 SAW applications were filed in May 1988-November 1988 (498,000 in the last two months), the SAW program may have been a magnet for aliens seeking U.S. residence status and may have ultimately promoted migration to and settlement in the United States (Also, see Martin 1990, 1994, 1996.)

Further confusing the issue of whether SAW beneficiaries live in the United States or their origin country, which was Mexico for 81.6 percent, the INS automatically granted lawful permanent resident status to all SAW beneficiaries. That benefit was extended to both SAW-approved beneficiaries and SAW-default beneficiaries, whose applications INS simply failed to deny, with about 900,000 becoming "lawful permanent residents" by the default deadline of December 1, 1990. Thus, the single action of SAW application yielded entitlement for U.S. permanent residence.

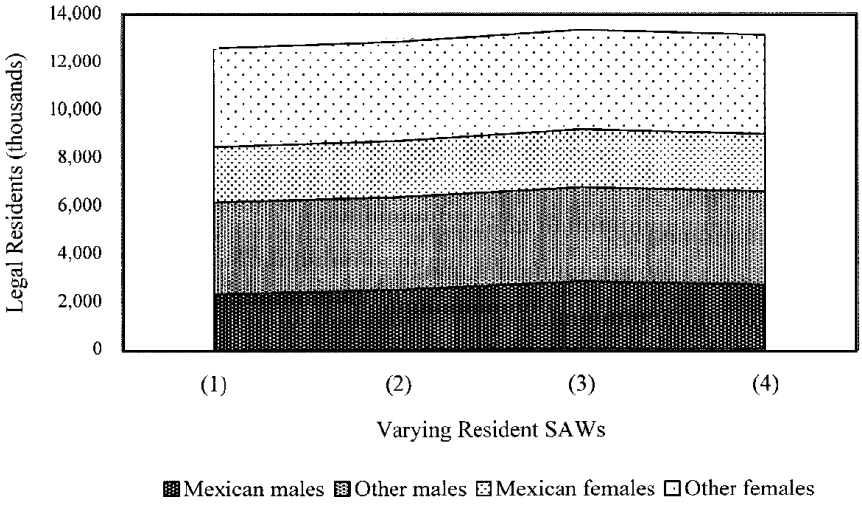

Figure 3. Legally Resident Foreign-born in 1989 by Mexican-born and Resident SAWs

There are limited insights to SAWs' behavior following legalization. The National Agricultural Workers Survey (NAWS) acquired individual migrant workers' legal status; almost one-half of the migrant workforce in 1989—1991 has legalized under IRCA (Gabbard, Mines, and Boccalandro 1994). Samardick (1995) reported that about 32 percent of Mexico-born migrant workers in 1993-1994 had received SAW status and that about 7 percent had generally legalized after long-term undocumented residence. Many of the SAW beneficiaries appear to have continued working in seasonal agricultural services.

Another indicator of SAW beneficiaries' residence in the U.S. rather than their origin country will be their behavior in seeking to naturalize. Naturalization statistics for fiscal year 1996 showed a continued upward trend, but application levels for naturalization among eligible generally-legalized immigrants or SAW beneficiaries are not known. Application rates among the generally-legalized population have been tracked in only a very limited fashion (U.S. Department of Labor (1996:107).

Immigrant Flow Effects from IRCA

The presence of IRCA beneficiaries' family members in the United States must be viewed carefully in building an accounting model for the legally resident foreign-born population. The demographic consequences of the general legalization program under IRCA will be considerable with as many as 2.5 million future immigrants

related to these legalization beneficiaries, including 1.6 million Mexican relatives (Woodrow-Lafield 1994a). Approximately 136,000 spouses, 223,000 children, 30,000 parents, 130,000 siblings, and 102,000 other relatives are estimated as living in the IRCA beneficiary households and having non-resident statuses (family fairness, temporary visa, other, or missing). Within households of legalized Mexican immigrants, there were 91,000 spouses, 159,000 children, 19,000 parents, 99,000 siblings, and 69,000 other relatives in nonpermanent statuses, totaling 436,000 (unpublished analyses by Woodrow-Lafield). In a demographic accounting analysis of the resident population, resident dependents of IRCA beneficiaries will be incorporated in the estimated legally resident foreign-born population in a lagged fashion as they become legal immigrants with the allocated visas for 1992-1994, with second preference (or first, third, or fourth preference) visas in some year, or under provisions for immediate relatives (parents, spouses, or minor children) of U.S. citizens.

IA90 specified that up to 55,000 visas might be granted for spouses and children of legalization beneficiaries to avoid family disruption. This largesse was apparently insufficient because (1) a lesser amount resulted—140,000; (2) the second preference visa waiting list counts associated with legalization beneficiaries were 739,774; 853,382; and 824,000 in fiscal years 1993, 1994 and 1995 (U.S. Department of State 1993, 1994, 1995 U.S. Commission on Immigration Reform 1995). Many (one half million) of these spouses and children are probably related to beneficiaries of the SAW or agricultural legalization (Woodrow-Lafield 1995b). The waiting list under second preference is so clogged that waiting times for new applicants are growing progressively longer.

A more expedient way for these close family members to legally immigrate to the United States will be the two-tier processes of the IRCA beneficiary's naturalization and sponsorship of their spouses and minor children under immediate relatives provisions for which there are no limitations except for those who were minor children at the time of visa petition filing who aged into adulthood and were ineligible for visa issuance. Among Mexican respondents in the 1992 LPS, nearly three-quarters indicated they would either "definitely" or "probably" apply for naturalization upon becoming eligible (Woodrow-Lafield 1995c). This study supported a cost-benefits strategy in naturalization decision-making in that having a co-resident sibling without permanent status and having a parent or sibling intending to immigrate are significantly associated with intending to apply for naturalization. The numbers of spouses and children who could become legal immigrants under immediate relatives' provisions during 1996-1999 could exceed one half million.

Demographic Accounting for Unauthorized or Legal Migration

Legally Resident Foreign-born Population in 1980

Warren and Passel (1983, 1987a, b) first formulated a baseline estimate for the alien component using the Annual Alien Address Registration Program for January 1980 according to self-reported residence status. The 1980 alien data were adjusted for estimated underregistration of 11.1 percent, resulting in an overall increase of 12.5 percent. For Mexico, Warren and Passel estimated that 7.3 percent of legally resident aliens had failed to register (Passel 1991). An estimate of naturalized citizens in the 1980 census was based on both census reporting as naturalized citizens and a demographic estimate constructed by surviving naturalizing immigrants over time, as identified with INS administrative naturalizations statistics. A major criticism directed at this work on the undocumented population was that the authors assumed that INS sources correctly recorded naturalizations over 1960-1980 (Hill 1985b), but classification by citizenship was unnecessary for derivation of an undocumented estimate, and subsequent demographic accounting was for the foreign-born category.

The Warren-Passel estimate for 1980 of 12,084,000 legally resident foreign-born persons, including 7,816,000 aliens and 6,118,000 naturalized citizens was meant to represent the complete population of legally resident foreign-born persons as of January 1980. Included were 2,326,000 persons of Mexican birth, with 2,121,000 aliens and 205,000 naturalized citizens. An obvious weakness is an inconsistency with 1980 census data for foreign-born persons entered before 1960 in that the census counts were lower than Warren and Passel's estimate for all countries or regions other than Mexico. Demographic research on legal status of the foreign-born population has emphasized the "Entered After 1960" population, with inclusion of Mexicans who entered pre-1960.

The nature of the data collection over a one-month period also raises concerns because the population estimate would probably over-represent shorter durations and lead to over-estimating the population entered for the most recent time period. Hill (1985b) raised questions about over-reporting for Mexico, among other countries, possibly as a result of misreporting by temporary residents in the category for permanent resident. Subsequently, Passel (1991) allowed for greater variability in the legally resident alien component for the Mexican population (+10 percent) than for the non-Mexican population (+3 percent), noting that undocumented migrants might have erroneously registered.

The estimate of legally resident foreign-born persons as of 1980 by Warren and Passel can be considered a "standard" in several senses, and it became a foundation for using a components-of-change method to derive post-1980 estimates for legally resident foreign-born populations in the United States. The major

components of change are estimated mortality, assumed emigration, admissions of lawful permanent residents and certain groups of arriving refugees, and other transitions to lawful permanent residence by persons already living in the United States (including adjustments and legalizations). This methodology was designed for consistency with the Census Bureau's methodologies for demographic analysis and postcensal population estimates.

An accounting for components of change for the resident population was equivalent to accounting for components of change in the legally resident population before 1980 because an undocumented presence had not yet been measuraæble. After the 1980 census apportionment counts exceeded the independent estimate, the Census Bureau endeavored to improve estimates of the number of illegal aliens and make public a sufficient number of undercount estimates to illustrate the uncertainties in the methods (ASA Technical Panel, 1984). To this end, a systematic research program at the Census Bureau monitored net legal immigration in the 1980s and indirectly monitored net undocumented migration by partitioning survey estimates for the foreign-born population into legal and undocumented components (Passel and Woodrow 1987; Woodrow, Passel and Warren 1987; Woodrow and Passel, 1990; Woodrow 1992c).

Table 8 summarizes the 1970-1990 time series of estimates of the foreign-born population, legally resident foreign-born estimates, and estimates of unauthorized residents in surveys or censuses. Post-1986 estimates required accounting for IRCA-legalized aliens' transitions from undocumented resident to legal resident. Those legalizing on the basis of having lived here continuously in an undocumented status since before 1982 are *prima facie* permanent residents. The figures in Table 8 incorporate most of the general legalizations, but alternative estimates based on allowing for agricultural legalizations are discussed below.

To the degree that there is undercoverage of either the legally resident or undocumented residents, there will be underestimation of the unauthorized component (Woodrow-Lafield 1995a). Because foreign-born undercoverage is not known, a potpourri of rationales have been discussed for a range on the total number of unauthorized residents over 1980-1990. Despite the passage of time, these ranges are not really very different. The most consensual is the range for 1980 that relies on several studies suggesting that the probable upper bound of the unauthorized population was 3.5 to 4 million (Bean, King, and Passel 1983; Levine, Hill, and Warren 1985; Passel and Robinson 1988; Heer and Passel 1987.

These studies were the foundation for the net unauthorized migration component for evaluating the 1990 census (Woodrow 1991a) which is discussed more later. It must be noted that an estimate for legally resident foreign-born population was implicit rather than explicitly stated and that the net "unauthorized" migration component possibly included agriculturally legalized residents. The last two studies

Table 8
Estimates for Foreign-born, Legally Resident, and Unauthorized Populations
Based on Demographic Accounting: 1970-1990

Date of Estimate	Foreign-born in census or survey			Legally resident foreign-born in U.S.		Estimated unauthorized residents in survey or census	Hypothetical total number or range (in millions)	Relevant Sources
	All Periods	%	Post-1960	All periods	Post-1960			
1970 Census	9,739,723	4.0%	3,316,928	9,739,723	3,316,928	0	0.8	Passel & Robinson (1988)
Nov. 1979	13,198,000	5.8%	8,760,000	11,474,000	7,036,000	1,724,000	none given	Passel & Woodrow (1987)
								Woodrow, Passel, & Warren (1987)
1980 Census	14,139,000	6.2%	9,230,000	12,082,000	7,173,000	2,057,000	2.5 to 3.5;	Warren & Passel (1983, 1987)
								Passel (1985b)
								Passel & Robinson (1988)
							2.0 to 5.0;	Fay, Passel, & Robinson (1988)
							1.5 to 3.5;	Hill (1985)
							2.0 to 4.0	Levine, Hill, & Warren (1985)
April 1983 (14+)	13,633,000	7.4%	9,949,000	11,540,000	7,855,000	2,093,000	none given	Passel & Woodrow (1987)
June 1986	16,237,000	6.8%	13,069,000	13,079,000	9,911,000	3,158,000	3.0 to 5.0	Woodrow, Passel, & Warren (1987)
								Passel & Woodrow (1986)
June 1988	17,185,000	7.0%	14,379,000	15,279,000	12,473,000	1,906,000	none given	Woodrow & Passel (1990)
Nov. 1989	17,785,000	7.3%	15,154,000	15,735,000	13,104,000	2,050,000	1.7 to 3.1	Woodrow (1990, 1991b, 1992b)
Projected April 1990	19,090,000	7.5%	15,754,000	16,690,000	13,354,000	2,400,000	3.3	Woodrow (1991b)
							1.9 to 4.5	
1990 Census	19,768,000	8.0%	16,628,000	17,690,000	14,354,000	2,274,000	2.3 to 5.0	Woodrow-Lafield (1995)
1990 Census	19,724,000	8.0%	none given	17,749,000	none given	1,975,000	none given	Clark et al. (1994)

Note: Most foreign-born population figures include estimated amounts for misreporting as native foreign-born persons.

Source: Woodrow-Lafield, Forthcoming

mentioned in table 8 (Woodrow-Lafield 1995a; Clark et al., 1994) make allowances for nonspecific sources of legal immigration, including agriculturally legalized residents, and we return to these results a closer examination of studies for the 1979-1989 period.

The legally resident Mexico-born population in the United States increased from about 1.4 million in 1980 to 3.0 to 3.5 million for 1990 (Table 9), depending on particular assumptions. The unauthorized population of Mexican birth appears to have fluctuated and to have declined slightly for 1990 relative to 1980, but this appearance may be artifactual due to the survey or census estimate. Prior to IRCA, extrapolation of studies of average population change due to net unauthorized migration from Mexico implied there were as many as 2.5 to 3.5 million unauthorized Mexican residents, but the post-IRCA range was lower—1.0 to 2.2 million (Woodrow -Lafild 1996e). These estimates for legally resident foreign-born populations are only as accurate as they are unbiased from data gaps on emigration or return migration and unknown long-term immigration associated with nonimmigrants or agriculturally legalized persons. Exercising expert judgment is inescapable, but guiding strategies are nonexistent. The number of unauthorized residents in 1990 was certainly below six million (Woodrow-Lafield, 1997).

Without Accounting for IRCA Legalizations

Prior studies showed post-1986 estimates for the legally resident foreign-born population without any amnestied aliens pursuant to IRCA only for the purpose of estimating net population change due to undocumented immigration. Without allowing for legalization pursuant to the amnesty provisions of IRCA, the foreign-born population legally resident would have grown from 7,036,000 to 11,440,000 over 1979-1989 (second tier, Table 9). This increase is only from post-1981 immigration. Recently admitted legal Mexico-born immigrants accounted for slightly more than one-tenth of net legal immigration for the post-1981 entry period.

With Accounting for Generally Legalized Immigrants

The featured or preferred estimates for the legally resident foreign-born population showed an increasing trend over 1979-1989. The rate of increase was greater for the Mexico-born population legally resident as the number more than doubled over that decade from 1,388,000 to 2,522,000. Without considering origin, most of the increase is attributable to post-1981 immigration. With closer examination, most of the increase for the Mexico-born population falls within the pre-1981 entry reference period—almost wholly from the IRCA legalization

Table 9
Estimates of Net Legal Immigration with Legalizations, 1979–1989, Total and Mexican-born

Data and Source	Total (in thousands)			Mexico-born (in thousands)		
	Total	Entered Before 1982	Entered After 1981	Total	Entered Before 1982	Entered After 1981
Preferred						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,104	8,887	4,217	2,999	2,522	477
Without any IRCA legalizations						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	10,728	7,369	3,359	1,766	1,378	389
1989, Woodrow (1991a, 1992c)	11,440	7,223	4,217	1,837	1,360	477
With general legalizations and low number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,354	8,887	4,467	3,211	2,522	689
With general legalizations and moderate number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,604	8,887	4,717	3,449	2,522	927
With general legalizations and high number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	2,316	1,400	1,400	260
1986, Woodrow, Passel and Warrent (1987)	9,911	7,595	3,359	1,657	1,397	389
1988, Woodrow and Passel (1990)	12,473	9,114	4,217	2,985	2,597	477
1989, Woodrow (1991a, 1992c)	13,879	9,662	4,992	3,774	3,297	1,252

Table 9 (Continued)

Data and Source	Total (in thousands)			Mexico-born (in thousands)		
	Total	Entered Before 1982	Entered After 1981	Total	Entered Before 1982	Entered After 1981
With general legalizations and nearly all SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	14,104	8,887	5,217	3,799	2,522	1,277

of aliens proving continuous undocumented residence since before January 1, 1982. As a reminder, these estimates of the legally resident foreign-born population were produced under the auspices of the Census Bureau's 1980 and 1990 census coverage evaluation programs and, accordingly, are intended to represent those individuals meeting the Census Bureau's criteria for living in the United States on a usual basis.

With Incorporation of Agriculturally Legalized Beneficiaries as Residents

Recalling earlier discussions about the SAW legalization program, the issue of SAW applicants' inclusion in the legally resident estimate, national surveys or the census, and in survey-based undocumented estimates were not very important during 1988-1990. For example, the review of the unauthorized immigration component by Himes and Clogg (1992) mentioned only the generally legalized immigrants. Until the deadline of December 1, 1990, the INS might have refused many of the applicants on the basis of having shown insufficient grounds. Making any allowance for agricultural legalization beneficiaries' residence affects primarily the overall foreign-born and Mexico-born legally resident populations.

Shown in the lower four tiers of Table 9 are illustrative estimates based on alternative assumptions about inclusion of SAW applicants as legally resident for November 1989. The scenarios, similar to those presented in Woodrow and Passel (1990) and Woodrow (1992c), are:

- Low assumption of SAW beneficiaries as residents, for which each SAW beneficiary is assumed to have resided in the United States, on average, for three months, implying that 250,000 would be included;

- Moderate assumption of SAW beneficiaries as residents, for which each SAW beneficiary is assumed to have resided in the United States, on average, for six months, implying that 500,000 would be included;
- High assumption of SAW beneficiaries as residents, for which 550,000 SAW beneficiaries (including 100,000 Group I and 450,000 Group II) are assumed as continuously resident in the United States and for which 450,000 SAW beneficiaries are assumed to have resided in the United States, on average, for six months, implying that a total of 775,000 would be included;
- "All" assumption of SAW beneficiaries as residents, for which nearly all SAW beneficiaries are assumed to have resided in the United States permanently, for inclusion of 1,000,000.

The effect of incorporating SAW beneficiaries as residents increases the post-1981 portion of net legal immigration with especially marked increase for the Mexico-born population. In light of the heavily male composition of the SAW applicant pool, the 1988 and 1989 studies also considered composition by sex. Given implications of these legally resident estimates for derivation of undocumented estimates, it appeared in the late 1980s as if the demographic and origin characteristics of the SAW applicant pool constrained the feasible assumptions to the "low" and "moderate" ones. Allowing for inclusion of more than 500,000 SAW applicants (perhaps 425,000 from Mexico) in the legally resident estimate led to unbalanced sex ratios and implausible undocumented estimates based on the 1988 and 1989 CPS (Woodrow and Passel 1990; Woodrow 1991a, 1992c). Some or many SAWs may certainly have been living in the United States prior to final INS processing and simply have been omitted from the CPS estimates of the foreign-born population. The likelihood of high census and CPS undercoverage for SAW beneficiary residents is obvious, particularly if they resemble agricultural migrant workers (Kissam 1993; La Cooperativa Campesina de California 1991). Gabbard, Kissam, and Martin (1993) discussed the travel patterns of migrant workers as explanations for their finding of extremely high census undercoverage for this special population.

Demographic analysis of 1990 census coverage required an estimate of the total resident population, including the undocumented population residing in the United States on April 1, 1990 by May 1991, prior to the Secretary of Commerce's decision on whether to adjust the 1990 census apportionment counts for undercoverage. However, demographers could not replicate previous analyses, that is, compare the legally resident foreign-born population estimate as of Census Day 1990 with the 1990 census count of the foreign-born population which was unknown until early February of 1992 (U.S. Bureau of the Census 1993a. b). For the

demographic analysis program over 1990-1991, the major emphasis was on measuring overall undercoverage of all residents by age, sex, and race with lessor emphasis on legally resident undocumented populations differentiation. In Robinson et al's (1993) analysis of 1990 census coverage, the implicit estimate for legal foreign-born residents as of Census Day 1990 would be 16.7 million as a minimum after incrementing the November 1989 estimate of Woodrow (1991a, 1992c) with 250,000 additional legal immigrants over December 1989-March 1990 as described in Woodrow (1992b) and Woodrow-Lafield (1995a). That figure would have included at least 3 million Mexico-born legal residents. For the "entered since 1960" population, the overall figure would be 13.4 million.

A prime source of uncertainty about the legally resident foreign-born population for 1990 is the size of the resident population having benefited from the agricultural legalization provisions of IRCA. With assumptions about resident SAW beneficiaries, the overall estimate could increase to 17.6 million and the Mexico estimate would increase markedly to 3.8 million. The component for legal immigration over the 1980s was bounded by 5.9 and 8.3 million for modeling uncertainty in the total resident estimate (Robinson et al., 1991, 1993). The two published estimates for legally resident foreign-born persons 1990 shown in Table 8 and for the Mexico-born portion shown in Table 9 are similar in their methodological divergence from pre-1990 census studies. Citing nonspecific sources of legal immigration, including SAW beneficiaries, nonimmigrants becoming permanent residents in the 1990s, special EVD and TPF statuses, and dependents of IRCA-legalized beneficiaries, Woodrow-Lafield (1995a) used estimates of 14.354 million and 17.690 million for the legally resident foreign-born population entered since 1960 and entered in all time periods. Clark et al. (1994) similarly allowed explicit amounts for SAW beneficiaries' presence, foreign students, and other nonimmigrants for estimates of 17.749 million, including 3.469 million Mexicans.

Most of the lawful permanent resident admissions in Fiscal Years 1990 and 1991 were legalization adjustments. In 1990, most of these legalization adjustments were to generally legalized immigrants, and 1991 was the peak year for agricultural legalization adjustments, primarily of the SAW-default approved beneficiaries.

Net Legal Immigration Alternative Series, Varying Emigrants, SAW Beneficiaries as Residents, or Other Nonspecific

Alternative series of estimates for net legal immigration as of 1990 and for 1995 are presented in Table 10 that consider uncertainties as to emigration of legal immigrants, incorporation of SAW beneficiaries as U.S. resident, and nonspecific sources of net legal immigration. The range for the low (95,000), moderate (133,000),

Table 10

Net Legal Immigration, 1990 and 1995, Alternative Series, Varying Assumptions on Specificity, Residence of Agricultural Legalization Beneficiaries, and Emigration

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1995	Mexico-born Entered Before 1995
With low-zero allowance for nonspecific,				
Without any allowance for SAW beneficiaries as residents,				
1. With low assumption for emigration (95,000)	14,004	3,307	16,825	3,928
2. With moderate assumption for emigration (133,000)	13,641	3,264	16,281	3,864
3. With extreme assumption for emigration (195,000)	13,092	3,199	15,457	3,766
With low-zero allowance for nonspecific,				
With low allowance for SAW beneficiaries as residents (300,000, 250,000 Mexican),				
4. With low assumption for emigration (95,000)	14,304	3,557	17,125	4,178
5. With moderate assumption for emigration (133,000)	13,941	3,514	16,581	4,114
6. With extreme assumption for emigration (195,000)	13,392	3,449	15,757	4,016
With low-zero allowance for nonspecific,				
With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican),				
7. With low assumption for emigration (95,000)	14,554	3,757	17,375	4,378
8. With moderate assumption for emigration (133,000)	14,191	3,714	16,831	4,314
9. With extreme assumption for emigration (195,000)	13,642	3,649	16,007	4,216

Table 10 (Continued)

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1995	Mexico-born Entered Before 1995
With low-zero allowance for nonspecific,				
With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican),				
10. With low assumption for emigration (95,000)	14,854	4,007	17,675	4,628
11. With moderate assumption for emigration (133,000)	14,491	3,964	17,131	4,564
12. With extreme assumption for emigration (195,000)	13,942	3,899	16,307	4,466
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With low assumption of SAW beneficiaries as residents (300,000, 2500,000 Mexican),				
13. With low assumption for emigration (95,000)	15,004	3,807	17,825	4,428
14. With moderate assumption for emigration (133,000)	14,641	3,764	17,281	4,364
15. With extreme assumption for emigration (195,000)	14,092	3,699	16,457	4,266
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican),				
16. With low assumption for emigration (95,000)	15,254	4,007	18,075	4,628
17. With moderate assumption for emigration (133,000)	14,891	3,964	17,531	4,564
18. With extreme assumption for emigration (195,000)	14,342	3,899	16,707	4,466
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican),				
19. With low assumption for emigration (95,000)	15,554	4,257	18,375	4,878
20. With moderate assumption for emigration (133,000)	15,191	4,214	17,831	4,814
21. With extreme assumption for emigration (195,000)	14,642	4,149	17,007	4,716

Table 10 (Continued)

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1995	Mexico-born Entered Before 1995
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican),				
With low assumption of SAW beneficiaries as residents (300,000, 250,000 Mexican)				
22. With low assumption for emigration (95,000)	15,304	4,357	18,125	4,978
23. With moderate assumption for emigration (133,000)	14,941	4,314	17,581	4,914
24. With extreme assumption for emigration (195,000)	14,392	4,249	16,757	4,816
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican),				
With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican),				
25. With low assumption for emigration (95,000)	15,554	4,557	18,375	5,178
26. With moderate assumption for emigration (133,000)	15,191	4,514	17,831	5,114
27. With extreme assumption for emigration (195,000)	14,642	4,449	17,007	5,016
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican),				
With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican),				
28. With low assumption for emigration (95,000)	15,854	4,807	18,675	5,428
29. With moderate assumption for emigration (133,000)	15,491	4,764	18,131	5,364
3.0. With extreme assumption for emigration (195,000)	14,942	4,699	17,307	5,266

Sources: Woodrow (1991a, 1992c); Woodrow-Lafield (1995, 1996).

Note: See text for explanation of various assumptions and other details of these calculations.

and extreme (195,000) assumptions about annual levels of emigration is narrow, although those differences would accumulate over the number of years. For the Mexico-born, these assumed amounts of emigration are slight—9,000, 13,000, or 20,000 in accordance with Warren and Passel (1987b). The range for incorporation of SAW beneficiaries as residents is 300,000 (250,000 for Mexico), 550,000 (400,000 for Mexico), or 850,000 (700,000 for Mexico). The range for nonspecific sources of legal immigration is zero for the low, 700,000 (250,000 for Mexico), or 1,000,000 (800,000 for Mexico). This latter set of assumptions is intended to encompass those individuals whose status might be considered as neither legal nor undocumented at the present time who would become legally resident especially as possible through naturalization of a relative who is an IRCA legalization beneficiary.

The columns for net legal immigration for entry 1960-1990 are based on carrying forward the estimated legally resident foreign-born population of Woodrow (1991a, 1992c) from December 1, 1989 to April 1, 1990 primarily with additional legal admissions and additional general legalizations for most tiers. The columns for net legal immigration for 1960-1995 are constructed by surviving the 1989 base estimate until 1995, adding surviving numbers of admissions of lawful permanent residents 1990-1995 (net of legalization adjustments), subtracting estimated emigrants, and adding generally legalized, agriculturally legalized, and nonspecific components as indicated.

The first tier of estimates (1) through (3) for the legally resident foreign-born population or net legal immigration as of 1990 or 1995 are most consistent with the Census Bureau's procedures for counting individuals as contributing to the resident population as immigrants or settlers. This set is the lowest representation of net legal immigration. The second tier of estimates (4) through (6) is slightly higher to reflect a low allowance for agriculturally legalized residents. With set (5), the estimate is about the same as that of Clark et al. (1994). Among all the estimates, including the other tiers, sets (7) through (30), the amount of net legal immigration as of 1990 ranged between 13,092,000 (3) and 15,854,000 (28). The amount of net legal immigration from Mexico as of 1990 ranged between 3,199,000 (3) and 4,807,000 (28). Figure 4 depicts net legal immigration for 1979-1995 with sets (2) and (17) for all countries and for Mexico. Depending upon which alternative series might be the most accurate, the divergence from prior estimation strategies would be greater or lesser.

Net legal immigration from all countries over 1960-1995 shows an increase of more than 2 million. The low estimate appears in set (3)—15,457,000—and the high estimate in set (28) is 18,675,000. Net legal immigration of Mexicans as of 1995 ranged from 3,766,000 (3) to 5,428,000 (28). The extreme allowance for nonspecific sources of legal immigration may be beyond the range of reality, so that these upper limits might be shifted downward to set (19)- 18,375,000 for all countries and 4,878,000 for Mexico.

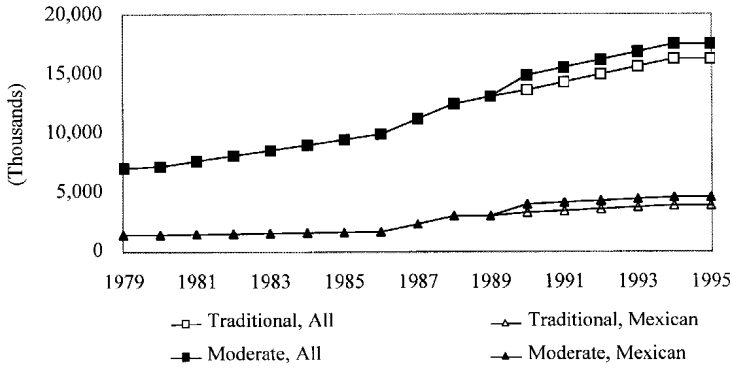

Figure 4. Net Legal Immigration, 1979-1995, Alternative Series

To summarize, the upward trend in legal immigration to the United States and, for Mexico, the focused impact of IRCA's amnesty programs, account for a gradually increasing presence of legally resident immigrants since 1980. The precise magnitude is difficult to pinpoint because the extent of U.S. residence among agriculturally legalized individuals, the volume of transitions from undocumented status into lawful permanent residence among family members of legalized immigrants, and timely accounting of nonimmigrants in the United States are not known. Ways of improving estimation for legally resident foreign-born populations are straightforward in concept, but few of the statistical improvements recommended in Levine, Hill, and Warren (1985) or others recommended have been accomplished. The quantity of legal migration is more conservatively estimated with traditional definitions of permanent migration than with less restricted, but probably truer, inferences from multiple data sources.

Estimates of Undocumented Migration

The purpose of this section is to provide an overview of the best analytical approaches and estimates of the stock and flow of the unauthorized Mexican migrant population from the late 1970s to the present. In describing the prevailing methods used for estimating the unauthorized migrant population, including the unauthorized Mexican migrant population, during the late 1970s, 1980s, and 1990s, we illustrate how the methodology and data used for making estimates of the stock and flow of the unauthorized migrant population in the United States in general and the unauthorized Mexican migrant population in particular have changed over the past two decades. We highlight how these changes have led to improvements and, in some cases, to increased inaccuracy associated with estimates of particular components of the unauthorized population. We do not review every individual

estimate of the unauthorized Mexican migrant population because many studies have already been summarized and evaluated competently in other reviews (Keely, 1977; Briggs, 1984; Corona, 1982; Siegel, et al., 1980; Tuirán, 1984, 1994; Hill, 1985b; Bean, King, and Passel, 1986; Bean, Telles, and Lowell, 1987; Edmonston, Passel, and Bean, 1990; Passel, Bean, and Edmonston, 1990; Durand and Massey, 1992; GAO, 1993; Clark, et al., 1994). Rather, we summarize and assess the conclusions of these reviews and describe individual studies where appropriate.

Concepts and Definitions

An unauthorized migrant is a person who resides in the United States but is not a U.S. citizen or permanent resident alien or authorized visitor. Various terms have been used to describe such persons, including undocumented immigrant, undocumented alien, undocumented migrant, unauthorized immigrant, and unauthorized migrant, each of which has a slightly different meaning and connotation. As noted above, we use the term "unauthorized migrant" because it best applies to the population whose size and growth we here attempt to estimate. Not all unauthorized migrants are undocumented; some arrive in the U.S. with legal documents but later either stay beyond the expiration date of their visa or otherwise fail to comply with the terms of their entry (such as persons who legally cross the border with border crossing cards but do so to work, which violates the terms of the card). Also, not all unauthorized migrants are immigrants; many are temporary migrants who intend to and do in fact return to their countries of origin within reasonably short periods of time.

The types of data available and the methodology used to obtain estimates of the unauthorized migrant population sometimes depend on the route through which unauthorized status was attained. There are several ways to become an unauthorized migrant. These include entering without inspection, using fraudulent documentation, or violating the terms of border crossing cards. All violators of these types end up in a category the Immigration and Naturalization Service (INS) calls entrants without inspection (EWIs). Another way involves entering legally as a nonimmigrant but subsequently violating the terms of the entrance visa or other terms of entry (usually through failing to leave the U.S. by the time the visa expires). These are often called "visa overstayers." Still another way involves entering as a legal resident alien but subsequently violating the terms of entry (e.g., through committing a criminal act or using a fraudulent marriage as a basis for entry). Most studies that attempt to estimate unauthorized migrants separately by type of entry focus on the two largest of these groups, EWIs and visa overstayers.

The data and methodology used to estimate the unauthorized Mexican migrant population also depend on whether the estimate refers to the stock of the population

or the flow of the migratory stream. Stock refers to the size of the population at a particular point in time. Flow refers to the number of *entrances* into (in-flow) and *exits* from (out-flow) the population during a given time period. Most estimates of the volume of the migratory flow have focused on in-flow. In-flow in turn may be subdivided into *gross* in-flow and *net* in-flow. Gross in-flow is the total number of entrances made during a given time period whereas net in-flow is the number of persons entering during a given time period. Because an individual may enter the country as an unauthorized migrant more than once in a single time period, net in-flow is almost by definition smaller than gross in-flow. In contrast to in-flow, relatively little attention has been paid to the size and components of the out-flow of unauthorized migrants. Persons may exit unauthorized status through death, emigration, deportation, or legalization. Out-flow is a critical component because the majority of entrances are offset by exits, as indicated by estimates of net flow. Observers who fail to account for out-flow risk highly exaggerated estimates of the rate of growth of the unauthorized migrant population. More attention has been paid to estimating net flow (in-flow minus out-flow). Net flow has typically been estimated as the change in stock as it is estimated at two or more points in time (Passel and Woodrow, 1987; Woodrow, Passel, and Warren, 1987).

Another conceptualization which is related to the idea of stocks and flows but is analytically distinct is the notion of temporary or permanent migrants, or sojourners and settlers, to use the more sociological distinction (Bean, Vernez, and Keely, 1989; Chavez, 1988). Here the reference is to the duration of stay in the destination country, but especially to the migrant's *intended* duration of stay (Roberts, 1995). Such intentions have consequences because the kinds of immigration and settlement policies that might be invoked in the cases of temporary and permanent migrants are not necessarily the same (e.g., see Passel, 1986). Further complicating the situation is that many temporary migrants undergo a transition to permanent migrant status over time. Although it is important to keep in mind that temporary and permanent migrants have a different sociological and policy significance, at another level it is useful to think of these two kinds of migrants as differing only in their durations of stay. At a given point in time, estimates of the stock of Mexican migrants will include both permanent and temporary migrants, the latter of whom are disproportionately likely to return to Mexico within short periods of time. One of the challenges facing the estimation of stocks and flows of migrants, as we note below, is to develop more complete information on the duration of stay distribution of migrants, especially by sex, age at migration, and mode of entry. If such information were available, it would be relatively straightforward to develop estimates of stocks and flows of migrants. Of course, the sociological differences (and their attendant policy implications) between migrants who intend short or long durations of stay would nonetheless remain significant.

Based on the distinctions of mode-of-entry (EWI vs. overstayer) and intended duration of stay, we may construct a four-fold classification of unauthorized entrants (see Figure 5). The groups represented by the boxes (bottom row) in this classification are important because they have implications for policy. Much of the historical and current debate in the United States about illegal migration derives from differences in perceptions about which of the kinds of flows described by these categories dominates the overall flow of migrants, thus affecting growth in the stock of unauthorized migrants. During the 1970s, for example, many observers confused the concepts of stock and flow, mistaking evidence indicating large numbers of entrances for a sizable stock of migrants. In effect, the error was to assume that permanent EWIs substantially predominated over temporary EWIs, when at that point in time the evidence indicated just the opposite was true. Now immigration analysts debate the relative importance of the EWI versus the overstayer flow, a debate that is not likely to be resolved until we can ascertain the relative size of the temporary versus permanent (or short-term versus long-term) component of *each* flow. Thus, if almost all of the visa overstayers were found to return to their countries of origin within two or three years of having violated the terms of their visas, estimates of the stock of overstayers would consist primarily of temporary migrants, however numerous such persons might be at a given moment in time. This scenario would have different policy implications than one in which visa overstayers were generating large numbers of permanent migrants.

Approaches to the Estimation of Stock

Early efforts (during the 1970s and early 1980s) to determine the size of the total unauthorized migrant population produced results that were highly speculative, ranged widely, and were usually much higher than analytic estimates (Keely, 1977; Siegel, et al., 1980, Tuirán, 1984). Despite methodological difficulties and

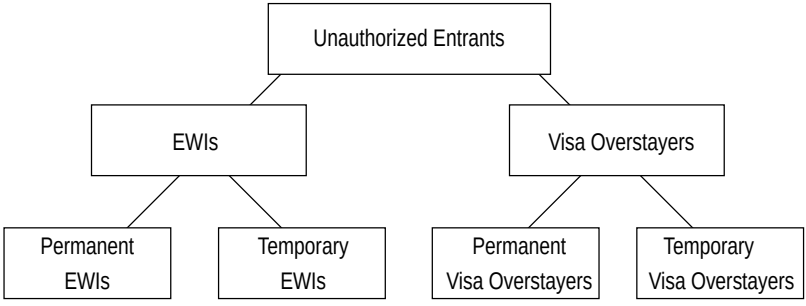

Figure 5. Analytic Typology of Kinds of Unauthorized Entrants Based on Mode of Entry and Intended Duration of Stay

persistently large ranges, more empirically-based and analytic studies produced estimates of stock that failed to support the speculative assertions that there were more than 6 million unauthorized migrants in the country. Some early estimates of the Mexican unauthorized population also relied on Mexican census or survey data as we note below.

Estimates of the size and growth of the unauthorized migrant population in the late 1980s and 1990s attempted to address some of the shortcomings of previous work. During the 1980s, the majority of these new studies employed a residual method of one form or another. Residual methods provide an estimate and description of the "enumerated" unauthorized migrant population, that is, the part of the unauthorized population that is enumerated in the Census or represented in a sample such as the Current Population Survey (CPS) (the unenumerated portion of the population must be estimated by other means, as we discuss below). As noted in the previous section, the enumerated unauthorized population is estimated as the difference between the total foreign-born population enumerated in the Census or the CPS and the legally resident population (total enumerated foreign born - legally resident immigrants = enumerated illegally resident migrants). This computation may be done separately by national origin, period of entry, age, sex, and, depending on the level of detail available in estimates of the legal population, by state and metropolitan area. Hence, a substantial amount of information about the enumerated unauthorized migrant population may be produced by residual methods. Studies that use a residual method are listed in Table 11. Most of these studies were conducted by the Bureau of the Census. Except in the case of Heer (1979) and Warren (1982), residual methods were generally not employed with data collected prior to the 1980s because the 1980 Census was the first decennial census in which a sizable enumerated unauthorized migrant population could be detected through demographic analysis (Fay, Passel, and Robinson, 1988).

Residual estimates of the enumerated unauthorized population are sensitive to estimates of their two components, the total enumerated foreign born and the legally resident foreign-born population (as discussed above). In the series of residual estimates made by Census Bureau researchers, the foreign-born population enumerated in the Census or the CPS is routinely adjusted for errors associated with respondents not reporting country of birth, misreporting citizenship status, and misreporting nativity. The task of approximating the number of legally resident migrants presents greater difficulties. Because respondents are not asked about legal status in the Census or the CPS, estimates of the legal immigrant population must be obtained from external sources. Due to changes in the external data sources available and changes in the legal population brought about by the IRCA amnesty program, different methods have been developed to estimate the size and composition of the legal immigrant population, as noted above.

Table 11
Residual and Other Estimates of the Stock of the Unauthorized Migrant Population in the United States

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Heer (1979)	1970 - 1975	Net flow of unauthorized migrants (EWIs) from Mexico	Residual Method 1	82,300 - 232,000 per year; Author's favorite: 116,000 per yr.
Warren (1982)	1979	Unauthorized migrants in 1979 November CPS	Residual Method 1	Total: 1,250,000 Mexican: 734,000
Passel and Woodrow (1984)	1980	Unenumerated unauthorized migrants in the 1980 Census, by state	Residual Method 1	Total: 2,060,000 (CA = 49.8%) Mexican: 1,131,000 (CA = 67.5%)
Warren and Passel (1984)	1980	Unauthorized migrants in 1980 Census	Residual Method 1	931,000 Mexicans
Passel (1985b)	1980	Estimates for SMSAs of unauthorized residents in 1980 Census	Residual Method 1	Sum is consistent with national estimates
Passel and Woodrow (1987)	Nov., 1979 April, 1983	Unauthorized Migrants, total and Mexican, age 14+	Residual Methods 1and 2	1979: 1,273,000 (Mex.: 917,000) 1983: 2,093,000 (Mex.: 1,422,000)
Warren and Passel (1987)	1980	Unauthorized migrants in 1980 Census	Residual Method 1	Total: 2,057,000 Mexican: 1,131,000
Woodrow, Passel and Warren (1987)	June, 1986	Unauthorized migrants in CPS	Residual Method 2	Total: 3,158,000 Mexico: 2,200,000
Woodrow and Passel (1990)	June, 1988	Unauthorized migrants in CPS	Residual Method 3	Total: 1,906,000

Table 11 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Woodrow (1991a)	Nov., 1989 April, 1990	Total and enumerated unauthorized migrant populations	Residual Method 3, and various assumptions about undercount	Total: 3.3 million (1.7 to 5.5 million) 1989 CPS: 2.05 million (1.1 to 2.0 million if SAWs included), 1990 Census: 2.4 million (1.8 to 3.2 million)
Woodrow (1992)	1990	Published version of Woodrow (1991a)		
Clark, et. al. (1994)	1990	Unauthorized migrants in the 1990 Census	Residual Method 3 with different assumptions (include half of SAWs in legal population)	1,975,000
Bean, King, and Passel (1983)	1980	Mexican unauthorized migrants	Sex-ratio, age distribution assumptions Data: Mexican Census	1.5 - 3.8 million (no more than 4 million)
Warren (1995)	1990 and Oct., 1992	Total and Mexican-born unauthorized migrants	Constructive Method based on CPS residual estimates, Visa overstayers, and IRCA non-applicants	1990: Total: 2,600,000 Mexican: 1,009,000 Oct., 1992: Total: 3,400,000 Mexican: 1,321,000
INS (1997)	Oct. 1996	Total and Mexican-born unauthorized migrants	Constructive Method based on CPS residual estimates, Visa overstayers, and IRCA non-applicants	Total: 5 million Mexican: 2.7 million

After 1981, the Alien Registration Program was discontinued. As a result, estimates of the legal alien population had to be constructed by projecting forward the 1980 adjusted Alien Registration population to the appropriate year. For each year of projection, numbers of new legal immigrants, refugees and other long-term legal nonimmigrants were added and numbers of emigrants and deaths due to the legally resident foreign born were subtracted. The Census Bureau used this method to estimate the unauthorized population enumerated in the CPS during the 1980s up until the enactment of the IRCA legalization programs in 1988. These studies include analyses of the April 1983 (Passel and Woodrow, 1987) and the June 1986 CPSs (Woodrow, Passel, and Warren, 1987), which were the only CPS data collected before 1988 that included information about nativity. These studies conclude that by June 1986, about 3.158 million unauthorized migrants, 2.196 million of whom were born in Mexico, were detected by the CPS. More importantly, by this time the Census Bureau had compiled consistent estimates of the unauthorized population enumerated in the CPS from 1979 to 1986. Assuming that the rate of undercoverage was consistent across the CPS samples, reliable estimates of net growth of the unauthorized population could be made. The studies indicate that the unauthorized migrant population grew during the early 1980s by about 218,000 per year, and the Mexican-origin unauthorized population by about 115,000 per year. Due to uncertainties associated with assumptions about emigration and disproportionate undercoverage, however, the authors conceded that the annual net growth of the unauthorized population could have been in the range of 100,000 to 300,000, with about half of the growth due to growth in the Mexican-origin unauthorized population.

Most of the error associated with estimates that use this method is due to uncertainties associated with emigration rather than immigration or mortality. The INS keeps accurate records of the number and types of legal immigrants. Also, the component due to mortality is small in comparison to the other two components of change, so the proportion of total error due to error in the number of deaths is small (Himes and Clogg, 1992). However, the INS has not collected data about emigrants since 1957. During the 1980s, the Census Bureau routinely used a mid-range estimate of 133,000 foreign-born emigrants per year. This approximation was based on the results of research pertaining to the 1960s (Warren and Peck, 1980) and the 1970s (Warren and Passel, 1987). During the 1980s, attempts were made to update estimates of the emigration component by analyzing special items included in the CPS during the late 1980s that asked respondents about relatives who emigrated (Woodrow-Lafield, 1996). Although the results of this work do not contradict the estimate of 133,000, it also indicates that other estimates of the annual number of emigrants ranging from about 110,000 to 200,000 would be plausible. To the extent that the actual annual number of emigrants during the 1980s

were consistently higher than 133,000, the legal migrant population would have been overstated and the enumerated unauthorized migrant population would have been set too low. The opposite would be the case if the actual annual number of emigrants had consistently been lower than 133,000. Because annual estimates of emigration are subtracted from the legal alien population for each year the population is carried forward, the error associated with emigration increases with each additional year. In other words, the longer the time data sources on the legal migrant population or emigration are not available, the greater the uncertainty associated with residual estimates.

Another source of error in estimates produced by the method relates to assumptions about undercoverage of the legal immigrant population. The method assumes that all the legal noncitizens are enumerated. In addition, the method assumes that all immigrants who arrived since 1980—regardless of citizenship status—are represented in the CPS. The bias associated with this additional assumption most likely increases over time as the proportion of the immigrant population who arrived after 1980 grows. The error due to this bias is increased even more for the above cited studies because they analyzed CPS rather than census data and the CPS has higher levels of undercoverage than the census (Woodrow, 1991). That is, residual estimates of the enumerated unauthorized population are understated the most when undercount rates of the legal population are the highest. Of course, if the error associated with emigration leads to an overestimate of the unauthorized population, then part or all of the underestimation due to assumptions about undercount of the legal population may be canceled out.

Starting in 1987, about 1.7 million long-term unauthorized migrants and an additional 1.3 million unauthorized special agricultural workers (SAWs) applied for legalization under the amnesty provisions of the 1986 Immigration Reform and Control Act (IRCA). As a result, post-1987 residual estimates of the unauthorized migrant population have to be adjusted to account for this increase in the legal population. In this variation of the residual method, the legal population is constructed in the same way as in the one above, only the number of IRCA legalized migrants are added to the estimate of the legally resident foreign-born population. Studies using this method include analyses of the June 1988 (Woodrow and Passel, 1990) and the November 1989 CPS files (Woodrow, 1990, 1991, 1992), and the 1990 Census (Woodrow, 1991; GAO, 1993; Clark, et al., 1994). The results of these studies show that about 2.3 million (ranging from 1.8 to 3.2 million) unauthorized migrants were enumerated in the 1990 Census, of whom no more than 80 percent were born in Mexico. This research also indicates that had IRCA not taken effect, the unauthorized population would have grown by roughly 200,000 annually between 1986 and 1990, reaching a size 70 percent larger in 1990 than was observed. Most of this difference was due to the large numbers of Mexicans who

legalized under IRCA; Mexicans comprised more than 70 percent of the IRCA legalized population (Woodrow and Passel, 1990).

Estimates produced by this approach may be inaccurate because it is unclear what fraction of the SAW legalized population remained resident in the United States after legalization. Many SAW applicants presumably were seasonal migrant workers who spent a portion of each year in Mexico. Whether to include the SAW population in estimates of the legally resident population is important because each addition to the legal population results in a one-to-one decrease in the estimated unauthorized population. Even though researchers tend to focus on the number of SAWs who were resident in the United States at the time of the Census, it is more important to focus on the number of SAWs who were actually enumerated in the Census. The Census Bureau assumes that an insignificant number of SAWs were enumerated in the Census or CPS. Hence, they do not include the 1.3 million SAWs in estimates of the enumerated legally resident alien population (although they do provide ranges of estimates that result from varying assumptions about coverage of the SAW population).

Clark, et al. (1994) attempt to make estimates based on more plausible assumptions. They assume that in the SAW legalized population all pre-1984 entrants, all non-Mexicans, and about half of the remaining post-1984 entrants were resident in the United States at the time of the 1990 Census. This amounts to 728,000 or about half of the SAW population. Clark, et al. (1994) include all 728,000 in estimates of the legally resident population, resulting in an estimate of only 1.975 million enumerated illegals in 1990 (in comparison, the Census Bureau made a "preferred" estimate of 2.390 million). Although it does seem implausible that no SAWs were resident nor enumerated in 1990, the Clark, et al. estimate of 728,000 could be too high. Even if half of the SAW population were *resident* in the United States in 1990, it is doubtful that more that 40 to 50 percent of this group were *enumerated*. Migrant agricultural workers have the highest rates of undercount among all groups, reaching 60 to 70 percent (Gabbard, Kissam, and Martin, 1993). There is evidence that a large number of SAW applicants were not really farm workers, plus there is no guarantee that farm workers in 1988 continued to be farm workers in 1990. Hence, more SAWs may have been resident in the United States in 1990 than many analysts have thought, and since many of the SAWs may have been working outside agriculture, they may have had higher coverage rates than has previously been assumed.

In sum, residual methods provide reliable, consistent estimates of the size and growth as well as detailed descriptions of the resident unauthorized migrant population. In comparison with earlier analytic studies, the studies that used residual methods during the 1980s and early 1990s were more successful at describing, quantifying, and reducing the range of error associated with their estimates.

Unfortunately, the range of error is likely to grow over time as information about emigration and the size and geographical residence of the legal immigrant population become increasingly out-of-date, and as other changes occur in the legal population, such as those brought about by IRCA. Unless other methods for obtaining accurate information about emigration or the legal immigrant population are developed, residual methods will probably dominate the literature to a lesser extent in the future than they did during 1980s. Another important limitation of residual estimates is that they describe a selective part of the unauthorized population, namely the portion that is probably least mobile and most permanently established. As we describe below, other methods must be used to estimate the total and unenumerated portions of the stock of the unauthorized migrant population.

Approaches to the Estimation of Flows

In comparison of estimates to stock, few speculative estimates have been made about the rate of growth of the unauthorized population. Chapman (1976) guessed that the population grew by 500,000 per year, and Reubens (1980) estimated an annual growth of 600,000 during the 1970s. Despite empirically based analytical evidence that the annual growth of the unauthorized population was considerably less than the speculative estimate of 500,000, the media and others continued to cite the number. As Passel (1985a:6) chided, "The figure of 500,000 per year is widely used even though there is no strong empirical support for selecting this figure over any other. It seems to be popular because it is a nice 'round' figure that is easy for the public to accept."

Analytic estimates of the volume of in-flow and net flow of the unauthorized population tended to refer to different parts of the unauthorized population and ranged widely. These studies are listed in Table 12. Garcia y Griego (1980), using Mexican survey data on migration histories, estimated that the annual in-flow of unauthorized migrants to the United States from Mexico in 1975 ranged from 75,000 to 284,000. Others used INS apprehensions data as a proxy for general patterns in the level of flow of EWIs from Mexico (e.g., North, 1975; Frisbie, 1975). The difficulties associated with using apprehensions data as a proxy for the flow of EWIs are that (1) apprehensions data do not include those who succeed in evading detection, and (2) apprehensions data count arrests, not individuals; arrest data are potentially misleading because they include multiple arrests of the same person. The INS (1976) attempted to estimate the component of fraudulent successful entries by conducting field studies at 15 Mexican border entry points and 10 major international airports. Two teams of immigration inspectors were stationed at each entry point and carried out careful inspections of entrants for fraudulent documents and intent to violate visa terms. Based on this work the INS concluded that

Table 12

Analytic Estimates of the Flows of the Unauthorized Migrant Population to the United States

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
North (1975)	1960s-1970s	Flow of unauthorized migrants	Apprehensions	Rise in flow during the 1960s, but not in the 1970s.
Chapman (1976)	1974-1976	Non-immigrant Visa-overstays	Matched Visa entrance and departure records of non-immigrants	740,000 failed to leave on time since 1974; over 1,000,000 from before 1974.
U.S. Department of Justice, INS (1976)	1975	Unauthorized migrants entering with fraudulent documents or intents to violate Visa terms	Thorough INS inspections at border points and at 10 major airports, Sept. 1975-Feb. 1976	500,000 successful fraudulent entries
Heer (1979)	1970-1975	Net flow of unauthorized migrants (EWIs) from Mexico	Residual Method 1, CPS data	82,300-232,000 per year; Author's favorite: 116,000 per yr.
CENIET-Garcia y Griego (1980)	1978	Unauthorized Mexican migrant workers	INS apprehensions; migration histories of 822 Mexican males, 1973, prior to entry	Net inflow 1975-1976: 75,000-284,000 problems
Passel and Woodrow (1987)	April, 1980-April, 1983	Annual net flow of unauthorized migrants, age 14+	Residual Methods 1 and 2	100,000 to 300,000 per year
Woodrow, Passel and Warren (1987)	1979-1986 and 1980-1986	Net flow of unauthorized migrants	Residual Methods 1 and 2	1980-86: Total 176,000 per year Mexican 170,000 per year 1979-86: Total 218,000 per year Mexican 115,000 per year

Table 12 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Bean, Espenshade, White, and Dymowski (1990)	Nov., 1986-Sept., 1989	Net flow of EWIs (Southern border)	Data: INS apprehensions, controlled for population in Mexico at risk of migration (age 15-34), number of SAWs, and wage and employment ratios	Apprehensions have seasonal pattern, have dropped post-IRCA, and have increased among women and children
Espenshade (1990)	Nov., 1986-Sept., 1988	Gross flow of unauthorized Mexican EWIs (Southern border)	Repeated trials model	Per month: 175,000 unauthorized entries Total: 4,000,000 from 1986-1988
Warren (1990)	1985-1988	Non-immigrant Visa-overstays by country of origin	INS matched arrival and departure records	Annual number: 217,000 to 255,000 (fluctuated by year). Primary country of origin is Mexico
Espenshade (1995a)	1977-1988	Gross flow of EWIs (Southern border)	Repeated trials model	Correlation between apprehensions and flow = 0.9; Flow = 2.2 * apps.

there were 500,000 fraudulent entries into the United States in 1975, although these estimates have been severely criticized because of small sample sizes and variable rates of detection depending on the day of the week, the immigration inspector, and point of entry (Keely, 1977).

Chapman (1976) attempted to measure the visa overstay component of the in-flow of unauthorized migrants by matching INS records of nonimmigrant visa entries and departures. He estimated that from 1974 to 1976, 740,000 nonimmigrants (about 250,000 annually) failed to leave the United States on time. These estimates were almost certainly too high because they included nonimmigrants who left the country but whose departure forms were never filed, were lost, or otherwise never successfully matched with an arrival form. The size of this error was probably large. At the time, the INS collected about 6 million entrance forms from nonimmigrants per year, and departure forms were linked with arrival forms by matching the name of the nonimmigrant (Siegel, et al., 1980).

Summed together, the estimates of in-flow of EWIs and visa overstayers easily matched and even exceeded the speculative estimate that the unauthorized population grew at a rate of 500,000 per year. However, analytic estimates of net flow showed that the out-flow component of the unauthorized migrant migration stream offset much of the in-flow component. Based on an analysis of CPS data, Heer (1979) estimated that the unauthorized Mexican population grew by about 116,000 annually from 1970 to 1975. Although Siegel, et al. (1980) criticized the estimate because of its large sampling error, they concluded on the basis of the study and other evidence that much of the unauthorized migration to the United States appeared to be circular and was offset by return migration to Mexico.

Studies of flow published during the 1990s have exploited the availability of new data and new estimation techniques. The INS has long matched arrivals with departures, terming arrivals that do not match with departures apparent overstays. The latest research using this data goes one step further by attempting to eliminate system error in the data (Warren, 1990). System error refers to false overstays. INS data for 12 countries which are assumed to have no overstays are used to determine the extent of system error (Belgium, Netherlands Antilles, Norway, Sweden, Kuwait, Saudi Arabia, Switzerland, Australia, New Zealand, Surinam, Singapore and Finland). System error is computed separately by class of admission. First, overstays are estimated for each country using the Nonimmigrant Information System (NIIS). Next, system error is subtracted from the rate of apparent overstay. The remainder is multiplied by the number of expected departures to equal the estimated number of overstays. For estimation by state of destination and age, a calculation was made for each category by state or age. The rate of system error was adjusted to match those of the countries.

Nonimmigrant arrivals increased from 9.4 million in 1985 to about 14.3 million in 1988. The annual number of overstays has fluctuated around 217,000-255,000 (increasing 12% in 1986 and dropping 7% in 1987 (following IRCA) and increasing 13% in 1988). The level of system error has dropped continually (10.3% in 1985 to 8.1% in 1988). North America has been the primary region of origin for overstayers (with the most growth occurring among those from Mexico). The top five countries of origin (Mexico, Haiti, the Philippines, Poland and India) were also among the leading countries for application for legal residence under IRCA. Looking at the geographic distribution of those overstaying their visa time limits, those states with the largest foreign-born population also attracted the most overstays. Finally, Warren finds that most overstays were between ages 15 and 44.

Two primary assumptions are associated with this estimation procedure: (1) that there are few actual overstays from the 12 benchmark countries selected so all apparent overstays from these countries are assumed to represent system error and (2) that a single point estimate of system error applies to every country within a category of admission. In addition, the estimates exclude immigrant students who overstay and all those who enter the United States without inspection (EWIs). In a modification of the procedure undertaken as a result of a GAO (1995) scrutiny of the approach, system error was re-estimated on a airline-by-airline instead of country basis. While the revision resulted in somewhat higher or lower figures for a few countries, the overall result was nearly identical to the figures obtained using the previous method.

Apprehensions data have also continued to be used as a way of roughly gauging undocumented migration flows (Jenkins, 1977; Fogel, 1982; Davila, 1986 and Borjas, Freeman and Lang, 1987). Studies focusing on INS apprehensions data published during the 1990s (Bean, et al., 1990; Espenshade, 1990; 1995a; Crane, et al., 1990; Massey and Singer, 1995) have improved considerably over earlier efforts by better controlling for the influence of contaminating variables. Some of these studies also convert apprehensions into border crossings by assessing the probability of getting caught and the population at risk of getting caught, thereby adjusting for multiple apprehensions of the same person in the data (Passel, Bean and Edmonston, 1990; Espenshade, 1995a). In order to gauge the influence of factors that affect flows across the border, these estimates rely on models with sets of demographic, economic, and behavioral variables (the size of young adult population in Mexico (15-34); the number of legalized SAWs; relative wage and unemployment ratios; dummy variables for months to capture seasonality; the number of officer hours and other measures of enforcement on the border for apprehensions) (Bean, et al., 1990).

Apprehensions data are limited because many unauthorized migrants are never apprehended, others may be apprehended many times, and the volume of

apprehensions depends on the amount of effort expended by the INS to apprehend border crossers. Researchers compensate by using some measure of the amount of border patrol effort (Bean, et al., 1990; Jenkins, 1977; Fogel, 1982; and Borjas, et al., 1987) and include measures of the population at risk for apprehension (Bean, et al., 1990). Espenshade (1990, 1995a) takes the analysis one step further by using a repeated trials model that "captures the phenomenon that, once arrested by the U.S. Border Patrol and taken back across the Mexican border, most undocumented migrants are likely to keep trying to enter the United States until they succeed" (Espenshade, 1990:175). Making use of INS data on the number of repeaters to estimate the probability of apprehension, and then using this to convert the number of apprehensions to estimates of the numbers of crossers. Espenshade constructs a time series on the monthly flow of undocumented migrants. He arrives at an estimate for the period January 1977 to September 1988 of about 175,000 per month, or a total inflow of 20.6 million undocumented migrants (that is, *gross* flow of 20.6 million). In another repeated trials study, Massey and Singer (1995) utilize INS apprehensions data combined with data from surveys of migrants, which enable them to estimate return migration. They arrive at an estimate of *net* flow for the period 1965 to 1989 of 5.2 million (or an average of about 18,000 per month, *net*).

Further Issues Affecting Estimates of Stock and Flow

The aforementioned results on the large differences in measurements of gross and net flows underscore the importance of data on return migration to Mexico for stock and flow estimates, including information on the length of time migrants stay in the United States. This is a critical area where more research is needed. Another area needing research involves the question of the degree of underenumeration of the unauthorized population. In what follows in the rest of this section, we discuss these issues and present new evidence on both patterns of return migration and underenumeration.

Return Migration and Duration of Stay Issues

The distribution of the length of duration of stay in the United States among unauthorized migrants by mode of entry and the change in this distribution over time are crucial factors in understanding the significance of various estimates of the size of the unauthorized migrant population. If almost all EWIs were circular migrants staying only a short time, and if almost all visa overstayers returned to their countries of origin within a couple of years or so, the policy significance of unauthorized migration would be greatly different than if either EWIs or visa

overstayers, or both, contained substantial fractions of long-duration migrants. Similarly, long-duration migrants (say those who stay 10 to 20 years or more) but who then return to their countries of origin are different yet again in their implications for policy from migrants who stay permanently.

At present, very little is known about the distribution of duration of stay of EWIs and visa overstayers (although data on this variable are now available for the sub-group of EWIs who have returned to Mexico from the studies conducted by Massey and his colleagues) (e.g., Massey and Espinosa, 1997; Lindstron, 1996). Also, information on the duration of stay of visa overstayers has reportedly been calculated but not released by the INS. One of the reasons duration information is important is because migrants with different durations of stay exert different demands on public benefits. At the extremes, if the periodic flow of EWIs and visa overstayers were each very large, the cumulative stock of unauthorized migrants in the United States at any one point in time could be very sizable sizable even if all durations of stay were relatively short (i.e., even if all migrants were temporary). If EWIs were to exhibit typically longer durations than visa overstayers, they would contribute more to the stock of unauthorized migrants on that count alone.

What does the available evidence suggest about the comparative distributions of duration of stay among EWIs and visa overstayers? In the case of EWIs, almost all of whom are from Mexico, several pieces of evidence point to increasing durations of stay over the past 15 to 20 years: (1) increasing proportions of entire families, including women and children in the Mexican flow (Bean, et al., 1990; Woodrow and Passel, 1990; Cornelius, 1992); (2) possibly decreasing rates of underenumeration of the undocumented Mexican-born population in official U.S. Censuses and surveys, as noted below, a trend that could result from increasing proportions of migrants with longer durations of stay, especially given that census undercount rates in general have not been declining over the same period (Robinson, et al., 1993); and (3) ethnographic studies whose results indicate that Mexican migrants now embarking for the United States show longer intended durations of stay than prior migrants (Cornelius, 1992). Unless a comparable shift has occurred in the duration distribution among overstayers, this would have the effect of raising the proportion of the illegal stock attributable to EWIs. In the case of visa overstayers, the only relevant evidence to our knowledge is Warren's (1995) finding that when overstayers were traced for a year or two longer than the one year that is typically examined for purposes of defining an overstay, about 46 percent had either converted their status or returned to their country of origin. This suggests that if they were followed a bit longer, the vast majority might be found to have converted their status or returned.

Even though durations of stay may be increasing among EWIs, many may still eventually return to Mexico (a pattern we might term long-term circular migration),

particularly in response to life course and economic opportunity factors. Evidence of such a pattern would also have significant policy implications. Tables 13 to 15 present information on the extent of cohort succession among Mexican-born persons based on results from the 1970, 1980, and 1990 U.S. Censuses and the 1994/95 CPSs. Does the evidence in these tables indicate that Mexican migrants tend to return to Mexico after having spent time in the United States, a phenomenon we would expect to be more likely among the undocumented? Because there were hardly any undocumented migrants enumerated in the 1970 Census, we would not anticipate evidence of cohort attrition beyond what we would expect based on mortality in the 1980 data, and this is in fact what we observe. In the cases of 1990 and 1994/95 data, however, evidence of cohort attrition emerges among migrants who have reached age 45 at the end of the period. Since there is no known reason to think this occurs because of migration to some other country, it is reasonable to think it stems from return migrations to Mexico. This phenomenon, of course, would reduce the stock of Mexican EWIs compared to the case where long-term circular migration did not occur and most migrants were permanent.

Underenumeration Issues

Because residual techniques generate estimates of the *enumerated* portion of the unauthorized Mexican population, such approaches underestimate the true size of this population at any given point in time by an amount equal to the size of the *unenumerated* portion of the population. In order to develop estimates of the total size and growth of the unauthorized Mexican population, it is thus important that methods be developed for assessing the size and growth of the *unenumerated* portion of the population. A number of different researchers have made and continue to make assumptions about the underenumeration rate in the unauthorized migrant population that are not substantially empirically-based. For instance, some have argued that the undercount rate for illegals must be at least as high as the highest rate among native-born groups. On the basis of this logic, some analysts argue that undercoverage must be as high as 20 percent, the rate exhibited by native-born African-American males aged 20-29 (e.g., Passel, Siegel, and Robinson, 1982). Others have argued that the undercount rate in the 1990 Census may be at least as high as it was in the 1980 Census (Woodrow, 1991). However, if the unauthorized migrant population were more settled and less concentrated in agricultural occupations in 1990 than in 1980, then the undercount rate in 1990 might be lower than it was in 1980.

Evidence about the size of the unenumerated portion of the unauthorized population for the census years 1980 and 1990 has been obtained by employing one of two different approaches. The first involves direct attempts to estimate first the

Table 13
Components of Change from 1970 to 1980 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

Sex, Age in 1980	Population 1970 (1)	Population 1980 (2)	Change 1980-1970 (3) = (2)-(1)	Components of Change 1970 to 1980: Increase Due To Immig'n (4)	Components of Change 1970 to 1980: Decrease Due To Mortality (5)	Components of Change 1970 to 1980: Other (6) = (3)-(4)-(5)
Both Sexes, Total	759,711	2,199,221	1,439,510	1,270,246	-90572	259,836
0-4	–	55,325	55,325	55,325	0	0
5-9	–	119,309	119,309	119,309	0	0
10-14	15,084	148,775	133,691	124,540	-62	9,213
15-19	31,459	214,195	182,736	162,857	-149	20,028
20-24	41,926	312,309	270,383	243,658	-376	27,101
25-34	116,503	547,228	430,725	350,977	-1,374	81,122
35-44	138,300	315,402	177,102	127,323	-2,142	51,921
45-54	118,238	191,476	73,238	50,734	-4,393	26,897
55-64	94,431	128,407	33,976	22,159	-8,582	20,399
65+	203,770	166,795	-36,975	13,364	-73,495	23,156
Males, Total	371,463	1,158,765	787,302	695,567	-53,626	145,361
0-4	–	28,513	28,513	28,513	0	0
5-9	–	61,963	61,963	61,963	0	0
10-14	7,749	75,678	67,929	63,201	-37	4,765
15-19	15,962	117,785	101,823	90,773	-101	11,151
20-24	20,878	177,796	156,918	142,505	-275	14,688
25-34	57,458	300,934	243,476	199,159	-998	45,315
35-44	64,532	162,660	98,128	70,031	-1,340	29,437
45-54	57,683	93,961	36,278	24,478	-2,790	14,590
55-64	48,949	65,546	16,597	9,949	-5,768	12,416
65+	98,252	73,929	-24,323	4,995	-42,316	12,998
Females, Total	388,248	1,040,456	652,208	574,679	-36,946	114,475
0-4	–	26,812	26,812	26,812	0	0
5-9	–	57,346	57,346	57,346	0	0
10-14	7,335	73,097	65,762	61,339	-25	4,448
15-19	15,497	96,410	80,913	72,084	-48	8,877
20-24	21,048	134,513	113,465	101,153	-100	12,412
25-34	59,045	246,294	187,249	151,818	-376	35,807
35-44	73,768	152,742	78,974	57,292	-802	22,484
45-54	60,555	97,515	36,960	26,256	-1,602	12,306
55-64	45,482	62,861	17,379	12,210	-2,814	7,983
65+	105,518	92,866	-12,652	8,369	-31,179	10,158

Table 14
Components of Change from 1980 to 1990 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

Sex, Age in 1990	Population 1980 (1)	Population 1990 (2)	Change 1990-1980 (3) = (2)-(1)	Components of Change 1980 to 1990: Increase Due To Immig'n (4)	Components of Change 1980 to 1990: Decrease Due To Mortality (5)	Components of Change 1980 to 1990: Other (6) = (3)-(4)-(5)
Both Sexes, Total	2,199,221	4,298,014	2,098,793	2,144,919	-146,551	100,425
0-4	–	102,388	102,388	102,388	0	0
5-9	–	155,561	155,561	155,561	0	0
10-14	55,325	203,705	148,380	155,913	-158	-7,375
15-19	119,309	381,253	261,944	255,960	-441	6,425
20-24	148,775	650,539	501,764	495,186	-1,097	7,675
25-34	214,195	1,239,616	1,025,421	657,455	-5,688	373,654
35-44	312,309	749,645	437,336	189,441	-7,594	255,489
45-54	547,228	393,338	-153,890	78,033	-9,267	-222,656
55-64	315,402	209,278	-106,124	33,412	-14,280	-125,256
65+	486,678	212,691	-273,987	21,570	-108,027	-187,530
Males, Total	1,158,765	2,369,514	1,210,749	1,233,235	-83,211	60,725
0-4	–	52,447	52,447	52,447	0	0
5-9	–	78,906	78,906	78,906	0	0
10-14	28,513	105,632	77,119	81,144	-93	-3,932
15-19	61,963	216,179	154,216	151,736	-297	27,767
20-24	75,678	396,386	320,708	314,872	-796	6,632
25-34	117,785	720,819	603,034	387,207	-4,476	220,303
35-44	177,796	405,138	227,342	103,226	-5,548	129,664
45-54	300,934	200,583	-100,351	40,369	-6,109	-134,611
55-64	162,660	99,858	-62,802	14,804	-9,074	-68,532
65+	233,436	93,566	-139,870	8,524	-56,818	-91,576
Females, Total	1,040,456	1,928,500	888,044	911,684	-63,340	39,700
0-4	–	49,941	49,941	49,941	0	0
5-9	–	76,655	76,655	76,655	0	0
10-14	26,812	98,073	71,261	74,769	-65	-3,443
15-19	57,346	165,074	107,728	104,224	-144	3,648
20-24	73,097	254,153	181,056	180,314	-301	10,423
25-34	96,410	518,797	422,387	270,248	-1,211	153,350
35-44	134,513	344,507	209,994	86,215	-2,046	125,825
45-54	246,294	192,755	-53,539	37,664	-3,158	-88,045
55-64	152,742	109,420	-43,322	18,608	-5,206	-56,724
65+	253,242	119,125	-134,117	13,046	-51,209	-95,954

Table 15
Components of Change from 1990 to 1995 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

Sex, Age in 1995	Population 1990 (1)	Population 1995 (2)	Change 1995-1990 (3) = (2)-(1)	Components of Change 1990 to 1995: Increase Due To Immig'n (4)	Components of Change 1990 to 1995: Decrease Due To Mortality (5)	Components of Change 1990 to 1995: Other (6) = (3)-(4)-(5)
Both Sexes, Total	4,766,014	6,669,468	1,903,454	1,707,618	-99,031	294,867
0-4	–	112,349	112,349	112,349	0	0
5-9	113,537	296,585	183,048	198,907	-151	-15,708
10-14	172,500	302,377	129,877	124,975	-129	5,031
15-19	225,886	447,095	221,209	219,920	-480	1,769
20-24	422,767	895,238	472,471	404,402	-1,676	69,745
25-34	1,463,595	2,022,661	559,067	411,641	-7,525	154,951
35-44	1,119,252	1,285,707	166,454	1,436,578	-8,693	31,490
45-54	600,093	655,699	55,606	552,367	-8,935	9,304
55-64	313,748	336,475	22,727	253,423	-11,354	8,739
65+	334,637	315,282	-19,355	11,187	-60,089	29,547
Males, Total	2,627,524	3,720,895	1,093,371	9,721,378	-58,249	179,482
0-4	–	68,095	68,095	68,095	0	0
5-9	58,158	166,829	108,671	116,356	-88	-7,597
10-14	87,498	163,080	75,582	72,411	-76	3,247
15-19	117,134	259,654	142,520	134,184	-336	8,672
20-24	239,718	530,888	291,169	238,671	-1,313	53,811
25-34	879,166	1,164,056	284,890	210,175	-6,146	80,861
35-44	623,849	715,896	92,047	97,404	-6,581	1,224
45-54	318,102	346,287	28,186	18,442	-6,082	15,826
55-64	154,746	156,329	1,583	8,252	-7,122	453
65+	149,154	149,781	627	8,148	-3,050	22,984
Females, Total	2,138,490	2,948,573	810,083	735,480	-40,782	115,385
0-4	–	44,254	44,254	44,254	0	0
5-9	55,379	129,756	74,377	82,551	-62	-8,112
10-14	85,002	139,297	5,425	52,564	-53	1,783
15-19	108,752	187,441	78,689	85,736	-144	-6,903
20-24	183,049	364,350	181,302	165,731	-363	15,934
25-34	584,428	858,605	274,177	201,466	-1,379	74,090
35-44	495,404	569,811	74,407	46,253	-2,112	30,266
45-54	281,991	309,412	27,421	36,795	-2,853	-6,521
55-64	159,002	180,146	21,144	17,091	-4,232	8,286
65+	185,483	165,501	-19,983	3,039	-29,584	6,562

undercount rate through comparisons of U.S. Census results with external data about small or localized populations, such as school enrollment records, in-depth survey results, and the findings from ethnographic field research. Estimates of the rate of undercount are then applied to the estimates of the size of the unauthorized population enumerated in the Census in order to approximate the size of the entire unauthorized population. The second approach entails first making independent assessments of the entire unauthorized migrant population or national origin groups within the population based on data sources and methods that are thought to be less sensitive to undercount, and then comparing these estimates with the enumerated population in order to estimate the rate of undercount. The results of both of these approaches are reviewed below, first with respect to the 1980 Census enumeration and then the 1990 Census enumeration.

Direct examinations of the level of undercount indicate that between 20 and 50 percent of the stock of unauthorized residents appeared to be missing from the 1980 Census enumeration. One study compared Los Angeles public school enrollments with estimates of families with school-aged children in the 1980 Census (Muller and Espenshade, 1985) (see Table 16). The results indicated that nearly all families in Los Angeles were enumerated, including families of unauthorized migrants. These results are consistent with the observation that the census is better at enumerating settled populations such as unauthorized migrant families than single migrants. The results of the study also suggested that the undercount rate of the entire unauthorized population was probably no greater than 50 percent. This view was substantiated by the results of a survey of Mexican adults living in Los Angeles County (Heer and Passel, 1985, 1987). Foreign-born respondents were asked whether they were legal residents and if so, to show the interviewer their "Green Card" or equivalent evidence of legal status. Foreign-born respondents who indicated they were undocumented or failed to show evidence of legal status were enumerated as unauthorized migrants. Comparisons of the results of the survey with the number of unauthorized Mexican migrants enumerated in the 1980 Census (Passel, 1985b) suggested that the undercount rate among Mexican unauthorized migrants was probably no greater than about 44 percent (Passel, 1985a; Passel and Robinson, 1988) (See Table 17).

Indirect evidence of undercoverage suggests a narrower range of undercount for the unauthorized population, falling roughly between 30 and 40 percent. As noted above, Bean, King, and Passel (1983) attempted to estimate the number of Mexicans who had emigrated to the United States by analyzing the age and sex composition of the population enumerated in the 1980 Mexican Census. Due to uncertainties about the patterns of undercount in the Mexican Census and the age-sex composition of the emigrant population, Bean, et al. (1983) concluded that the number of unauthorized Mexicans living in the United States could be as

Table 16
Studies with Implications for Underenumeration

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Bean, King, and Passel (1983)	1980	Mexican unauthorized migrants	Sex-ratio, age distribution assumptions Data: Mexican Census	1.5 - 3.8 million (no more than 4 million)
Keely (1983)	1980	Undercount rate in 1980 Census for the unauthorized population	Expert opinion	33% - 50% undercount
Heer and Passel (1985)	1980	Adult Mexican unauthorized migrants in Los Angeles County, Males: 18-44; Females: 18-39	Survey on legal status in Los Angeles	44% undercount
Muller and Espenshade (1985)	1980	Families in Los Angeles	Compared Los Angeles school enrollment data with Census estimates in Los Angeles	1980 Census enumerated most families in Los Angeles
Passel (1985a)	1980	Mexican unauthorized migrants	Revision of Bean, et. al. (1983)	1.9 million
Bean, King, and Passel (1986)	1980	Mexican unauthorized migrants	Revision of Bean, et. al. (1983)	1.5 - 2.8 million
Passel (1986)	1980	Undercount rate in 1980 Census for the unauthorized population	Expert opinion	no more than 50% undercount
Heer and Passel (1987)	1980	See Heer and Passel (1985)		

Table 16 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Passel and Robinson (1988)	1980	Total unauthorized migrant population	Revision of Bean, et. al. (1983)	Total: 2.5 to 3.5 million Mexican: 1.9 million
Borjas, Freeman, and Lang (1991)	1980	Total Mexican unauthorized migrant population	Analysis of deaths to Mexican-bornpersons	1.9 million
Woodrow (1991)	1990	Total unauthorized migrant population	Projection from 1980 Estimate to 1990	3.3 million (point estimate)
GAO (1993)	1990	Total Mexican unauthorized migrant population	Projection of 1980 Mexican Census population to 1990	2.7 million
GAO (1993)	1990	Undercount rate in 1980 Census for the unauthorized population	Review of ethnographic studies	25% undercount, most estimates fell between 5% and 28%

Table 17
Direct and Indirect Estimates of the Undercount for the Unauthorized Migrant Population in 1980 and 1990 U.S. Censuses

	Estimated Unauthorized Pop'n (in millions)		Undercount Percentage	
	Total	Mexican-born	Total	Mexican-born
1980 Census				
Direct Estimates of Undercount				
Heer and Passel (1985, 1987); Passel (1985); Passel and Robinson (1988)	3.4-3.7[a]	2.0[a]	40-45%	44%
Indirect Estimates of Undercount				
Bean, et. al. (1983)	na	1.5-3.8	na	25-70%[b]
Revisions of Bean, et. al. (1983)				
Passel (1985)	na	1.9	na	40%[b]
Bean, et. al. (1986)	na	1.5-2.8	na	25-60%[b]
Passel and Robinson (1991)	2.5-3.5	1.9	18-42%	40%[b]
Borjas, Freeman and Lang (1991)	na	1.9	na	40%[b]
1990 Census				
Direct Estimates of Undercount				
GAO (1993)	3.2[a]	2.6[a]	25%	25%
Indirect Estimates of Undercount				
GAO (1993)	3.4	2.7	29%[b]	30%[b]
Woodrow (1991)	3.3		27%[b]	
Warren (1995)	1.0	2.6	-92%[b]	8%[b]

na: estimate not available.
[a]Implied population based on estimate of undercount (see note below).
[b]Implied undercount rate based on estimate of population (see note below).

Note: The implied population and undercount rates are based on the assumption that 2.1 million unauthorized migrants (1.1 million unauthorized Mexicans) were enumerated in the 1980 Census, and that 2.4 million (1.9 million Mexicans) were enumerated in the 1990 Census.

low as 1.5 million and as high as 3.8 million. Comparing this range with the number enumerated in the 1980 U.S. Census—1.131 million (Warren and Passel, 1987)—the Bean, et al. (1983) estimate implies an undercount between 25 and 70 percent. However, residual estimates of the Mexican unauthorized population enabled researchers to narrow the range of assumptions used in this analysis (Bean, King, and Passel, 1986; Passel, 1985a; Passel and Robinson, 1988). The results of these revisions indicated that there were probably as few as 1.5 million to 1.9 million unauthorized Mexicans migrants in 1980. Assuming that Mexicans comprise about

60 percent of the unauthorized population, this suggests that between 2.5 and 3.2 million unauthorized migrants were living in the U.S. in 1980. A comparison of these estimates with the approximation of the enumerated unauthorized population suggests an undercount rate of 25 to 40 percent among Mexicans and 18 to 36 percent among all unauthorized migrants.

Using a different approach, Borjas, Freeman, and Lang (1991) analyzed vital statistics data to determine the number of unauthorized immigrants missed in the 1980 Census. The method they used is similar to that used by Robinson (1980), except that it yields more precise results because it employs data on the number of deaths to Mexican-born persons residing in the United States (such data became available in 1984 when vital statistics began to record place of birth on death certificates). The methodology used by Borjas, Freeman, and Lang rests on the assumption that (1) all deaths to illegally and legally resident Mexican-born persons that take place in the United States are recorded in the U.S. vital statistics and (2), that the Mexican-born population experiences age specific death rates that are quite similar to those experienced by the U.S. native-born population. If these assumptions hold, then the total Mexican-born population living in the United States may be approximated by dividing the number of deaths to Mexican-born persons by the death rate. By comparing this estimate with the number of Mexican-born persons enumerated in the 1980 Census, the number of unenumerated Mexican-born persons can then be estimated. Borjas, Freeman, and Lang's results indicate that the number of unenumerated unauthorized Mexicans in 1990 was about 800,000. They add this to Warren and Passel's estimate to yield a total of 1.9 million unauthorized migrants from Mexico, which implies a 40 percent undercount rate. The results of this method tend to be highly sensitive to the underlying assumptions. Nevertheless, if the effects of its limitations could be minimized, the method has potential because it is empirically based, it can provide national level results, and it can be used to obtain annual estimates of the unauthorized population by age, sex, and country-of-origin, as we demonstrate below in an application to the 1990 Census enumeration of unauthorized Mexican-born male and female migrants.

To summarize, the results of undercount studies as well as comparisons of external estimates with estimates of the enumerated unauthorized population suggest that at least 60 percent of unauthorized residents were enumerated in the 1980 Census. This implies that there were at most about 3.4 million unauthorized migrants and 1.9 million unauthorized Mexican migrants living in the United States in 1980.

In the case of the 1990 Census enumeration, both direct and indirect evidence suggest that the undercount rate for the unauthorized migrant population was lower than it was in 1980. The direct evidence comes from a series of ethnographic studies conducted by researchers working with the Census Bureau. The main purpose for

conducting these studies was to gain qualitative information about the causes of undercount, although the results of the research can also be used to shed light on undercoverage rates among various populations. The ethnographic evaluations were conducted in 29 different neighborhoods across the United States and Puerto Rico, each of which contained about 100 households. These 29 neighborhoods were selected because they were thought to contain large concentrations of difficult-to-enumerate populations. Experienced ethnographers made an effort to become familiar with the households and household members who lived within the sample area by accessing informal networks and gaining information about the actual residences of people. Their assessments of the numbers of residents were compared with the official Census counts for the sample areas. The results of the comparisons showed that, among those living in areas containing large concentrations of unauthorized migrants, the undercount rate was *at most* 25 to 30 percent. One area, Long Island, had an undercount rate as high as 72 percent, but this result was not typical. The other areas showed undercount rates as low as or lower than 28 percent, and five areas had undercount rates less than 18 percent (GAO, 1993; de la Puenta, 1993).

Indirect evidence of the undercoverage of the unauthorized population in 1990 comes from only a few studies. Although Warren (1995) produces estimates of the entire unauthorized population in 1990, his estimates appear too low and cannot be relied upon. For instance, he puts the total Mexican-born unauthorized population at 1 million, which is 92 percent *lower* than the residual estimate for 1990 (GAO, 1993). Woodrow (1991) makes a "point estimate" of the illegally resident population in 1990 of about 3.3 million (assuming a 25 percentage undercount). Woodrow (1991) constructs this estimate by projecting forward the estimated 1980 illegally resident population to 1990, adjusting for net growth during the 1980s and legalizations due to the amnesty provisions of IRCA.

Another study showing indirect evidence of the undercount rate in 1990 was conducted by GAO (1993) in consultation with Corona Vasquez (1991). By comparing the Mexican population enumerated in the Mexican Census in 1980 with those enumerated in the 1990 Mexican Census, Corona Vasquez (1991) estimated that 1.5 to 3 million Mexicans emigrated during the decade. By adjusting this estimate for differential undercount and legal migration to the United States, GAO (1993) concluded that about that about 2.7 million unauthorized Mexicans were present in the United States in 1990. Assuming that Mexicans comprise about 80 percent of the total unauthorized migrant population (based on the 1989 CPS residual estimates), GAO puts the total unauthorized migrant population at 3.4 million. Like the results obtained from the ethnographic studies, these two estimates imply an undercount rate of about 30 percent. This level of undercoverage implies an unauthorized population of about 3.4 million (2.7 million Mexican unauthorized migrants) in 1990.

In what follows, we apply the "death registration" method used by Borjas, Freeman, and Lang (1991) to obtain another estimate of the total illegally resident Mexican population and the underenumeration rate for 1990. One of the drawbacks of the death registration method is that it is sensitive to its underlying assumptions. Nevertheless, if the data used to produce the final estimates is carefully selected, the method can be used to obtain annual estimates of the total size of the unenumerated unauthorized population by country of origin.

We use the method to produce a series of estimates of the number of unenumerated unauthorized Mexican-born persons living in the United States in 1990. An estimate is made for several combinations of assumptions regarding the numbers of deaths, different mortality schedules, and sizes of the enumerated Mexican-born population. Table 18 presents estimates of the unenumerated unauthorized Mexican-born population, the total unauthorized population, and the implied undercount rate for each of several combinations of underlying assumptions. The estimates of the total unauthorized Mexican migrant population range from 2.1 million to 2.9 million, with the interquartile range spanning 2.1 million to 2.6 million. The undercount rates corresponding with the interquartile range of estimates ranges from only 14 to 26 percent. The highest estimate of 2.9 million unauthorized migrants implies an undercount rate of only 34 percent. The estimates of the underenumeration rate are higher for males, among whom as many as 40 percent may not have been enumerated. Finally, we note that of the three underlying assumptions, those pertaining to the mortality schedule and the enumerated population tend to exert the greatest influence on the estimates.

In conclusion, the death registration method produces estimates of the underenumeration rate that correspond with other evidence about undercount. Namely, the underenumeration rate for unauthorized Mexican migrants in 1990 appears not to be as high as it was in 1980, most likely is no greater than 35 percent and may even be as low as 15 to 25 percent. In addition, the results corroborate other evidence that the female unauthorized migrant population is better represented in the U.S. Census enumeration than the corresponding male population. The results also show that the death registration method produces estimates that are sensitive to their underlying assumptions. Although the method has a great deal of potential for use in the future, the quality of the estimates could be greatly improved if better information about the mortality rates experienced by the foreign-born population and the enumerated population were available.

Estimates Based on Mexican Data

We are aware that there are is great variety of methodological and conceptual difficulties that have to be addressed in order to arrive at more precise and up to

Table 18

Various Estimates of the Unenumerated Unauthorized Mexican-born Population and Percentage Undercount

Assumptions About: D. Number of Deaths M. Mortality Schedule C.Enumerated Pop'n	Unenumerated Unauthorized Population Est. (in 1,000s)			Total Unauthorized Population Estimate (in 1,000s)			Percentage Undercount		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
1. D1, M1, C1	653	168	821	1,752	977	2,728	37.3	17.2	30.1
2. D1, M1, C2	481	77	558	1,580	886	2,466	30.4	8.7	22.6
3. D1, M2, C1	371	227	598	1,470	1,036	2,506	25.2	21.9	23.9
4. D1, M2, C2	199	101	300	1,298	909	2,208	15.3	11.1	13.6
5. D1, M3, C1	290	158	447	1,389	967	2,355	20.9	16.3	19.0
6. D1, M3, C2	136	64	200	1,235	873	2,108	11.0	7.3	9.5
7. D2, M1, C1	719	180	899	1,818	988	2,806	39.5	18.2	32.0
8. D2, M1, C2	543	84	627	1,642	893	2,534	33.1	9.4	24.7
9. D2, M2, C1	416	260	677	1,515	1,069	2,584	27.5	24.3	26.2
10. D2, M2, C2	240	120	361	1,339	929	2,268	17.9	12.9	15.9
11. D2, M3, C1	324	186	510	1,423	994	2,418	22.8	18.7	21.1
12. D2, M3, C2	162	79	241	1,261	888	2,149	12.8	8.9	11.2
Minimum	136	64	200	1,235	873	2,108	11.0	7.3	9.5
Maximum	719	260	979	1,818	1,069	2,887	39.5	24.3	33.9
25th Percentile	230	83	313	1,329	892	2,221	17.3	9.3	14.1
50th Percentile (Median)	348	139	487	1,447	948	2,394	24.0	14.6	20.3
75th Percentile	496	181	67	1,595	990	2,585	31.1	18.3	26.2

See Table 3 in Volume 2, page 561, for various estimates of the number of deaths, mortality schedules, and the enumerated population.

date estimates of the different modalities of Mexican migration to the United States. In addition to the difficulties in quantifying migration under any circumstances, the very nature of the movement towards the United States complicates the process. Among the most important factor that cloud it is the surreptitious character of much of it, the migrant population's constant renewal, the indeterminate length of migrant's stay in the U.S. and the considerable number of people who return to Mexico, even after long residence abroad.

As we mentioned earlier, measurements carried out in the United States have, among others, two systematic shortcomings: the first one is the difficulty of counting unauthorized migrants, that because of their surreptitious nature avoid detection; the second one is that it is not possible to identify those migrants who go back to Mexico, which can be either "legal" (have not been naturalized yet) as well as unauthorized.

These shortcomings are reflected in the underrepresentation of Mexican migrants in the statistical registers of the Immigration and Naturalization Service, as well as in the Census undercount and in household surveys (in particular the Current Population Survey, CPS). This situation has lead researchers, to make important corrections and adjustments to the original figures by using indirect methods and residual techniques.

On the other hand, the estimates carried out in Mexico face the great difficulty that migrants are not found in their place of origin, either because they are living or sojourning in the United States or because they are on their way there. This feature has restricted the options available to researchers and government statisticians to two methodologies. The first one involves direct measurements from retrospective questions in household surveys that identify labor, permanent and return migrants as well as direct measurement of migration flows through specialized methods for finding, counting and interviewing those either on their way to work or on their way from working in the United States.

The second uses indirect methods, which rely on incomplete or deficient information to estimate a population of interest. When combined with other data, this information can be used to generate two different databases: one that supposedly contains or includes the migrants that are headed toward the United States (P +) and another that excludes them (P -). The difference, or residual [(P +) - (P -)] is attributed to migration. Conceptually, the residual is composed of many kinds of people, which means that the resulting estimate may erroneously include some individuals who have not really migrated, or may exclude some people who have. In general, these approaches have generated plausible results that are consistent with the demographic dynamics of the Mexican population and generally agree with obtained in the United States. This section presents the results of efforts carried out for this project to estimate Mexican migration to the United States based on Mexican data from the 1990s.

Direct Measurement Efforts

The National Survey on Demographic Dynamics

Since the late 1970s, Mexico has carried out various household sampling surveys with the goal of using direct measures to quantify how many migrants move to the United States (for example, the Demographic Survey of Baja California, the Migration Survey in Zacatecas, etc.). The 1992 ENADID (the Spanish acronym), which is the most up-to-date version of these surveys and is used in the country for mid-decade enumerations, improves over these earlier surveys in several important ways. Among these are the following: a) its national coverage; b) its utilization of a considerable sample size (64,000 housing units throughout the country), which permits the use and interpretation of data on a federal scale, c) and its inclusion of various foci, in certain complementary measures, to quantify some of the diverse modalities of the migratory phenomenon (INEGI, 1994).

The ENADID provides a basis for classifying certain Mexican residents as "labor migrants" (people aged 12 years or older who have worked or looked for work in the United States) and others as "return migrants" (people who were habitual reside in the United States, but at the time of the interview were living in Mexico). The measurement of return migration focuses on three retrospective questions traditionally used in Mexico for census gathering (i.e., place of birth, length of current and previous residency, and the place of habitual residency over the past five years). The measurement of labor migration also utilizes retrospective questions to ascertain if a migrant had been a worker or looking for work in the United States and the time period (month and year) of the last movement. As with other similar procedure, this one has several shortcomings: (1) third persons respond for the emigrants, in which case the information is not very precise: (2) the household does not necessarily exist with the same configuration and in the same geographic location during the reference period; and (3) it is impossible to detect emigration of complete families or of people who live alone, since there is no reporting on these people. the survey thus generates an underestimate of the magnitude of migration.

Despite these limitations, the data from the survey are valuable and indicate that of the 85.164 million residents of Mexico in 1992,1.572 million were return migrants and 2.28 million were previously labor migrants in the United States. These figures cannot be added together because the two types of migrants are not necessarily mutually exclusive. In fact, about 1.28 million people are members of both groups, who simultaneously lived and worked in the United States; about 1 million people were "labor migrants"—individuals who do not consider their stays in the United States to be for habitual residence in that country but rather for labor reasons; and about 290,000 migrants did not work in North America during the

Table 19
Mexican-born Population Living in Mexico in 1992 by Living and Work Experience in the U.S.

Living experience in the U.S.		Total	Worked in the U.S.?	
			Yes: Labor Migrants to the U.S.	No: Not Labor Migrants to the U.S.
	Total	85,164,449	2,283,815	82,880,634
Lived in the U.S.?	Yes: Return Migrant	1,572,192	1,282,469	289,723
	No: Not Return Migrants	83,592,257	1,001,346	82,590,911

Source: Estimates of the authors using data from ENADID, 1992

period that they lived there. Together, the three categories of identified migrants (those that lived and worked in the United States, labor migrants who did not reside in the United States and non-working return migrants) total 2.57 million people, which constitutes the number of Mexican residents in 1992 who had migrated to the United States (see Table 19).

If we classify the migrants from the three categories by year of entry to the United States or by year of return to Mexico, the numbers increase over time. This increase is systematic and reflects two results: a) an increasing migration in recent years, and b) the collecting of information in such a way that for each individual only the last movements to the north is recorded, meaning that the verifiable quantities of people who actually migrated in previous periods is understated. Therefore, of the 2.574 million migrants mentioned above, 391,000 (15.2 percent) entered the United States before 1970; 396,000 (15.4 percent) did so between 1970 and 1979; 603,000 (23.4 percent) between 1980 and 1987; and 1.098 million (42.7 percent) between 1988 and 1992. The rest fall under no specific date of entry to the United States. Of those returning to Mexico, 349,000 (13.6 percent) did so before 1970; 331,000 (12.9 percent) did so between 1970 and 1979; 587,000 (22.8 percent) between 1980 and 1987; and 1.22 million (47.4 percent) between 1988 and 1992. The rest do not fall under any specific date of return to Mexico. Table 20 shows the breakdown of the 1.22 million migrants that returned to Mexico between 1988 and 1992 by year of return for each one of the 3 categories mentioned.

Table 20
Mexican-born Population Living in Mexico in 1992 that Lived and/or Worked in the United States and Went Back to Mexico between 1988-92, by Year of Return from the United States

Work and/or Residence Status in the U.S.	Year of return to México					Total
	1988	1989	1990	1991	1992*	
Total	105,074	162,966	201,524	279,143	471,368	1,220,075
Worked and lived in the U.S.**	70,702	102,934	146,433	201,981	264,135	786,185
Worked but not lived in the U.S.**	19,597	31,707	31,559	37,042	145,225	265,130
Lived but not worked in the U.S.***	14,775	28,325	23,532	40,120	62,008	168,760

Source: Estimates of the authors using data from ENADID, 1992

*Labor migrants for 1992 include 47,767 persons that at the time of the interview where working in the U.S. as well as 65,205 labor migrants that commute to work daily to the U.S.
*These figures refer to the year of return to Mexico after working in the U.S.
**These figures refer to the year of return to Mexico after living in the U.S.

For each reference or survey period there are differing groups of migrants who enter or leave the United States. These differences are due to varying periods of residency in North America. For example, we can estimate that between 1988 and 1992, a total of 1.098 million people entered the United States (an annual average of 220,000) and 1.220 million people returned to Mexico (an annual average of 244,000 people). Of these two figures respec tively, 707,000 and 786,000 fall under the category "lived and worked" in the United States, with an annual average of 141,000 and 157,000, respectively; 250,000 and 265,000 are those that "worked but did not live" in the United States, with an annual mean of 50,000 and 53,000; and 140,000 and 169,000 are those who "lived but did not work" in North America, with an annual average of 28,000 and 34,000. The difference between outgoing and return flows is explained by differing periods of U.S. residency. Those who traveled to and returned from the United States during the 1988-1992 interval include people who left the United States in the reference period but had entered the country earlier.

The ENADID results also portray some demographic and socioeconomic characteristics of the migrants. Those who returned to North America between 1988

and 1992 (1.22 million) can be differentiated by the three migratory categories above, showing that: the labor migrants (the "pure" ones and those who "worked and lived" in the United States) are predominantly men (more than 80 percent). In contrast, women represent the majority (60 percent) of the migrants who did not work, indicating their greater role as companions; the labor migrants were basically young adults (more than 65 percent of those observed were between the ages of 20 and 39), while those that did not work in the United States are in large part adolescents and children (about 60 percent are less than 20 years of age); the labor migrants are predominantly heads of families (about 60 percent), while in the majority of cases the spouses and children of the migrants did not work; of the "pure labor migrants" and those who did not work, more than 50 percent were living in the traditional zone of emigration (west central Mexico) during the time of the interview, close to 25 percent were in the northern states, and between 15 and 20 percent were in the central region. Those migrants that worked but did not live in the United States were interviewed primarily in the northern region (53 percent), the traditional zone (24 percent) and the central area (20 percent). In all categories, there was little participation from those residing in the southeast (between 1.5 percent and 3 percent).

The ENADID results also provide a basis for determining how many people left Mexico to reside in the United States. Interviewees were asked if one or more members of a household went to live in the United States in a specific period of reference. Once identified, emigrants were questioned about their characteristics (age, gender, family relations, date of emigration, current place of residency). The question on "current place of residency" identifies emigrants who stay out of the country as well as those who are return migrants. Return migrants were questioned about their date of return. As with other similar procedures, this one had limitations: a) it relies on third person responses for the emigrants, in which case the information may not be accurate; b) the household did not necessarily exist with the same configuration and in the same geographic location during the reference period; and c) it is not possible to identify emigration of complete families in transit or people living alone but in transit, since no one was at home to be interviewed. In all, these limitations generate an underestimate of the magnitude of permanent emigration. Nevertheless, the data thus established provide a pool of knowledge, offering valuable information about the phenomenon. For example, the major results were:

- 1.823 million people left Mexico for the United States between January 1988 and November 1992, of whom 972,000 continued to live in North America at the time of the interview (permanent emigrants) and 851,000 returned to Mexico after living in the United States (return immigrants).

- Table 21 shows the breakdown of these migrants by the year of departure to or return from the U.S. We can see that emigration appears to increase over time: 226,000 left in 1988 (130,000 lived in Mexico and 96,000 still resided in the United States), 310,000 in 1989 (177,000 and 133,000, respectively), 354,000 in 1990 (201,000 and 153,000), 351,000 in 1991 (186,000 and 165,000) and 581,000 in 1992 (156,000 and 425,000). This could be due to various combinations of four circumstances: a) a possible real increase in emigration to the United States; b) a reduction in the permanent return emigrants in later years (there is a tendency to remain indefinitely in the United States for about 40 percent of migrants, but the percentage of those only remaining rises after at least three years); c) the existence of a repetitious movement to the United States, which diminishes the number of people from previous years because the single migrants are placed in the most recent migration; and d) the greater impact of questions about more recent events.
- With the goal of minimizing the distorting effect of the period of residency in the United States and to have a better approximation of the magnitude of the phenomenon, we obtained the annual averages of the years 1988-1992. These figures indicated that in the 1988-1992 reference period, an annual average of 365,000 people traveled to the United States and established residency, of which 195,000 still lived in that

Table 21
Mexican-born population that went to live in the United States between January 1988 and November 1992, by year of migration and year of return to Mexico

Year Migrated U.S.	Went back to live in Mexico						Live in the United States	Total
	Total	Year of return to México						
		1988	1989	1990	1991	1992		
1988	129,660	41,708	40,603	24,453	16,158	6,738	96,189	225,849
1989	177,507	–	65,002	58,158	42,978	11,369	132,579	310,086
1990	201,158	–	–	82,911	89,672	28,575	153,108	354,266
1991	186,600	–	–	–	93,660	92,940	164,978	351,578
1992	155,797	–	–	–	–	155,797	425,323	581,120
Total	850,722	41,708	105,605	165,522	242,468	295,419	972,177	1,822,899

Source: Estimates of the authors using data from ENADID, 1992

country at the time the survey was carried out and 170,000 had already returned to Mexico. This latter figure, although smaller, is similar to the average mean return migration previously estimated for the same period under questioning about place of birth and place of previous residency (that is to say, 191,000 people, excluding "pure labor migrants").

- The distribution of permanent emigrants and return immigrants underscores a well-known profile: a larger number of men, a structure marked by youthful age (concentrated in the first years of economic activity), a higher proportion of heads of households among the return migrants and of children among the permanent emigrants; and, in general, a distribution by place of origin in Mexico that is similar to that previously described.

The Migration Survey for the Northern Mexican Border

The Migration Survey for the Northern Mexican Border is a continuing method of generating data using procedures for quantifying mobile populations. In this sense, the migrants are observed while they are traveling to work in the United States or during their return to Mexico. When they arrive at Mexican border towns and they gather in specific places in those cities, as for example bus or railroad stations, airports or customs check points, it is then possible to select places for the enumeration, sampling and interviews (Corona 1997; Santibañez 1997).

A first phase of this survey began March 28, 1993 and ended on March 27, 1994. The second phase spanned all of 1995. It conceptualized labor migrants as units of movement observed at certain times and places in their migratory cycles and identifies various target populations. The survey contributes useful information that helps to answer the following questions: What is the magnitude of the flow of Mexican labor to the United States in a specific reference period and how does it vary in each phase of the survey? Has the labor flow increased, decreased, or remained constant in the two phases of the survey? Which are the observed changes in the composition of the flow that could be relevant to explaining the observed changes in the magnitude of the flow? What proportion of the labor flow is documented labor and what proportion is undocumented? How have these two components of the flow evolved between the two survey phases or references periods? What is the net outmigration when we compare outward flow to that of the return flow in each phase? How has the net outmigration changed between the two survey phases or between the two reference periods? What does this outmigration signify?

In answer to these questions, we present some results based on the Northern Border Survey. We examine first the magnitude and characteristics of the outward flow (south-north flow) and then the return flow (north-south) flow. The available data reveals that between the two phases, the flow toward the United States was considerably reduced, rising to approximately 792,000 people in Phase One and dropping to nearly 543,000 in Phase Two. If we analyze the data from the Northern Border Survey just for the years 1993 and 1995, we obtain a similar conclusion. The reduction in flow does not have a single interpretation. To identify the significance of our results, we must consider that migrants must have in common two basic conditions in order to be counted as part of the same flow: a) they must reside in Mexico; b) and they must be headed toward the United States to work or look for work. A member of the labor flow to the United States can be considered the same whether he or she does not return to Mexico and "settles" in the United States or whether he or she stops traveling periodically to that country to work or look for work.

With these observations in mind, the previously mentioned trends can be interpreted in three different ways. First, the observed decrease in the magnitude of the labor flow to the United States could be due to a reduction in the number of people who form the group from Mexico. Among other factors, this would be associated with a) the difficulties (real or perceived) of entering the United States as an undocumented migrant; b) the difficulties (real or perceived) of encountering employment there; and c) an increase in the direct or relative costs of movement from the Mexican interior to the United States, which could be from loss of buying power among potential migrants and from the devaluation of the peso relative to the dollar. Second, the reduction in the magnitude of the labor flow to the United States also could be attributed to large outmigration during previous reference periods. These migrants may have established residency in the United States or prolonged their stay, a fact that itself can be associated with, a) the difficulties (real or perceived) of finding adequate remunerative employment in the migratory zone of origin during a profound economic crisis; b) the strengthening of the role played by the social and family networks in the United States; and c) the growing obstacles to leaving and returning to the neighboring country because of restrictive immigration measures, particularly the strengthening of the U.S. Border Patrol. Third, the trend could be a combination of the two previously mentioned possibilities. Specific weights for each factor would have to be determined in the future.

We questioned whether the Migration Survey for the Northern Mexican Border contained sufficient data for testing our hypotheses. Our idea was that identifying eventual changes in the internal composition of the labor current directed at the United States would shed light not only on the characteristics of those who enter or stay within the labor flow, but also those who leave it between phases. With

this idea in mind, we examined socioeconomic, demographic and family characteristics of labor migrants, attempting to identify the most relevant changes occurring between research phases or reference periods, the available data showed among other things, that:

- the labor flow continues to be predominantly masculine;
- the migratory flow consists primarily of young people and adults of economically active ages
- the members of the labor flow in general worked in Mexico before initiating their trips to the United States, although the relative weight of those who lacked jobs increased in the recent period;
- most labor migrants come from the urban zones of the country (15,000 inhabitants or more), although in recent years the number of migrants from rural areas has increased;
- the labor flow continues to originate predominantly in the federal entities that make up the traditional emigration zone (their relative weight increased in the recent period), the numbers coming from northern, central and southern Mexico had decreased significantly.
- the state of California is the principal destination for labor migrants, which also was characteristic of the earlier reference period;
- the number of labor migrants who intend to stay in the United States for more than six months is increasing and the number who want to stay for shorter periods is decreasing.
- the flow contains people who generally live alone or in other cases are accompanied by people—family or non-family members—of 12 years of age or more;
- the majority of labor migrants go to the United States regularly, although in the most recent survey period this tendency lost relative weight in the flow;
- the migratory flow consists of many workers who generally did not have documents to enter or work in the United States, a characteristic of labor flows in earlier periods;
- first-time migratory workers increasingly lack documents for entering or working in the United States;
- workers who habitually travel to the United States for work increasingly lack entry or work documents as well.

- Summarizing, the flow of workers towards the United States not only decreased in size, but there where also important changes in its characteristics. Some of these changes are very likely the result of migrants with specific characteristics dropping out of the flow (e.g., those with migratory experience in the United States, or those authorized to work).

In the case of the return flow from the United States (north-south) we observed that an important decline in absolute values, from more than 624,000 to 433,000 between Phases 1 and 2. This data is similar to data for the last three quarters of 1993 and 1995, (518,000 migrants for 1993 down to 296,000 migrants for 1995).

The demographic and socioeconomic characteristics of the return migrants are generally similar to those of people in the south-north flow. In addition to the already mentioned reduction in the magnitude of the return flow, we noted that:

- the flow is formed primarily by men, although in recent years the relative weight of female participation has increased;
- first-time members of the return flow are concentrated within the economically active ages (between 12 and 34 years), but important changes were detected in the age distribution between reference periods;
- as reflective of what took place in their outbound voyage, the return flow is composed of people that generally undertake the trip alone or are accompanied on their return trip by people—family or non-family members—of 12 or more years of age;
- the majority of labor migrants stated that on their most trips to the United States that they had entry documents, although the relative weight of those individuals who did not have them grew. As a result, the flow has a more balanced participation between the two groups;
- labor migrants with work documents on their most recent trip to the United States were roughly equal to those without them in the earlier survey period. In the most recent survey period, the number without work documents dominated the flow;
- about 85 percent of first-time return migrants do not have work documents;
- about 87 percent of labor migrants did not need the services of a pollero or coyote to enter the United States on their most recent trip; this is a significant change from earlier periods;

- about 70 percent of return migrants had been to the United States only once or twice before. This is consistent with trends from earlier periods;
- as with the south-north flow, many return migrants lack U.S. entry or work documents and the number of first-time migrants without them is increasing;
- but still, the majority of migrants with previous U.S. migratory experience had entry or work documents, although the relative weight of those without documents has grown significantly.
- the majority of the return migrants are from urban areas of Mexico;
- the migrants who come from the states of traditional emigration constitute the largest portion of the return flow although their relative weight has declined in recent years;
- California has been displaced in recent years by Texas as the primary state of residence for migrants to the United States, and is identified as such by a growing proportion of migrants;
- the main portion of the return migrants worked in Mexico before undertaking their most recent trip to the United States, but recently the relative weight of this group has diminished significantly;
- the largest part of the return flow did work during their most recent stay in the United States (about eight out of every 10), although a slight reduction is estimated for the relative participation of this group;
- a large number of return migrants sent monetary remittances to Mexico, although the relative weight of this group has diminished enough to no longer represent the majority in the observation period;
- the migrants declared as their principal reason for returning to Mexico, in order of importance: 1) to visit their families; 2) to rejoin the work force in their respective places of habitual residency; 3) because they had not worked in the United States; 4) because they had been apprehended by the U.S. Border Patrol. In recent years, the number of migrants who said they were apprehended has increased significantly and those returning to visit families.

Available information indicates similar demographic and socioeconomic characteristics had decreased between the groups of return labor migrants and departing labor migrants. But one difference in the most recent flow is the decline of the relative weight of the return migrants who originated in the traditional states of emigration and those from rural areas (in contrast to the growing participation of

those who come from the northern region and the urban zones of the country). This suggests lengthier stays in the United States among those migrants originally from the north or the urban zones. And they may be supported by more solid social networks and family linkages between origin and destination.

The difference between the figures of the two directions of the flow represent the net migration, which may produce either a gain or a loss of population, which is due almost exclusively in the labor migration flow during the period of reference. In the first round the net balance was negative and reached some 167 thousand people, whereas in the second round it was also negative and reached 109 thousand, which is 65 percent of the balance of the earlier round.

Indirect Measurement Efforts

Because direct measurement of migration to the United States is so difficult, researchers have largely relied on indirect measurement and have developed a number of methodologies for estimating migratory flows. Indirect measurement procedures have been refined over time with new types of statistical databases and with new data on specific aspects of migration. Nevertheless, the accuracy of the measures still depends on certain assumptions about an "invisible statistic"—the migrant population—that cannot be verified through available information sources. One way to confront this limitation is to make changes in the theoretical assumptions used and then analyze the variation in research outcomes under the modified assumptions. Even though the procedures for indirect measurement have little to offer in terms of definitive or conclusive results, the measurements have considerably reduced the margin of uncertainty about the magnitude of the migration phenomenon. (Castro 1990; CONAPO, 1992a, 1992b, 1995a, 1995b; Corona, 1991, 1994, 1995; Partida, 1990). The estimates from indirect measures that have been based on data from Mexico (see Table 22):

- indicate that the loss of Mexican population from international migration has been systematic since 1960;
- establish limits to the estimates of permanent Mexican migration to the United States between 260,000 and 290,000 in the decade of 1960-1970; between 1.2 million and 1.55 million during the decade of 1970-1980; and between 2.1 million and 2.6 million in the decade 1980-1990. These figures indicate that the net annual flow has increased with the passage of time, going from about 28,000 in the decade of 1960-1970, to close to 140,000 in the following decade and at 230,000 in the decade 1980-1990.
- confirm that the estimated magnitude of the flow in the past decade is

Table 22
Estimates of net permanent migration from Mexico to the United States, 1960-1990

Author	Decade			Half Decade		
	1960-70	1970-80	1980-90	1975-80	1980-85	1985-90
Corona 1991			1,500-3,000			
CONAPO dec. 1992			2,301		1,069	1,232
Corona 1994	275	1,476	2,378			
			2,113			
	286	1,533	2,444			
Corona 1995	287	1,366	2,307			
Partida 1990		1,277		585		
Castro 1990		1,215		563		
CONAPO Aug. 1992			2,599	563	1,214	1,385
CONAPO March 1995			2,093		889	1,204
CONAPO Jul. 1995			2,108		899	1,209

considerable and that the effect of this flow on the dynamic of demographic growth in the country is perceptible.

- The results of these indirect measures of the net migration flow between Mexico and the United States are very reasonable, they are consistent with the demographic changes of Mexico's population and they are in general agreement with the estimates carried out with United States data sources.

With the idea of counting with an indirect measure of migration between Mexico and the United States during the most recent period, (for the five years between 1990 and 1995), in research carried out for this report we used a residual procedure (that is derived from the use of a balancing equation) with information from the Population and Housing Count of 1995 (published at the end of April 1996 and referring exclusively to the total inhabitants of Mexico classified by sex and federal entity) and data from the Eleventh General Census of 1990. The main results obtained from this

Table 23
Estimates of the Mexico's Net International Migration Flow between 1990 and 1995 by State of Residence

State of Residence[1]	Total	Annual average
Total	-1,387,481	-277,496
North	-338,584	-67,717
Traditional	-664,824	-132,965
Central	-383,792	-76,785
Southeast	-281	-56

[1]State of Residence:
North: Baja California, Baja California Sur, Coahuila, Chihuahua, Nuevo León, Sinalóa, Sonora and Tamaulipas.
Traditional: Aguascalientes, Colima, Durango, Guanajuato, Jalisco, Michoacán, Nayarit, San Luis Potosí and Zacatecas.
Central: Distrito Federal, Guerrero, Hidalgo, México, Morelos, Oaxaca, Puebla, Qurétaro and Tlaxcala.
Southeast: Campeche, Chiapas, Quintana Roo, Tabasco, Veracruz and Yucatán.

procedure (for the national totals) are the following: For 1990-1995 net outmigration was 1.387 million people, with an almost equal participation by sex (694,000 men and 693,000 women) and the net count gave a distribution by groups of entities located inside the known migratory pattern (47.9 percent in the traditionally highest zone of migration; 24.4 percent in the northern states and 27.7 percent in the central entities). The figure of 1.39 million people is an estimate of net outmigration during the five-year period between 1990-1995, which is equivalent to an annual average of 277,000 people (see Table 23). This estimate (1) is substantially higher that that observed during the decade 1980-1990; (2) agrees with that developed independently by the Mexican Population Council (CONAPO); and (3) is relatively close to the figure of 316,000 estimated with U.S. data sources in research conducted for this report. It also should be noted that this estimate is also higher than that directly derived from ENADID, which in turn suggest that an important number of Mexican migrants lived alone in their places of origin before leaving to the U.S. or left the country with all members of their households.

Other results obtained from this procedure (for the national totals) are the following:

- If the natural growth (and the interstate migration) of the five-year period is correct and if the states of the southeast do not have significant migration to the United States, then the positive outmigration encountered for these six entities (35,000 women and 70,000 men) constitutes a better measurement in the enumeration of the 1995 count than in the enumeration of the 1990 census. The census population, corrected for undercounts stemming from the 1990 census (0.52 percent for the total, 0.70 percent for men and 0.34 percent for women), was used to obtain an estimate of net outmigration of 1.166 million emigrants, with a balanced participation of men and women (576,000 male emigrants and 590,000 female emigrants) and a distribution by groups of origin (54.2 percent coming from the states with traditionally high migration; 25.3 percent from northern states and 20.5 percent from entities located in the center of the country), which is consistent as much with the migratory trend up to 1990 as with the data from the survey carried out for the period 1990-1995.
- The second estimate was carried out using the same operations and considerations from the previous calculation, but with some modification. Instead of calculating the population by gender and entity in 1995 as a sum of the residents in 1990 plus the natural increase (and increase due to internal migration), the population is determined as a product of the residents in 1990 by a factor that accounts for the growth in declining international migration. This was the basis for establishing a percentage of undercoverage from the 1990 census that was almost double the figure used in the previous estimate (0.92 percent for the total, 1.22 percent for men and 0.63 percent for women). With this method, the net outmigration rose to 1.387 million people, with an almost equal participation by gender (694,000 men and 693,000 women) and the new count gave a distribution by groups of entities located inside the known migratory pattern (47.9 percent in the traditionally highest zone of migration; 24.4 percent in the northern states and 27.7 percent in the central entities).

The two previous estimates did not yield such disparate results, in spite of the utilization of different assumptions about the undercoverage of the 1990 census. The differences rose to 19 percent of the total, 20.5 percent for men and 17.5 percent for women. Nevertheless, if the differences between one calculation and the other with respect to the distribution of outmigration by groups of entities are accurate, the differences are not tremendous for the northern states and for the states of traditionally high migration (14.8 percent and 5.1 percent, respectively), but the difference is tremendous for the central entities (60.7 percent). This marked

contrast between the results of the two estimates shows the need to carry out a more detailed analysis of the same, revising the internal coherency, in order to choose one of these estimates as the definitive product of this residual methodological application. The figure of 1.387 million people corresponds to our estimate of net outmigration during the five-year period between 1990-1995, which is equivalent to an annual average of 277,000 people. This quantity, slightly higher than that observed during the decade 1980-1990, results in a negative annual international migration rate of 0.31 percent.

Immigration to Mexico

Immigration to Mexico is not very large. Table 24 shows the number of foreign immigrants that lived in Mexico in 1970, 1980, 1990 and 1992 by sex and country of birth. During the decades of the 1970s and 1980s, annual average increases of 7,000 immigrants were reported. The 1990 Census data indicated that by 1990, a total of 340,00 foreigners resided in Mexico, which represents scarcely 0.42 percent of the country's inhabitants. Data from the National Survey of the Demographic Dynamic reinforced this estimate, but also indicated that in recent years, immigration to Mexico has intensified substantially (between 80,000 and 100,000 in the period between March 1990 and November 1992, inclusive). The demographic and socioeconomic characteristics of migration to Mexico are:

- a similar proportion of men and women immigrated, and did not show significant variation by place of origin or by period of entry to Mexico;
- the United States is, by far, the principal country of origin for the immigrants (more than 50 percent of the immigrants are natives of that country), followed by natives of Central and South America, and after them, in lesser numbers, natives of Europe, Asia and Africa;
- the composition by age differs by place of origin. The natives of the United States exhibit a peculiar distribution: more than 40 percent are less than 10 years of age and almost 30 percent are children or adolescents between 10 and 19 years of age. This fact seems to be associated with return migration of Mexicans—who bring with them children born in the United States. The apparent intensity of immigration observed between 1990 and 1992 appears to explain, in large measure, the increased numbers of children. In contrast, the immigrants of non-American countries display a structural aging and the Central and South Americans conform to a youthful age profile.
- 10 geographic entities in Mexico attract about 80 percent of the immigrants: Baja California, Chihuahua, Nuevo León and Tamaulipas

Table 24

Foreign-born Residents in Mexico, by Sex and Country of Birth, 1972-1992

Sex and Country of Birth	1970 Census	1980 Census	1990 Census		1992 ENADID
			Enumeration	One percent	
Absolute numbers (in thousands)					
Total	191.2	268.9	340.8	349.3	463.4
Male	97.3	134.2	171.8	168.2	235.7
Female	93.9	134.7	169.0	181.1	227.7
United States	97.2	157.1	194.6	191.5	278.7
Rest of Americas	31.5	45.1	90.7	86.7	143.5
Rest of the World	62.5	66.2	54.9	56.8	41.2
Not Specified	–	0.5	0.6	14.3	–
Percentage Total	100.0	100.0	100.0	100.0	100.0
Male	50.9	49.9	50.4	48.2	50.9
Female	49.1	50.1	49.6	51.8	49.1
United States	50.8	58.4	57.1	54.8	60.1
Rest of Americas	16.5	16.8	26.6	24.8	31.0
Rest of the World	32.7	24.6	16.1	16.3	8.9
Not Specified	–	0.2	0.2	4.1	–
Immigration rate (per 100)*	0.4	0.4	0.42	0.43	0.54

Source: Census of Population and Housing, 1970, 1980 and 1990

(Data from the total enumeration and the one percent sample) and ENADID, 1992
* Total foreign born divided by total resident population in Mexico (per 100)

in the northern border region; Guanajuato, Jalisco and Michoacán in the plateau region of northern Mexico and the west; the Federal District and the state of Mexico in Central Mexico; and Chiapas in the southeast. The distribution of the immigrants in the 10 areas varies by country of origin. The natives of the United States reside basically in the north and the west, also zones of outmigration to North America (the later reinforces the hypothesis that part of the immigration coming from the United

States is linked to migration from Mexico to the United States). In the Valley of Mexico, more than 60 percent of immigrants were born on the American continent. About 40 percent of the immigrants living in Chiapas come from the south, especially from Central America.

The flow of immigrants from Central America have received special attention in the past several years because of their growing importance and apparent regional impact on Mexico's southern border. The available research on this issue has progressively characterized the typology of these flows, pointing to the following: a) the seasonal agricultural workers; b) the Guatemalan refugees; and c) the undocumented transmigrants.

- the flow of agricultural workers is directed principally at Chiapas. Measuring these workers has been difficult because a significant number of them (the proportion cannot be determined) habitually move without documents. Past estimates, coming generally from migration officials, are derived more from individual observation and practical experience than from procedures that rely on analytical and empirical bases. More recently, the efforts of migration authorities to standardize this flow has generated some additional data, but not enough to estimate the flow reliably. The most recent migration records identify between 50,000 and 75,000 documented entries annually into Mexico (although a single entry can include several people). This figure is derived from an inferior threshold, however, because it does not include undocumented entries, which at the present time are impossible to quantify.
- the Guatemalan refugee populations, which is encamped at Chiapas, Campeche and Quintana Roo, rose at the beginning of 1996 to about 32,000 people. But it is believed that an undetermined additional number of refugees exist but are not known as such because they can be found scattered throughout the territory and because they arrived in Mexico during the 1980s in conditions very similar to those of refugees established in the camps.
- the undocumented transmigrants are those people who have penetrated the national territory with the idea of moving to a third country. As with the migration to the United States, the surreptitious nature of this movements obscures the ability to measure them. We can rely on only those figures that match the number of deportations and expulsions carried out by migration authorities. These figures only give an indirect idea of the significance of this movement. The expulsions have been constantly rising and demonstrate two points of inflection: one is in 1980, when the expulsions exceeded 10,000 actions, and the second is

in 1990, when the figure surpassed 100,000 annual actions. Almost all of the expulsions carried out in the past several years have been systematically against migrants coming from Guatemala, El Salvador and Honduras.

Summary of Results from Estimating Procedures and Update to 1996

As of 1980, stock and flow estimates of the unauthorized migrant population tended to be unreliable due in part to lack of methodologies for correcting for biases in the available data sources. For instance, better methods had to be developed in order to make more valid estimates of in-flow on the basis of INS apprehensions and nonimmigrant entrance/exit forms. Also, early analytic estimates tended to be inconsistent in their assumptions, methodologies, and consequently, in the populations they described. Hence, the various estimates were difficult to compare and evaluate (Bos, 1984). Finally, reviewers (Siegel, et al., 1980; Hill, 1985b) found that most early analytic estimates of stock and flow were sensitive to their underlying assumptions. More complete data about the foreign born and the unauthorized migrant population had to be obtained in order to better support underlying assumptions, such as those made about undercount (Goldberg, 1974; Heer, 1979) and death rates (Robinson, 1980). As a result of these and other problems, Siegel and his co-authors concluded in 1980 that there were "currently no reliable estimates of the number of unauthorized residents in the country or of the net volume of unauthorized immigration to the United States in any past recent period" (1980). Nevertheless, they conceded that the analytic studies supported the view that by the end of the 1970s, 2.5 million to 5 million unauthorized migrants and 1.5 million to 2.5 million unauthorized Mexican migrants resided in the United States.

The residual studies conducted during the 1980s obtained results at the beginning of the 1980s that tended toward the lower end of this range, subject of course to considerable uncertainty about the fraction of the unauthorized Mexican migrant population not enumerated in the official U.S. Censuses and surveys on which they were based, as discussed at length above. The results of these studies also showed the effects of IRCA's legalization programs, which removed substantial numbers of undocumented migrants from the estimates of stock. They also revealed that the unauthorized migrant population (both overall and from Mexico) continued to grow annually during the 1980s, diminished in total numbers only by the legalization programs of IRCA.

Several broad classes of factors affect the significance and meaning of these (and in fact any) estimates. One, of course, is their accuracy. To what degree can we be confident that the figures reflect the sizes of the populations they are intended

to represent? While uncertainties remain (as noted in discussions above), there is little question that the results of research on the magnitude of stocks and flows during the 1980s have narrowed considerably the range of plausible estimates. However, because of data gaps (e.g., the deletion of I-53 registration system, inadequate information on emigration, and little empirical data on the undercount of the unauthorized population), estimates during the 1990s that rely on residual approaches may be subject to increasing uncertainty, and thus perhaps are increasingly likely to generate broad ranges of estimates (Woodrow-Lafield, 1996).

Another factor that effects the significance of estimates is the context in which they occur. Estimates are most appropriately viewed not in isolation, but in relation to other kinds of changes, including population changes. We discussed above the policy significance of possibly shifting proportions of EWIs and visa overstayers. More broadly, it is of interest to examine how the estimates of unauthorized Mexican migration compare to population size generally in both the United States and Mexico. The estimated enumerated unauthorized Mexican population (1.131 million) in 1980 represented about 51 percent of the total Mexican-born population in the United States, 8 percent of the U.S. foreign-born population, 12.9 percent of the total Mexican-origin population, 0.4 percent of the total U.S. population, and 1.7 percent of the total Mexican population.

What evidence is there about the size of the unauthorized Mexican migrant population during the 1990s? Estimates of Mexican unauthorized migrants should readily square with evidence about (1) the overall size of the Mexican-born population in the United States, (2) estimated rates of underenumeration in the legal unauthorized populations, and (3) estimates of the size of the legal Mexican-born population. A 1996 figure for unauthorized Mexican migrant stock may be constructed by starting with the overall size of the enumerated Mexican-born population from the March 1996 CPS of 6.68 million. Based on the evidence in Hogan and Robinson (1993) and Van Hook and Bean (1997) about undercount rates, we set plausible underenumeration rates for the legal and unauthorized Mexican populations at 4 and 12 percent respectively. Consistent with the evidence that about 700,000 SAWs were in the United States in the 1990s, we also adopt a mid-range estimate of 4.8 million legal Mexican immigrants (Woodrow-Lafield, 1997). Given these values, the *enumerated* number of legal immigrants is estimated as 4,608 million (4.8 x 0.96 = 4.608) and the number of unauthorized immigrants as 2.35 million (6.679 - [4.8 x 0.96]/0.88 = the number of unauthorized migrants = 2.35). Placing a 90 percent confidence interval around the overall total of 7.15 million Mexican-born persons in the United States in 1996 (obtained by adjusting for undercount) adds and subtracts about 150,000 from each side of this value, giving and estimated range of 7 milliion to 7.3 million total Mexican-born persons in the United States. In 1996, then, a figure of 2.35 million unauthorized Mexican-

born migrants would represent 37.8 percent of the U.S. Mexican-born population, 10.2 percent of the U.S. foreign-born population, 11.6 percent of the Mexican-origin population, 0.8 percent of the total U.S. population, and 2.3 percent of the Mexican population.

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Characteristics of Migrants: Mexicans in the United States

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Introduction

The objective of this chapter is to present a comprehensive statistical portrait of Mexicans in the United States, summarizing their demographic and socioeconomic characteristics and examining changes in these characteristics over time.[1]

The observed characteristics of migrants are a product of the selectivity of the migration process, reflecting behavioral mechanisms and the influence of personal, household, and societal variables on migration decisions and outcomes. They are the first determinants of international migrants' impacts on both origin and destination countries.

Migrant characteristics partly reflect the characteristics of the population-at-large from which migrants are drawn. For example, if migrants are drawn randomly from a population that becomes increasingly educated over time, the average education of migrants will increase; if randomly drawn from a population that is aging, the average age of migrants will increase, etc.

However, the process that selects people into and out of migration is not random. Forces of labor supply and demand at home and abroad shape the economic returns to skills and other characteristics, encouraging some people to migrate and others not to. Contacts with individuals at migrant destinations reduce both the economic and noneconomic costs of migrating, while increasing the benefits. The spread of "migration networks" may make migration a self-perpetuating process less selective of individual characteristics; as a result, the characteristics of migrants and nonmigrants may become more similar to each other over time. Studies document cases in which statistical differences between migrants and nonmigrants from specific locales in Mexico, which at one time were pronounced, have faded or disappeared. Economic changes in migrant-sending areas may profoundly influence migrant characteristics, e.g., by altering the returns to individuals' specific human capital characteristics in the United States relative to the place of origin or to migrant destinations in Mexico, or by reducing expected incomes in Mexico by a large enough margin to tip the scales in favor of migration for new groups of individuals with new sets of socioeconomic characteristics.

Just as the people who migrate tend to be different from those who do not, so, too, the characteristics of migrants in different migration statuses differ. Characteristics of short-term, temporary migrant workers tend to be different from those of more settled migrants in the United States. Among relatively settled migrants, the characteristics of naturalized citizens (arguably the most settled group) differ from those of noncitizens. Among legal immigrants, characteristics differ by visa type. In many cases, these differences in characteristics by migrant status are striking.

The migration process is dynamic: the forces selecting people into and out of migration change over time. The spread of migration networks, which make migration accessible to an increasingly broad and diverse population in Mexico, is but one example. Data from a variety of sources indicate that socioeconomic and demographic characteristics of migrants vary across migrant cohorts and at different stages of sending areas' migration histories. Migrants, themselves, may change as well—in terms of legal status, labor-market experience, migratory behavior, human capital, etc.

The changing characteristics of Mexico-to-U.S. migrants have important long-run implications for both the United States and Mexico. Changes in who migrates to the United States and who remains in Mexico, as well as in who settles and who eventually naturalizes in the United States and who—eventually or intermittently—returns to Mexico, have potentially far-reaching ramifications for the impacts of Mexican migration on U.S. labor markets and on economic development in Mexico.

The selectivity of migration, and thus migrant characteristics themselves, are inextricably linked to determinants of migration. For this reason alone, migration theory cannot be ignored if one hopes to understand migrant characteristics and

their changes over time. However, there are other compelling reasons not to carry out our statistical analysis in isolation of migration theory. Researchers' theoretical frameworks (and governments' policy priorities) shape the collection of data on migrant characteristics. They determine, for example, whether households in the U.S., households in Mexico, or migrants at the border will be the unit of analysis for data collection. In addition to *who* is surveyed, they also determine *what* information is collected. The U.S. Census, the U.S. Immigration and Naturalization Service, the National Agricultural Worker Survey (NAWS), the COLEF surveys, ENADID, and village surveys in Mexico all provide data on different Mexico-to-U.S. migrant subpopulations and on different variables, often with little overlap. Generalizing from these disparate data sources to construct statistical profiles of different migrant groups requires understanding the theoretical frameworks and policy concerns that "produced" the data. Although *theories* of migration are not the focus of this chapter, we nevertheless draw from theory, where appropriate, to interpret and compare our findings on migrant characteristics derived from different data sources.

We also undertake, wherever possible, comparisons between migrants and other groups as background for later chapters. Assessment of the determinants and consequences of migration requires comparing the characteristics of migrants to the characteristics of other major actors and groups. For example, a full assessment of the determinants and consequences of migration from Mexico to the United States would require not only description of the characteristics of Mexicans who reside in the United States but also comparisons with: (i) Mexicans who remain in Mexico; (ii) in-migrants to Mexico, especially those from the United States; (iii) Mexican out-migrants to countries other than the United States; (iv) nonmigrants in the United States; (v) out-migrants from the United States, especially out-migrants to Mexico; and (vi) in-migrants to the United States from countries other than Mexico.

Unfortunately, data constraints do not permit such detailed comparisons. No single data set from either side of the U.S.-Mexico border provides reliable information on all of the variables or comparison groups that are the focus of our research. Because of this, characteristics of Mexican migrants have to be pieced together from a number of data sources in the United States and Mexico. Data deficiencies sometimes compromise the reliability of estimates, and they put a premium on migration theory and on developing and using statistical techniques capable of addressing related estimation biases (as well as on developing new data collection initiatives).

Our analysis of migrant characteristics is based partly on a review of existing studies. However, it also draws heavily from original analysis using the most reliable data available in the United States and Mexico. Many of our findings are presented here for the first time. The U.S. data we use include U.S. Census data,

INS administrative data on legal immigrants and apprehended unauthorized migrants, preliminary data from the New Immigrant Survey (NIS) of legal immigrants admitted in 1996, agricultural-worker survey data, and data from the Colegio de la Frontera Norte (COLEF)/USC Los Angeles Project. The Mexican data sources include the Mexican government's 1992 National Survey of Demographic Indicators (ENADID), the COLEF Survey of Migration at the Northern Border (EMIF) and Zapata Canyon project, and household surveys conducted by researchers from Mexico and the United States, primarily in rural Mexican communities.

To date, little research has been conducted on the selectivity of international migration, and the research that has been carried out has focused primarily on "human capital" characteristics of migrants: schooling, skills, and demographic traits. We believe that an expanded set of characteristics is appropriate for this study, including characteristics of individual migrants (human capital, or migrant characteristics), of the families from which migrants come (household capital, or family characteristics), and of the migration process, itself ("migration capital," including migration experience of both the individual and the family of which he or she is part). All three sets of characteristics interact in complex ways to shape the impacts of migrants in their communities of origin and abroad as well as influencing future migration propensities.

Major Conclusions

Our major conclusions include the following:

First, the Mexico-born population in the United States is not homogeneous; it is comprised of many different behavioral and legal-status subgroups. Some migrants are short-term, temporary or "circular" (i.e., sojourners, whose habitual residence is in Mexico), while others are relatively long-term or settled (habitual residents of the United States). These largely behavioral categories map imperfectly onto migrant legal-status categories. For example, circular migrants include unauthorized (or undocumented) migrants, legal temporary agricultural (H-2A) workers, and other legal temporary residents, including workers with H-1 visas, students, and tourists. The settled Mexico-born population includes some legal temporary residents and unauthorized migrants who spend long periods of time in the United States, as well as legal permanent resident aliens, some of whom are naturalized citizens. Both these groups are diverse, ranging in skills from agricultural workers to Ph.D. scientists and symphony musicians.

Second, measured characteristics differ—in some cases markedly—not only among these different Mexican migrant subgroups, but also across data sources focusing on different groups (see Table 1).

Table 1
Measurement of Migrant's Legal Status in the United States: Selected Data Sets

Data Set	Naturalized Citizens	Legal Immigrants	Legal Nonimmigrants: Permitted To Work	Legal Nonimmigrants: Cannot Work	Deportable Migrants
A. Samples Drawn in the United States					
Census/CPS	■	■			
INS	■	■	formerly	formerly	formerly
LPS		■	formerly	formerly	■
LA	■			■	■
UC-EDD	■	■		■	■
NAWS		■	■	■	■
B. Samples Drawn in Mexico					
ENADID	■	■	■	■	■
EMIF	■	■	■	■	■
CañonZapata					■
Michoacán	■	■	■	■	
MMP	■	■	■		

NOTES: Subsets identified in the data are denoted by closed rectangles. Missing rectangle denotes the absence of persons in the data set currently in that legal status. The set of deportable migrants includes legal nonimmigrants who violate the terms of their visa and entrants without inspection. The "other Mexican household surveys" discussed in the text resemble ENADID in their information on legal status.

Most short-term, temporary or "circular" migrants are males (73 to 94%, depending on the data source), young (28 to 32 years of age), with low levels of schooling (typically between 5 and 8 years), and a disproportionately strong attachment to U.S. agricultural jobs (up to 53% of circular migrants are employed in agriculture). They have a very high labor force participation rate compared to other U.S. groups (81 to 89%) but low earnings (as little as $185 per week) and high poverty rates (more than one half of families in some circular migrant subgroups have incomes below the poverty line). Very few (as few as 7 percent) speak English well.

Circular migrants tend to be selected from the middle-to-lower ranges of Mexico's socioeconomic hierarchy. This selection process originated with the recruitment of low-skilled Mexican workers by U.S. employers for seasonal jobs, mostly in agriculture. It was facilitated by the long and historically porous border between Mexico and the United States, which put U.S. labor markets within reach of individuals with limited financial resources in Mexico; by an expanding demand for low-skilled migrant workers in both agricultural and nonagricultural sectors in the United States, particularly in the southwest; and by extensive "migration networks" connecting families throughout Mexico with low-skill U.S. jobs.

Characteristics of relatively settled migrants tend to look more like those of the U.S. population as a whole, even though differences between Mexican migrants and the total U.S. population, in many cases, remain significant. On average, compared with circular migrants, the settled-migrant population is more equally balanced between genders (55% male among all Mexico-born persons enumerated in the 1990 Census), slightly older (30 to 31 years of age) and better educated (yet with important differences across legal status and data source—35% of recent legal immigrants are high-school graduates and 15% are college graduates, compared with 26% and 6%, respectively, among recent entrants in the 1990 Census). Settled migrants have a slightly lower labor force participation rate, again varying by visa type and data source, with 85% of the men in the 1990 Census reporting labor force participation and 90% of recent legal immigrant men reporting U.S. employment, and are much less attached to agricultural jobs (4-13 percent employed in agriculture). On balance, relatively settled migrants have higher earnings and higher family incomes than circular migrants (among recent legal immigrants, U.S. annual earnings averaged $19,000 for men and $13,600 for women). However, family incomes are below the median for all U.S. households ($27,000 in the 1990 Census, compared with $38,000 for all U.S. households), and 27 percent lived below the poverty line in 1990 (the poverty rate for all U.S. households was 13%). Between 10 and 29 percent speak English well; among recent legal immigrants, 51% speak English at least "average or so-so."

Among Census-enumerated persons, those who report that they are naturalized (it is known that naturalization is seriously overstated in the Census) tend to look most like the total U.S. population with regard to their socio-demographic characteristics, labor-market experience, and incomes. Just over half (54%) are males, their average age (42 years) is higher than that of the all Americans (34 years), and 32 to 47% have a high school degree or more. More than 40% speak English well. Their average household incomes are $28,000 to $29,000, compared with $38,000 to $39,000 for all U.S. households. One in four naturalization-reporting Mexican migrants lived in households with income below the poverty line in 1990, a slightly lower percentage than for all Mexican migrants.

Both circular and settled migrant groups tend to be dominated by individuals with low levels of skills, relative both to the U.S. population as a whole and to the nonmigrant population in Mexico. However, they contain some highly educated individuals. For example, legal temporary residents (e.g, individuals with H-1 and J-1 visas) are drawn largely from the upper tiers of the Mexican skill ladder. (Legal temporary agricultural (H-2A) workers are the exception.) Some of these individuals are circular migrants. Others are relatively long-term U.S. residents. The number of highly skilled Mexican migrants is small relative both to the number of skilled people in the United States and to the total Mexico-to-U.S. migrant flow; however, it is significant relative to the skilled population in Mexico. Highly educated Mexico-born persons in the United States include Mexicans pursuing university degrees abroad. The subsequent migratory behavior of these individuals is of obvious importance to the two countries and deserving of future research.

There is a marked difference between the educational attainment of Mexico-born persons enumerated in the U.S. 1990 Census reporting entry in 1987 to 1990 and that of recent legal immigrants born in Mexico. As already noted, 35% of recent legal immigrants are high-school graduates compared to 25.7% of the Census-enumerated, and 14.5% of recent legal immigrants are college graduates compared to 6.3% of the Census-enumerated. Similarly, while 28% of the Census-enumerated have completed less than five years of schooling, the comparable figure among recent legal immigrants is 21%. At the upper end of the educational spectrum, while only 3% of the Census-enumerated have postgraduate schooling, 9% of recent legal immigrants do—exceeding the figure for native-born (7%).

Third, characteristics of Mexican migrants change over time. Some of these changes appear to be long term. For example, there is evidence that schooling levels of Mexican migrants are increasing over time, and migrants' origins and destinations are increasingly urban. Long-term changes in migrant characteristics partly reflect changes in the population at large in Mexico from which migrants are drawn, but they may also reflect changes in the selectivity of migration over time. Other changes are short-term, cyclical (i.e., related to recessions and expansions)

or discrete, resulting from exogenous shocks like droughts or floods. For example, one study found that characteristics of migrants change with U.S. business cycles, becoming more feminine, urban, and schooled in periods of economic expansion. Still other changes in migrant characteristics may be law- or policy-induced, for example, the large-scale legalization of migrants under IRCA. There are some indications that migration is becoming less selective and the characteristics of migrants more heterogeneous over time. This could be due to the operation of migration networks, buttressed by the family reunification provisions of U.S. immigration law, which reduce migration costs and risks.

The rest of this chapter is organized as follows: We begin in "The Populations of Interest" by discussing alternative definitions of the populations of interest, highlighting legal and behavioral definitions and noting the lack of easy correspondence between them. Next, in "Theoretical Frameworks, Policy Priorities, and Data" we briefly review the theoretical frameworks that undergird the studies and data from which our work draws. "Data Sources—Deficiences and Constraints" describes data sources, noting their strengths and weaknesses as well as their correspondence with different definitions of the populations of interest; we distinguish between origin-country and destination-country data sources. The heart of this chapter is "Measured Characteristics of Mexican Migrants in the United States," in which we present the characteristics of migrants. This chapter attempts to provide a concise statement of the population of interest, theoretical frameworks, data sources, and major findings. Details appear in the extensive set of research materials in Volume 2, pages 695 to 867, which are referred to frequently in this text.

The Populations of Interest

The first task is to define the populations of interest. What do we mean when we say, "Mexicans in the United States"?

The population whose characteristics are the focus of this study may be defined in several ways, and migrant characteristics may differ across differently-defined populations. The different definitions may be classified into two main kinds, legal and behavioral.

Legal Definitions

Pertinent identifiers include: country of citizenship (both at birth and currently); country of birth; country of last permanent residence; visa history in destination country. Measured characteristics may differ across populations defined by one or another legal criterion. For example, age, sex, and occupation may differ between Mexico-born and Mexico-nationals in the United States, or between

Mexico-born legal permanent residents of the United States and all Mexico-born in the United States.

It is obvious that in studying migrants and their descendants, a key classifying variable is citizenship status at birth. Accordingly, in Volume 2, pages 695 to 698. We review briefly the process of acquiring citizenship and/or nationality at birth in the two countries.

Behavioral Definitions

Pertinent migration types include: temporary migration in youth, long-term seasonal or "circular" migration, permanent residential migration, retiree migration. Moreover, populations may be defined by mother tongue rather than by nativity or citizenship. Again, measured characteristics may differ across migration streams that are differently defined. For example, naturalization patterns may differ between permanent prime-age migrants and retiree migrants.

Interrelation between Legal and Behavioral Definitions

There is no simple correspondence between legal and behavioral definitions, and, indeed, observed behavior may differ from the behavior presumed to be associated with particular legal statuses. For example, legal permanent resident aliens of the United States may behave like temporary or like long-term seasonal migrants, while legal nonimmigrants of the United States may behave like long-term permanent migrants, progressing through a long series of temporary visas.

Theoretical Frameworks, Policy Priorities, and Data

The data available to construct statistical profiles of migrants are the product of surveys designed for specific research and policy purposes. Theory and policy concerns determine the population(s) from which survey samples are drawn. Because of this, they also determine the migrant populations to which the findings of research using these data may be generalized. Theoretical frameworks and their implications for the selectivity of international labor migration and characteristics of Mexico-to-U.S. Migrants are the subject in Volume 2, pages 699 to 708. We briefly outline them here.

Migration research highlights five interrelated themes. First, migration decisions and migrants' activities in the destination country are shaped by an array of factors including the economic and legal conditions at both origin and destination, migrants' information about those conditions, the direct costs of moving, and characteristics

of migrants and their households. Second, migration is selective, reflecting differences in information and in the costs and benefits from migration. Third, migration networks play a key part, as they not only provide information but also affect the benefits and costs of moving. Fourth, migration is a dynamic process, unfolding over time and changing over time as the basic factors and the networks and the ensuing selectivities change over time. Fifth, much Mexico-to-U.S. migration is circular.

The village surveys from which we draw were guided by a household model in which family members allocate their labor time across destinations in such a way as to maximize the household's predicted or expected well-being (see Volume 2, pages 699 to 706). This view of migration may be viewed as a household version of the view enshrined in the Latin saying, *Ubi bene ibi patria*, "Where one is well off, there is one's country." However, it raises the possibility—indeed likelihood—of circular migration and of an on-going involvement of migrants in the affairs of their households of origin in Mexico. In order to raise income, insure against income risks, or gain access to scarce investment funds, households in Mexico participate in migration by sending one or more family members abroad. Often this migration is initially conceived by both household and migrant as temporary and for specific ends. However, there is a tendency for it to become more and more permanent as the migrants' economic and social (i.e., opportunity) costs of returning to Mexico increase and as migrants create new, often mixed-legal-status, households in the United States. This view of migration leads to a survey design focusing on "transnational households" in Mexico and gathering data on all family members associated with each selected household, regardless of whether they are in Mexico or the United States at the time of the survey. It sometimes requires combining village household surveys in Mexico with tracer surveys of migrants in the United States.

Well-being is shaped by many factors: social, economic, religious, political. Moreover, both the household's and potential migrant's future well-being—with versus without migration—are shaped by household and personal endowments and characteristics as well as by the ability to predict future well-being. The benefits from migration will differ across individuals, households, and countries, because of differences in migration costs, differences in the amount and type of benefits and differences in the availability of information. In this way, certain types of individuals, from certain types of households in Mexico, are selected into and out of international migration.

Circumstances shaping the costs and risks of migrating include distance and laws governing exit and entry. Important factors increasing benefits and mitigating costs and risks include migration networks, information, experience, and the availability of potential sponsors—relatives or employers.

The migration process is dynamic because many of the factors shift over time. For example, transportation costs may change, laws may change, patterns of rewards to skills may change. The evolution of economies in Mexico and the U.S. may alter the returns to particular skills (e.g., schooling in Mexico) or the mix of skills or worker characteristics demanded by employers of migrants (schooling, gender, etc.). Moreover, individuals and households may alter their own characteristics in order to enhance the probability of success in a migration strategy, investing in migration networks or schooling, developing fictive-kin (*compradazgo*) relations with village families who have relatives in the U.S., taking language courses, or gravitating to social clubs where potential sponsors may be found.

Viewed from a macro perspective, migration may be characterized as a set of localized migration streams, each stream possessing a history that can be traced to pioneer migrants and in which stages or phases can be discerned. Other things being the same, pioneer migrants tend to be more intensely positively selected than those who follow them. Because at any point in time different migration streams may be in different phases, migrant characteristics may differ across migration streams and hence across studies that target different streams. To complicate matters further, a large but unknown part of global migration flows is circular. Migrants often move back and forth across the Mexico-U.S. border as members of "transnational migrant circuits."

Most U.S. data sources (the U.S. Census of Population, CPS, and INS administrative records) are not designed to take into account the circularity of migration flows. The unit of analysis of the Census and CPS is dwellings in the United States, and the universe of individuals included in the Census consists of all who regularly reside in those dwellings. The Census lacks information on characteristics particularly relevant to the study of migration, such as legal status and visa type. It has other shortcomings for analyzing immigrant characteristics, as well, including undercounts of immigrants, particularly unauthorized ones (see the following "Data Sources—Deficiencies and Constraints").

In Mexico, government surveys including the ENADID have similar drawbacks, focusing on fixed households in Mexico and excluding many migrants in the United States who may actively participate in those households. They are guided by a definition of households based on co-residence or propinquity, a criterion that has been questioned in recent migration literature.

A theoretical framework of migration circularity underlies the three Colegio de la Frontera Norte (COLEF) surveys, whose focus is on measuring both northward and southward flows of migrants (see Volume 2, pages 702 tp 708). Circularity is understood as a social process involving interactions of people who orient their migration behavior toward an international labor market. It is a theoretical construct (not a descriptive category) that applies primarily to

international labor migration and not necessarily to all migrants. It is intended to depict the dynamics of social processes of interactions (including the subjective process of learning and deciding about whether or not to migrate internationally) taking place in the structure of an "imperfect labor market," in which wages are shaped by power asymmetries. In this market, labor demand is personified by employers of the host country who interact with a supply personified by migrant workers from a different country.

Circularity suggests a purposeful migratory movement related to the intersubjective meaning of work shared by the main actors (employers and migrant workers) in the complex structure of an international labor market. It is a dynamic result of the interplay between supply and demand in that labor market. This interplay is the "force" that makes people move back and forth across international boundaries. Migratory flows are conceived here as operationalizations of the processes of circularity of international migrations for purposes of empirical research. Migratory flows are understood as being associated in two dimensions, one of time and the other of space. The time dimension is operationalized by (a) the notion of a "migratory career," understood as the time lapsing from the first migration for the purpose of obtaining a job in the other country, to the time one drops out of the circulatory process on a permanent basis, and (b) the notion of a "segment" of that process, equivalent to what is referred to in the literature as "temporary migration."

From such an understanding of circularity comes the use of "sampling of mobile populations," adapted from bio-statistics, which focuses on patterns of empirically defined "migratory flows" (spacial dimension) and empirically defined timing of such flows (time dimension). The same scientific principles on which volumes of migratory species, including blood cells, are measured by biologists, are used in the COLEF studies to measure the socio-economic characteristics of Mexican migrants to the United States.

Similarly, a hallmark of the research design of the New Immigrant Survey is that new legal immigrants, once drawn randomly into the sample, will be followed over time wherever they reside, as will members of their families. Indeed, initial interviews with 28 sampled immigrants were conducted in a total of 20 countries, including Mexico.

Data Sources—Deficiencies and Constraints

Accurate and comprehensive description requires longitudinal information on probability samples of migrants, starting with preparations for the first visit and continuing to the end of life, and including family, educational, and occupational histories as well as visa history. Moreover, to understand the decision to migrate,

data on nonmigrants are also required. Finally, to understand the long-term consequences of migration, data on the descendants of migrants are also necessary.

The data needed to construct a conclusive and comprehensive portrait of migrants between Mexico and the United States do not exist. This report presents the characteristics of migrants as they appear in a variety of data sources. To the extent that these different data sources capture distinct populations—for example, INS administrative data on immigrants cover all persons granted permanent resident status in a given year, whereas U.S. census data cover all persons, of any visa status (adding nonimmigrants and undocumented migrants to legal immigrants) residing in the United States as of a given day and captured by Census enumerators—the portrait may differ by data source.

We distinguish between data based on samples drawn in Mexico and samples drawn in the United States. We shall refer to the former as Mexico data sources and to the latter as U.S. data sources. Notice that we do not say that the data are "collected" in the given country, for, although in most cases the data are collected in the same country in which the sample was drawn, in some research designs, as noted above, migrants are interviewed in both countries, as well as in other countries to which they may move.

Mexico Data Sources

We rely on five key Mexico data sources: the INEGI/ENADID, COLEF's EMIF and Zapata Canyon project surveys, and regional (mostly community) household surveys. Short descriptions are presented here; fuller detail is presented in Volume 2, pages 709 to 735.

INEGI/ENADID

The National Survey of Demographic Indicators (Encuesta Nacional de Indicadores Demográficos, or ENADID), carried out in 1992, provides a basis both for estimating selected migrant characteristics and for comparing characteristics of migrants with those of nonmigrants.[2] It offers advantages, particularly with regard to sample design and methodology, over its precursor, the 1978-79 National Survey of Emigration to the Northern Border and to the United States (Encuesta Nacional de Emigración a la Frontera Norte del País y a los Estados Unidos, or ENEFNEU) by the Centro Nacional de Información y Estadísticas del Trabajo of the Mexican Secretaría del Trabajo y Previsión Social (CENIET, 1978; also see Ranney and Kossoudji, 1983). The ENADID survey's coverage includes both return migrants and individuals who were in the U.S. at the time of the survey. Return migrants responded directly to questions about their migration activities. Information on

sociodemographic characteristics of migrants who were in the U.S. at the time of the survey was provided by other members of the migrants' families in Mexico. Information provided by return migrants includes migration histories, making it possible to analyze changes in some migrant characteristics and in the migration environment over time. The survey also provides information on the domestic units from which migrants originate in Mexico; households in Mexico are the units of analysis for the survey.

The ENADID survey has three chief drawbacks. First, because it relies upon family members in Mexico to report on migrants who are in the U.S. at the time of the survey, information on migrants is limited. The ENADID survey probably is a good source of information on basic sociodemographic information of migrants, but not on specifics of migrants' labor-market experience in the United States, and it misses migrants not considered to be members of households in the sample. Although in theory its universe includes migrants in the United States, in practice it appears that few individuals who were in the United States at the time of the survey were enumerated; coverage included only individuals who had migrated to the United States in the previous five years; and, for those who were enumerated, data were gathered only on a few sociodemographic characteristics. Second, the survey misses entire domestic units that have migrated. If characteristics of individuals in these units differ from characteristics of individuals whose families remain in Mexico, estimates from the ENADID survey will be biased. It is possible, for example, that families with few assets and income possibilities in Mexico are more likely to migrate as complete family units than families having a stronger financial footing in Mexico. The third major drawback of the ENADID survey is that, while rich in demographic information, it lacks the detailed economic information, available in some community surveys (see below), to test for the selectivity of migration or migration impacts. For example, family assets (e.g., landholdings), income, and remittances from internal migrants and Mexico-to-U.S. migrants are not available.

EMIF and the Zapata Canyon Project

The Survey of Migration at the Northern Border (Encuesta sobre Migración en la Frontera Norte, or EMIF), attempts to capture the characteristics of distinct flows of Mexican labor migrants. The theory and methodology for this survey was developed by a team at the Colegio de la Frontera Norte (COLEF) headed by Jorge Bustamante, in collaboration with Jorge Santibáñez y Rodolfo Corona. Its objective is to study the circularity of migration using a method of sampling mobile populations. Labor migrants are identified on the basis of their migratory behavior, that is, their displacement from a city or community of origin to another city or

community for the purpose of working. This is a continuous survey, making it possible to capture variations in total migration flows and in the participation of different population subgroups in migration across the Mexico-U.S. border at different times of the year. Individuals leaving Mexico to work in the U.S. as well as return migrants are surveyed at carefully selected points at or near the border. The survey has been carried out in two stages, the first, from 1993 to 1994, and the second, from 1994 to 1995.[3] The chief drawback of the EMIF is that it focuses on labor migration; non-labor migrants are not enumerated. EMIF data on circular migrants are available for 1993-94 and 1994-95. Unless otherwise noted, findings reported here are from the 1993-94 data set.

While the ENADID survey includes all types of migrants, independent of duration or purpose for migrating to the U.S., the EMIF provides information only on individuals who have worked in the United States or who reveal an interest in migrating to the U.S. for purposes of working. The two surveys also have very different methodologies. The ENADID survey targets individuals at their place of normal residence in Mexico. The EMIF focuses on migrant flows, that is, persons in transit to, or returning from, the U.S. EMIF makes it possible to estimate the volume of migrant flows. In this respect, it is unique.

The precursor to EMIF was the Zapata Canyon project, also conducted by COLEF. During several decades, the largest south-north flow of undocumented migrants across the border was in the Zapata Canyon area, a plateau in U.S. territory with access from the Colonia Libertad in Tijuana. Groups of undocumented workers would gather here, waiting to cross the border under cover of darkness. Researchers systematically observed undocumented migrant flows and recorded them using photographic techniques, here as well as at several other points along the Mexico-U.S. border. After several pilot tests, in September 1987 El Colef researchers began surveying randomly chosen undocumented migrants about to cross the border, using quick interviews based on small questionnaires (3 minutes) in the towns of Tijuana, Mexicali, Ciudad Juárez, Nuevo Laredo and Matamoros, on Fridays, Saturdays and Sundays of every week, from September 1987 to the present. Some findings from this project are presented below. This survey's main drawback is also its main strength: It includes only undocumented migrants, providing valuable data on this difficult-to-survey, clandestine population. It also offers a time-series view not available from most other data sources.

Household and Community Surveys in Mexico

Formal household surveys, usually encompassing one or more small geographic areas, have been the basis for most recent research on characteristics of Mexico-to-U.S. migrants and their evolution over time. Most of these surveys center on villages

or towns in rural Mexico. They have been carried out by researchers in a range of social science disciplines, including sociology, anthropology, and economics. Whereas geographic coverage and sample size are the strengths of the nationally representative data sets discussed above, depth and detail are the great advantage of community survey data.

Household surveys offer potentially the most reliable basis for estimating characteristics of Mexico-to-U.S. migrants from the places covered by these surveys. A good survey design involves random sampling of village households (typically, dwellings) and a survey instrument that gathers information on all close relatives of those living in the household—whether currently in Mexico or in the United States. Even if an entire family moves to the United States (which is rare), data from other households (e.g., containing parents or siblings) may be used to ascertain a person's characteristics if comprehensive lists of family members are assembled as part of the survey. Data from a well-designed village survey should:

- Make it possible to construct a detailed portrait of the characteristics of migrants and of the households and communities from which they come
- Provide a basis to compare those who migrate to the United States with those who do not (the latter include nonmigrants and internal migrants)
- Provide a means to correct for sample selection bias when estimating, for example, migrant earnings, remittances, and net income contributions to village household incomes.

Surveys of small numbers of households (50-100 households per community are typical of community surveys in Mexico) are relatively easy to reproduce. Because of this, community household surveys offer some of the most reliable—and in some cases, the only—basis for analyzing changes in migrant characteristics over time.

The major disadvantage of using household surveys to estimate migrant characteristics is that it is not obvious how to generalize from surveys of small places (e.g., villages, rural towns or urban neighborhoods) to the migrant population at large. The best bet for individual researchers at this time is to replicate surveys in many places situated in diverse settings, and to compare findings across surveys. This approach has been adopted by several sociological and economic researchers in Mexico. Unfortunately, most of their research has focused on states that traditionally have sent large numbers of migrants to the United States. Because of this, the communities canvassed by these surveys tend to have a high prevalence of migration. Estimates of migrant characteristics from these data may represent characteristics of migrants from "old" migrant-sending areas (e.g., Michoacán) better than from "new" ones (e.g., Oaxaca) if the types of individuals who are

selected into migration change over time. Community survey questionnaires reflect specific research interests of those who carry out the surveys. The breadth and detail of data vary from survey to survey.

The alternative to replicating surveys of places in Mexico is to carry out more geographically expansive and coordinated surveys (e.g., the ENADID study) or to conduct surveys of migrants at points of entry and exit between the two countries (EMIF). Not only do these surveys sample different subpopulations of migrants, but they also illustrate the difficulties inherent in obtaining a very high level of detail on a large number of variables in surveys covering very large geographic areas and in which expanding the survey questionnaire comes at a high cost (ENADID) or simply is impractical for a universe in transit (EMIF). As a result, to date there is nothing approaching a national Mexican data set from which to reliably estimate the array of Mexico-to-U.S. migrant characteristics in which we are interested, analyze the selectivity of Mexico-to-U.S. migration, or assess impacts in Mexico or the United States. The level of detail required to address many of the questions with which our research is concerned can be found only in data sets covering a few villages or towns.

The two major community-focused surveys we utilize are from the Mexican Migration Project (Durand and Massey) and the Michoacán Project (Fletcher, Orlove, and Taylor). The Mexican Migration Project provides cross-sectional data from random samples of households surveyed in 1982-83 and 1987-91 in 19 communities in the Mexican states of Jalisco, Michoacán, Guanajuato, and Nayarit, areas that have traditionally sent large numbers of migrants to the United States. Within each community, 100-200 households were randomly selected and interviewed, resulting in a total sample size of 3,400 households across 19 communities. Detailed socio-demographic data were gathered, together with migration life histories.

The Michoacán project provides time-series data on 30 households from each of two Michoacán communities over three different years (1982, 1988, and 1992), together with cross-sectional data on 200 households in four communities (1,820 individuals) in 1992. The focus of this survey was more economic (and somewhat less demographic and qualitative) than the Durand-Massey survey: The survey provides detailed data on incomes from all sources, the allocation of family time across all income-producing activities, including migration, as well as sociodemographic characteristics of all family members (whether present or not at the time of the survey) and household assets. The Mexico Migration Project and Michoacán survey data sets have been the source of information for most of the statistical studies of Mexico-to-U.S. migration and its impacts in rural Mexico that have appeared in major economic, sociological, and demographic journals over the past decade.

U.S. Data Sources

We rely on four main U.S.-side data sources: (i) the decennial Censuses and the Current Population Surveys, including microdata as well as published tabulations (such as the historical time series published in *Historical Statistics of the United States*); (ii) information on legal immigrants, including official government information (microdata compiled by the U.S. Immigration and Naturalization Service (INS), tabulations published by the INS in its *Annual Report* (published 1943 to 1977) and the successor *Statistical Yearbook* (published since 1978), and tabulations published by the U.S. Department of State in its annual *Report of the Visa Office*), a special microdata sample assembled from INS data by the General Accounting Office (GAO), and preliminary data from the New Immigrant Survey; (iii) farmworker survey data, and (iv) information from the COLEF/USC Los Angeles Project. Brief summaries are presented here; fuller detail is provided in Volume 2, pages 735 to 745.

Foreign-Born in the Decennial Censuses and the Current Population Surveys of the United States

The U.S. decennial censuses and the Current Population Surveys (CPS) are among the major sources of data used by researchers to study the characteristics of migrants. Public-use microdata files are available for the Censuses of 1900, 1910, and 1940 through 1990.

Data drawn from the decennial Censuses and the Current Population Surveys of the United States share several strengths and weaknesses. The major strength is the richness of information on the foreign-born, including socioeconomic and demographic information such as schooling, labor force participation, occupation, earnings, and knowledge of English. Additionally, the censuses have large sample size for the migration-relevant characteristics, enabling examination of relatively small subgroups. The principal shortcomings of these data are their cross-sectional nature and the absence of information on the migrant's legal status. Cross-sectional data are vulnerable to biases arising from emigration selectivity as well as from the confounding of cohort and experience effects. With respect to visa status, the only information available on the foreign-born is whether they are naturalized; thus, we cannot distinguish between the occupational and other behavior of immigrants and that of legal nonimmigrants (with and without permission to work) and undocumented (or deportable) migrants. Moreover, Census information on naturalization is problematic. The Census also suffers from problems related to undercounts of immigrants, raising questions about differences in characteristics between immigrants enumerated in the Census and CPS and those missed.

Legal Immigrant Samples Based on Administrative Records of the INS

Samples based on administrative records of the INS constitute the major source of information about legal immigrants. These data are of two main types: (i) administrative records covering new legal immigrants and new naturalized citizens; and (ii) surveys of samples drawn from INS records.

INS Administrative Data.

Data collected by the INS as part of its administrative work provide an important complement to census data. The strengths and weaknesses of INS data are also complementary to those of census data. The principal strength is the rich detail on legal status, coupled with information on country of birth, country of last residence, country of chargeability (for immigrants holding numerically restricted visas), and country of citizenship. The principal weakness is the absence of information on schooling, earnings, and other pertinent socioeconomic variables.

In this report we utilize microdata from three annual cohorts of new permanent resident aliens (FY 1977, 1982, and 1994), two of which (FY 1977 and 1982) are matched to subsequent naturalization data, and from a data set compiled by the General Accounting Office which provides information on the sponsors of new immigrants admitted in FY 1985 as the spouses, parents, and children of U.S. citizens. As well, we utilize time series from data published in the INS annual reports.

INS data on legal immigrants include, for the subset who is adjusting status from a nonimmigrant status, the type of nonimmigrant visa and the year of its inception. As a supplement to this information, it would be useful to have information about the larger population of legal temporary residents. At any given time, an unknown number of Mexico-born persons are in the United States as temporary visitors. The wide range of available visa types covers a variety of permissible durations of stay and includes both visas that proscribe employment and visas for the express purpose of employment. It would be useful to have a time series of the number of persons holding such visas. Unfortunately, INS data record arrivals rather than persons, and "nonimmigrants in several classes of admission, especially students, intracompany transferees, and visitors for business, often enter (and leave) many times in any given year" (INS 1994 Statistical Yearbook, p. 101). Thus, for example, while the 1994 INS Statistical Yearbook reports 14,773 arrivals of Mexico-born persons holding student visas, that number is an upper bound, and the true but unknown number may be considerably smaller.

Surveys of Samples Based on INS Administrative Data

The principal weakness of INS administrative data—the lack of information on schooling, earnings, and other variables—can be overcome by collecting that information from individuals randomly selected from the administrative data. Such a design loses none of the strengths of designs based on INS administrative record, overcomes the deficiencies, and, when embedded in a longitudinal data collection framework, overcomes as well the problems associated with cross-sectional data, such as emigration selectivity and confounding of cohort and experience effects.

In this report we draw on a special study carried out by the GAO on the immediate-relative immigrants of FY 1985 and on two main INS-based sample surveys. These are the special two-wave survey of the IRCA legalized population, LPS-1 and LPS-2, and the baseline interview data from the New Immigrant Survey Pilot Study.

GAO Study

As was noted above, INS data do not include information on an immigrant's sponsor. The General Accounting Office assembled a microdata set containing information on the U.S. citizen sponsors of a probability sample of immediate relatives who became permanent resident aliens in FY 1985. The GAO data include information on whether the sponsor was him/herself an immigrant and on his/her country of birth. If the sponsor was an immigrant, then information is also provided on the date of admission to immigrant status and the date of naturalization. The data thus make it possible to distinguish not only between birth-citizens and naturalized citizens but also, within birth-citizens, between those born in the United States and those born abroad to U.S. citizen parents.

Legalized Population Surveys

The Legalized Population Surveys, LPS-1 and LPS-2, represent two rounds of a longitudinal survey of a sample of persons legalized under Section 245A of the 1986 Immigration Reform and Control Act. These are persons who had lived in the United States continuously since January 1, 1982, had applied to the INS for legalization, and had been granted legalization in the first phase of the IRCA program (i.e., had been granted legal temporary resident status). During the first round, carried out in February to June of 1989, a total of 6,193 persons were interviewed. The second round selected for interview a subset of the initial interviewees; a requirement for participation in the second round was successful admission to legal permanent resident status. Thus, the population covered by LPS data represent a

subset of unauthorized migrants who were in the United States in 1989. It is not necessarily representative of the entire unauthorized migrant population either before or after 1982. Nevertheless, the Mexican subset of the LPS sample provides an important complement to other data sources to estimate characteristics of Mexican migrants, and it includes some variables (e.g., on remittance behavior) not available in other data sets.

NIS Pilot Study

To improve the data base on immigrants, a program of comprehensive, multicohort, longitudinal surveys of new legal immigrants to the United States based on probability samples of INS records was recently developed. This program—the New Immigrant Survey—is designed to monitor changes across cohorts, with new samples drawn periodically, and to monitor adaptation over time, interviewing sample members at regular intervals over the life cycle and also obtaining information about and from their children. To test the design, and in particular to assess the cost-effectiveness of alternative methods of locating and tracking immigrants—with the aim of maximizing both initial and longitudinal response rates—a Pilot Study is being carried out. The Pilot Study includes a baseline interview and follow-up interviews over the course of a year. The sample is a probability sample drawn from among the set of persons who became new permanent resident aliens during July and August of 1996. In this report we draw on preliminary results from the baseline interview of the Pilot Study, which collected information on schooling, English language skill, labor force participation, and earnings both in the United States and abroad.

Farmworker Survey Data

Almost two thirds of all seasonal agricultural service (SAS) workers are foreign born, and over two-thirds are of Hispanic origin. In California, 92 percent of SAS workers are foreign born, and 80 percent are from Mexico (US Department of Labor, 1993). Because of this, farmworker surveys are an important source of data on Mexican migrants, especially undocumented migrants. Year of entry in U.S. Census data has been used as a proxy for legal status in some research on Mexican migrant impacts and labor-market performance in the U.S. (e.g., Bean, Lowell and Taylor, 1988). However, direct estimates of characteristics of unauthorized Mexican migrants are complicated by a lack of data. Besides INS border apprehension data, U.S. data to estimate characteristics of undocumented migrants in the United States have come primarily from farmworker surveys. Because farmworker surveys sample both legal and undocumented migrants and attempt to ascertain the legal status of

migrants, they provide a potentially reliable source of data to estimate the characteristics and labor-market performance of these two groups and a basis for comparison with native workers (Mines and Martin, 1986; Taylor and Espenshade, 1987; Taylor, 1992a).

The UC-EDD Survey of California Farmworkers was carried out by the University of California, Davis (UC) and the State of California Employment Development Department (EDD) in August 1983. The usable sample includes 554 male farmworkers in 37 counties; workers in all crops and production-related activities were interviewed in each survey area. The survey was designed to obtain as representative a statewide sample of farmworkers as possible, given the well-documented difficulties inherent in studying this population. The data provide information on farmworker human capital and other sociodemographic characteristics, including immigration status and country of origin; on the type of work and commodity in which farmworkers were employed at the time of the interview; and on farmworker earnings. Just over 80 percent of all farmworkers in the survey were Mexican-born, and 29 percent were undocumented.

The National Agricultural Workers Survey (NAWS) was carried out in response to the legislative requirement under IRCA that the Secretaries of Agriculture and Labor determine annually if there is a shortage of Seasonal Agricultural Service (SAS) workers. The NAWS collects comprehensive job history information on SAS workers to estimate fluctuations in the labor supply. It also gathers sociodemographic and earnings data, similar in most respects to the UC-EDD survey. Only farm workers employed in SAS labor are interviewed for the NAWS. More than 2,000 such workers were interviewed in fiscal year 1990.

The main concerns surrounding the research use of farmworker survey data have concentrated on difficulties in sampling a mobile and in many cases illegal population of farmworkers. This raises questions especially about the self-selectivity of interviewees and reliability of information provided by respondents about their immigration status. If undocumented migrants misrepresent themselves as legal immigrants in these surveys, this will tend to reduce estimated differences between legal and undocumented migrants in terms of socioeconomic characteristics and labor market impacts and performance. Despite this limitation, studies using farmworker survey data reveal significant differences between the two Mexican migrant groups.

The second major limitation of farmworker survey data is that they are sector specific. Although they may provide a reliable means to sketch a statistical portrait of Mexican migrants in agricultural labor markets, they are not generalizable to the Mexican migrant population outside of agriculture, because characteristics and labor market performance of Mexican migrants selected into farm work differ from those of Mexican migrants in other sectors. This limitation is compensated for partly by

the fact that agriculture serves as a traditional port of entry for many new Mexican migrants, and as such, it offers a window into changing characteristics of what probably is the most disadvantaged segment of the Mexican migrant population in the U.S. Although there are other immigrant- and unauthorized-migrant-intensive sectors in the U.S., no data collection effort in those sectors approaches the scale and rigor of farmworker surveys.

A third unfortunate limitation is that the most recent comprehensive data on Mexican immigrant farmworkers in the U.S., the NAWS, have not been made available for public use—all studies using these data have been carried out either in-house, at the Department of Labor, or else by a small group of non-DOL researchers authorized to use the data for research purposes. The DOL would not make NAWS data available to us for this project. Because of this, most of our information on characteristics of Mexican-migrant farmworkers comes from the 1985 UC-EDD Farmworker survey.

The Los Angeles Survey (COLEF)

The Mexican Migrant Survey was undertaken jointly by COLEF and a team of researchers from the University of Southern California (USC). It's design is based on the same methodology of "sampling of mobile populations" followed in EMIF. Ethnographic field work helped identify four kinds of places through which internal streams of migrants usually flow within the city of Los Angeles: a) shopping centers within the Los Angeles SMSA (Standard Metropolitan Statistical Area) where the highest percentages of people of Mexican origin are found, b) soccer fields, c) food wagons near work centers where Mexican migrant workers are concentrated, and d) "quadrants," places where migrant workers gather, generally at specified street corners, seeking day work. Interviewers were sent to a randomly selected sample of places and food wagons, where they surveyed randomly chosen migrants.

Towards a Typology of Data Sources

As the foregoing description of data sources suggests, the data sources we use cover many different subsets of Mexico-born persons in the United States. Table 1 provides a representation of the types of migrants, by legal status, that can be identified in our data sources. The data sources are grouped by the country where the sample was drawn. The table identifies the major types of foreign-born persons—naturalized citizens, legal immigrants, legal nonimmigrants with permission to work, legal nonimmigrants without permission to work, and deportable migrants (which includes legal nonimmigrants who violate the terms

Table 2
Characteristics of U.S.-born Immigrant and Unauthorized Immigrant and Farm Workers (1985) UC-EDD Survey Data

Variable	Sample Mean			
	Full Sample	U.S. Born	Mexican Immigrants	Unauthorized Immigrants
Skill (1=skilled job)	0.10	0.17	0.10	0.04
Sex (1=male)	0.75	0.83	0.75	0.83
Foreign-born (1=foreign born)	0.98	0.00	1.00	0.99
Illegal immigrant (1=illegal)	0.26	0.17	0.27	1.00
Education (yrs.)	4.86	6.11	4.83	4.22
U.S.farm experience (yrs.)	12.58	11.06	12.62	8.22
Years since ommigration	14.67	12.89	14.71	9.86
U.S. citizen (1=yes)	0.06	0.00	0.06	0.10
Commodity:				
Tree fruit	0.13	0.00	0.13	0.15
Nuts	0.04	0.11	0.04	0.05
FLDVEG	0.01	0.06	0.01	0.01
FFRUIT	0.43	0.28	0.43	0.33
Other	0.11	0.11	0.11	0.07
Characterstics of county in which worker was interviewed:				
Share Illegal	0.29	0.36	0.29	0.33
Per capita income	7418.10	7010.40	7427.80	7254.40
Average rent (monthly)	218.93	204.85	219.26	211.86
Share in:				
So. San Joaquin Valley	0.21	0.56	0.21	0.33
No. San Joaquin Valley	0.32	0.17	0.32	0.33
Sacramento Valley	0.10	0.06	0.11	0.10
Central Coast	0.12	0.06	0.12	0.10
North Coast	0.06	0.06	0.06	0.06
Inland So. Calif.	0.11	0.11	0.11	0.39
Average weekly earnings	189.82	225.61	225.61	190.20
Average hourly wage	5.23	4.57	5.25	5.10
Share hired by farm labor contractor		0.26	0.26	0.27
Sample Size	770	18	752	203

Source: Analysis of UC-EDD Survey Data. The survey is described in detail in Mines and Martin (1986).

of their visa as well as entrants without inspection). As shown, and as discussed earlier, the only group of foreign-born that can be distinguished in census and CPS data is that of naturalized citizens; all others, including legal immigrants, legal nonimmigrants, etc., are lumped together in one group.

An alternative way to categorize data sources is by migration-behavior criteria, i.e., data sources representing relatively settled Mexican migrant populations and households and those representing less permanently settled populations of circular migrants. Data sets specifically designed to gather information on flows of circular migrants include the EMIF, Zapata Canyon and Los Angeles projects. The ENADID data focus primarily on return migrants; thus, they would tend to fall into this group, as well. Data sources that could be considered as largely focusing on relatively settled migrant populations and households include the United States Census and CPS, INS administrative data, the LPS, and data from community surveys in Mexico. These data sources may be interpreted as providing information on the stock of migrants in the United States more than on the flow of migrants across the border. Of course, relatively settled migrants also emigrate.

Although findings on migrant destinations vary widely from one data source to another, they are often similar within these two groups of data sets. We therefore refer to these behavioral categories when presenting our findings on migrant characteristics.

The data sources not only fall along a continuum from representing more settled to less settled, circular migrant populations; they also cover different points in time. Surveys focusing on migrant flows and surveys focusing on migrant stocks yield different findings at different points in time. We emphasize this time dimension of surveys, particularly when it may offer insights into how the characteristics of migrant stocks or flows change over time.

In this chapter we follow the convention of using the terms “foreign-born” and “migrant” as generic terms, that is, encompassing all Mexico-born persons in the United States. We use the term “immigrant” to refer to legal immigrants (i.e., permanent resident aliens—”green card” holders) and “nonimmigrant” to refer to legal nonimmigrants. Persons who do not migrate are called “nonmigrants.”

Measured Characteristics of Mexican Migrants in the United States

Mexico-to-U.S. migrants have tended to be selected from the middle-to-lower ranges of the socioeconomic hierarchy; from rural areas and agricultural jobs in Mexico; and for low-skill jobs in the United States. (For an historical overview of Mexican-migrant characteristics from Mexican authors, see Volume 2, pages 769 to 778) This selection process originated at the start of this century with the

recruitment of low-skilled Mexican workers by U.S. employers for seasonal jobs, mostly in agriculture. It has been facilitated by the long and historically porous border between Mexico and the United States, which puts U.S. labor markets within reach of individuals with limited financial resources, by an expanding demand for low-skilled migrant workers in both agricultural and nonagricultural sectors in the United States, particularly in the southwest; by direct contracting, and by extensive migration networks connecting families throughout Mexico with low-skill U.S. jobs. This selectivity is evident in the youthfulness and low skill levels of Mexican migrants, relative both to other migrant groups and to the U.S. population at large.

In this section, we present a summary of migrant characteristics; fuller detail is provided in the tables in Volume 2, pages 747-778.

Migration Patterns: Origins in Mexico and Destinations in the United States

Places of Origin in Mexico

Although migrants originate from throughout Mexico, the west-central region (Michoacán, Guanajuato and Jalisco) traditionally has had the highest levels of out migration.[4] Gamio found that, in 1926, 54.3 percent of all monetary remittances from the United States were directed to this zone. This indicator of migrant origins coincides with findings from other researchers, although the importance of this region appears to have diminished over time.

Virtually all of the data available to identify migrants' places of origin in Mexico are from surveys that we regard as representing relatively unsettled, circular migrants (ENADID, EMIF, and Zapata Canyon Project). Sources of data on relatively settled migrant populations either do not offer information on migrant origins within Mexico (U.S. Census and INS data) or else represent only selected places of migrant origins (community surveys in Mexico).

Data from the 1992 ENADID indicate that the west-central zone accounted for only 36.9% of all migrants who had resided or worked in the U.S. and 38.9% of those who had lived in the U.S. over the previous five years. The traditional migrant-sending states had been joined by Zacatecas, Durango, Mexico City, Chihuahua, Tamaulipas, Guerrero, and the State of Mexico, in that order, as the most important sources of Mexican migrants for the United States. Together, these ten states accounted for over 70 percent of the migrant total. The share of migrants in the total populations of migrant-sending states varied. It was highest in Zacatecas, where 9.7 percent of the population surveyed in ENADID had lived or worked in the United States. It was 8.3 percent in Durango, 8.2 percent in Michoacán, and 6.5 percent in Jalisco. In contrast, the share was only 0.9 percent in Mexico City and 1 percent in the State of Mexico.

ENADID data reveal that shares of recent migrants (those reporting living in the U.S. between 1987 and 1992), were highest for individuals born in Michoacán (3.05%), Durango (2.85%), Zacatecas (2.7%) and Colima (2.5%). At the other extreme, the smallest shares of recent migrants in migrant-sending states were in Tabasco (0.01 percent), Quintana Roo (0.04%), Chiapas (0.07%), and Campeche (0.08%).

A broader picture of migrant sources can be constructed by dividing Mexico into six regions, based on the geographic distribution of migrant birthplaces, using ENADID data:

I. The regions of greatest out-migration, with 37.8% of all migrants, composed of Guanajuato, Michoacán, Jalisco and Colima.

II. The northern-border states—Baja California including Baja California Sur, Sonora, Chihuahua, Coahuila, Nuevo León and Tamaulipas—which account for 20.8% of all migrants.

III. The six states located in between regions I and II—Sinaloa, Durango, Nayarit, Zacatecas, San Luis Potosí and Aguascalientes—with 21.5% of the total.

IV. The five interior states in and surrounding the Valley of México—the Federal District, State of México, Querétaro, Hidalgo and Tlaxcala—with 9.2% of all migrants.

V. Oaxaca, Guerrero, Puebla and Morelos, with a combined share of 8.2%.

VI. The six southwestern states—Veracruz, Tabasco, Chiapas, Campeche, Yucatán and Quintana Roo—accounting for only 2.4% of the migrant total.

If one considers only recent migration, the weight of Region I increases to 39.9%.

The EMIF data indicate that the importance of Region I in circular migration flows is smaller, however. Region I accounts for 37.4 percent of migrants returning from the United States and 27.7% of deported migrants in the EMIF data.

Findings from EMIF data on migrant origins for 1993-94 reported here are based on place of birth, while those for 1994-95 are based on place of residence prior to migration, not birthplace. ENADID data on recent migrants show flows from region III exceeding those from region II (19.2 percent, compared with 16.8 percent). Among deported migrants, however, region II leads region III (22% versus 20.4%). In the EMIF data on migrants returning from the United States, like in the ENADID data set, the share of those from region IV is larger than the share from Region V (11.9 percent, versus 9.7 percent). However, in flows of those en route to the United States and in the deported-migrant sample (EMIF), the Region-V share

is greater than the Region-IV share (e.g., for deported migrants, the shares are 16.3 percent for Region V and 10.2 percent for Region IV), despite Region V's greater distance from the border. In the most recent EMIF data, the Region-V states of Guerrero and Oaxaca rank seventh and eighth, respectively, as sources (places of prior residence) of north-bound migrants, but they do not rank in the top ten states for returning migrants.

Many people migrate internally before migrating to the United States, as evidenced by comparing places of origin defined by birth with those defined by residence prior to migration. When one uses the residence instead of the birthplace criterion, the weights of Regions I, III, and V decrease, while those of Regions II and IV (the border and the Valley of Mexico) increase substantially (EMIF). The share of migrants originating from Region I decreases from 37.8 to 33.8 percent, and the share from Region III declines from 21.5 to 16.1 percent. Meanwhile, the share increases from 20.8 to 29.1 percent in Region II and from 9.2 to 12 percent in Region IV.

The Zapata Canyon project gathered data on the state in which migrants lived prior to migrating (as opposed to birthplace). They reveal that, on average between 1988 and 1996, Michoacán and Jalisco were the largest suppliers of undocumented migrants in the Tijuana sector, where far and away the largest flows of migrants crossed the border—they represented 14 and 12 percent, respectively, of undocumented migrants crossing at this point. However, these two states generally do not dominate at the other border-crossing areas targeted by the survey. They tie for second (with 9.4 percent) behind Sinaloa (13.8 percent) in Mexicali, but they do not figure prominently farther east, in Ciudad Juarez, Nuevo Laredo, or Matamoros. Moreover, the data reveal that Mexico City surpassed both these regions in 1995 as the principal source of undocumented migrants at the Tijuana crossing. This is probably because of the use of residence prior to migration rather than birth place to determine migrant origins in this survey. Migration from Oaxaca and Guerrero increased during the period covered by the Zapata Canyon project. Other states in the Southeast of Mexico with Indian populations as poor as, or poorer than, the Mixteco and Zapoteco of Oaxaca and Guerrero show no significant migration to the United States. One of the most striking features of the Zapata Canyon findings is the diversity of Mexican migrants' origins, particularly at the westernmost crossings, but also the shift towards urban origins and the increasing importance of Oaxaca and Guerrero as migrant sources between 1988 and 1996.

Rural Versus Urban Origins

Migrants traditionally originated from rural areas in Mexico[5]. Although this trend has weakened, a slightly larger share of migrants continues to originate from

rural areas. ENADID data put the rural share at 59.1% for individuals living in the United States in the previous five years. EMIF data place the rural share at 61.7 percent. Only among deported migrants is the urban-origin share higher than the rural share (58.7%).[6]

The classification of migrant origins as rural versus urban is sensitive to whether birthplace or residence is used as the classifier, because many internal migrants shift their place of residence from a rural birthplace to an urban area, and some of these individuals subsequently migrate to the United States. Using residence as the criterion, the urban share in ENADID rises from 40.7 percent to 47.4 percent.

ENADID data indicate marked differences in rural versus urban origins across regions. While the Valley of Mexico and border regions have small shares of rural migrants (32.1 percent and 38 percent, respectively), in other regions the rural share is over 60 percent, reaching 73.1 percent in the six Region-III states.

Destinations in the United States

U.S. destinations of Mexican migrants are available both from surveys of circular migrants and from data on relatively settled migrant populations.

For historical, geographic, and labor-market reasons, Texas was the leading destination for Mexican migrants prior to the 1920s. Gamio (1930), drawing from U.S. Census data, estimated the share of Mexican migrants going to Texas at 68.7%, followed by Arizona (13.7%), California (7.8%) and New Mexico (6.4%). The 1920 Census showed Texas' share falling to 52.5%, while California's share more than doubled (to 18.8%), exceeding Arizona (12.8%). New Mexico's share fell to 4.2%. Meanwhile, Colorado became a migrant destination, with 2.3% of the total. Based on money orders sent to Mexico in 1926-1927, California took first place (36.2%), followed by Texas (15.7%), Illinois (12.2), Indiana (5.1%), Arizona (4.8%), Michigan (3.4%), Pennsylvania (1.8%) and New Mexico (1.4%).[7] The geographic distribution of migrants suggested a high proportion employed in agriculture, in towns and small cities, with a smaller proportion working in industrial jobs in cities like Chicago, Los Angeles, San Antonio, and the outskirts of Pittsburgh (Gamio, 1930). Overall, there was a significant dispersion of migrants in this early period. Nevertheless, most migrants appear to have returned to Mexico—some during the recession years of 1921-22 and others during the Great Depression following 1929 (Fonseca: 1986).

During the Bracero Program, Mexican migrants fanned out across a broad geographic area: Texas, California, Arizona, Indiana, Delaware, Michigan, Arkansas, Montana and Washington, among other states. Nevertheless, the importance of the southwest, particularly California, continued (Fonseca, 1986; Trigueros, 1994;

Alarcón and de la Peña, 1989). Following the end of the Bracero Program, migrant destinations remained diverse, but migrants became increasingly concentrated in California and Texas. In the 1978 ENEFNEU survey, California was the premier destination (47.3%), followed, in a distant second, by Texas (27.4%) and then Illinois (7.4%), New Mexico (2.7%) and Arizona (2%).

The predominance of California and Texas has continued, both for relatively settled migrants and for circular migrants. INS data indicate that the top two destinations for the Mexico-born men and women of the 1977, 1982, and 1994 legal-immigrant cohorts were California and Texas. Illinois was the third choice in all three years. Secondary but substantial contingents chose Arizona, New Mexico, and the state of Washington.

The EMIF found that, among circular migrants crossing the border from the south with prior migration experience, 42.3 headed for California, followed by Texas at 30 percent, New Mexico (4.4 percent), Arizona (4.2 percent) and Florida (3.1 percent).

Most deported migrants (81.9%) were in the United States only for a few hours; thus, we have information on destinations for only 18.1% of these cases. Nevertheless, their destinations are consistent with those from other data sources. California is first with 44% of deported migrants, followed by Texas (31.9) and Arizona (12.7%).

The findings presented above—especially from data on deported migrants—may be biased in favor of the U.S. border states; apprehensions are less common in states farther from the border than in the border area, where INS surveillance is highest. Because of this, the U.S. destinations of migrants—including circular migrants—may be more dispersed than indicated above.

Among cities, according to the EMIF, Los Angeles is the single most important destination for circular migrants, claiming a share between 6.2 and 7.9 percent, depending on the flow. It is followed by San Antonio, the Texas Valley, Houston, Dallas-Fort Worth and El Paso, with shares of 4.2 to 5.4%; Fresno, California (3 to 4.3 percent); and Phoenix (2.9 to 7.3%).

The importance of California and Texas as destinations for circular migrants is widespread across regions of origin in Mexico, but it varies depending on migration traditions and family migration networks. In the EMIF data, among migrants originating from the south and among deported migrants, California is the primary destination for regions I, III, IV and V and is most important in regions I and V (for region V, California draws 77% of those who migrate and 76.2% of deported migrants). Texas ranks first as a destination for migrants from the border region in all three flows enumerated by EMIF (south-north, north-south and deported migrants). Texas also ranks first for regions III and IV, if measured by return (north-south) flows (60.7 percent in the latter region). The dispersion of migrants across

U.S. states is greatest for the Valley of México region. The concentration of migrants in a small number of states is greatest for migrants originating in regions I and V.

Micro-regional studies in the state of Michoacán indicate that communities tend to specialize in terms of migrant destinations. Migrants from Napízaro and Puácuaro, two communities in the Pátzcuaro region, go almost entirely to the San Fernando Valley north of Los Angeles. Migrants from Chavinda, a small community near Zamora, migrate to the San Joaquin Valley, Salinas Valley, the San Francisco Bay area, and a barrio in Central Los Angeles (Alarcón, 1986:345). For migrants from Jaripo, the poles of attraction are Los Angeles, Oxnard, San José, and San Joaquín county (Fonseca and Moreno;1988). The chief destinations for migrants from Gómez Farías are Watsonville and the San Francisco area (López Castro, 1986).

Return Behavior

Data on return migration behavior are scarce. Since the United States discontinued exit review in 1957, it has not been possibly to directly measure emigration from the United States. Indirect estimation suggests high levels of emigration among legal permanent residents as well as among the broader Mexico-born population. The Los Angeles project offers insights into migration circularity and migrants' plans to return to Mexico for migrants in the United States. A significant share of all migrant cohorts (27 to 43 percent) report that they plan to migrate back and forth between Los Angeles and their place of residence in Mexico. The share is higher, on average, for more recent cohorts (those last entering the United States after 1986) than for older cohorts. Among those last entering the United States after 1986, more than two thirds (67 percent) report they plan to stay in the United States, compared with only 27 percent of the most recent (1993-94) cohort. These findings suggest that circularity decreases with time in the United States. A recent study using the Mexican Migration Project data concluded that most migrants eventually return to Mexico (Public Policy Institute of California, 1997). These findings are influenced by return behavior of past migrant cohorts (e.g., *bracero* workers), however. Their relevance for predicting return behavior of the current cohort of migrants in the United States is not clear. Increased U.S. border enforcement may discourage return migration by making re-entry into the United States more difficult.

Demographic Profile of Migrants

The demographic profile of Mexico-to-U.S. migrants differs for sojourners and settlers; and it varies significantly across data sources and also over time.

Traditional sojourner flows were dominated by young, solo males. For example, Dagodag (1975), analyzing INS I-213 forms for apprehended migrants, found that over 90 percent of all apprehended immigrants were 40 years of age or younger, 92 percent were males, and 62 percent were single. In contrast, the legal-immigrant cohort of FY 1995 was 57% female, as wives of IRCA-legalized persons became permanent resident aliens.

Gender

The importance of males in Mexico-to-U.S. migration persists, although there is a trend toward more female migrants, and women dominate among new legal immigrants. Variation in gender patterns across migrant type and data source and over time is substantial, sometimes dramatic.

Most Mexico-based data sources show the share of males among Mexican migrants to be large. The few women interviewed by Gamio in the 1920s traveled to the United States to accompany their husbands or families. More recently, the ENEFNEU (1978-79) found that 83.9% of migrants to the United States were males. The ETIDEU (1984) placed the share of males at 89.1%.

Post-1990 estimates of the share of males among Mexican migrants range from 44 to more than 90 percent. High to very high proportions of males are found in surveys of circular migrants. In the EMIF data, women constitute only 1.88% of the return migrant flow and 5.6% of the south-north flow. Although the share of women is larger in the deported-migrant sample, it is nevertheless low (10.7%). The 1995 EMIF data found that the proportion of women in the north-bound flow (4 percent) was significantly lower than in the returning flow (10 percent). They also found that return rates were higher for men whose permanent residence is a rural community in Mexico than for men living in Mexican urban areas. The Zapata Canyon project found similarly high concentrations of males in undocumented-migrant flows for most years covered by the survey (97 percent in 1996). The ENADID found that 21.8% of the Mexican population that had ever lived or worked in the United States were women. The share for those who had lived in the United States over the previous five years was 23.9%, suggesting that the female share is increasing.[8] Among those who worked in the United States, the female share was 16.7%.

The share of women in circular-migrant cohorts decreases with cohort age. Women are 51.5% of migrants younger than 12 years of age, 30.7 percent of migrants aged 15 to 19, and only 12.3 percent of migrants in the 45 to 49 age group (ENADID, recent migrants).

The participation of women in migration also differs by region. In the ENADID data, it is lowest in region V (16.5%), followed by regions I (19%), II (20.2%) and

the Valley of México (20.3%). The highest female shares are in the border region, where women make up 26.9 percent of all migrants.

The 1985 UC-EDD farmworker survey indicates a gender composition of Mexican migrants that is similar to that constructed from some Mexican data sources. It found that males constituted 75 percent of all Mexican immigrant farm workers and 83 percent of unauthorized Mexican farm workers in California.

For the most part, shares of females among Mexican migrants are higher when estimated from data on relatively settled migrant populations. The proportion male among the migrants in the Michoacán surveys was .63 in 1983 and .56 in 1993. Thus, more women are joining the migration stream. This increasing participation of females in migration over time mirrors cross-section findings from the Mexican Migration Project. In the 19 communities surveyed by Durand, Massey, et al., the proportion male among migrants making their first trip was 73 percent. However, the greater the migration prevalence in a sending community, the lower the proportion male. The male share ranged from 93.3 percent at the lowest levels of community migration prevalence to 55.7 percent at the highest migration prevalence levels.

Disproportionately large male migrant shares are at odds with U.S. Census data, which put the share of males among all Mexican immigrants at 55.1 percent in 1990. This share varies slightly by immigration status and by period of entry. It is lower for pre-1980 immigrants (52.8 percent) than for 1980-89 immigrants (57.5 percent). It is also lower for naturalized citizens of Mexican origin (53.7 percent) than for noncitizens (55.5 percent). The single most male-dominated legal-status/period-of-entry category is the naturalized, 1980-89 cohort, which was 59.7 percent male. It no doubt reflects the effects of IRCA's legalization programs. The least male-dominated group is the naturalized, pre-1980 group (51.4 percent). All in all, Census data show Mexican immigration to be much more gender-balanced than do most Mexico-side or farmworker data sources.

INS data show that, among Mexico-born legal immigrants, women actually outnumbered men for eight consecutive years between 1964 and 1971, and they outnumbered men again in 1993 and 1994 (Table 3). Extreme peaks (e.g., 79 percent male in 1991) and valleys (e.g., 43 percent male in 1995) appear due to special legislation, such as IRCA legalization and the subsequent legalization of dependents. The LPS data indicate a male share of 59 percent among newly legalized migrants from Mexico. Nor surprisingly, this male share is almost identical to that of the naturalized, 1980-1990-entrant cohort in the 1990 Census.

Also visible in INS data on legal immigrants is the strong attractiveness of Mexico-born men as spouses for U.S. citizen women. For every year in which data were available except 1994, the proportion men among the Mexico-born immediate-relative spouses of U.S. citizens substantially exceeded fifty percent, fluctuating

between 56 and 62 percent in the years 1971-1979 (Volume 2, page 766, Figure 2), subsequently increasing to 63 percent in 1982 and to almost 70 percent in 1985, but dropping to 49.4 in 1994. In contrast, the majority of spouse immigrants from other countries are women, reflecting patterns of travel and military duty.

In short, large discrepancies in estimates of migrants' gender ratios appear to reflect differences in the subpopulations represented by each survey. For example, the Census and CPS capture more relatively settled immigrant families, in which the gender balance is close to 50-50, while the EMIF and ENADID focus on circular migrants, who by all accounts appear to be predominantly males.

Age

There is little variability in estimates of the average age of Mexican migrants across data sources. All post-1990 data, with the exception of INS data, yield estimates of the average age of Mexican migrants that are in the 29-to-33-year range. Mexico-born migrants to the United States are young, younger than nonmigrants in Mexico (with some exceptions), younger than migrants to the United States from other countries, and younger than the U.S. population at large. This relative youthfulness may reflect a number of distinct factors, including the presence of young pioneer migrants in early-stage localized migration streams and the presence of children in cohorts of legal immigrants (both children in migrating families and children sponsored by U.S.-citizen parents).

In 1970, Samora found that 85.8 percent of all first-time migrants were 30 years old or younger (Samora, 1971: 90). In 1978-79, according to ENEFNEU, the share of migrants younger than 30 years had fallen to 54.7%. In 1984, however, according to the ETIDEU, this share was 74.2%, with an average age of 26.2 years.

Estimates from more recent data sources indicate that the average ages of Mexican migrants are only slightly higher today. In ENADID, the average age of the population that migrated between 1987 and 1992 was 29.5 years. It was 31.6 in the population that worked in the United States and 19.4 in the population that did not. EMIF data find an average age of 31.7 years for the north-south flow of circular migrants. Deported migrants are younger: 25.4 years. Returning migrants are significantly older than outmigrants from Mexico.

Age differences between migrant flows originating in rural versus urban areas in Mexico are small in the EMIF data. Rural-urban age differences are larger in the ENADID data. Male migrants from rural areas averaged 32.5 years of age, compared with 26.8 years for migrants of urban origin. For female migrants, average ages were 30.2 years for rural and 23.3 for urban.

Age differences across regions of origin are also small. ENADID data show the youngest migrants originating from the Oaxaca-Guerrero region (25.1 years)

and the oldest from the northern region (26.9 years in region II and 26.1 in region III). Here, as in the EMIF data, the youngest groups of migrants hail from the regions that are newest to migration (regions IV and V, both with average ages of 28 years), and the oldest are from the more traditional migrant-sending regions (I and III, with average ages of 33 and 32 years, respectively). Among deported migrants, the picture is different; the lowest ages are associated with region III (24.6) and the highest with region V (27.7).

Average age of all (not only recent) migrants in the Michoacán surveys was 29 years in 1983 and 32 in 1993. The 1983 migrants were somewhat younger than nonmigrants, whose average age was 32, but the 1993 migrants were considerably older than nonmigrants, whose average age was 20. Unauthorized migrants, who comprised just over 58 percent of all 1993 migrants, were younger (28.5 years), on average, than documented migrants (37 years). In the 19 communities studied by Massey and Durand, the average age of migrants in the United States at their most recent trip was 29 years.

The 1990 U.S. Census of Population shows a median age for Mexican migrants of 31.5 years, compared with just under 34 years for the U.S. population as a whole. Median ages differ both by legal status and by period of entry into the United States. Median age in 1990 is strikingly higher for Mexican immigrants who reported they were naturalized U.S. citizens (41.7 years) than for noncitizens (30.4 years). Mexican immigrants are concentrated in the prime working-age groups. In the 1990 Census, 71.4 percent are between the ages of 20 and 54, compared with only 50.4 percent of the total U.S. population.

INS data show legal Mexico-born immigrants to the United States to be a young group at admission to permanent residence, with lower mean and median age than immigrants born elsewhere in every admission cohort since 1971. This may reflect larger family size as well as larger number of minor children of U.S. citizens. Mean age is higher among women than among men, but the difference is small except in 1994 (Table 3). In the LPS, average age for newly legalized migrants was 30 years, very close to the median age for the naturalized 1980-90 migrant cohort in the 1996 CPS but higher than that of the naturalized 1980-90 cohort in the 1990 Census.

Average age is higher for female than male migrants. In the U.S. Census of 1990, women born in Mexico have a median age of 31 years, compared with 29.3 for men. Among naturalized citizens, average ages for men and women are 28.8 and 29.4, respectively. A similar pattern emerges from the 1996 CPS, despite slightly higher ages. The median ages for men and women are 30.8 and 32.4, respectively;[9] for the non-naturalized group, median ages are 29.9 and 30.9, respectively. In the EMIF, average ages of migrants returning to Mexico are 32.6 for women and 31.7 for men; for deported migrants the average is 27 for women and 25.7 for men.

Table 3
Age Distribution, Legal Immigrants: Fiscal Years 1971, 1977, 1982, 1994

Subset	Summary Characteristics					
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maximum
A. FY 1971 Legal Immigrants (N = 370,478)						
Men born in Mexico	20.97	14.06	13	18	27	69
Men born elsewhere	26.32	15.44	15	27	34	95
Women born in Mexico	21.05	16.39	9	18	29	74
Women born elsewhere	26.59	15.82	17	25	35	90
B. FY 1977 Legal Immigrants (N = 462,315)						
Men born in Mexico	22.58	13.19	14	23	29	98
Men born elsewhere	28.86	17.76	16	27	39	99
Women born in Mexico	23.26	14.94	13	23	31	95
Women born elsewhere	30.55	18.53	18	27	41	99
C. FY 1982 Legal Immigrants (N = 594,131)						
Men born in Mexico	23.74	12.26	17	24	29	98
Men born elsewhere	26.75	16.27	15	25	35	98
Women born in Mexico	24.56	15.12	14	23	32	95
Women born elsewhere	28.37	17.48	16	26	37	98
D. FY 1994 Legal Immigrants (N = 804,416)						
Men born in Mexico	20.59	14.06	11	18	25	95
", excl. legalization dep.	23.38	15.19	13	20	28	95
Men born elsewhere	30.10	17.66	17	29	40	99
Women born in Mexico	25.82	15.49	14	24	34	98
", excl. legalization dep.	27.32	16.22	16	25	36	98
Women born elsewhere	31.58	18.01	19	29	42	99

NOTES: Figures for 1977, 1982, and 1994 are calculated from the INS microdata public use files; 1971 figures are calculated from a one-in-one-hundred sample of the immigrant cohort. Cohort sizes refer to the complete cohorts; missing data on sex or age may slightly reduce the size of the populations/sample on which calculations are based. Data for 1982 include 2300 Silva case adjustments. Data for 1994 exclude 6,022 IRCA-legalized persons but includes 34,074 legalization dependents. The minimum age observed in all groups in all years is zero, which represents infants less than one year old. Q(.) denotes the quantile function; thus, Q(.25) denotes the 25th percentile and Q(.5) denotes the median.

Among recent migrants enumerated by ENADID, however, the average age of women is less than the average for men: 26.9 versus 30.3 years, although for those who worked in the U.S. the gap is smaller, 30.7 compared with 31.8 years.

Among legal immigrants, age varies importantly across visa categories (Table 4). Average age is a full 10 years higher among immigrants admitted as siblings of U.S. citizens (in the 41-45 age range) than among employment-based immigrants (in the 31-34 age range). This difference may reflect both differences in the waiting time for visa issuance (e.g., visas are immediately available in all the skilled and professional employment categories except that for religious workers, for whom the wait has been only one or two years, but there is a 10-year waiting period for sibling visas and for the unskilled "Other Worker" visas) and differences in age at application (employment-based applicants in the unskilled category would be younger than other employment-based applicants, who must satisfy substantial educational and experience requirements). The youngest immigrants, excluding children, are those admitted as spouses of U.S. citizens (average age of 27 for men and 29 for women). Of course, the oldest are those admitted as parents of U.S. citizens (average age 63 for men and 60 for women).

The Mexican community surveys and INS data indicate that migrant ages may be increasing slightly. Average age of migrants rose from a mean of 29 in 1983 to a mean of 32 in 1993 in longitudinal studies in Michoacán. In the INS data, mean age of women increased from 21 in 1971 to 26 in 1994; mean age of men increased from 21 in 1971 to 24 in 1982, but it was less than 21 in 1994. Among these legal immigrants, increases in age may reflect longer waits for visa issuance and/or reduced family size. The Zapata Canyon data reveal decreasing shares of undocumented migrants in the "under 20" and "20-24" year-old groups, and a sharply rising share in the "25-29" group, between 1988 and 1996.

Marital Status

Data sources which include information on marital status uniformly indicate that most migrants are not single. For example, the ENADID found that 65.5% of those who went to the United States in the previous five years were either married or in union out of wedlock. There are differences in marital status between sexes, however: the average was 68.6 percent for men and 54.3 percent for women. The share of separated, divorced or widowed was higher for women: 14.8 percent, compared with 2.4 percent for men. The share of singles was similar for the two sexes: 27.9% for men and 31.1% for women. In the return flow of circular migrants enumerated by EMIF, the share of singles was also well under 50 percent, although it was different for men than for women. The share of singles was 40% for women and 33% for men. The only region of origin for which the share of singles exceeded

Table 4
Age Distribution, FY 1994 Legal Immigrants, by Visa Category

Subset	Summary Characteristics						
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maxi-mum	N
A. Employment Visas, Except Third Pref "Other Workers" and Fourth Pref: Principals							
Men born in Mexico	32.62	8.47	27	31	38	68	641
Men born elsewhere	36.97	8.45	31	35	42	86	21,940
Women born in Mexico	33.29	6.89	29	33	37	57	100
Women born elsewhere	34.67	7.71	29	33	39	77	10,183
B. Employment Visas, Except Third Pref "Other Workers" and Fourth Pref: Spouses							
Men born in Mexico	34.05	8.41	27	34	37	61	41
Men born elsewhere	38.43	8.83	32	37	43	92	5,345
Women born in Mexico	32.00	7.58	27	31	37	57	465
Women born elsewhere	35.27	8.16	29	34	40	76	18,768
C. Employment Visas, Third Preference "Other Workers": Principals							
Men born in Mexico	32.32	6.98	27	30	36	55	194
Men born elsewhere	36.38	8.70	30	34	41	69	1,438
Women born in Mexico	34.03	8.70	29	32	37	66	73
Women born elsewhere	39.61	9.36	32	38	45	82	2,431
D. Employment Visas, Third Preference "Other Workers": Spouses							
Men born in Mexico	32.76	5.05	29	32	38	40	21
Men born elsewhere	41.66	10.59	33	40	49	85	938
Women born in Mexico	31.44	7.32	26	30	36	58	117
Women born elsewhere	35.48	8.41	29	34	40	73	876
E. Sibling Visas: Principals							
Men born in Mexico	43.06	11.50	34	43	51	76	1,026
Men born elsewhere	46.08	9.56	39	46	53	83	9,502
Women born in Mexico	42.19	11.66	34	42	51	80	1,071
Women born elsewhere	46.13	9.82	39	45	53	84	9,362
E. Sibling Visas: Spouses							
Men born in Mexico	45.02	11.48	36	45	53	77	525
Men born elsewhere	48.64	9.62	42	48	55	87	5,656
Women born in Mexico	40.76	10.19	33	40	48	70	702
Women born elsewhere	42.50	8.76	37	42	48	77	7,026

Table 4 (Continued)

Subset	Summary Characteristics						
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maximum	N
F. Spouses of U.S. Citizens							
Men born in Mexico	27.04	7.14	23	25	29	84	9,786
Men born elsewhere	32.04	8.56	26	30	36	91	48,943
Women born in Mexico	29.26	9.05	23	27	33	85	10,041
Women born elsewhere	31.31	10.00	25	29	35	96	76,470
G. Parents of U.S. Citizens							
Men born in Mexico	63.09	10.14	56	63	70	95	1,742
Men born elsewhere	64.45	8.49	59	64	70	99	18,112
Women born in Mexico	60.17	10.41	53	60	67	98	3,199
Women born elsewhere	61.97	9.17	56	62	68	99	33,313
H. Minor Children of U.S. Citizens							
Boys born in Mexico	12.06	5.36	8	13	17	20	2,732
Boys born elsewhere	12.29	5.24	8	13	17	20	17,364
Girls born in Mexico	11.57	5.28	7	12	16	20	2,550
Girls born elsewhere	12.06	5.20	8	13	16	20	17,299
I. Adopted Children of U.S. Citizens							
Boys born in Mexico	4.46	5.45	0	2	7	19	48
Boys born elsewhere	1.94	3.27	0	0	3	19	3,492
Girls born in Mexico	3.66	4.48	0	2	6	17	47
Girls born elsewhere	1.93	3.30	0	0	2	19	4,613

NOTES: Figures are calculated from the INS microdata public use files. Q(.) denotes the quantile function; thus, Q(.25) denotes the 25th percentile and Q(.5) denotes the median.

50 percent was region IV, where 53 percent of male migrants and 46.9 percent of female migrants were single.

In the LPS, 53 percent of newly legalized migrants from Mexico were married. The National Agricultural Worker Survey (NAWS) found that, in California, where 82 percent of all Seasonal Agricultural Service (SAS) workers are from Mexico, 66 percent of all SAS workers and 70 percent of male workers were married in 1991. (Separate estimates for the SAS workers who were Mexican migrants are not available.)

In the Michoacán surveys, 62% of all undocumented workers and 82 percent of all documented workers were married. The 1990 U.S. Census of Population reports that 59 percent of the Mexican-born male population and 61 percent of the Mexican-born female population 15 years or over was married. The married shares were only slightly lower for noncitizens than for those reporting as naturalized citizens. They were lowest for the most recent cohorts of noncitizens from Mexico. For example, among noncitizens, 45 percent of men and 58 percent of women entering the United States between 1980 and 1990 were reported as married in the 1990 Census.

The NIS Pilot Study of the 1996 legal immigrant cohort indicates that among those immigrants aged 25 years and older, the proportion married was higher for males than for females—92% versus 85%. This may reflect, in part, the larger numbers of males than of females admitted as spouses of U.S. citizens.

Schooling

At a time when the Mexican population had a very low average schooling level, especially in rural areas, Gamio found that migrants averaged fewer than five years of schooling and included a large share of illiterates. Despite significant increases in public spending on education during the 1960s, Samora found that 28 percent of migrants he surveyed never had attended school, and 90 percent had not completed primary education (Samora, 1971: 90). It appears that migrant education levels improved by the 1980s; in the 1984 ETIDEU data the share of illiterates was 14 percent for males and 17.6 percent for females.

All data sources provide evidence of less schooling among Mexican migrants than in the U.S. population as a whole and among other immigrant groups. Nevertheless, U.S. data sources as well as the ENADID find numbers of highly schooled individuals that are significant relative to the skilled population of Mexico and evidence of increasing average schooling among migrants over time. Moreover, estimates of average schooling using post-1990 data sources are uniformly higher than those based on earlier data, among both relatively settled migrant populations as well as circular migrants, and legal immigrants appear to have substantially higher schooling than unauthorized migrants.

The ENEFNEU (1978-1979) found an average schooling level among migrants of 4.9 years, slightly higher than that of the Mexican population over 14 years old (4.7 years). 34.3% had studied fewer than 4 years, and only 24.6 percent had studied 7 years or more. By contrast, in the U.S. population as a whole, only 3.4 percent had 4 years or fewer of schooling, 14.1 percent had between 5 and 8 years, and 82.5% had more than 8 years (CENIET, 1982).

The ENADID survey estimated that well over half (61.4 percent) of all persons 11 years or older who lived in the United States at any time during the 5 years prior to the survey had six years of schooling or fewer. 87.4 percent had 9 years or fewer of schooling. On the whole, women were better schooled than men: 55 percent of female migrants and 63.1 percent of male migrants had primary schooling or less; 9.1 percent of women and 4 percent of men had studied beyond high school (p*reparatoria*).

The EMIF data on circular migrants show an average of 7.6 years of completed schooling for women and 6.26 for men headed for the United States; for returning migrants, the averages are 7.09 years for women and 5.9 for women, and for deported migrants, 6.88 for women and 6.53 for men. These numbers indicate that, overall, female migrants are better schooled than male migrants, despite the fact that in the Mexican population as a whole schooling levels are lower for women than for men. ENADID found wide variability across regions of origin; for example, 19.1 percent of the migrants from the top three states had not completed a single year of school, compared with 3.8 percent of those from the northern border area. These regional differences are attributable in large part to differences in urbanization; the share of Mexicans who had not completed any schooling was considerably larger in rural (9.7 percent) than in urban (1.6 percent) areas. The EMIF data show average schooling levels of 5.96 years for migrants of rural origin and 7.02 years for migrants of urban origin in the northward migrant flows.

The ENADID study shows lower schooling levels for labor migrants than for migrants who did not work in the United States. Among recent migrants, 6.5 percent of those who worked and 3.6 percent of those who did not work had never attended school. The shares with some college education were 3.7% for labor migrants and 17.4% for nonlabor migrants. This may reflect students migrating to the United States to complete their studies.

Low average schooling among Mexican migrants is documented by U.S. farmworker data. The UC-EDD farmworker survey found that Mexican immigrant farmworkers had an average of 4.8 years of schooling; unauthorized migrant workers averaged 4.2 years. In California, the NAWS found that the median level of education among all SAS workers (of whom 82 percent were Mexico-born) was sixth grade in 1991. This includes all education received abroad and in the United States. Most farmworkers originate from rural communities in Mexico.

Schooling estimates from rural community surveys in Mexico mirror the low schooling levels found in farmworker surveys. Among the migrants in the Michoacán surveys, average schooling was only 4.1 years in 1983, but it increased to 5.8 years in 1993. Average schooling among nonmigrants decreased over the same period, from 4.5 to 4.3 years. Thus, while in 1983 migrants had less average schooling

than nonmigrants, the reverse was true in 1993. Undocumented migrants had significantly more schooling than legal migrants in 1993 (just under 7 years, compared with just under 5 years for legal migrants). This finding partly reflects increasing schooling levels in the populations of migrant-sending areas in Mexico—undocumented migrants made up most of the recent-migrant flow. However, it also reflects changes in the ways in which transnational migration selects on schooling. In the early 1980s, relatively well-educated villagers were likely to migrate, but their destinations were urban areas of Mexico rather than the United States, where returns to schooling for undocumented migrant workers were low.

In the Massey-Durand survey of 19 Mexican communities, average schooling among migrants at the time of their first trip to the United States was 5.8 years. These data, like data from the Michoacán surveys, suggest that schooling levels and the heterogeneity of migrants with respect to education are increasing over time. Migrants from the highest migration-prevalence communities averaged more than 50 percent more years of completed schooling (and nearly twice the educational diversity) than migrants from the lowest migration-prevalence communities. An upward trend in high school graduates among undocumented migrants is one of the most salient findings from the Zapata Canyon project.

The 1995 EMIF data reveal that north-bound migrant flows are better educated than returning flows. The share in the low-education (0-to-6-year) category is lower for north-bound migrants. The share in the higher education (7-or-more-year) category is higher for out-migrants from Mexico than for returning migrants. Nevertheless, for migrants originating in urban areas of Mexico, the north-bound flow is less educated, on average, than the returning flow.

U.S. Census data indicate that, among the Mexico-born population aged 25 or older and enumerated in 1990, 28.2 percent had less than a fifth-grade education, compared with 2.7 percent for the U.S. population as a whole. More than three-quarters lacked a high-school diploma, compared with just over 18 percent of the U.S. population; 11.6 percent were high school graduates with no further schooling, and 2.1 percent were college graduates with no postgraduate education, compared with 30.0 and 13.1 percent, respectively, of the U.S. population. The proportion of Mexico-born persons in the United States holding doctorate degrees was 0.14 percent, compared to 0.76 percent for the United States as a whole. The absolute number of Mexico-born doctorates, however, was 3,824, a rather large number for a small country. Note that Census data do not reveal whether these are persons undergoing further training or engaged in postdoctoral work with nonimmigrant visas as opposed to permanent residents of the United States.

Overall, the 1980-89 cohort of Mexican immigrants had higher levels of schooling than the pre-1980 cohort in the 1990 U.S. Census. The share with less than a fifth-grade education was lower for the more recent immigrant group (26.9,

compared with 29.0), and in most cases the shares with post-secondary schooling were higher for the more recent group, as well. At the upper end of the educational spectrum, 4.4 percent of recent (1980-89) Mexican migrants had a Bachelors, Masters, Professional School, or Doctorate degree, compared to just over 20 percent of all U.S. residents 25 years or older. Recent migrants were more than twice as likely as pre-1980 migrants to have a professional degree (1.2 percent, compared with 0.4 percent), more than two thirds as likely to have a Masters degree (0.7 percent, compared with 0.56 percent), 50 percent more likely to have a Doctorate degree (0.17, compared with 0.12), and more than one fifth as likely to have a Bachelors degree (2.4 percent, compared with 1.9 percent). Naturalized citizens almost always have smaller shares in the low-education categories and larger shares in the high-education categories than noncitizens; however, these differences are not large in most cases.

Among persons reporting they were naturalized citizens, the share with less than a high-school education is lower in the 1996 CPS (52.9 percent) than in the 1990 Census (67.5), and the share with at least a Bachelor's degree is higher in the CPS (6.5 percent, compared with 4.9 percent in the Census). Differences between the Census and the 1996 CPS are particularly large in naturalized, 1980-89 entrants with college degrees; the share with a Bachelor's degree is 7.5 percent in the CPS and 2.0 percent in the census. However, the CPS data also indicate low average schooling among Mexican migrants entering the United States after 1990. Seventy-four percent of the post-1990 group had less than a high-school education, compared with 69 to 70 percent of the pre-1990 cohorts.

Migrant cohort-specific schooling levels differ sharply between the 1990 Census and 1996 CPS. For example, for both immigrant-status groups, the share of 1980-89 entrants who are high-school graduates is higher in the 1996 CPS than in the 1990 Census. The same is true for the share of high-school graduates among pre-1980 entrants.

Average schooling for newly legalized migrants in the LPS was 6 years, and 59 percent had 6 or fewer years of schooling. Only 5 percent had more than a high-school education.

NIS data on the FY 1996 cohort of legal immigrants indicate that Mexico-born legal immigrants—or at least those admitted to permanent residence in 1996—are considerably better educated than previously thought. Among persons aged 25 and older, 35% are high school graduates and 14.7% are college graduates, compared to 26% and 6.3%, respectively, among comparably-aged recent entrants enumerated in the 1990 Census (Table 5). Moreover, 9.1% of the legal immigrants have completed 17 or more years of schooling, compared to 3% of those enumerated in the 1990 Census. School enrollment rates among persons 18 to 24 years of age are also higher among legal immigrants than among the census-enumerated—25%

Table 5
Schooling Distributions and School Enrollment Rates, Persons Born in Mexico: NIS 1996 Cohort and 1990 Census Recent Entrants (Entered 1987-90)

Schooling Characteristic	NIS 1996 Cohort	U.S. 1990 Census
A. Years of Schooling Completed, Persons Aged 25 and Over		
Less than 5 years	21.2	28.1
5-8 years	29.5	28.6
9-11 years	14.6	17.6
12 years	11.0	11.1
13-15 years	9.1	8.3
16 years	5.7	3.3
17-18 years	5.3	1.1
19+ years	3.8	1.9
Mean years	8.9	–
Median	7.0	–
B. School Enrollment, Persons Aged 18 to 24 Years	25.4	15.7

NOTE: 1990 Census figures for foreign-born are drawn from published tabulations (1990 CP-3-1).

SOURCE: Jasso, Massey, Rosenzweig, and Smith (1997).

versus 16%. Thus, the U.S. Census, given that it includes both legal and unauthorized migrants, provides a portrait of schooling that seriously understates the schooling of legally admitted permanent residents.

The FY 1996 legal immigrants born in Mexico have a rate of college graduation approaching that among the native-born—15% compared to 20%—and a higher rate of advanced schooling than the native-born—9% compared to 7% (Tables 5 and 6). On the other hand, legal immigrants born in Mexico have a substantially larger proportion with low levels of schooling than either immigrants born elsewhere or the native-born U.S. population—65% without a high-school education compared to 34% among all the FY 1996 legal immigrants and 23% among the native-born U.S. population in 1990.

Table 6
Schooling Distributions and School Enrollment Rates: NIS 1996 Cohort, 1990 Census Foreign-born (Entered 1987-90), and 1990 Census Native-born

Schooling Characteristic	NIS 1996 Cohort	Foreign-born 1990 Census	Native-born 1990 Census
A. Years of Schooling Completed, Persons Aged 25 and Over			
Less than 5 years	6.8	12.1	1.8
5-8 years	12.7	11.9	6.9
9-11 years	14.1	12.9	14.3
12 years	12.4	17.6	31.1
13-16 years	32.9	32.8	38.8
17-18 years	12.1	7.5	4.7
19+ years	9.0	5.2	2.4
Mean years	12.7	–	–
Median years	13.0	12.0	12.0
B. School Enrollment, Persons Aged 18 to 24 Years	38.2	37.8	42.9

NOTE: 1990 Census figures are drawn from published tabulations (1990 CP-3-1 for the foreign-born, 1990 CP-3-2 for the native-born).

SOURCE: Jasso, Massey, Rosenzweig, and Smith (1997).

Schooling levels among legal immigrants also differ substantially across visa categories, and patterns among the Mexico-born are qualitatively similar to patterns among those born elsewhere (Table 7). In general, and as expected, immigrants with employment-based visas have the highest schooling levels—averaging 16 years for both Mexico-born and the 1996 cohort as a whole. Immigrants admitted as parents of U.S. citizens have the lowest average schooling, 7.5 years on average for the cohort as a whole and 4.5 years for the Mexico-born. Immigrants admitted as spouses and siblings of U.S. citizens have intermediate average schooling levels, with spouses higher, reflecting screening implicit in their selection as mates by U.S. citizens. Although the qualitative patterns are similar, there are some quantitative differences. For example, the difference between the average schooling of

Table 7
Years of Schooling Completed Among Mexico-born and All Immigrants Aged 25 Years and Over at Admission, by Visa Class: NIS 1996 Cohort

Visa Class	All Immigrants		Born in Mexico	
	Mean	S.D.	Mean	S.D.
Spouse of U.S. citizen	13.6	4.6	12.7	4.9
Parent of (adult) U.S. citizen	7.5	5.1	4.5	4.3
Sibling, principal and spouse	13.4	5.4	7.5	2.1
Employment, principal and spouse	16.1	4.3	16.0	6.1
Refugee/asylee, principal and spouse	13.1	4	-	-
Diversity, principal and spouse	14.5	3.3	-	-
Other	11.1	4.7	7.3	3.9
All Immigrants 25 and over	12.7	5.1	8.9	5.5

NOTE: Figures are for all immigrants in the NIS 1996 cohort (July and August 1996) who were aged 25 years and over at admission to permanent residence.

Mexico-born spouses and spouses born elsewhere is smaller (not quite one year of schooling) than the difference between sibling immigrants born in Mexico and those born elsewhere (almost six years different in average schooling).

English Language Skills

Not surprisingly, information on English-language skills is available primarily from U.S.-side data sources. Data from the 1990 U.S. Census indicate that, among Mexico-born persons aged 5 years and older, 71 percent report not speaking English "very well." As would be expected, the percentage with poor English skills is larger for those who entered the United States during the ten-year period prior to the Census (78.5 percent) than for those who entered before 1980 (63.2 percent).

In the 1990 Census, English language deficiency is lower among those who report they are naturalized citizens (57.5 percent) than among noncitizens (74.6 percent). It is highest for the 1980-89 cohort of non-naturalized migrants (80 percent). The LPS found that it was higher still for the newly legalized group of migrants

from Mexico; only 10 percent of these migrants reported speaking English well. English language deficiency appears to be particularly high among farm workers. The 1990 NAWS found that only 7 percent of Mexican-born farmworkers could speak English, and only 4 percent could read it. Mexicans represented 57 percent of the total U.S. workforce in seasonal agricultural services (SAS) and 92 percent of the foreign SAS workforce in 1990.

The NIS data on FY 1996 legal immigrants indicate that over half of those aged 18 years and older speak English "average or so-so" or better (Table 8). As would be expected, immigrants with previous experience as unauthorized migrants have lower proficiency in English—while 51% of those with EWI experience report speaking English "not very well" or "not well at all," 44% of those without measured EWI experience do so.

Marriage and Family

Immigrant Spouses, Parents, and Minor Children of U.S. Citizens

Information on marriage and family for Mexican migrants is available almost exclusively from U.S. Census and INS data. The largest single component of normal-flow legal immigration of the Mexico-born consists of the immediate relatives—spouses, minor children, and parents—of adult U.S. citizens. The largest component

Table 8
English Language Skill Among Immigrants Born in Mexico Aged 18 Years and Over at Admission, by Whether They Ever Entered the United States Without Inspection (EWI): NIS 1996 Cohort

English Language Proficiency	All	No EWI Experience	Some EWI Experience
Speaks English "very well"	9.1	12.9	5.6
Speaks English "fairly well"	9.7	16.7	5.6
Speaks English "average or so-so"	32.9	26.2	38.1
Speaks English "not very well"	17.9	13.2	21.4
Speaks English "not well at all"	30.3	30.9	29.3

NOTE: Respondents classified as having EWI experience met at least one of two criteria: (i) their first trip to the United States was without legal documents, or (ii) adjustment to permanent residence was from an EWI status.

of immediate-relative immigration consists of the spouses of U.S. citizens. Mexico is the leading source of spouses of U.S. citizens.

While the number of visas under the preference system is limited both worldwide and per country (20,000 prior to the Immigration Act of 1990; 7 percent of the total annual family-sponsored and employment-sponsored preference limits subsequently—e.g., 31,627 for FY 1996), the number of immediate relatives has no ceiling. In FY 1985 (the only year for which data are available on the nativity of the U.S.-citizen sponsors), 73 percent of all Mexico-born immediate relatives were sponsored by native-born U.S. citizens. In contrast, worldwide, 64 percent of all immediate relatives were sponsored by native-born U.S. citizens.

Immediate-relative immigration from Mexico has exceeded 20,000 every year since FY 1978 and has exceeded 30,000 every year since FY 1982 except for FY 1992 and FY 1995; it peaked during Fiscal Years 1986-1988, when it exceeded 40,000 per year.

Spouses of U.S. Citizens

Most of the immediate relatives from Mexico are spouses of U.S. citizens; the spouse flow alone exceeded 30,000 in FYs 1986-1988. Time series data indicate a strong decline since FY 1989, to lows of 15,350 in FY 1992 and, after an upturn, to 13,841 in FY 1995.

Sex Ratio Among Spouses and Sponsors

As noted above, INS legal-immigrant data indicate that marriage to a U.S. citizen is predominantly an activity involving U.S. women and Mexican men. In the period FY 1971-1979, the proportion husbands fluctuated between 56 percent and 61.8 percent. Microdata from the FY 1982 cohort indicate that the proportion husbands was 63.4 percent, and a probability sample drawn by the General Accounting Office (GAO) for the FY 1985 immediate-relative immigrants indicates that the proportion husbands in 1985 was 69.85 percent. However, the proportion husbands declined to 49.4% in 1994, and in the NIS cohort of 1996 to 44.2%.

Nativity of U.S. Citizen Sponsors of Spouses

The GAO data also indicate that a substantial majority of the U.S. sponsors of spouses in FY 1985 were U.S. citizens by birth—almost 78 percent (Table 9). Among the male sponsors of Mexican brides, 73.17 percent were born in the United States, and an additional 4.88 percent were U.S. citizens by birth, born to Americans abroad; among the female sponsors of Mexican husbands, 74.74 percent were born in the United States, and an additional 2.11 percent were born abroad to U.S. parents. For

Table 9
Sex and Citizenship Type of the U.S. Citizen Sponsors of Immediate Relatives, for All Immediate Relatives and Those Born in Mexico: Evidence from the GAO FY 1985 Immediate-relative Immigrants File

Sponsor's Citizenship Type	Spouses	Own Children	Adopted Children	Parents
A. All Immediate-relative Immigrants				
Birth-citizen, Born in U.S.	76.28	52.57	97.89	2.91
Birth-citizen, Born Abroad to U.S. Parent(s)	4.02	12.64	0	1.65
Birth-citizen, Place of Birth Not Known	0.18	0	0	0
Naturalized Immigrant	19.52	34.79	2.92	95.44
Total Sponsored Immigrants	124,093	25,778	9,286	38,986
B. Immediate-relative Immigrants Born in Mexico				
Birth-citizen, Born in U.S.	74.26	48.48	0	6.67
Birth-citizen, Born Abroad to U.S. Parent(s)	2.94	24.24	0	6.67
Birth-citizen, Place of Birth Not Known	0.74	0	0	0
Naturalized Immigrant	22.06	27.27	0	86.67
Total Sponsored Immigrants	28,957	6,425	137	2,464
C. Immediate-relative Immigrants Born in Mexico, Sponsored by U.S. Men				
Birth-citizen, Born in U.S.	73.17	48.00	0	11.11
Birth-citizen, Born Abroad to U.S. Parent(s)	4.88	20.00	0	0
Birth-citizen, Place of Birth Not Known	2.44	0	0	0
Naturalized Immigrant	19.51	32.00	0	88.89
Total Sponsored Immigrants	8,730	4,868	NA	1,479

Table 9 (Continued)

Sponsor's Citizenship Type	Spouses	Own Children	Adopted Children	Parents
D. Immediate-relative Immigrants Born in Mexico, Sponsored by U.S. Women				
Birth-citizen, Born in U.S.	74.74	50.00	0	0
Birth-citizen, Born Abroad to U.S. Parent(s)	2.11	37.50	0	16.67
Naturalized Immigrant	23.16	12.50	0	83.33
Total Sponsored Immigrants	20,227	1,557	NA	985

NOTE: All figures are sample estimates except the total numbers of immigrants in Panels A and B. All naturalized-citizen sponsors of Mexico-born immediate relatives were themselves born in Mexico except for 13.64 percent of the women sponsors of spouses, of whom two-thirds were born in Germany and the remaining one-third in Cuba. Of the birth-citizens born abroad who sponsored Mexico-born immediate relatives, all were themselves born in Mexico.

both Mexico-born spouses of U.S. citizens and those born elsewhere, the NIS Pilot Study registers smaller proportions of native-born sponsors—66% of the sponsors of Mexico-born spouses and 52% of sponsors of spouses born elsewhere are native-born U.S. citizens.

Nativity of U.S. Citizen Sponsors of Parents and Minor Children

Not surprisingly, the overwhelming majority of sponsors of Mexico-born parents—almost 87 percent in the GAO data—are naturalized citizens (Table 9). Almost half of all sponsors of minor children (excluding orphans) were born in the United States, and an additional 24 percent were born abroad to U.S. parents.

Migrant Families and Family Size

As noted above, ENADID and EMIF data place the share of Mexican migrants who are single at between 28 and 40 percent, depending upon the data source and gender, with female migrants being significantly more likely to be single than male migrants.

LPS data on the IRCA (Section 245A)-legalized aliens indicate that the Mexico-born had the highest average household family size—3.8 persons, compared with 2.8 for the rest of the group.

The 1990 Census data show 18.8 percent of Mexican immigrant households having only 1 or 2 persons, 47.7 percent having more than 5 persons, and 17.4 percent having 7 or more persons. The share of small (1-or-2-person) households is larger for pre-1980 immigrants (20 percent), but the share of large (7-or-more-person) households is similar across migrant-cohort groups. Noncitizen households are less likely to be small (16.6 percent are 1-2-person households) and more likely to be large (18.8 percent have 7 or more persons) than households headed by persons reporting themselves naturalized.

Fertility

Mexico-born women enumerated in the U.S. Census have higher fertility than the U.S. average in all age groups. Mexico-born women 15 to 24 years of age averaged .63 children ever born, compared with .30 for all U.S. women in this age group, and women 25 to 34 years of age averaged 2.13 children ever born, compared with 1.33 for all women. Mexico-born women 35 to 44 years old averaged 3.29 children ever born, compared with 1.96 for all U.S. women. In the 25-34-year age group, fertility is lower the more recent the year of entry. Children ever born for this age group range from 2.32 for pre-1980 entrants to 1.69 for 1987-90 entrants. There is no discernible fertility pattern by year of entry for the oldest group. For the youngest group, children ever born is .56 in the pre-1980 entry cohort, peaks at .85 in the 1982-84 cohort, then declines to .52 in the 1987-90 cohort.

Among legal immigrants in the FY 1996 cohort, the average number of children is 2.5, with an average of 2.2 children residing in the United States and the rest abroad.

Naturalization

Traditionally immigrants from Mexico had low naturalization rates, rates exceeded by immigrants from every country except Canada. Annual naturalizations hovered between 6,000 and 10,000 during the 1960s and 1970s, but in the decade after the preference category system of visa allocation was extended to the Western Hemisphere—effectively augmenting the sponsorship privileges of citizens with roots in this hemisphere—naturalizations more than tripled. Since then, naturalizations have continued to increase, to 39,310 in 1994 and 67,238 in 1995 (see Figure 3 in Volume 2, page 767). Note that these figures understate the number of

naturalizations, as the data do not include children under the age of 16 who derive naturalization from their naturalizing parents.

Naturalizations are expected to continue to increase, due to the confluence of several factors: (i) the backlog pressure on the categories of spouse and minor children of permanent resident aliens, intensified by the IRCA legalizations; (ii) the Green Card Replacement Program, initiated in 1992, which requires that permanent resident alien cards issued before 1978 be replaced and which, given that the requisite investment of time and money is no more for applying for naturalization than for replacing the green card, has led many immigrants to choose naturalization; (iii) initiation of an expiration date, 10 years after issuance, on green cards issued since 1988, which is also likely to lead immigrants to choose naturalization over green-card renewal; (iv) recent U.S. legislation which dramatically reduces the civil rights and social entitlements of non-naturalized immigrants; and (v) recent amendment of the Mexican Constitution which provides that Mexican nationals who become naturalized citizens of another country do not forfeit Mexican nationality.

Overall, in the period 1961-1995, a total of 470,515 Mexican nationals naturalized; this number omits children deriving U.S. citizenship from the naturalization of their parents. Interestingly, more women than men have naturalized—almost 21,000 more in the 1961-1995 period. Time series data indicate that the proportion male was less than half in every year since 1961 except, trivially, in 1964 and 1965 and in 1990-1993.

Naturalization rates have also increased steadily, and, although lower than worldwide averages, have overtaken the rates for immigrants from Canada and Germany. Among Mexico-born immigrants aged 16 and over at admission, 17.6 percent of the 1977 cohort and 11.9 percent of the 1982 cohort had naturalized by October 1993; the corresponding figures for the worldwide cohorts are 41.5 and 37.6 percent (INS 1994 Statistical Yearbook, pp. 132-133).

The 1990 U.S. Census counted almost 1 million Mexico-born persons who reported that they were naturalized citizens of the United States. This number constitutes 22.4 percent of the total enumerated Mexico-born population but, of course, a larger fraction of the relevant population—i.e., the total Mexico-born population in the Census includes persons who are not eligible to naturalize, not only legal immigrants who are too recently arrived to have met residency requirements but also nonimmigrants and undocumented migrants. This figure, however, is thought to be a serious overestimate (Clark and Passel 1997).

Participation in Migration Networks

U.S. immigration law virtually enshrines migration networks, given that the majority of non-refugee visas are allotted to relatives. The main visa categories

that do not require a network are the employment categories and the spouses of U.S. citizens—though networks may underlie the former and may emerge from the latter.

Nearly all data on migration networks are from community studies in Mexico. Sixty-seven percent of all individuals enumerated by the 1993 Michoacán survey had at least one immediate family contact in the United States. Those with kin networks averaged 1.6 contacts each. In one village included in the longitudinal Michoacán survey, the share of individuals with at least one family contact in the United States increased from 56 percent in 1983 to 80 percent in 1989.

Characteristics of Migrant-Sending Households in Mexico

Information on characteristics of migrant-sending households in Mexico is available from community survey data. Migration networks, or access to family contacts in the United States, are almost universally found to be the most important single household variable influencing migration and one of the households' most important economic and social assets. "Ownership" of migration networks and past migration experience are fundamental characteristics of migrant households in Mexico. The most detailed data on these as well as other characteristics of migrant-sending households come from community studies in Mexico. It is not possible to generalize findings from surveys of small numbers of communities to the population-at-large of migrant-sending households. Nevertheless, some patterns emerge that provide insights into changes in characteristics of migrant-sending households at different points in the migration process and differences in characteristics between households that send migrants to the United States and those that do not. The verdict on whether and to what extent these findings can be generalized will have to await the availability of new community-survey data from Mexico.

Mexican Migration Project data suggest that landlessness is positively related to the likelihood of undertaking a first trip to the United States. That is, controlling for personal characteristics, first-time migrants are significantly more likely to come from households with limited or no landholdings than from large-holder households. They are also more likely to have fathers with U.S. migration experience. The probability of taking subsequent trips, however, was found to be unrelated to these household characteristics. It depended entirely on the individual's migratory experience and on migration networks (Massey, 1987). A comparison of land ownership across the 19 communities surveyed in the Mexican Migration Project suggests that migrants are more likely to come from landless households in communities with high levels of migration prevalence. These data

also indicate that, although the vast majority of migrants come from households in Mexico that do not own businesses, the share that do is not negligible—particularly at the lowest (9.3 percent) and highest (8.1 percent) community migration-prevalence levels.

The Michoacán Project data reveal significant differences in household characteristics between migrants and nonmigrants. The 1983 surveys found that Mexico-to-U.S. migrants, on average, came from larger families (9.1 adult members 13 years of age or older compared with 8 for non-Mexico-to-U.S. migrants), with above-average landholdings (7 hectares, compared with 5 for nonmigrants), and relatively wealthy households (3,470 in 1982 pesos, compared with 2,190 for nonmigrants). However, for the most part they were not the most privileged families in migrant-sending villages. In fact, controlling for household income and wealth, migrants were significantly more likely to come from households that were "relatively deprived" within their village reference group—i.e., located at the bottom-to-middle of the village income distribution. Even for otherwise similar households, migration behavior is not uniform across socioeconomic (e.g., village) settings.

The larger, 1983 Michoacán study, like its predecessor, found that both undocumented and documented migrants originate from households in Mexico with above-average family size (11 and 12 family members for the two migrant groups, respectively, compared with 10.7 for the full sample). They also come from families with above-average education (.86 and .84 members with some secondary schooling, compared with .76 for all households); with more family members with migration experience (5.6 and 7.3 members, respectively, compared with 3.4 for all households); larger landholdings (1.9 and 2.4 hectares, compared with 1.4 for all households); and more wealth, as indicated by the value of animal herds (5,309 and 8,781 in 1992 pesos, compared with 4,148 for the full sample). The differences between migrant and nonmigrant households implied by these numbers reflect both the selectivity of migration on family characteristics and impacts of past migration experience on the accumulation of family assets. For example, one study (Taylor, 1992) found a significant positive effect of past migration on the accumulation of livestock.

A common characteristic of migrant households in Mexico is their receipt of remittance income from migrants in the United States. The LPS found that 66 percent of newly legalized Mexican migrant families remitted, and average remittances to Mexico were $1,304, or seven percent of the total income of Mexican migrant families in the United States. Average remittances to Mexico were higher than to any other region. For example, average remittances were $1,144 to Central America, $930 to other western hemisphere countries, and $874 to eastern hemisphere countries. Mexico Migration Project data on 22 migrant-sending communities show that, in the 12 months prior to the survey, household heads who were

migrants remitted an average of US $2,383, and non-heads remitted an average of $2,100. Returning migrants who were household heads brought back an average of $1,392 in savings; non-heads brought back an average of $858 (Massey and Parrado, 1994). Most surveys that gather data on migrant remittances do not provide information on total incomes in surveyed households, making it impossible to ascertain the share of remittances in total incomes of migrant-sending communities. Nevertheless, available evidence suggests that migrant remittances and savings represent an important share of total income in many migrant-sending households and regions. For example, income remitted by migrants in the United States accounted for 17 to 20 percent of total household income in the Michoacán Project villages, both in 1982 (Stark, Taylor and Yitzhaki, 1986) and 1988. Studies of villages in other regions of Mexico suggest typical international remittance shares on the order of 15 to 25 percent; e.g., see Taylor and Yunez (1995).

Labor-Market Characteristics

Migrants' occupational configurations, both in Mexico and in the United States, differ markedly by data source and by gender. In general, data on circular migrants show a stronger attachment of migrants to agricultural work, both in the United States and in Mexico, prior to migrating. Data on relatively settled populations indicate that most Mexican migrants are employed outside of agriculture, particularly in manufacturing and services. Data from nearly all sources suggest an increasing diversity of employment, both before and after migration, over time, as well as growing orientation towards urban jobs.

Work in Mexico Prior to Migration

At the start of the 1900s, agricultural workers were predominant in migrant flows. This trend continued during the Bracero Program. In the years following the Bracero Program, however, the share of agricultural workers in migrant flows has diminished. In 1971, Samora found that only 57% of migrants had worked in agriculture prior to migrating. The ENEFNEU survey found a similar share of agricultural workers (58.5%); 15.1% had held industrial jobs and 23.5% had worked in services. These shares contrasted with those for the Mexican population as a whole (39.3%, 21.4%, and 38.7%, respectively). The ETIDEU found that by 1984 the share of the primary sector had fallen to 39.4 percent. Only 5.6 percent of women worked in agricultural jobs, 30.6 percent worked in industry, and 60.2 percent in services (mostly domestic).

Most migrants had work in Mexico prior to migrating. In the ENEFNEU, only 20% did not work and only 3.2% were openly unemployed in Mexico prior to

migrating. The share without work was higher in the 1994 EMIF: 27.4% of returning migrants, 21.3 percent of deported migrants, and 32.4 percent of migrants en route to the United States did not work during the 30 days prior to migrating from Mexico. In the large majority of cases, migration cannot be attributed to an absence of employment in Mexico.

EMIF data show a relatively high share of agricultural workers in circular migrant flows. More than half of all male migrants in both the south-north and north-south flows worked in agriculture prior to migrating (57.6 and 55.2 percent, respectively). This share is lower in the deported-migrant flow (35.5 percent). About 25.6 percent of returning migrants and 21.4 percent of south-north migrants were in industrial jobs prior to migrating. The shares in service-sector jobs for the two flows were 19.2 percent and 18.3 percent, respectively. Activities associated with the urban sector absorbed more of the deported-migrant flow prior to migrating: 33.9 percent were in industrial jobs (20.5 percent in construction), and 30.5 percent were in service-sector jobs. The shares of undocumented migrants employed in farm work and in urban jobs, respectively, were 39 percent and 56 percent in the Zapata Canyon project data for 1996. Both of these shares were appreciably lower—and the share unemployed in Mexico higher—in 1988 than in 1996.

The high share of migrants employed in construction jobs prior to migrating—16 to 17.4%—suggests that the migration propensity is higher for this group than for other workers in manufacturing. Construction jobs in Mexico are characterized by a high degree of instability, low wages and poor working conditions.

In the EMIF study, 61.8% of women migrating northward worked in Mexico prior to migrating. The shares for deported and returning migrants were 46.2% and 38.9%. Most female migrants worked in services (68 percent of returning migrants, 64 percent of deported migrants, and 44 percent of north-bound migrants; see EMIF). Among north-bound female migrants, previous employment was nearly equally divided between industrial and service (41 percent) jobs. Sectors of employment prior to migrating vary across region. For example, agriculture employed 66.7%, 61.4% and 45.6%, respectively, of north-bound migrants, return migrants, and deported migrants born in rural areas.

Occupations of Return Migrants in Mexico

The majority of return migrants do not do agricultural work. The ENADID data reveal that most return migrants in urban areas of Mexico (61 percent) are wage workers, while most return migrants in rural areas are either self employed (32.3 percent) or non-agricultural wage workers (38 percent). Only 19.5 percent of return migrants in rural areas and 6.5 percent in urban areas are agricultural wage

workers. Non-remunerated work absorbs 9 percent of return migrants in rural areas and 3 percent in urban areas. Very few (1.1 percent in rural zones and 3.7 percent in urban zones) are businessmen (*empresarios*).

Predictably, the most urbanized regions (II and IV) have the largest shares of nonagricultural workers among return migrants. Regions III and V have the largest shares of non-remunerated workers (11.8% and 9.4%, respectively, similar to those regions' agricultural-worker shares). These are regions where subsistence farming is predominant. Among women, all regions display a high level of unemployment prior to migration. The highest is region III (73 percent) and the lowest, Oaxaca-Guerrero (63.7 percent). The largest share of women in nonagricultural jobs is found in the border zone (74.6 percent), due no doubt to the presence there of *maquiladoras* employing large numbers of female workers.

Work in the United States[10]

Work is a primary motivation for migrating to the United States. Of those who have lived in the United States, 81.5% have worked there (ENADID). The EMIF found that 88.8 percent of voluntarily returning migrants had worked in the United States. In addition, the ENADID survey found over 1 million people who declared having worked in the United States without living there. The labor-migrant share is higher for men (91.6 percent) than for women (53.8%). The LPS found a labor market participation rate of 95 percent for Mexican men and 63 percent for women, with unemployment rates of 2.3 percent and 6.6 percent, respectively. Average hours worked per week were 44 for men and 40 for women.

Data on employment of Mexican migrants in the United States reveal an increasing diversity of jobs over time. At the end of the 1800s and up through the end of the Bracero Program, Mexican migrants were employed primarily in agriculture.

The ENEFNEU study fount that, in 1978-79, only 37.1 percent of migrants worked in the agricultural sector; 24.8 percent were employed in industry and 37.6 in services (CENIET, 1982, 144). ETIDEU data show a larger share in agricultural jobs (45%), reflecting a relatively high incidence of farm work for undocumented (deported) migrants, the population represented by that survey.

Nevertheless, Census and CPS data reveal high levels of unemployment for Mexican migrants. The 1990 Census reports an unemployment rate of 11.3 percent for Mexican migrants, compared with 6.3 percent for the U.S. population at large. The 1996 CPS reports a larger unemployment gap: 21.9% unemployment for Mexican migrants, compared with 5.9% for the population as a whole. Of course, Census and CPS data include substantial numbers of persons without permission to work, some of whom may simply be obeying the law—for example, spouses of a variety of legal nonimmigrants, such as students (F visas), temporary workers

(H and O visas), intracompany transferees (L visas), artists and entertainers (P visas), religious workers (R visas), and treaty traders and investors (E visas). Thus, the increase in unemployment among Mexico-born persons enumerated in the CPS in 1996, relative to the 1990 Census, may reflect increasing numbers of legal nonimmigrants. It may also reflect increasing numbers of persons who may be working illegally and reporting that they do not work.

Data sources differ sharply on the distribution of migrant jobs across sectors. EMIF data show that more than half (52.7 percent) of all returning migrants were agricultural workers in the U.S., with industry (24.6 percent) running a distant second. Two thirds of the migrants reported in industrial jobs worked in construction. Of the 22.7% who worked in services, 5.8% held domestic-service jobs. The largest share of deported migrants worked in services (47.6 percent); 32.1 percent of deported migrants had been agricultural workers.

The agricultural employment share is larger in EMIF data than in most other data sources, including the U.S. Census and INS data and data from community studies in Mexico. This may reflect greater tendency towards agricultural work among circular migrants than among more settled ones. Today, although Mexican migrants are the majority of U.S. farmworkers, U.S. agriculture absorbs far less than half of all Mexican immigrants.

Among the migrants in the 1983 Michoacán survey, 90 percent worked in light manufacturing and service jobs in and around California's San Fernando Valley. This was in contrast to the older cohorts of returned migrants, who worked almost exclusively in U.S. agriculture—first as *braceros* and later as undocumented migrants. In one of the villages, a Purépecha (Tarascan)-speaking community that was almost entirely bypassed by the Bracero Program, households did not participate heavily in Mexico-to-U.S. migration at the time of the 1983 survey; only a handful of individuals from this village worked in the United States in the early 1980s, almost all as H-2 workers harvesting tobacco in Virginia. By 1993, many households in this village had family members working in the United States, mostly in manufacturing and service jobs in Southern California, a few harvesting apples in Washington and Oregon, but no H-2(A) workers in the Eastern United States.

The Zapata Canyon project data show evidence of an upward trend in urban-sector employment for undocumented migrants, particularly in construction and services.

INS microdata on the FY 1977, 1982, and 1994 immigrant cohorts indicate that approximately half of the prime-age men are in the operators-fabricators-laborers classification (Table 10). The proportion in farming-forestry-fishing was highest in 1982 (9.9 percent) and lowest in 1994 (4.9 percent). The combined executive and professional classification was also highest in 1982 (7.0 percent) and lowest in

Table 10
Occupational Distributions, Immigrants Born in Mexico, Aged 21-65 at Admission to Permanent Residence: FY 1977, 1982, 1994 Cohorts

Summary Occupation Group	FY 1977 Cohort		FY 1982 Cohort		FY 1994 Cohort	
	Men	Women	Men	Women	Men	Women
A. Percent reporting an occupational title and percent students, all immigrants aged 21-65 years at admission						
Percent reporting occupational title	98.00	22.49	96.49	32.52	84.38	44.71
Percent students	0.72	0.66	1.18	1.77	0.75	0.41
Number aged 21-65 years	13,426	11,589	19,018	13,105	15,836	33,319
B. Percent in summary occupation groups, immigrants aged 21-65 years at admission reporting an occupational title						
Managerial and professional specialty occupations	6.61	7.64	6.96	7.39	4.75	2.64
Technical, sales, and administrative support occs.	3.92	10.90	3.11	14.41	4.74	10.71
Service occupations	12.10	18.76	9.99	25.65	15.13	21.82
Farming, forestry, and fishing occupations	8.10	2.80	9.87	4.34	4.90	9.84
Precision production, craft, and repair occupations	15.20	3.11	13.26	2.39	15.09	3.09
Operators, fabricators, and laborers	54.06	56.79	56.81	45.82	55.39	51.89
Average occupational earnings, 1979$	16,617	16,149	16,492	16,144	16,251	15,614

NOTE: Panel B earnings figures for 1977 exclude 3 cases for which detailed occupation could not be unambiguously ascertained.

1994 (4.75 percent). The proportion employed in service occupations fluctuated between 10 and 15 percent. Among women, the proportion reporting an occupational title increased steadily, more than doubling between 1977 (22.5 percent) and 1994 (44.7 percent).

The 1977 and 1982 INS data, which include naturalization information, suggest both that those who naturalize are drawn from among the more highly skilled and that those who naturalize experience occupational upgrading during

the years between admission to permanent residence and naturalization (Table 11). Moreover, among women, labor force participation at admission not only is associated with subsequent naturalization but also increases between admission and naturalization.

Data on IRCA (Section 245A)-legalized aliens provide a somewhat different picture; this is not surprising given the population (illegal aliens) and given that information about occupation pertains to the week before application for temporary residence under the legalization program. Only 2 percent are in the executive and professional category, and 28 percent are in the service occupations.

The 1990 Census reports that manufacturing, services, and construction absorb well over half (58 percent) of all employed Mexican immigrants 16 years or older. Another 17.5 percent work in retail trade. Only 13 percent are reported working in the "agriculture, forestry, and fisheries" sectors. This sector's share is lowest for naturalized citizens who entered the United States prior to 1980 (8.3 percent) and highest for noncitizens entering the United States between 1980 and 1989 (15.7 percent). The corresponding agricultural, forestry, and fisheries share for the employed U.S. workforce 16 years or older was 2.7 percent. In the LPS, the largest sector share by far for newly legalized migrants was in manufacturing (34 percent), followed by sales (24 percent) and services (20 percent). Agriculture claimed only 9 percent of IRCA (Section 245A)-legalized aliens from Mexico. The vast majority of agricultural-worker legalizations were through the Special Agricultural Worker (SAW) program, not under Section 245A. SAWs were not enumerated in the LPS.

Overall, the Census shows employed Mexican immigrants as more likely than the U.S. population as a whole to work in agriculture, forestry, and fisheries jobs; in construction (10.4 percent, compared with 6.2 percent); and in manufacturing (26.6 percent, compared with 17.7 percent). It shows them less likely than the U.S. workforce as a whole to be employed in services (20.6 percent, compared with 32.7 percent); transportation, communication, and other public utilities (3.3 percent, compared with 7.1 percent); finance, insurance, and real estate (2.1 percent, compared with 6.9 percent); and public administration (1 percent, compared with 4.8 percent). The employment shares in the other major sectors (retail and wholesale trade and mining) are similar for Mexican immigrants and the U.S. workforce at large.

Both the 1990 Census and the 1996 CPS data suggest a negative association between time in the United States and employment in agriculture—or else a high rate of return migration for agricultural workers from Mexico. In the CPS, the agriculture, forestry, and fisheries share is 18.6 percent for 1990-96 entrants, 12.3 percent for 1980-89 entrants, and 8.9 percent for pre-1980 entrants. It is highest for naturalized citizens in the 1990-96 group (41.6 percent), reflecting the effects

Table 11

Occupation of Legal Immigrants Born in Mexico Aged 21-55 Years at Admission, with Percent Distributions at Admission and at Naturalization, by Sex: FY 1977 and 1982 Cohorts

Summary Occupation Group	FY 1977		FY 1982	
	Men	Women	Men	Women
A. Occupation at Admission, All Immigrants				
Managerial/Professional	6.4	1.7	7.2	4.3
Technical/Sales/AdminSupport	3.9	2.5	3.0	4.9
Service Occupations	11.9	4.1	9.6	8.1
Farming/Forestry/Fishing	7.9	0.7	9.5	1.4
PrecisionProduction/Craft/Repair	15.0	0.7	16.2	3.3
Operators/Fabricators/Laborers	53.2	13.1	51.7	12.9
B. Occupation at Admission, Immigrants Who Later Naturalized				
Managerial/Professional	9.5	3.5	10.7	6.2
Technical/Sales/AdminSupport	6.2	5.1	5.4	8.9
Service Occupations	13.2	5.4	11.4	9.6
Farming/Forestry/Fishing	4.6	0.3	4.8	0.8
PrecisionProduction/Craft/Repair	14.6	0.9	16.3	5.5
Operators/Fabricators/Laborers	49.3	13.7	46.9	12.3
C. Occupation at Naturalization, Naturalized Immigrants				
Managerial/Professional	12.7	6.3	11.8	7.5
Technical/Sales/AdminSupport	8.0	12.8	8.1	16.7
Service Occupations	19.1	15.7	15.0	16.6
Farming/Forestry/Fishing	2.0	0.8	2.6	0.6
PrecisionProduction/Craft/Repair	14.7	3.8	10.9	3.0
Operators/Fabricators/Laborers	29.6	13.5	25.4	10.3

NOTE: Percentages shown are based on all persons in the age group.

Table 12
Characteristics of the Mexican Legalized Population in 1987

Social and Demographic Characteristics	
Age (Median, April 30, 1987)	30
Sex (% Males)	59%
Marital Status (% Married)	53%
Household Family Size (Persons)	3.8
Education (Median Years)	6.0
English Language Proficiency (% Speaking English Well)	10%
Work Characteristics	
Labor Force Participation (and Unemployment) Rate	
Males	96% (2.3%)
Females	65% (6.6%)
Total	83% (3.6%)
Industry of Employment	
Agriculture	9%
Construction	10%
Manufacturing	34%
Sales	24%
Services	23%
Hours Worked/Wk. Among Those Working	
Males	44
Females	40
Total	43
Mean Hourly Wage	$7.14
Median Earnings	$8,435
Family Income	
Mean	$17,551
Median	$14,875
Family Remittances	
Mean	$1,304
Median	$500
Share of...	
Income Remitted	7%
Families Remitting	66%

Source: INS Legalized Population Survey (INS 1990)

of the Special Agricultural Worker (SAW) legalization program. It is lowest for the pre-1980 naturalized group (3.2 percent). Employment shares in services are higher for older immigrant cohorts. For example, in the 1990 Census, the service sector absorbed 18.6 percent of 1980-89 entrants and 22.4 percent of pre-1980 entrants; in the CPS, 15.4 percent of 1990-96 entrants, 21.5 percent of 1980-89 entrants, and 28.7 percent of pre-1980 entrants 16 years or older who were employed worked in services. In most cases, employment profiles of "older" Mexican immigrant cohorts are more similar to the average U.S. profile than are employment profiles of "younger" cohorts.

Sector of employment differs sharply across sexes. The EMIF found that most returning female migrants (62.6 percent) worked in U.S. service jobs (33.9 percent in domestic services). 28.7 percent were in industrial jobs, and only 8.7 percent worked in agriculture. It is noteworthy that the industrial-job share for returning female migrants exceeds that for returning male migrants in the EMIF data.

Migrants originating from rural areas in Mexico are more likely to have worked in U.S. farm jobs (58 percent of returning migrants and 46.3 percent of north-bound migrants) than are migrants from urban areas (46.6 percent of returning migrants and 38.7 percent of north-bound migrants). Among returning migrants, both industrial and service-sector shares are higher for urban than for rural-origin migrants. Among north-bound migrants, however, industrial-sector and domestic-service employment are higher for rural than for urban-origin migrants.

Comparison of Migrants' Occupations in Mexico and the United States

International migration more often than not is associated with mobility across employment sectors. In fewer than one half (48 percent) of all cases does sector of work prior to migration coincide with sector of work in the United States (EMIF, returning migrants). Most agricultural workers in Mexico (67 percent) do not change sector of employment when they migrate to the United States, but most industrial workers and service workers do. For example, only 22.8 percent of service workers who migrated to the United States held service jobs there. However, 79.6 percent of domestic-service workers in Mexico did not change sector when they migrated. More than half of all industrial workers who migrate end up in U.S. agriculture, but only 27 percent of service workers do.

Earnings and Income

Data on earnings in 1995 from the 1996 CPS indicate that among persons 25 years and older reporting earnings or self-employment income, the mean and median for the Mexico-born were $15,612 and $13,020 versus $30,641 and $24,001 among

Table 13
Comparison of Selected Characteristics of the Mexican Legalized Population in 1987 and 1992

Social and Demographic Characteristics	Average 1987	Average 1991
Age (Median, April 30, 1987)	30	
Sex (% Males)	59%	57%
Marital Status (% Married)	53%	
Household Family Size (Persons)	3.8	
Education		
Median Years	6.0	
6 or Fewer Years (%)		57
12 or More Years (%)		17
English Language Proficiency (% Speaking English Well)	10%	27%
Work Characteristics		
Labor Force Participation (and Unemployment) Rate		
Males	96% (2.3%)	93%
Females	65% (6.6%)	62%
Total	83% (3.6%)	80% (7%)
Industry of Employment		
Agriculture	9%	7%
Construction	10%	10%
Manufacturing	34%	27%
Sales	24%	27%
Services	23%	24%
Hours Worked/Wk. Among Those Working		
Males	44	41
Females	40	37
Total	43	40
Mean Hourly Wage	$7.14	$8.11
Median Earnings	$8,435	$12,091
Family Income		
Mean	$17,551	
Median	$14,875	$19,112
Family Remittances		
Mean	$1,304	$783
Median	$500	

Table 13 (Continued)

	Share of...	
Income Remitted	7%	
Families Remitting	66%	51%

Source: INS Legalized Population Survey, INS (1992)

the native-born. Comparable figures from the 1990 Census are $14,138 and $12,776 among the Mexico-born and $24,408 and $22,365 among the native-born (all figures in current dollars). Thus, the ratio of median earnings among the Mexico-born to median earnings among the native-born declined from 57% in 1989 to 54% in 1995; the estimated decline using mean earnings is steeper, from 58% in 1989 to 51% in 1995. This relative decline in earnings may be due in part to changing legal-status and/or gender composition among the employed Mexico-born included in the Census and CPS.

Among the new legal immigrants of the FY 1996 cohort, average earnings among persons 25 years and older were $19,129 among men and $13,619 among women. Among those age 18 and older, the comparable figures are $18,694 and $14,798. This compares with average earnings for the entire U.S. working population aged 18 and above in 1995, based on Current Population Survey data (Current Population Reports, Consumer Income, Money Income in the United States, 1995, P60-193, Table 9) of $33,259 and $10,414, respectively. The Mexico-to-native earnings ratios are 0.56 among men and 1.4 among women. These ratios suggest not only that legal immigrants have higher earnings than unauthorized migrants but also that, while legal-immigrant men display the classical pattern of lower earnings at entry, possibly reflecting their relative youth and lack of U.S. experience compared to the native-born, Mexico-born legal-immigrant women out-earn their native-born counterparts, on average.

Data limitations make it difficult to directly ascertain differences in earnings between legal and undocumented Mexican migrants. Insight can be gained, however, from the UC-EDD farmworker data and from surveys including formerly unauthorized migrants, such as the Legalized Alien Population Surveys and the New Immigrant Survey Pilot Study.

Research utilizing UC-EDD farmworker data found that undocumented migrants were significantly less likely than otherwise comparable legal workers to hold relatively skilled, machine operator and foreman jobs, and those who did hold skilled jobs had significantly lower earnings than legal workers in those jobs. Estimated weekly earnings for legal workers were $236 in relatively skilled

("primary") jobs and $185 in less skilled ("secondary") jobs. Moreover, weekly earnings for undocumented workers were not significantly different ($176-$177) in the two types of jobs.

The first round of the Legalized Population Survey collected information about earnings of the legalized persons (persons approved for the first-step legal temporary resident status) at the time they applied for legal temporary residence (i.e., between May 1987 and May 1988). Median prelegalization earnings (1987/1988) among the LPS newly legalized migrants were $8,435, a figure substantially lower than the median earnings of Mexico-born in the 1990 Census, $12,776, which includes both unauthorized and legal migrants. If those unauthorized migrants who were not eligible for legalization (e.g., newcomers) or who chose not to apply or who applied but were denied legalization have lower earnings than the IRCA legalized aliens, then the difference between with the average earnings of unauthorized and legal migrants is even larger.

The NIS Pilot Study includes information concerning entry without inspection at the first trip to the United States and also concerning whether adjustment to permanent resident status was from an EWI status. Accordingly, sample members can be classified into two groups, those with some EWI experience and those with none. Because full migration histories were not collected in the Pilot Study, the latter group includes individuals who may have EWI experience during an intermediate trip. Thus, the measure is conservative, and any differences between the two groups understate the true differences between persons with and without EWI experience. Among persons aged 18 and older, average male earnings for the group without EWI experience was $21,867 and for the formerly unauthorized, $17,709. The comparable figures among women were $12,393 and $17,461, respectively. Thus, while, as expected, among men average earnings is lower for the formerly unauthorized, the opposite is true for women. Moreover, U.S. earnings do not differ appreciably between the sexes among the formerly illegal, while among immigrants with no EWI experience, a large gender gap is observed (a ratio of female to male earnings of 57 percent). In a nutshell and putting it roughly, the formerly illegal of both sexes earn the same, and this amount lies halfway between the earnings of legal women and legal men. These results suggest that both selection mechanisms and earnings patterns by legal status may be gender-specific. Future research on this topic is warranted.

Turning to income, according to the U.S. 1990 Census, the mean household income among households with a Mexico-born head was $27,122, or about 70 percent of the U.S. mean of $38,453. Median household incomes for the two groups were $21,926 and $30,056, respectively.

Households with a Mexico-born head are much more likely than all U.S. households to be found at the bottom of the income distribution, and they are

much less likely to be found in the highest income ranks. Twenty-seven percent of all Mexican-headed households had incomes below the federal poverty line in 1990, compared with 13 percent of all U.S. households. The shares of Mexican migrant households are higher than those of all U.S. households in the lowest 5 income ranges reported in Table 1, Volume 2, page 750. They are lower in all of the remaining (upper) income ranges.

The shares of households in the lowest income groups are lower for the pre-1980 cohorts than for the 1980-89 cohort, and the shares in the highest income groups are higher for the "older" cohorts. This suggests that there are some economic returns to U.S. experience and/or that there is a positive selectivity of settlement on earnings—that is, low-income individuals and families are more likely eventually to return to Mexico. In contrast to migrant year-of-entry cohorts, shares of households in different income groups are remarkably similar between the two migrant-status groups.

The CPS data reveal a concentration of new (1990-96) migrant households at bottom of the income spectrum. The share of the 1990-96 household cohort with incomes less than $5,000 is 10.6 percent, double the shares of the 1980-89 and pre-1980 groups. The shares of households in the $5,000-$9,999 and $10,000-$14,999 income groups are also high for the 1990-96 group.

Both average and median incomes are higher for U.S. households in the 1996 CPS than in the 1990 Census, but the opposite is the case for Mexican-migrant households. The mean for all U.S. households is $38,453 in the Census and $44,938 in the CPS. The mean for Mexican-migrant households is $27,122 in the Census and $26,481 in the CPS. The U.S. median household income is $30,056 in the Census and $34,076 in the CPS, while that of Mexican-migrant households is $21,926 in the Census and $20,601 in the CPS. Thus, even though the real increase, after adjusting for inflation, may be smaller for the total U.S. population, it is clear that households headed by Mexico-born persons experienced a decrease in income. Of course, this may reflect changing household composition (e.g., fewer adults) or changing visa-status composition (e.g., a larger proportion of men working without permission).

The hypothesis that unauthorized migrants have lower household income than legal immigrants can be examined by comparing migrants legalized under IRCA Section 245A to the entire population in the Census or CPS. The first round of the Legalized Population Survey also collected information on family income of the legalized persons. Average prelegalization family income (including income contributions by all family members in the household) was $17,551 (median income: $14,875), substantially less than the comparable figures in the 1990 Census (average, $27,122; median, $21,926), which include both unauthorized as well as legal migrants (U.S. INS 1992). As discussed above with respect to earnings, if those unauthorized migrants who were not eligible for legalization

(e.g., newcomers) or who chose not to apply or who applied but were denied legalization have lower average family income than the IRCA legalized aliens, then the difference between with the family incomes of unauthorized and legal migrants is even larger.

Conclusions

Our findings indicate that Mexico-to-U.S. migrants, unlike international migrants from most other countries, have tended to be selected from the middle-to-lower ranges of the socioeconomic hierarchy, in a selection process originating with the recruitment of low-skilled Mexican workers by U.S. employers and facilitated by the long and historically porous border between Mexico and the United States, which puts U.S. labor markets within reach of individuals with limited financial resources in Mexico; by the expanding demand for low-skilled immigrant workers in the United States; and by extensive "migration networks" connecting families throughout Mexico with low-skill U.S. jobs.

Characteristics of Mexican migrants are not static, however; they change over time. Some of these changes appear to be long term. For example, there is evidence that schooling levels of Mexican migrants are increasing over time, that migrants' origins and destinations are increasingly urban, and, overall, that characteristics of Mexican migrants may be increasingly heterogeneous. These partly reflect changes in the population at large in Mexico from which migrants are drawn but may also reflect long-term changes in the selectivity of migration, including the influence of migration networks. Other changes are short-term, cyclical (i.e., related to recessions and expansions in the two countries) or discrete, resulting from exogenous shocks like droughts. Changing labor market conditions in the United States are instrumental in shaping migration flows and observed characteristics of migrants, given the importance of work as an objective of migration. Still others may be law- or policy-induced, for example, the large-scale legalization of migrants under IRCA. There are some indications that migration is becoming less selective over time, as shown in the Michoacán and Mexico migration surveys. This could be due to the operation of migration networks, buttressed by the family reunification provisions of US immigration law, which reduce the costs of migration for an individual prospective migrant.

The low average skill level of Mexico-to-U.S. migrants obscures the participation of highly educated individuals in migration. Even though the number of highly skilled Mexican migrants is small relative both to the number of skilled people in the United States and to the total Mexico-to-U.S. migrant flow, it is significant relative to the skilled population in Mexico. The presence of highly educated individuals among Mexico-born persons enumerated in the Census may reflect in part Mexicans

pursuing higher education in the United States. The subsequent migratory behavior of these highly educated individuals is of obvious importance to the two countries and deserving of future research.

We have focused on the characteristics of migrants, but full comprehension of the migration phenomenon must consider the migrants' legacy for their families and for their places of origin and destination. Mexico and the United States are deeply intertwined. Many Mexicans have American relatives and ancestors, and many Americans have Mexican relatives and ancestors. This is particularly visible in border areas but extends geographically following historical migratory flows. This intertwining is found across the broadest socioeconomic spectrum of each country and reaches into artistic, literary, scientific, and governmental circles. The migrants' legacy includes migrants' children, wherever they may settle, but it also includes the enlarged perspectives of individuals in transnational families and societies. Studying the migrants' legacies would seem to be an important task for future research in both countries.

Of course, perceived characteristics often differ sharply from the actual characteristics of a given population (see Volume 2, pages 819 to 867). Such discrepancies may be endemic to migration, given that migrants are often viewed very differently in the origin and destination countries, as well as by different groups within countries. The challenge is to distinguish between actual characteristics, as defined and measured through scientific procedures, and perceived characteristics that may or may not have empirical foundation.

Because migration is dynamic and conditions in both the United State and Mexico change, understanding Mexican migration to the United States requires continual monitoring. We recommend establishing a bilateral program of longitudinal research on successive cohorts of new migrants. This binational study is an important first step in that direction.

Notes

NOTES: Subsets identified in the data are denoted by closed rectangles. Missing rectangle denotes the absence of persons in the data set currently in that legal status. The set of deportable migrants includes legal nonimmigrants who violate the terms of their visa and entrants without inspection. The "other Mexican household surveys" discussed in the text resemble ENADID in their information on legal status.

1. At the inception of this study, our intention was to encompass not only Mexicans in the United States but also Americans in Mexico. Unfortunately, the study of Americans in Mexico is seriously neglected by scholars in both countries. Of course, there is a large American presence in Mexico—ranging from American clubs to a network of American

schools—as American visitors to Mexico quickly learn. According to data collected by the U.S. Department of State, Mexico is the leading country of residence for Americans abroad, attracting 20 percent of the total: 522,274 civilian Americans (excluding employees of the U.S. government and family members of U.S. government and military personnel) resided in Mexico as of May 1, 1993. The second largest contingent is found in Canada—335,490, or 13 percent of the total.

The ENADID data set described includes U.S.-born individuals residing in Mexico (including U.S.-born children of Mexican migrants). These data, in particular, merit further study.

2. The ENADID represents the most important and complete macro-social treatment of demographic behavior in Mexico. It integrates the three aspects of demographic dynamics (fertility, mortality, and migration). It is the first national-level study, covering practically every zone in the country. For purposes of our research, it encompasses the following units of analysis: dwellings, domestic and foreign members of these dwellings, habitual residents of these dwellings, and persons from these dwellings who left to live in another country between 1987 and the date of the survey (additional information is available in Volume 2, pages 769 to 778).

3. For these few characteristics—sex, age, birthplace by state—individuals who recently have migrated to the United States are very similar to return migrants.

4. See the methodological appendix elaborated by the National Population Council (Consejo Nacional de Población—CONAPO).

5. Massey, Goldring, and Durand (1994) propose an index of community "migration prevalence" as a basis for comparing communities that are apparently at different stages of the migration process. For a given community at a given point in time, international "migration prevalence" is defined as the number of people with international migratory experience divided by the total number of people alive.

6. Naturalization appears to be seriously overstated in U.S. Census and CPS data—e.g., over 100,000 Mexico-born persons in the 1990 Census report that they entered in 1985-1990 and that they are naturalized—even taking into account the fact that the Census question on period of entry refers to the "latest year he/she came to stay," so that admission to permanent residence might predate reported period of entry and be consistent with the reported naturalization. For comprehensive analysis of the measurement of naturalization in Census and CPS data, see Passel and Clark (1997).

7. As pointed out by diverse sources, this out-migration had its origins in the recruitment of workers by North American employers for jobs in agriculture and railroad construction.

8. See, for example, Samora (1971), the findings of the ENEFNEU (1978-79) study reported in Zazueta and Corona (1979), and the findings of ETIDEU (1984) in CONAPO (1986).

9. Colima is included because of its geographic location and because, although in relation to the total migrant flow its weight is small, migrants represent 5.7 percent of its resident population.

10. South Baja California's share is minimal, with only 0.2 percent of all migrants coming from that region (0.95 percent of the region's resident population).

11. In the Samora study, 84% of the sample originated from rural areas. In the ENEFNEU this percentage was lower—69.8%. Nevertheless, it was greater than that observed for the total Mexican population in 1978 (53 percent).

12. It is possible that this predominance is related to age (deported migrants are younger) and the demographic growth of this region, in which the urban population is predominant. It also may be affected by a relative importance of migration networks in rural versus urban communities, with the result that urban-origin migrants find themselves less protected by these networks when they enter the United States to work.

13. According to the U.S. Census, presented by Gamio (1930).

14. It is likely that the large weight for the northern states is due to the rising demand there for low-skilled workers, relatively high wages for these workers, and perhaps also to the fact that, in the border states, many of the Mexicans interviewed no longer maintained economic ties with families in Mexico. Unfortunately, this indicator of migrant populations is very sensitive to remittance behavior.

15. The ENEFNEU was carried out by the Centro Nacional de Información y Estadísticas del Trabajo (CENIET) of the Secretaría del Trabajo y Previsión Social, between December 1978 and January 1979. Its sample size is 62,500 housing units in 115 localities, randomly selected. It gathered information on approximately 300,000 individuals (CENIET, 1982: 57).

16 INS data also suggest that immigrants who choose to live in the Southwest are less likely to subsequently naturalize than their counterparts who settle elsewhere (Table 2).

17. It is likely that the different weights of females in the ENEFNEU is due to this survey's inclusion of migrants with and without documents. It is common for women to migrate with documents.

18. The differences result from both the type of data and the ways in which these data were collected. The EMIF only captures labor migrants, while the universe for the ENADID, in theory at least, is the total Mexican population. Moreover, the fact that the EMIF is carried out at the border, at the moment of the border crossing, reduces the share of females: A number of micro-regional studies have shown that women normally migrate only when they have documents, and these make it possible to travel directly between places of origin and destinations in the United States (i.e., by air). Finally, stays in the United States typically are longer for women than for men. This reduces the probability that women will be picked up in surveys of circular migrants at the border.

19. Information on sex is not available for the immigrant cohorts of Fiscal Years 1980 and 1981.

20. Sex-specific counts of spouses of U.S. citizens were published in the INS annual reports until 1979. The figures for 1982 and 1994 are based on the microdata public-use files, and the figure for 1985 is estimated from the GAO data.

21. In the total registered population the difference is greater: 34.2 for women, 31.8 for men.

22. In the total population, average age is 34.9 for women and 32.8 for men.

23. In the ETIDEU the average is the same overall and 4.6 for women.

24. Information on average schooling from the EMIF was provided by Dr. Jorge Santibáñez of the COLEF.

25. It is possible that many of those with high schooling levels worked simply as research or teaching assistants during their post-graduate studies.

26 Difficulties in comparing Census and CPS findings make it inadvisable to infer increases or decreases in schooling levels between 1990 and 1996 from these comparisons.

27 Respondents classified as having EWI experience met at least one of two criteria: (i) their first trip to the United States was without legal documents, or (ii) adjustment to permanent residence was from an EWI status. Because the NIS Pilot Study did not collect complete migration histories, the measure of EWI experience yields an underestimate, and hence measured differences between the two subgroups understate the true differences.

28. It should be pointed out that this is based on small samples: 9,687 north-bound migrants and 2,972 voluntarily returning migrants. Among deported migrants the number is much larger: 25,588.

29. The ENADID does not provide information on migrants' type of work activity in the United States.

30. There is some evidence of increasing diversification of employment for Mexican migrants by 1920, particularly in the eastern and midwestern parts of the United States; see Santibáñez, 1930 and Gamio, 1930 y 1969. However, there was a reconcentration in agriculture under the Bracero Program (Fonseca, 1986).

Factors that Influence Migration

Agustín Escobar Latapí, Philip Martin, Gustavo López Castro & Katharine Donato

Executive Summary

This report examines the factors that cause people to cross the Mexican-U.S. border and work temporarily or settle outside their country of citizenship, and assesses the factors that sustain such migration over time. Most of the cross-border labor and settlement migration involves Mexicans moving to the U.S.; this report therefore focuses on factors that influence and sustain Mexico-U.S. migration.[1]

In absolute terms, the United States is the world's major country of immigration, and Mexico is the world's major country of emigration. The U.S. accepted 916,000 legal immigrants in FY96, more than any other country, plus 275,000 unauthorized settlers. About 165,000 of these legal U.S. immigrants were Mexican nationals; if another 125,000 unauthorized settlers were Mexican nationals, then Mexican immigration to the U.S. in FY96 exceeded total immigration to Canada in 1996, which was about 225,000, and was nine times the immigration of 100,000 foreigners to Australia.

The best estimates suggest that there were 7 million to 7.3 million Mexican-born residents in the U.S. in 1996, including 4.7 to 4.9 Mexican-born residents

authorized to be in the U.S., and 2.3 to 2.4 million unauthorized Mexican-born residents.[2] The number of legal and unauthorized Mexican-born residents living in the U.S. is increasing by 277,000 to 340,000 per year.[3]

The U.S. labor market is proportionately more important to Mexican workers than Mexican workers are to the U.S. labor market. Some 4 million to 5 million Mexican nationals, equivalent to one-eighth of Mexico's labor force of 37 million,[4] are employed in the U.S. in a typical year. However, even if there are 5 million Mexican-born workers in the U.S. labor force, they would represent less than 4 percent of the average 130 million persons employed in the U.S.

Mexico to United States migration has a long history, and has become one of the most important linkages between the two most populous countries in North America, affecting employment patterns, demographic trends, regional dynamics, and politics in both countries. "Go north for opportunity" is an idea deeply embedded in Mexican youth, especially in the rural areas of west central Mexico. Closer economic integration between the U.S. and Mexico, including more trade and investment, is interacting with migration patterns and altering them in significant ways in the 1990s.

Findings

We group the factors that sustain Mexico-U.S. migration into three broad categories; demand-pull factors in the U.S., supply-push factors in Mexico, and network factors that bridge the border. Our analysis leads to a simple conclusion; the migration of persons from Mexico to the U.S. is a dynamic process. What began largely as the U.S.-approved or U.S.-tolerated recruitment of Mexican workers for mining, railroad, and seasonal U.S. farm jobs a century ago has become a far more complex migration relationship that is moving rural Mexicans into traditional and nontraditional industries, occupations, and areas of the U.S.

Our report is based on three key findings:

- First, the origins of Mexico-U.S. migration lie largely inside the United States—Mexican workers were recruited earlier in the 20th century for U.S. farm jobs, creating linkages between jobs in U.S. agriculture and workers in particular Mexican communities.

  Today cross-border networks of relatives, friends, and labor brokers and recruiters link an expanding list of U.S. industries, occupations, and areas to a lengthening list of Mexican communities that send migrants to the U.S. While in Mexico, residents of these Mexican communities often have better information about the availability of certain types of U.S. jobs than do local U.S. residents.

The U.S. labor markets in which Mexican migrants are finding U.S. jobs are changing, and may change even more as a result of technological and trade trends and as welfare reform adds to the supply of low-skilled U.S. workers. First, most Mexican workers are employed outside of U.S. agriculture: about 80 percent of Mexican-born workers in the U.S. hold nonfarm jobs.

Second, the demand side of U.S. labor markets is changing, as U.S. employers adjust to higher minimum wages and more global competition. On the supply side, high immigration since the 1980s and legalization in 1987-88 permitted Mexican-born workers to become significant components of the U.S. food processing, construction, service, and manufacturing labor forces throughout the U.S. Welfare reforms and continued immigration promise to continue to add unskilled workers to the labor supply in the 1990s.

Third, it is not clear whether the U.S. labor market will continue to evolve in ways that absorb large numbers of Mexican immigrant workers. On the one hand, the U.S. unemployment rate dropped to its lowest levels in 25 years in 1997, and there are reports of labor shortages, especially in low-wage labor markets in areas with unemployment rates of less than 2 percent, such as the midwest. U.S. job growth is very rapid: between January 1, 1994 and June 1, 1997, the U.S. economy added about 8 million jobs. With Mexican-born workers spreading throughout the U.S. in a period of rapid job growth and low employment, networks that bridge the border may be strengthened, increasing the demand for immigrant workers, and making Mexican immigrant workers a permanent feature of more U.S. industries and areas.

On the other hand, the U.S. is committed to stepped up controls at the border and in the interior, to moving 2 million to 3 million adult welfare recipients into jobs, and to creating jobs for the rapidly growing domestic labor force. The 140 million strong U.S. labor force, which usually expands by about 1 percent per year or 1.4 million per year, has been expanding about twice as fast, due to immigration, welfare recipients moving off the rolls, more older men working, and an increase in the percentage of working-age women seeking jobs. In 1997, over 67 percent of the U.S. population 16 and older was in the labor force, a record percentage of adults employed or looking for work.

It is hard to project the evolution of labor markets that immigrants traditionally enter. In many areas of the U.S., immigrant workers, fears of

labor shortages and high welfare caseloads go together. For example, in the San Joaquin Valley of California, about 85 percent of the 400,000 individuals who work as farm workers sometime during a typical year are immigrants, including 100,000 or more unauthorized migrants. Farmers fearful of labor shortages are calling for modifications of the H-2A program to make it easier to obtain temporary foreign farm workers. At the same time, 25 percent of the 761,000 residents of Fresno county are receiving some form of welfare assistance, and the unemployment rate in Fresno is over 10 percent for most months.

One scenario is that immigrant labor markets will segment, with some U.S. employers reacting to low unemployment and welfare reforms that limit assistance for immigrants by offering English and other services to help their immigrant employees to become naturalized U.S. citizens. Other U.S. employers, such farm labor contractors, may go further into the underground economy to avoid labor law and immigration enforcement, hiring recently-arrived immigrants. Further segmentation of immigrant labor markets could mean that networks may become more important, with the ability to get into the upper segment of the unskilled immigrant labor market the key to economic mobility in the U.S.

- Second, the factors that initiate migration flows are not necessarily the only ones that sustain Mexico-U.S. migration. We find that there is still a demand-pull for Mexican workers in the low-unemployment U.S. labor market, in the sense that most recently-arrived legal and unauthorized Mexican migrants can find jobs in high turnover farm, manufacturing, and service jobs, both in areas where Mexican-born workers have traditionally played important roles, as in southwestern agriculture, and in new industries in the midwest, the southeast, and east coast, including construction, meatpacking, and services. In some cases, including poultry and meat packing, private labor brokers play an active role in moving Mexican workers to jobs in the midwest and southeast.

  Supply-push factors in Mexico play a role as fundamental as the availability of U.S. jobs in sustaining Mexico-U.S. migration. Supply-push factors seem to have become more important since the mid-1980s as a result of recurring Mexican economic crises, peso devaluations, and Mexican policies aimed at economic modernization, such as the privatization of government-owned industries that resulted in layoffs and the restructuring of rural Mexico that made small-scale farming less profitable.

This means that Mexicans migrate to the U.S. (1) within well-established networks as well as (2) through new networks that are developing to move migrants to the U.S. from regions without a tradition of Mexico-U.S. migration, such as from Mexican cities and southern Mexican states. Friends and relatives established in the U.S. often provide financing, advice, shelter and jobs to newly-arrived migrants. Settled family members use U.S. family unification policies to have spouses and children join them, and eventually secure legal immigrant status.

The U.S. border enforcement strategies begun in 1994, 1995, 1996, and 1997 under the Hold-the-Line, Gatekeeper, Safeguard, and Rio Grande labels are affecting migration patterns, but not preventing unauthorized entry. First, we find that most (73 percent) of Mexicans attempting unauthorized entry into the U.S. hire polleros or *coyotes* to help them cross the border, and that migrants with the fewest network links to bridge the border are most likely to rely on the smugglers who operate as border-only businesses. The increased use of coyotes generally, and of border businesses in particular, helps to explain why most migrants attempting unauthorized entry succeed (70 percent or more) despite significantly more U.S. Border Patrol agents and technology on the border.

Second, we find that smuggling has achieved enough regularity to become an established business with three segments; local agents, local and border smugglers, and border-only smuggling businesses, each with a menu of prices and services. After U.S. border control operations were stepped up in 1994, more migrants turned to coyotes, whose services became more diversified. Thus, unauthorized migrants have several packages of services available, and several options to pay for the cost of illegally entering the U.S., including working in a coyote-provided or coyote-arranged job in the U.S. to repay smuggling costs.[5]

In some areas of west central Mexico, survey data suggest that migration to the U.S. has become a way of life. Based on migration histories collected in 39 communities in traditional emigration areas, we estimate that, by the time they are 40, most of the men in these communities make at least one trip to the U.S. Based on a model that predicts migration to the U.S. on the basis of age and community characteristics, it appears that, in some communities, the probability that a young man will make a first trip to the U.S. increased after 1992.

- Third, we find that there is reason to believe that currently high levels of Mexico-U.S. migration may represent a hump or peak in the volume of

Mexico-U.S. migration. Within the next decade, we think that demographic and economic factors within Mexico are likely to reduce emigration pressures.

One long-term supply-push factor explaining the mid-1990s migration hump, and the eventual decline in emigration pressure, is demography: the number of new job entrants entering the labor force in Mexico has been very high, but will decline. In 1997, the number of new labor force entrants in Mexico is expected to be 970,000. However, the declining birthrate since 1970,[6] when Mexican women averaged seven children each, means that the growth in the labor force is slowing, and is projected to drop to 500,000 to 550,000 per year by 2010.

Mexico adopted an ambitious restructuring and privatization program in the 1990s that promises to increase economic efficiency and job growth in the medium to long term, but displaces workers in the short term. If Mexico maintains market-driven economic policies, the International Monetary Fund projects 5 percent annual economic growth, and 2.5 percent employment growth, for 1997 and thereafter.

Given this 2 to 1 ratio between real GDP growth and employment growth, an average 5 percent economic and 2.5 percent job growth per year would lead to the creation of 750,000 new jobs each year, based on 30 million employers and wage and salary employees.[7] The actual ratio of economic growth to employment growth in recent years has been a more favorable 1.35; this was the ratio of economic growth to labor force growth for the period 1988 to 1995.[8] Using a 1.35 ratio, 5 percent annual GDP growth would generate 3.7 percent job growth, or 1.1 million new jobs each year.[9]

Sustained economic growth plus the declining number of new job seekers means that, early in the 21st century, Mexico could be creating enough net new jobs to absorb new labor force entrants. Mexico could then begin to catch up on job creation for currently unemployed and underemployed workers, those displaced from agriculture and other industries, and nonworking women who rejoin the labor force. We emphasize that medium-to-long term demographic and economic indicators suggest that supply-push emigration pressure should decline from current levels because it is easy to focus on recent events that point to increases in emigration pressure, including the peso devaluation and economic crisis of 1995, and the uneven recovery from recession.

This longer term perspective emphasizes changing structural factors in Mexico that could reduce Mexico-U.S. migration. The demographic factors are real, and their effect on reducing emigration pressure could be magnified if, e.g., more young people stay longer in school. The economic factors are less certain; Mexico has experienced uneven economic growth over the past several decades, and could experience recessions and crises again.

Other changes in Mexico may also reduce emigration pressure. Migration networks are best established in rural areas with long traditions of sending young men to the U.S. As the number of persons employed in Mexican agriculture shrinks, and some ex-farmers are absorbed in Mexico's service economy, there should be fewer Mexicans with strong network connections ready to migrate to the U.S.

The Mexican economy is stabilizing and growing; the economy grew by almost 9 percent in the second quarter of 1997. Mexico's economy grew by 5.1 percent in 1996, after shrinking by 6.2 percent in 1995, and is projected to grow by 4.5 percent to 5.1 percent in 1997.

The number of permanent workers enrolled in the Mexican Institute for Social Security (IMSS), which is considered a good guide to the number of formal sector jobs in the private sector, rose by a record 661,024 in 1996 to 9,163,459, an expansion characterized by the OECD as "strong job creation in the 'formal' economy" (OECD Economic Outlook 61, June 1997, 98). Job growth continued in 1997; some 282,782 permanent workers were enrolled between January and April 1997, bringing the total to 9,446,241 at the end of April 1997, including 103,000 additions in April. Of the permanent workers enrolled in IMSS, 40 percent were in manufacturing (377,000 new IMSS jobs in 1996), 36 percent in services (166,000), 19 percent in trade (103,000), and five percent in agriculture (16,000).

However, interest rates remain high, the peso may be overvalued, and the recovery is unequal, accentuating inequality. Mexicans linked to the world economy via exports of manufactured goods are doing much better than those operating only in the domestic economy, such as in construction and small-scale agriculture.[10] Inequality has increased since 1984; according to the 1997 UNDP Human Development Report, the richest Mexican person has assets equivalent to the incomes of the poorest 17 million Mexicans.

Thinking About Mexico-U.S. Migration

We find it useful to think of migration processes between Mexico and the U.S. as analogous to a river that creates a delta en route to the ocean. When the Bracero Program was in operation, the flow of Mexicans north was largely confined to the channel created by legal recruitment. Blocking that channel by abolishing the Bracero Program in 1964 thus stopped the migration flow temporarily. The migration soon resumed, however, with a myriad of small streams the vehicle for Mexicans migrating north.

Visualizing Mexico-U.S. migration as having evolved from a narrow channel to rivulets meandering through a delta provides insights into a complex and dynamic migration process:

1. If the underlying demand-pull, supply-push, and network factors change in strength and relative importance, policies designed to deal with just one factor at one level of migration may lose their effectiveness over time. For example, U.S. policies that were based on the assumption that the major factor sustaining Mexico-U.S. migration was legally-authorized demand-pull U.S. employer recruitment became less effective in the 1970s and 1980s as the key factors sustaining migration shifted to informal U.S. employer recruitment and supply-push and network forces. In such circumstances, simply stopping legally-authorized foreign worker recruitment did not stop migration.

2. Both the U.S. and Mexico took steps over the past decade that reinforced the network and supply-push factors that encourage Mexicans to go north for opportunity:

   — The U.S. legalized the presence of over 2 million Mexicans in 1987-88, including 1 million farm workers. The 1 million legalized Special Agricultural Workers who were Mexican meant that the equivalent of one-sixth of the adult men in rural Mexico gained the right to settle in the U.S. and petition to have their families join them. One U.S. government commission concluded that the SAW farm worker legalization program promoted unauthorized Mexico-U.S. migration by giving the impression that doing unauthorized farm work in the U.S. was a way to become a legal immigrant (Commission on Agricultural Workers, 1992).

   — Mexico in the early 1990s changed its economic policies in a manner that may compress into a decade or less what would otherwise have been a slower shrinking of employment in agriculture. Mexico eliminated most input subsidies and price guarantees in agriculture,

switched to direct payments to farmers, and eased trade restrictions, signaling the eventual shrinking of the production of many commodities, notably corn, that today absorb a great deal of labor, but in which Mexico does not have a comparative advantage.

— Extensive networks of family, community, and private agents have developed to assist Mexicans wishing to migrate legally and illegally to the U.S., including a variety of advisors, smugglers, and transportation agents. The migration infrastructure has become very sophisticated, so that migrants have choices in deciding who will help them to cross the border, how to finance the trip, and in finding U.S. employment.

3. It should be kept in mind that some of the factors that today are producing high levels of Mexico-U.S. migration should abate over the next 5 to 15 years.

— First, Mexico's population growth has slowed, which promises fewer new labor force entrants in the years ahead.

— Second, workers can be displaced from agriculture only once. Thus, after the Mexican farm labor force has been reduced from 25 percent of all workers in the mid-1990s to 12 to 15 percent by 2015, supply-push emigration pressures from the areas that have some of the best network connections to the U.S. should diminish.

— Third, the destabilizing impacts of Mexican institutional and market reforms should run their course. If economic growth is sustained at current and projected levels, jobs and upward pressure on wages should encourage many potential migrants to remain in Mexico.

— Fourth, the U.S. labor market is expected to absorb a large number of unskilled workers over the next few years, as the normal complement of new job seekers are joined by persons removed from welfare rolls. This increased supply of U.S. workers, as well as more border and interior enforcement, may reduce the availability of jobs for newly-arrived Mexican workers.

Policy Recommendations

Bearing in mind our key findings:

- The catalyst for much of today's unauthorized Mexican migration for U.S. employment lies in the U.S., but solutions are to be found in both countries.

- The same tendencies that currently seem to be increasing and diversifying Mexico-U.S. migration flows may be dampened starting in the next 5 to 15 years, thus reducing Mexico-U.S. migration.
- There is no magic bullet solution such as a guest worker program to deal with unwanted Mexico-U.S. migration, we make three policy recommendations:

1. The social and economic policies of the U.S. affect Mexico-U.S. migration patterns, just as Mexican policies affect emigration. Repeatedly, the U.S. or Mexico have been surprised by the other's changes in policies that affect migration patterns. To prevent unanticipated migration flows, a consultative mechanism should be established so that the U.S. and Mexico make each other aware of policy decisions that are likely to affect migration patterns.

   This recommendation echoes that of the U.S. Commission for the Study of International Migration and Cooperative Economic Development in 1990, which called for migration impact statements within the U.S. government to prevent the shock of unanticipated migration like that, for example, that arose in the Caribbean after the U.S. government increased its support of U.S. sugar producers by reducing sugar imports.

   We recommend that a U.S.-Mexico group be established to develop migration impact statements in both countries, and that these statements be discussed during annual U.S.-Mexican presidential meetings so that the migration issues discussed at these meetings include some mid-to-long-range perspectives. This approach may help to reduce bilateral tensions over migration issues, and may lead to a framework for bilateral migration management.

2. We recommend that both the U.S. and Mexico focus on the major U.S. attraction for migrants, jobs and higher earnings, that more be done inside the U.S. to prevent the employment of unauthorized workers, and that Mexico seek to avoid the creation of new migration networks from areas of Mexico that have traditionally not sent migrants to the U.S. Recognition of the different degrees of dependence on immigration and emigration inside each country could lead to migration management policies tailored to each major immigration/emigration area. For example, the U.S. may want to rethink its policy of requiring the INS to search open fields for unauthorized workers, since surveys suggest that the percentage of unauthorized workers has climbed steadily in the 1990s. Mexico may want to

prevent a culture of migration from developing in areas that are just beginning to see an outflow to the U.S.

3. At this time, we are not prepared to recommend a bilateral U.S.-Mexico foreign worker program, although we are mindful of the recommendations of many in both the U.S. and Mexico that a new program with Mexico be started.[11]

   There are three major reasons why we are not recommending a program at this time. First, there are few "certifiable" labor shortages in the U.S. industries, occupations, and areas in which Mexican and other non-immigrant workers are employed. In some of these immigrant labor markets, real wages have declined, and work-related benefits have disappeared. Certification of employer need for the foreign workers currently employed is often the subject of litigation, and the use of legal non-immigrant workers in these jobs may become more contentious as welfare reform augments the supply of unskilled U.S. workers. There may also be less seasonality in many of the labor markets in which Mexican-born workers are employed than is assumed, making it difficult to expect or enforce the worker rotation implicit in non-immigrant guest worker programs.

   Second, U.S.-sanctioned *bracero* recruitment in the 1950s is widely considered to have oriented many Mexican workers toward the U.S. labor market instead of toward local jobs and development. Today, when Mexico is modernizing its economy and promoting export-oriented economic development, a Bracero Program may make investors reluctant to invest in areas from which migrants leave for the U.S., thus reinforcing their dependence on emigration. If guest workers were to come from nontraditional migration areas, new migration streams may be set in motion.

   Third, there is as yet no convincing evidence that U.S. border and interior control efforts have reduced unauthorized Mexico-U.S. migration, so that opening a legal channel for Mexican temporary workers would probably add to rather than substitute for unauthorized workers, depressing conditions for legal Mexican-born workers in the U.S. labor market.

   Perceptions in the U.S. and Mexico are often very different about the ability of a temporary worker program to serve as a remedy for unauthorized Mexico-U.S. migration, so we recommend that the U.S. and Mexico study the guest worker idea very carefully to dispel myths

about what might be involved. We think that such a study would puncture the notion that U.S. employers, worker advocates and the U.S. government could easily reach agreement on the details of a program with the Mexican government and Mexican workers.

The demands from each side make the gaps clear. Mexico would like any bilateral guestworker to be large enough to substitute legal for unauthorized labor migration, to ensure that both Mexican workers and U.S. employers participate in the program, and to protect the legal and work place rights of legal migrant workers. A program agreed to by the U.S. would aim to admit only workers needed to fill legitimate labor shortages, and to ensure that foreign workers do not adversely affect similar U.S. workers. In addition, the U.S. would require that migrant workers remain legal nonimmigrant workers, and leave when their terms of employment end.[12]

Report Outline

The findings and policy implications summarized above are based on our review of the research that has accumulated on Mexico-U.S. migration as well as empirical work commissioned for the binational study. Some of our findings are based on the community studies that have been done in Mexico, and some on the U.S. communities where the Mexican migrants settle. Many of the community studies, including those based on the Mexican Migration Project (MMP) data, concluded that non-economic factors have become as important as economic factors in motivating and sustaining Mexico-U.S. migration.

Our report has five sections. The following section lays out our demand-pull, supply-push, and network framework for examining the evolution of Mexico-U.S. migration. We then turn to a review of case and community studies of Mexico-U.S. migration, demonstrating that the major motivators of Mexico-U.S. migration have shifted from demand-pull recruitment to a more complex situation in which supply-push factors increase the number of migrants, in part because of mature and evolving networks. We also present our re-analysis of Mexican Migration Project data on 30 Mexican communities that send migrants to the U.S.

The third section introduces the results of recent case studies conducted for the Binational Study. We then turn to key informant and poll data on the current migration peak or hump, explaining why Mexico-U.S. migration seems to be higher in the mid-1990s than in the immediate past. We discuss the factors that might reduce migration pressures.

The final section restates our conclusions, and Volume 3, pages 869 to 1000, includes detailed analyses of several issues mentioned in the report.

Demand-Pull, Supply-Push and Networks

There are as many reasons for migration as there are migrants. However, most individuals who cross national borders for employment and/or settlement do so for one of two major reasons—economic or non-economic. The factors that lead individuals to migrate, in turn, are motivated and sustained by three major types of influences—demand-pull, supply-push, and network and other factors.

The result is a 2x3 matrix summarizing why people migrate, and the factors that sustain migration flows. Specific kinds of migrants are found in each cell, and individual migrants may fit into more than one cell. For example, economic migrants may require all three influences to decide to move across borders for employment—a supply-push reason for seeking employment elsewhere, a network that provides information about job availability and perhaps the means to finance migration to a foreign job, and demand-pull confidence that, once abroad, a job will be waiting.

The demand-pull, supply-push, and network framework permits us to make two important points about economically-motivated migration:

Table 1
Determinants of Migration
Factors Influencing the Decision to Migrate

Type of Migrant	Demand-Pull	Supply-Push	Network/Other
Economic Migrants	Labor recruitment, e.g., guest workers	Un- or under-employment; low wages; e.g., farmers whose crops fail	Job and wage information; sons following fathers; family unification
Non-Economic Migrants	Family unification; e.g., family members join established spouse in destination country	Flee war and persecution; e.g., displaced persons and refugees/asylum seekers	Communication; transportation; Assistance organizations; Desire for new experience/ adventure

Notes:
1. Individual migrants may shift from category to category.
2. Pull, push, and network factors rarely have equal weights in any particular migration.
3. The weight of each factor in a particular migration stream tends to change over time.

- First, the three factors that influence an individual's decision to migrate rarely have equal one-third weights in any particular migration flow.
- Second, the weight of each factor often changes over time.

A common pattern is for demand-pull foreign worker recruitment to set international migration for employment in motion. Migrants are willing to be recruited because of the expected earnings gap at home and abroad, which reflects both demand-pull and supply push factors; wages times the probability of being employed induce migration.[13] However, network factors to become more important as the migration stream matures: "each act of migration alters the social context within which subsequent migration decisions are made, typically in ways that make additional movement more likely"[14] (Massey et al. 1993, 451). This means that, when recruitment is stopped, migration may continue, as supply-push and network factors sustain migration. [15]

Virtually all research on Mexico-U.S. migration begins with the premise that most Mexico-U.S. migration is driven by economic factors, broadly construed (Massey et al., 1994). There is also some non-economic migration across the Mexico-U.S. border, motivated by the desire to unify families in the U.S., and U.S. policies that encourage family unification. In addition, factors such as political persecution may push some residents to seek safety abroad, and other factors, such as the desire of teenagers and students for a new experience abroad, may encourage emigration.

Demand Pull

Most labor migrations begin inside the destination country, the U.S. in this case, as employers there, with or without explicit government approval, recruit and employ migrant workers from the sending country. During the early years of such labor recruitment, demand-pull factors tend to dominate reasons for migration, so that it appears that governments can open and close the foreign worker tap at will. In other words, indicators such as the number of vacant jobs or the unemployment rate can explain virtually all of the year-to-year fluctuation in the number of legally-recruited foreign workers arriving in an area.[16]

However, demand-pull, supply-push, and network factors usually evolve in a manner that yields one of the "principles" of international migration for employment; there is nothing more permanent than temporary workers (Miller and Martin, 1982). There are many reasons why temporary migrants can become permanent residents, or unauthorized workers can begin to accompany legal workers, including:

- migrants may gain legal rights to stay, as when they have their legal status renewed often enough to "earn" legal immigrant status,

- migrants may obtain the information or contacts needed to enter and stay unlawfully,
- employers may come to depend on migrants, and offer them jobs regardless of the government's recruitment policies or the worker's legal status,
- problems with the official recruitment system may encourage some employers and workers to avoid using it, promoting a parallel illegal migration system.

Why Demand-Pull?

There are several types of theories that seek to explain why immigration countries permit or tolerate the entry of foreign workers, and how the presence of foreign workers sets in motion factors that tend to make migration for employment a more or less permanent feature of a recipient country labor markets.

Structural dependence theories use as explanatory variables the evolution of attitudes of workers toward jobs, and adaptations of employers to immigrant workers, to explain how particular industries or entire economies come to rely on immigrant workers. Piore, for example, developed a worker attitude theory to explain structural dependence, arguing that only first-generation newcomers would fill certain jobs at the bottom of the labor market, so that the continued existence of these jobs sets in motion a migration for employment dynamic.

Piore's theory is based on the notion that there is a hierarchy of jobs that changes slower than do worker aspirations, creating a vacuum at the bottom of the labor market that attracts immigrants. Piore defined "bad jobs" in terms of wages, benefits, and promotion opportunities. Wayne Cornelius, among others, has a complementary theory that stresses that some jobs experience cyclical or seasonal layoffs, and that aging native-born workers want job security, so that native workers shun cyclical jobs, creating a demand-pull for immigrants to fill such jobs.

Cornelius considers industries to be structurally dependent on foreign workers if the employment of foreign workers does not change as unemployment changes over the business cycle—as when the demand for foreign workers persists despite rising unemployment (Cornelius, Martin, and Hollifield, 1994, 34). Some immigration researchers take this structural dependence idea one step further, arguing that employers prefer to hire foreigners, regardless of the unemployment rate, because the foreigners work harder and have better attitudes. In addition, the networks that bring foreigners into the work place often recruit and train new workers at no cost to the employer (Waldinger, 1996).

Rent-seeking theories of structural dependence begin from the notion that employers and other organized groups try to use government to obtain benefits for

themselves (Freeman, 1994). Groups that would benefit from an influx of foreign workers, such as farmers, seek government permission to employ them. Once enough employers believe that immigrant workers will continue to be available, underlying asset prices may change, giving asset owners an incentive to maintain the immigration status quo. For example, U.S. farm land prices have been estimated to be 10 to 20 percent higher because immigrant workers are readily available, so that farm wages lowered by immigration may account for up to $20 billion of the $100 billion value of U.S. fruit and vegetable land in the mid-1990s (Martin, et al. 1995).

Marxist and class theories assert that the world economy is organized in a manner that keeps emigration countries poor, and that distinct groups of workers in competition with each other are necessary to maintain work force discipline. For example, Marxist theories emphasize that development based on labor-saving technologies can never produce enough jobs, guaranteeing unemployment in emigration countries, and that the value-added in countries that export primary products is low, so that the wage gap between rich and poor countries will persist. The rural population remains poor and ready to emigrate because of slow growth in agricultural productivity, and because farm innovations that increase productivity displace rural labor.

In immigration countries, class theories argue that immigrant workers are needed to break strikes and otherwise play a buffer role in the labor market to make both native and immigrant workers docile. *Dependency theories* maintain that industrial nations permit immigration to keep emigration countries poor by taking from them their best and brightest (the so-called brain and brawn drains).

Some of these theories can be used to explain both why demand-pull factors initiate international migration for employment, and why such migration continues. However, most of these theories are too general to permit researchers to draw clear lines that demarcate initiating factors from sustaining factors. And, even if they can draw lines between initiating and sustaining factors at a point in time, few can explain why sustaining factors change.

For example, Mexican farm workers were first recruited legally by U.S. farmers during war periods, when farmers could argue that war unexpectedly reduced the supply of young men most available to be seasonal farm workers. Labor-intensive U.S. agriculture expanded during periods of legal Mexican labor recruitment, and in a manner that required a supply of workers willing to accommodate themselves to weather and other factors that determined exactly when the workers have employment. The U.S. need for flexible seasonal workers persisted after legal recruitment ended, and Mexican workers had become dependent on U.S. earnings, so the migration continued.

Another example illustrates how U.S. government policies can reinforce employer and U.S. worker perceptions about who does and should do certain types

of work. Seasonal farm work emerged as a last resort job because of the legacy of slavery and sharecropping, but also because farm work was the most common occupation assigned to prisoners and others under government internment. During World War II, when Mexican *braceros* (strong-armed ones) were recruited to work on U.S. farms, the U.S. government also offered the Japanese residents of western states who were interned in camps the chance to do farm work, and many did. In 1944 and 1945, Italian and German prisoners of war worked as farm workers. Finally, federal, state, and county prisoners were lent out to local farmers during harvest season to pay off their fines, a practice that continued until the late 1960s.

Once farmers make investments in orchards and vineyards that assume that a flexible supply or workers would continue to be available, they rationally fight for continued access to such workers to protect the value of their assets, as Freeman points out. However, as Piore notes, it is very hard for an industry that has become dependent on flexible immigrant workers to revert to native workers—unless there is a massive change in technology, wages, or job structure.

Bracero Recruitment

There was some Mexico-U.S. migration during most of the 20th century, but most Mexican-born persons in the U.S. today arrived after 1980. Recruitment was considered necessary in the 1940s and 1950s to set Mexico-U.S. migration flows in motion. There has always been considerable U.S. opposition to permitting farm employers to recruit Mexican workers—in the three most significant cases, in 1917, 1942, and 1951, "wartime emergencies" were the justification for permitting U.S. employers to recruit Mexican farm workers.

Seasonal U.S. employment seemed to be a perfect match for many farmers in West Central Mexico, who plant crops in June, after the summer rains begin, work in the U.S. during the summer months, and return to harvest their crops in October, after the U.S. harvest season is over. Between 1848 and 1907, there were no U.S. inspection stations on the Canadian and Mexican borders, and data on the number of Mexican immigrants arriving before 1907 refer only to Mexicans who arrived by sea, which was never more than 700 in any year before 1900 (Elac, 1961, 4, 33). Between 1900 and 1914, the peak number of Mexican immigrants admitted was 23,238 in 1912, but immigration fell to about 12,000 in 1913.

The first U.S. government-approved recruitment of Mexican workers occurred in 1917, when the U.S. Department of Labor suspended the head tax and the literacy test on Mexican workers coming to the U.S. "for the purpose of accepting employment in agricultural pursuits." The 81,000 Mexican workers admitted legally between 1917 and 1921 were required to work for the employer with whom they had up to a one-year contract or face deportation. Mexican immigration rose sharply,

from 17,900 in 1917 to over 52,000 in 1920, although the U.S. recession of 1921 led to the repatriation of an estimated 150,000 Mexicans.

Legal Mexican immigration increased in the 1920s, peaking at 89,300 in 1924—Mexican immigration averaged over 50,000 per year between 1924-1929. During the 1920s, the Mexican-born population in California tripled to 368,000. Mexican-born workers soon dominated the seasonal work force: a 1928 estimate was that Mexicans were 70 to 80 percent of the 72,000 casual and seasonal workers in California (Fuller, 1940, 19871). Repatriations and depression practically stopped Mexico-U.S. migration in the 1930s. Taylor (1937, 9) reported that there were about 150,000 migrant farm workers in California in 1935, and 200,000 to 350,000 nationwide, but did not mention Mexican-born migrants as an important group.

In 1942, U.S. farmers once again appealed for Mexican workers to produce "food to win the war." During World War II, admissions peaked at 62,000 in 1944, less than 2 percent of nation's 4 million hired workers. Between 1942 and 1947, some 220,000 Mexican *braceros* were admitted with government approval.

The Bracero Program that was created to deal with wartime labor shortages expired in 1947. There followed several years of informal and illegal movement. U.S. farmers were permitted to import Mexican workers, or employ illegal workers already in the U.S., after the U.S. Department of Labor certified labor shortages, and if the U.S. farmers offered the Mexican workers the same contracts guarantees that were required under the government-to-government program. However, neither the U.S. nor Mexican governments played a role in recruitment or contract enforcement.

There were tensions between the U.S. and Mexican governments. In the 1948 "El Paso incident," the U.S. government permitted several thousand "illegal Mexicans" to enter the U.S. over Mexican government objections, and then "paroled" or legalized them so that they could go to work for U.S. farmers (Hawley, 1966, 158-9).

The presence of Mexican workers diminished somewhat in the late 1940s. For example, a careful survey of some of the 100,000 farm workers in California's San Joaquin Valley in 1948 found only 15 percent Mexican-origin workers, and only one-third of them—about 5 percent of the valley's farm workers—were born in Mexico (Metzler and Sayin, 1950, 17).[17]

On July 12, 1951, over the objections of a President's Commission on Migratory Labor, PL-78, the Mexican Farm Labor Program, became law. President Truman, in reluctantly signing PL-78 into law, sent a note to Mexican President Alemán suggesting that the Bracero Program be only six months long to keep up the pressure on Congress to approve an employer sanctions bill.

President Alemán agreed that the U.S. and Mexico should combine "our efforts, in putting a definite stop to the illegal movement of agricultural workers" (quoted in Kiser and Kiser, 1979, 157). In 1951, Mexico's interior ministry announced that

it was "adopting new measures to have our border authorities keep a strict vigilance over the departure of our compatriots and prevent the departure of those who are not properly documented," and cooperating with defense and other ministries to "prevent the illegal departure of our compatriots from Mexican Territory" (Kiser and Kiser, 1979, 159-160).

These control measures were not effective. Instead of a government-regulated seasonal farm worker program, Mexican workers continued to arrive outside official channels and find U.S. jobs. According to Scruggs, "in Mexico there was no shortage of laborers eager to leave for the United States... many simply headed for the border without contacts of any kind in the U.S." (1960, 324). In the spring of 1954, the U.S. launched "Operation Wetback" to reduce illegal entries, and simultaneously made it easier for Mexican workers and U.S. farmers to employ legal *braceros*. As a result, the ratio of apprehensions to *braceros* was reversed between the early 1950s and the mid-1950s. In 1951-52, there were 5 apprehensions per *bracero* admission; by 1956-57, there were 5 *bracero* admissions per apprehension.

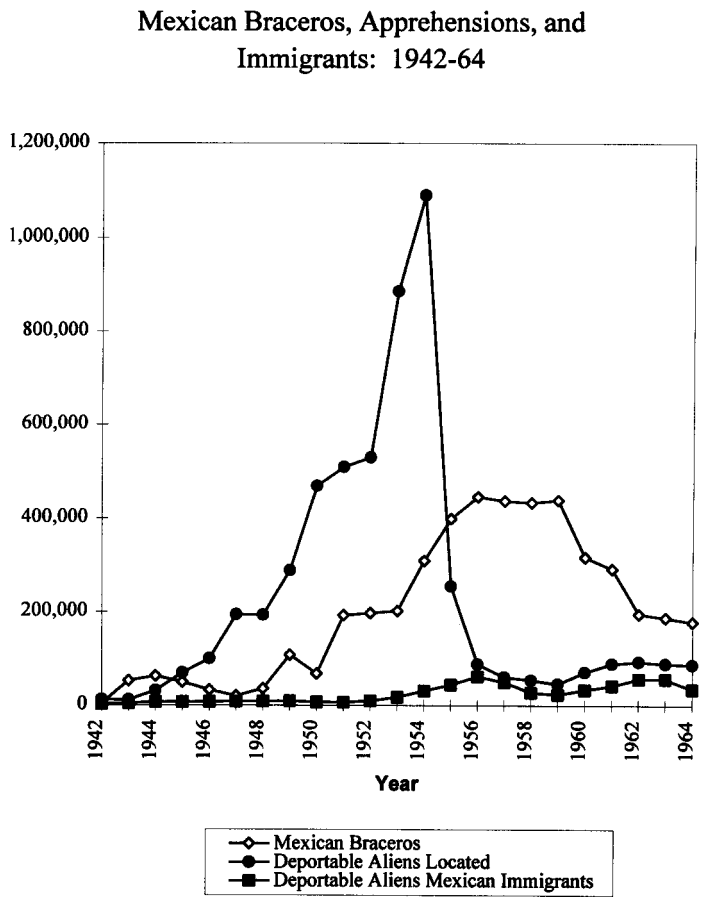
A summary of how the Bracero Program was administered is in Volume 3. See pages 869 to 974.

Together, the various "Bracero Programs" admitted about 4.6 million Mexican farm workers—perhaps one to two million individuals—between 1942 and 1964, and institutionalized a way-of-life that combined farming in Mexico and working for wages in the U.S. However, increased competition for the limited number of *bracero* slots in Mexico—the number of admissions peaked at about 445,000 in 1955—and the fact that U.S. farmers preferred to pay transportation to their farms only from the border, encouraged some Mexicans to move their families to the border area to improve their chances of being selected for admission as *braceros*.

It is perhaps worth noting that apprehensions—5.3 million—exceeded *bracero* admissions—4.6 million—between 1942 and 1964. The Mexican percentage of those apprehended fell from 99 percent in the early 1950s to 33 percent in the early 1960s, and the percentage of illegal Mexicans located in U.S. agriculture fell from 35 to 40 percent in the mid-1950s to 15 to 20 percent in the early 1960s (U.S. House of Representatives, Committee on Agriculture. 1963. 47). Both apprehensions and admissions measure events and not unique individuals—the same person could be apprehended several times, and the same person could be legally admitted as a *bracero* several times.

Most U.S. farmers did not employ *braceros*. In the late 1950s, almost 95 percent of all *braceros* worked on 50,000 farms in 5 states, meaning that 98 percent of the farms in the U.S. did not employ *bracero* workers (Hawley, 1966, 157).

The Kennedy Administration, which took office in January 1961, was determined to revise the Bracero Program to better protect U.S. workers by



Source: Congressional Research Service. 1980. 36-37.

Figure 1. Mexican *Braceros*, Apprehensions, and Immigrants: 1942--64

preventing Mexican workers from depressing U.S. farm wages. In October 1961, when President Kennedy "reluctantly" signed a bill to extend the Bracero Program through December 31, 1963, he asserted that "the adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact" (Congressional Research Service, 1980, 52). Kennedy order the U.S. Department of Labor to "prescribe standards and to make the determinations essential for the protection of the wages and working conditions" of U.S. workers (quoted in Congressional Record, August 15, 1963, 15215).

Table 2
Mexican *Braceros*, Apprehensions, and Immigrants; 1942-64

Year	Mexican *Braceros*	Deportable Aliens Located	Mexican Immigrants
1942	4,203	11784	2,378
1943	52,098	11,175	4,172
1944	62,170	31,174	6,598
1945	49,454	69,164	6,702
1946	32,043	99,591	7,146
1947	19,632	193,657	7,558
1948	35,345	192,779	8,384
1949	107,000	288,253	8,803
1950	67,500	468,339	6,744
1951	192,000	509,040	6,153
1952	197,100	528,815	9,079
1953	201,380	885,587	17,183
1954	309,033	1,089,583	30,645
1955	398,650	254,096	43,702
1956	445,197	87,696	61,320
1957	436,049	59,918	49,321
1958	432,857	53,474	26,721
1959	437,643	45,336	22,909
1960	315,846	70,684	32,708
1961	291,420	88,823	41,476
1962	194,978	92,758	55,805
1963	186,865	88,712	55,986
1964	177,736	86,597	34,448
	4,646,199	5,307,035	545,941

Source; Congressional Research Service. 1980.

Temporary Worker Programs; Background and Issues. 36-37

In March 1963, the House Committee on Agriculture held hearings on whether the Bracero Program should be extended beyond December 31, 1963. Unions, churches, and the American GI Forum, an Hispanic veterans group, testified against extending the program. Farmers testified in favor of a two year extension, i.e., until December 31, 1965. On May 29, 1963, the House voted 174-158 not to extend the Bracero Program for two more years.

Mexico favored a two-year extension of the Bracero Program, pointing out that *braceros* sent about $35 million annually in money orders through the Bank of

Mexico to their families in Mexico, and that total remittances topped $100 million per year (Taylor, 1963, 42). In a June 21, 1963 note, the Mexican government asserted that the Bracero Program was "a result of the migration phenomenon... the absence of an agreement... would give rise to... the illegal introduction of Mexican workers into the United States."

Craig credits this Mexican note with tipping the balance in Congress in favor of extending the Bracero Program one more year, until the end of 1964 (1971, 195-6). The Senate voted 62-25 to extend the Bracero Program for one more year on August 15, 1963, and the House concurred in October, 1963.

As the Bracero Program wound down, did illegal Mexico-U.S. migration increase? The Mexican ambassador in 1963 noted that, as the number of *braceros* went down in the early 1960s, the number of apprehensions was stable, leading him to conclude that "Mexican workers have understood and accepted the fact that if they cannot obtain work by contract, it is because they would not obtain it either by entering the U.S. illegally" (quoted in Congressional Record, August 15, 1963, 15203).

Network Recruitment in 1996

Most of the community studies summarized below note that *bracero*-era recruitment set in motion migration flows that took on a life of their own. By the mid-1990s, these migration flows had evolved to move Mexican migrants across the Mexican-U.S. border without the active recruitment of workers in Mexico by U.S. employers.

Many U.S. employers today attract recently-arrived Mexican workers without sending agents into Mexico to recruit workers, or asking the Mexican government to recruit workers for them. For example, most rural areas in the midwest have unemployment rates under four percent, so meatpacking plants advertise in local media, but most rely on supervisors or current workers to recruit additional workers for them.[18] The worker recruitment network, in turn, handles entry across the border, transportation to the work place, and informal help learning the job.

The Chicken Trail

The Los Angeles Times on November 10-12, 1996 profiled one Mexican worker network in a three-part report on Mexicans and Mexican-Americans who followed the "chicken trail" from southern Texas to Missouri. Hudson Foods, based in Noel, Missouri, (population 1,169), paid a south Texas recruiter, B. Chapman & Co., $175 for each worker who showed up in Missouri for the $6.70 per hour jobs in its chicken processing plant. The reporter told how workers made their way north on

the “chicken trail” to work for Hudson and live in a converted motel, along with 135 other migrant poultry workers, for $45 per week per person (Rural Migration News, January and July 1997).

In 1994, Hudson employed about 1,200 workers to process 1.3 million chickens each week in Noel. Annual turnover exceeds 100 percent, so that Hudson hires about 50 new workers each month. Hudson employees are represented by a union. About 45 percent of the labor force are Latinos. Hudson paid a $20,625 INS fine in 1992 because many of them were not authorized to work. Hudson offers current employees who bring new workers to the plant a $300 bonus.

Hudson, the country’s seventh largest-poultry producer, with headquarters in Rogers, Arkansas, has 14 facilities in 11 states, more than 10,000 employees and expects $1.4 billion in sales for 1996.

The reporter-worker described the wet, the 47-degree temperature inside the plant, the semi-automated “disassembly” line and the lack of training for newly hired workers. The number of broiler chickens processed in the U.S. each year has more than doubled, from 3 billion per year in the early 1970s to 7 billion per year in the mid-1990s.

Hudson’s human resources director was quoted as saying: “there’s a large number of jobs that very few citizens in the U.S. want to do, but they’re there and they need to be done.... One of the social goods the poultry industry provides is employing people who would otherwise have a great deal of trouble getting employed.”

The labor recruiting company travels to industry shows in search of employers seeking unskilled labor and then offers to recruit workers for theses companies. According to the reporter, the recruiting company checked workers’ identification cards and took urine samples to test for drugs on the particular trip reported. The Border Patrol checked the Greyhound passengers identification cards in Falfurrias, about 75 miles north of the Mexican border.

In 1994, the owner of the motel where newly-arrived poultry processing workers were housed bought what was then a run-down hunting lodge motel for $220,000 and reopened it to house migrant chicken workers. Because poultry work is considered nonfarm work, it is not subject to special farm worker housing inspection, only normal local health and safety screening. The motel management takes every new Hudson worker to apply for food stamps at the Division of Family Services and the number of Latinos receiving food stamps in Noel increased from 35 per month in 1993 to 375 per month in 1996. In 1997, Hudson invested $3 million to build 60, 920-square foot duplex units that it rents to newly arrived workers.

Hudson is the economic linchpin of Noel, Missouri, but Hudson pays no property taxes to the city. The number of Latino students in Noel’s elementary school rose from 25 to more than 100. Hudson and nearby Simmons Foods contributed $12,000 to Noel schools in 1996.

The Beef and Pork Trail

The U.S. meatpacking industry has experienced four major changes since World War II. First, there has been a change in dietary habits—the average per capita consumption of chicken increased to 70 pounds per person per year in 1995, while that of beef and pork fell to 67 and 52 pounds per person. Second, there have been technological changes that moved meat packing away from urban consumers of meat and into rural areas closer to farmer-producers of cattle and hogs. Boxed beef, vacuum packing, and lower wages in rural areas were among the reasons why it became preferable to prepare retail packages of meat close to where animals are slaughtered.

Third, changes in the labor force, especially after 1980, have led to more unskilled workers, women, and immigrants in the plants—women traditionally have played a more important role in poultry processing than meatpacking. The union master agreement disappeared as three new meat packers replaced a number of century old businesses, and real wages fell. The real hourly earnings of meatpacking workers peaked in 1979, when meatpacking workers earned almost $15 per hour in 1992 dollars, and almost 20 percent more than the average manufacturing worker; in 1994, by contrast, real earnings were less than $10 per hour.

Fourth, both the raising and slaughter of animals became concentrated in fewer and larger operations. In some cases, meatpacking plants were located next to huge feedlots that were owned by the major packers. The cost of the animal remains the largest single cost of meat packing—cows costs slaughterhouses $0.60 to $0.70 per pound, and hogs $0.40 to $0.50 per pound, and "disassembling" these animals into meat products costs $0.05 to $0.10 per pound for beef, and $0.20 to $0.25 per pound for pork.

In a modern plant, 1200 250-pound hogs can be processed per hour, or 16,000 to 18,000 per day on two eight-hour shifts. The hogs are stunned, hung by one leg, stuck with a knife, and then carried through washing and singeing machines to remove hair. Carcasses are then split, internal organs removed, and various cuts of meat removed as the carcass travels past workers armed with knives. About one production worker is required for each 10 hogs slaughtered on a daily basis. The job hierarchy in most plants is relatively flat, meaning that there are relatively few production jobs that pay twice the entry-level wage.

Turnover is very high, so meat packers are constantly recruiting workers. Meatpacking plants advertise for workers in local media, and some offer bounties of e.g., $200 for each new worker referred. Some have both local recruiters, and recruiters who travel to e.g., Texas or California, to seek workers. The striking difference between meatpacking and seasonal agriculture is that meatpacking offers year-round jobs and annual earnings that are high enough to support a family,

so that the issues associated with the arrival of families—housing, schooling, health care—become important community issues early in the migration process.

Adjusting to Fewer Mexican-born Workers

There is one example of a U.S. industry adjusting to the removal of Mexican-born workers—the U.S. processing tomato industry—that shows how the supply of immigrant labor can create and sustain a demand for such labor.[19] In 1960, a peak 45,000 workers (80 percent *braceros*) were employed to hand-pick 2.2 million tons from 130,000 acres of the processing tomatoes used to make ketchup. In 1996, about 5,500 will be employed to ride on machines and sort almost 12 million tons of tomatoes harvested from 360,000 acres, a record crop.

In 1960, the average American consumed 44 pounds of processed tomato products. In 1994, per capita consumption of processed tomato products was about 75 pounds, versus 13 pounds per capita of fresh tomatoes. The real price of processed tomatoes in California fell from $30 per ton in 1960-61 to $22 per ton in 1970-71 (Brandt and French, 1981, 92). Processed tomatoes account for three-fourths of the 105 pounds of processed vegetables that the average American consumes. The U.S. exports about 5 percent of its processing tomato products.

In the early 1960s, when there was discussion of ending the Bracero Program, California growers argued that "the use of *braceros* is absolutely essential to the survival of the tomato industry." Headlines in farm magazines read; "Without *braceros*, tomato growers will slash acreage" (California Farmer, July 6, 1963, 5), from 177,000 acres in 1962. Tomato industry leaders were unanimous that California would "never again reach the 100,000 to 175,000 acres planted when there was a guaranteed supplemental labor force in the form of the *bracero*" (California Farmer, July 6, 1963, 5), and the director of the California Department of Agriculture testified that, without *braceros*, "we could expect a 50 percent decrease in the production of tomatoes" (U.S. House of Representatives, 1963, 61).

In fact, the termination of the Bracero Program in 1964 accelerated the mechanization of the harvest in a manner that quadrupled annual production in California from 3 million tons in 1960 to 12 million tons in 1996. The mechanical harvesting system spread quickly—in 1962, only 1 percent of California processing tomatoes were harvested mechanically. By 1969, 100 percent of the tomatoes were harvested by machine—the pace at which the machine was adopted traces out an S-shape. Cheaper tomatoes permitted the price of ketchup and similar products to drop, helping to fuel the expansion of the fast food industry.

The development of the tomato harvester was unusual. Unlike the usual approach to mechanization, in which engineers try to adapt the machine to the plant, so that e.g., a tobacco harvester can repick a field several times, tomato

mechanization utilized a systems approach in which scientists redesigned the plant so that most of the tomatoes would be of the same size, and most would ripen at the same time, and engineers developed a mechanical harvester that cut the plant, shook off the tomatoes, and then relied on electronic eyes to quickly pick up and sort red and green tomatoes (Rasmussen, 1968). Most of the research was done at the University of California-Davis, at a cost of about $700,000; the major private manufacturer spent an additional $500,000 to produce machines (Seckler and Schmitz, 1969, 14).

As one result, the work force and the wage system changed. In this case, local women paid hourly wages to sort machine-picked tomatoes replaced *bracero* men who earned piece rate wages to hand-pick tomatoes. According to one account, "Before the tomato harvester, tomatoes were harvested largely by *braceros*... recruited from rural villages in Mexico... [attracted by] unusually good wages." Employers asked their year-round tractor drivers and irrigators to bring their wives to ride on the tomato harvesting machines, and many did—the tomato harvest labor force changed from over 95 percent male in the early 1960s, to over 80 percent female by the late 1960s (Friedland and Barton, 1975, 59-61).

The tomato case illustrates what happens when wages rise, and there is labor supply shock. Farm wages in relation to farm machinery prices reached their low points in 1949-51, and again in the late 1950s. Beginning in the late 1950s, when the U.S. Department of Labor stepped up its enforcement of Bracero Program wage regulations, the wages of farm workers rose in relation to machinery prices, peaking in the early 1970s.

This illustrates a general point about the continuing demand-pull "need" for immigrant workers; if they are not available, and wages rise, there is a strong incentive to find labor-saving substitutes. However, if workers are readily available at low wages, the supply of labor can create its own demand—if immigrant workers are available, some factories or industries will adjust to employ them.

After a decade or more of dependence on immigrant workers, these firms and industries will argue that it is impossible to operate without immigrants. And they are correct; after the tomato harvest was mechanized, tomato growers had to get big enough to justify buying a harvesting machine, or they switched to other crops—over half of the farms growing tomatoes in 1960 were not growing them in 1970.

The tomato experience suggests that dependence on immigrant workers is often a one-way street, in the sense that market forces alone will increase rather than decrease the employment of immigrants over time. However, government policy can affect labor supply and technological choices, as the tomato case demonstrates, meaning that the extent of U.S. demand-pull for Mexican immigrant workers can be changed by U.S. immigration, trade, and technology policies.

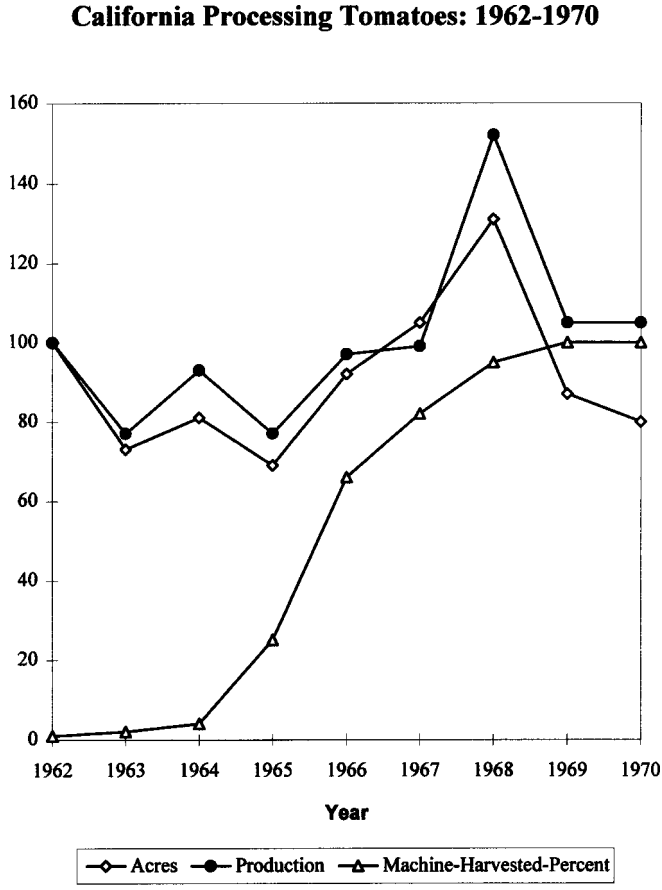


Figure 2. California Processing Tomatoes: 1962-1970

Changing government policies to reduce employer reliance on immigrant workers is not easy. In the U.S. in the 1960s, the U.S. Secretary of Labor devoted an enormous amount of time to a program that admitted fewer than 200,000 Mexican workers for less than 1,000 farmers, in a time when the U.S. labor force included 75 million workers. As long as there are U.S. occupations and industries that are dominated by immigrants, there will be ports of entry for immigrant workers. Government policies that change the supply of labor can lead at least some producers to adapt with labor-saving technologies, investment abroad, or re-organizing work.

In some cases, technological and market changes can expand the demand for immigrant workers if they are available. The U.S. meat-packing industry, for

Table 3
California Processing Tomatoes; 1962-1996

Year	Acres	Production	Machine-Harvested (%)
1962	100	100	1
1963	73	77	2
1964	81	93	4
1965	69	77	25
1966	92	97	66
1967	105	99	82
1968	131	152	95
1969	87	105	100
1970	80	105	100
1996	203	373	100

In 1962, there were 177,200 acres and 3.2 million tons.
Source: Friedland and Barton, 1975. Rural Migration News.

example, was able to reduce wages and hire an immigrant work force during a technological shift that moved many jobs from retail stores to the packinghouses, and shifted the location of many plants. The electronics industry in California expanded during the 1970s and 1980s and hired immigrant workers to fill many of the new jobs created.

Mexicans in the U.S. Labor Market

In July 1996, there were 134 million U.S. residents employed (127 million) or actively looking for jobs (7.3 million), for an unemployment rate of 5.4 percent. Most workers in the United States are native-born U.S. citizens. In no U.S. state or city, and in none of the six major occupational or nine industrial sectors broken out in published labor force data, are immigrants a majority of the labor force.

Most U.S. economic data array individuals by race/ethnicity or U.S. versus foreign born rather than citizen–non-citizen categories. Thus, monthly labor market data collected from 60,000 households (the Current Population Survey) reports employment and unemployment data by sex, age (16 to 19 and 20 and older), and race (Black) as well as ethnicity (Hispanic), but not by citizenship and country of birth.

In October 1994, according to the Current Population Survey, there were 14 million foreign-born persons, and 118 million U.S.-born workers, in the U.S. labor

force, making foreign-born workers about 11 percent of the 132 million labor force.[20] Half of the foreign-born workers—6.4 million—were Hispanic, and two-thirds of these immigrant Hispanics—about 4.1 million—were born in Mexico. This means that Mexican-born workers are about 3 percent of the U.S. labor force.

Of the 4.1 million Mexican-born workers in the U.S. labor force in October 1994, 3.7 million were employed, and 380,000 were unemployed, for an unemployment rate of 9.3 percent at a time when the overall U.S. unemployment rate was 5.5 percent.

Mexican-born workers are a larger share of employment in some industries and occupations than others. For example, about 12 percent of those employed in agriculture and forestry in October 1994 were born in Mexico, as were 5 percent of those employed in construction and manufacturing. By occupation, about 7 percent of those with farming occupations were born in Mexico, and 5 percent of the operators and craft workers in the U.S. were Mexican born.

It is easy to exaggerate the role of Mexican-born workers in the U.S. labor market. Of the 400+ detailed occupations in U.S. labor statistics, there are only a handful of major occupations in which Mexican-born workers are perhaps a majority of all workers, including janitors and cleaners, household workers, and farm

Table 4
Employment by Selected Occupation: 1994–2005 (000)

	1994	If 50% Mex-born	2005	Total New Jobs	Growth	Replace-ment
Janitors and cleaners, including maids	3,043	1,522	3,602	1,140	559	581
Food preparation workers	1,190	595	1,378	282	188	94
Private household workers	808	404	682	245	-126	371
Farm workers	906	453	870	263	-36	299
Gardeners and nursery workers	569	285	623	128	54	74
Sewing machine operators, garment	531	266	391	106	-140	246
Helpers, construction trades	513	257	581	429	68	361
Vehicle washers and cleaners	249	125	299	133	50	83
Total	7,809	3,905	8,426	2,726	617	2,109

New jobs include job growth and worker replacement.

Silvestri, George. 1995. Occupational Outlook to 2005. Monthly Labor Review, Vol 118, No 11, November. 64-78.

workers. Indeed, if half of the workers in the eight "immigrant" occupations below were Mexican born in 1994, then the following eight occupations would account for all Mexican-born workers employed in the U.S.

These occupations, which employed 7.8 million workers in 1994, are expected to employ 8.4 million in 2005, an increase of 600,000. But the number of new workers expected to be hired in these occupations is 2.1 million, or 3.5 times more, because these tend to be high turnover occupations that entry-level workers abandon as soon as they can find better jobs.

Replacement explains why the demand-pull of jobs may exist even in a declining occupation or industry. The highest worker replacement ratios are found in occupations such as food counter and related food service occupations, the typical case is a fast food restaurant with one manager over 25 and a crew of 10 to 20 workers under 25. Note that BLS projects that there will be about 37,000 vacancies per year for farm workers, or 25,000 per year for garment sewers, illustrating that, even in shrinking occupations, employers may be eager to employ recently arrived immigrants.

Labor Shortages and Welfare Reform

In 1997, the U.S. labor market is in a period of transition. First, unemployment is dropping even as the labor force is expanding. The U.S. labor force expanded by 1.3 million workers per year in the early 1990s, but expanded by 3.7 million in the 16 months of January 1996 through April 1997. Between January 1, 1994 and June 1, 1997, the U.S. economy has added about 8 million jobs.

The U.S. labor force of 140 million normally increases by about 1 percent or 1.4 million per year. The U.S. labor supply has been expanding about twice as fast, due to immigration, welfare recipients moving more quickly to work, more older men working, and an increase in the percentage of working-age women seeking jobs.

At the same time, the U.S. unemployment rate was 4.8 percent in May 1997, the lowest rate since November 1973. The result has been a flurry of reports of labor shortages, even for unskilled and entry level workers. In response, some of the largest U.S. employers of low wage workers—defined as hourly wages below $8.50, roughly the wage used by the federal government to determine eligibility for federal housing, child care and food subsidies—have formed the 26-member Employer Group to better find and keep stable, low-wage workers. About 80 percent of the 600,000 U.S. workers at McDonald's earn about $6 an hour, 80 percent of Marriott International's 185,000 workers earn $8 per hour, half of Hyatt's 40,000 employees earn less than $8.50 an hour. About 90 percent of Levi Strauss's 19,000 U.S. clothing production workers earn about $8 an hour. Collectively, the Employer

Group employs about 2.5 million U.S. workers, and says that "market realities" make it impossible to raise wages significantly.

According to the employer group, worker productivity reaches maximum sustainable levels after three years on the job. To retain workers, these employers are exploring ways to help their employees to find adequate child care, reliable transportation, and affordable housing. ConAgra estimates that it costs the company $2,000 to $3,000 to train a worker to understand health and safety standards and to learn how to properly trim meat off an animal carcass.

While U.S. employers are worrying about how to find and keep workers in entry level jobs, welfare administrators are trying to find jobs for recipients. Under the welfare reform, an additional 140,000 current welfare recipients are expected to be pushed into the labor force each year over the next five years. Most specialists divide adult welfare recipients into three categories: a group capable of getting jobs, but temporarily down on their luck because of illness or divorce; a second group that needs training and incentives to find jobs; and a third group that may not prove employable.

The number of welfare recipients has fallen sharply, as the most employable recipients find jobs. There were a peak 14.4 million U.S. welfare recipients in March 1994, 12.1 million in August 1996, and 10.7 million in May 1997, the lowest number since 1970. In California, the number of recipients peaked at 2.7 million in March 1995, and 2.4 million in May 1997. The Council of Economic Advisers estimated that 44 percent of the decline in welfare was due to economic growth, 31 percent to welfare reform and the rest to other factors.

In many cases, immigrant workers, fears of labor shortages, and high welfare caseloads go together. For example, in the San Joaquin Valley of California, about 75 percent of the 400,000 individuals who work as farm workers sometime during a typical year are immigrants, including 100,000 or more unauthorized migrants. Farmers fearful of labor shortages are calling for modifications of the H-2A program to make it easier to obtain temporary foreign farm workers. At the same time, 25 percent of the 761,000 residents of Fresno county are receiving some form of welfare assistance, and the unemployment rate in most months is over 10 percent.

Economic theory has little to say about why natives shun certain jobs, or how to respond to employer pleas of labor shortages, because economics rests on the assumption that changing prices or wages will eliminate any tendency of U.S. workers to avoid certain jobs, and cure any labor shortages. For example, neither of the 1994 review articles by Borjas and Greenwood mention labor shortages or native avoidance of "immigrant" jobs. In other words, the economic reasons for labor shortages and the solutions to them are one and the same—raise wages.

A review of the why-do-natives-avoid-certain jobs literature suggests two conclusions:

- reasons offered for job avoidance tend to be discipline-specific, e.g., economists discuss why rational individuals might find it economically rational to remain unemployed rather than accept immigrant jobs, geographers stress spatial disparities in the location of workers and jobs, sociologists point to rising expectations among nationals unwilling to accept low-status jobs, and lawyers look to rules and regulations that restrict immigrant access to particular jobs.
- the lack of a comprehensive theory of job avoidance means that there is little consensus on the relative importance of variables such as information, wages, working conditions, worker (im)mobility, or legal and social status in explaining why nationals avoid certain jobs, and little sense of the dynamics of change in such factors, as might occur if some jobs were first avoided because guestworkers were restricted to them and later became isolated as immigrant networks "took over."

How can the U.S. deal with the twin problems of getting work done and finding jobs for unskilled workers? The literature on filling "bad jobs" suggests that:

- preventing jobs from being shunned by nationals is far better than trying to re-attract nationals into such jobs after immigrant workers have gained a foothold.
- changing the supply of national workers for "bad jobs" becomes increasingly difficult over time, as immigrant networks isolate and effectuate changes in both labor supply and demand that make it very costly and difficult to re-attract nationals into "immigrant" jobs.
- most policies that succeed in dealing with bad jobs do so by reducing the number of or eliminating such jobs, not by re-attracting nationals into them.

Reducing or eliminating "immigrant" jobs can often be accomplished most efficiently with non-labor market measures, such as liberalizing trade to eliminate agricultural jobs, subsidizing labor-saving automation or self-service means of performing the work, taxing reliance on immigrant workers, or encouraging investment abroad.

Supply Push

Why Supply-Push?

Individuals migrate, and most theories of why people cross borders for economic reasons are based on the economic notion that individuals try to maximize their economic well-being, and they will migrate if they expect their economic status to

improve. The classic theory was developed by Todaro (1969), who emphasized that a rational person contemplating migration would compare the present value of the earnings she expected to receive where she now lives with expected earnings in another country, and move if expected earnings—wages times the probability of finding a job—were higher. Expected earnings would be higher, of course, if the migrant could legally cross borders and be assured of a job at higher wages, as under guest worker systems.

According to economic theory, emigration puts upward pressure on expected earnings in the origin, and downward pressure on expected earnings in the destination, and migration continues until an equilibrium is reached in which the expected earnings gap equals all costs of migrating, including psychic costs. Empirical studies find that expected earnings are a good guide to the direction of migration—individuals do tend to move from areas in which expected earnings are lower to areas of higher expected earnings.

Some analysts argue that the two major factors that determine expected earnings—wages and (un)employment—play different roles in migration decisions. Wage differences, the argument runs, make an individual prone to migrate, while job losses in the area of origin prompt emigration.

Many recent empirical studies begin with this expected earnings framework, and then expand it by considering, e.g., an individual's expected earnings' contribution to a multi-person household (Taylor, 1987), or how households use emigration to:

- overcome crises that result from e.g., a lack of insurance,
- obtain savings for investment when there are few local moneylenders or,
- obtain the funds needed to buy the consumer goods that neighbors were able to purchase with savings and remittances (Stark, 1991).

According to Taylor, et al., (1996, 404), the new economics of migration is based on the hypothesis migration "originate(s) in the desire to overcome market failures that constrain local production... [so that migration can be] an intermediate investment that facilitates the transition from familial to commercial production... [remittances can] loosen constraints on local production, once migrants become established abroad" (1996, 405).

In evaluating these theories of why individuals migrate for economic reasons, it seems prudent to remember that all begin from the expected earnings gap. In most cases, on a scale of 1 to 10, expected earnings differences are 80 to 90 percent of the reason why a person moves, with the extending explanations accounting for the rest. The fact that the research literature focuses on the extensions rather than the basic model should not obscure its importance.

Mexican Labor and Social Conditions: 1980–1994

Mexico has had a roller coaster economy since 1980, falling from an oil-inspired boom in the late 1970s into a debt crisis in 1982-83, then opening to the world economy in the mid-1980s, entering a pre-NAFTA boom in the early 1990s, and suffering a peso devaluation and economic depression in 1994-95. In 1997, the Mexican economy appears to be back on track, expanding at twice the U.S. economic growth rate.

During the roller coaster 1980s, standard social indicators improved, albeit at a slower pace than in the 1970s, as the government rationalized and improved the efficiency of its services. For example, the life expectancy of men rose from 63.7 to 66.4 between 1980 and 1990, and to 68.5 by 1995. Women life expectancy rose from 69.9 to 73.0 during the 1980s, and faster rate after 1990, reaching 75.5 by 1995. By 1995, life expectancy in Mexico exceeds that of some of the wealthier Latin American countries, including Argentina, Brazil and Colombia.

Similarly, illiteracy also fell during the 1980s, dropping from 17 to 12 percent of the population. The growth primary school enrollment between 1988 and 1994 was 2 percent per year, while the growth of children in this age group was only 1 percent per year, suggesting that more children are in school. By 1995-6, preschool attendance reached a historic high, including almost 80 percent of those of kindergarten age (Segundo Informe de Gobierno de Ernesto Zedillo). Mexico recently raised compulsory schooling from six to nine years; about 42 percent of 15 to 19 year olds are in school. About 20 million children are expected to be enrolled in K-12 Mexican schools in fall 1997, versus 52 million in the U.S.

In August 1997, President Ernesto Zedillo announced a $155-million PROGRESA program aimed at breaking the cycle of poverty in Mexico. Up to 177,416 families in parts of 10 states will get $8 a month to keep young children in school, with the payments higher for girls than boys, and rising with age. Unlike Solidarity, the Salinas Administration antipoverty program, PROGRESA is to be administered by the states.

During the eighties, the number of dwellings that lacked piped water supplies fell from 28 percent to 20 percent, and fell further to 19 percent by 1994. The share of housing units without sewage facilities fell from 36 percent in 1990 to 34 percent in 1992, while the share of households with electricity rose from 88 to 89 percent.

These improvements in social indicators can be attributed to improved service delivery during the 1980s, rising incomes after 1987, and the social program developed during the Salinas administration, *Programa Nacional de Solidaridad* (PRONASOL), which involved local residents in the provision of basic

infrastructure. This program has been criticized for serving electoral rather than strictly social welfare objectives (Dresser 1991, Molinar Horcasitas 1994, Roberts and Escobar 1997), since PRONASOL paid particular attention to municipios and states where the dominant party (PRI) had lost elections in 1988. Spending was also targeted to states with crucial upcoming elections, and there was no clear relationship between the level of poverty of different states and their per capita PRONASOL investment. Nevertheless, it must be said that PRONASOL delivered services in many poor states and regions, and that these improvements are evident in macro social figures and indicators.

From a supply-push perspective, worsening social indicators such as health or education or housing did not play a significant role in the rise of emigration seen during the 1980s. However, some of the states that became significant sources of emigrants in the 1980s did experience at least a stagnation in the improvement of social indicators, including the northern border states, where housing conditions deteriorated, partly because of rapid urban growth. In the South and Southeast, life expectancy stagnated and fertility and infant mortality remained very high in states such as Oaxaca and Guerrero.

Finally, a full appraisal of social conditions during the 1980s should acknowledge that, even though earnings continued to improve during the 1980s, the restructuring of employment meant new and often worse work conditions, including more frequent spells of unemployment.

Developments in the Mexican labor market since 1982 can be divided into three periods, one characterized mostly by adjustment, a second one by restructuring, and a third, the "crisis of 1994." Adjustment, restructuring, and crisis occurred under a longer-term era of growing mismatch between labor force growth that exceeded job growth, especially after 1975. In 1995, were 1.2 million persons turning 15. However, the number of new labor force entrants will begin to decline by 2000, and then slow significantly by 2010.

In 1982, the peso was devalued by 80 percent against the dollar, and there followed a period of adjustments marked by five factors that affected migration:

1. Earnings fell sharply, by an average 23 percent between mid-1982 and mid-1983, mostly as inflation outpaced earnings growth, and the incomes of those at the top of the earnings distribution fell even more, producing what some analysts called "equality through impoverishment" (Cortes and Rubalcava 1989). The ratio of U.S. to Mexican wages jumped from about 2.2 to 1 in 1981 to 6 to 1 by the end of 1983.

2. Unemployment did not rise significantly, except for an uptick in 1983, as adjustments occurred mostly through lower earnings (Lustig 1992).

3. Some women entered the labor market to offset falling male earnings. After 1982, married women with young children began entering the labor market, including poorer women in their 30s with young children who went to work for wages to maintain family income. In Guadalajara, for example, poor women going to work were able to make offset about two-thirds of the incomes that their husbands lost through lower real earnings after 1982 (Gonzalez de la Rocha).

4. However, there were few new formal sector jobs created for these women, except for an additional 400,000 jobs in *maquiladoras*, so that many of the women went to work as maids or in personal services.

5. Most Mexican firms adjusted to the peso devaluation by using more now-cheaper labor, which permitted them to be more flexible in meeting ever-changing consumer demand in what was still largely a closed market. However, in Monterrey, there was a comprehensive restructuring in some manufacturing industries, so that industries there emerged from the crisis more competitive. The overall manufacturing employment index, which was 100 in 1980, rose to 103 in January 1981, and then fell to 86 in January 1988.

In 1987-88, Mexico began to open its markets to the international economy. Mexico joined GATT in 1986, and again in 1988, Mexico lowered tariffs and removed import license requirements on many products. The October 1987 stock market crash led to capital flight from Mexico, and another peso devaluation, prompting the Mexican government, business leaders, and unions to sign the first pacto, or agreement on wage and price adjustments. Finally, in 1988 Carlos Salinas was elected President, ushering in a new era of privatization and opening markets to international trade.

The next six years in Mexico were marked by income growth but relatively few additional formal jobs. Between 1988 and 1994, real earnings began to rise, but formal employment in the manufacturing sector fell, agriculture began to be restructured, and the U.S.-Mexico wage gap narrowed from about 9 to 1 in 1988 to 5 to 1 in 1994, as the peso rose against the dollar, and as Mexican wages rose.

As Mexican wages rose after 1987, so did inequality, according to the National Survey of Urban Employment (Roberts and Escobar, 1996a). Income dynamics for the poorest 40 percent in Mexico are hard to track because the National Survey of Household Income and Expenditure reclassified many urban residents as rural (Escobar 1996). Independent analysts agreed with government findings that poverty increased from 1984 to 1989 (the number of those classified as very poor and in intermediate poverty rose), but also found that proportion of Mexicans with incomes below the poverty line rose between 1989 and 1992, when

government data showed that the percentage of residents in poverty was falling (Escobar 1996).

Beginning in 1988, many new labor force entrants found informal jobs in (personal) services or became self-employed; the manufacturing employment index fell from 86 in January 1988 to 73 in November 1994. The Mexican government permitted and encouraged labor market flexibility to increase productivity, and new labor agreements permitted many firms to restructure and reduce employment.

Agriculture underwent the beginnings of a withdrawal of government subsidies after 1988. Credits that did not have to be repaid were withdrawn, input subsidies and output price guarantees were reduced, and the land tenure system was changed. The combination of these agricultural policy changes and a rising peso discouraged exports, reducing the employment of hired farm workers, and also reduced the value of the crops that small farmers grew to sell. One result was that internal migratory circuits in Mexico that moved rural residents between small farms, jobs in export-oriented agriculture, and urban jobs were disrupted.

The one place where formal sector manufacturing jobs were created was on the border, in *maquiladoras*. But *maquiladora* jobs offered few opportunities for upward mobility, so that Mexicans had to decide whether to take "dead end" *maquiladora* jobs, or try their luck in interior Mexican cities, which offered fewer jobs, but more opportunity for upward mobility.

Employment grew faster than the labor force between 1992 and 1994. During that time, the informal share of total employment did not increase, real earnings rose, and unemployment fell—trends that were likely the result of more formal sector jobs leaving those with the fewest qualifications in the informal sector. This relatively good labor market performance in Mexico was not widely appreciated, in part because of skepticism about government data, and because of considerable economic restructuring that displaced workers, including in prosperous Monterrey. Between 1992 and 1994, the availability of jobs in Mexico seems to have reduced emigration—line-watch apprehensions per hour fell (Escobar, Bean and Weintraub 1996).

In December 1994, the Mexican peso was devalued, and it eventually fell over 50 percent against the U.S. dollar, from 3.45 pesos to $1 to 7.7 pesos per $1 in August 1997. Employment in Mexico fell sharply, as workers in both the formal and informal sectors lost jobs, even as real wages fell when inflation jumped. Bleak prospects for job seekers kept the labor force stable. For the first time in a decade, open unemployment rose faster than informal employment in 1995, especially for young people under 20, whose unemployment rate was above 20 percent for most of 1995.

The cheaper peso increased exports, but exporting firms added relatively few new workers, except in the border areas. Mexico's economy seems to be rebounding—it is expected to grow by about 8 percent in the second quarter of

1996, versus a 10 percent contraction in the same quarter of 1995. However, an August 5, 1996, Wall Street Journal article praising Mexican policymakers for sticking with economic reform—and thus, in the paper's opinion, laying the basis for higher savings and more productive investments—warned that, "in the next two years, at least, the outlook is for high unemployment and stagnant salaries... and a higher incidence of poverty" (Jonathan Friedland, "Latin America resists reform backlash," Wall Street Journal, August 5, 1996).

Mexican employers seem to be wary of hiring workers who might become fixed costs that limit their flexibility, so that labor market recovery may be delayed.

Mexican Agriculture

Agriculture represents a special concern for the Mexican government, and for northward migration. About 25 percent of Mexico's population lives in rural areas, the same as the rural share of the U.S. population, but most of Mexico's 23 million rural residents live on farms, while fewer than 10 percent of the 63 million rural residents of the United States live on farms.

In Mexico, the rural population generated only 8 percent of the country's $377 billion GDP in 1994, and rural incomes were less than one-third of Mexico's $4,180 per capita GDP.[21] From 1987 to 1992, per capita income among farmers declined by 32 percent, but there was not a significant rural-urban migration within Mexico. U.S. agriculture, by contrast, generates a slightly larger share of GDP than farmers' share of the population, so U.S. farmers have higher than average incomes, and much higher than average wealth.

Some 40 to 50 percent of all Mexicans are considered to be poor, and two-thirds of Mexico's poor people live in rural areas, as do three-fourths of the very poor (Levy and Van Wijnbergen, 1992, 498).[22] Although most of Mexico's population and rural poor are mestizos, the rate of poverty is highest among indigenous peoples in rural areas.[23]

Mexico's farming system is a creature of government and, for most of the 20th century, Mexican agricultural policies had the dual objectives supporting rural incomes by offering high government-guaranteed prices to farmers, and then providing consumers with basic foods at low prices. In practice, the subsidy system was more effective in reducing food prices for consumers than in raising farm incomes. The Mexican government was involved in all aspects of agriculture, from the distribution of land, to the provision of inputs such as fertilizer and credit, to the marketing and processing of commodities, and to the distribution of food to consumers.

Beginning in the mid-1980s, and especially in the early 1990s, the government began to withdraw from agriculture, accelerating what is likely to be a massive

movement off the land in Mexico. The government's withdrawal from agriculture in the 1990s was motivated primarily by the failure of the Mexican agricultural system to produce enough food at competitive world prices. In the early 1990s, Mexico's agricultural production stagnated, raising the bill for imported food. At the same time, rural poverty was widespread despite costly subsidies, and the government did not have the funds to re-capitalize agriculture. The Mexican government has announced several new initiatives, including a June 1997 policy: "A Defined Direction for Growth in the Countryside,'' which calls for the production of 37 million tons of basic grains by 2000.

Many Mexican farmers have network ties to the U.S. labor market. A 1994 household survey of the ejido sector collected information on 5,267 adults in the households interviewed (14 and older) and 9,216 adults in extended families. About 14 percent of the adults in the sample households, 19 percent of the adults in the biological family, and 38 percent of the household heads—whose average age was 49—had migrated to the U.S. at least once by the time of the survey (de Janvry and Sadoulet, 1997, 7).[24] Over 70 percent of those who migrated to the U.S. had less than 6 years of schooling. A detailed analysis of the 950 members of ejidatario families who have migrated to the United States found that more adult men under 35 migrate that men older than 35.

The Mexican government hopes that many farmers remain will remain in rural areas and switch from corn and beans to fruits and vegetables, especially as NAFTA accelerated the shift of North American fruit and vegetable production to Mexico. However, a careful analysis of trends in the North American horticultural industry suggests that most labor intensive agriculture will remain in the U.S. (Cook, et al., 1991). Mexico's primary competitive advantage in producing fruits and vegetables for the U.S. market is climate; Mexico can produce fresh vegetables during the winter months when most U.S. production areas except Florida are not producing. Even if Mexico were to completely displace winter vegetable production in Florida, most fruit and vegetable production would remain in the United States, because two-thirds of North American fruit and vegetable production occurs in the summer and fall, when Mexico is not producing significant quantities.[25]

Mexico is not likely to completely displace Florida as the source of most winter fruits and vegetables because, in many cases, low yields and low labor productivity make vegetable production more expensive in Mexico than in Florida. Most Mexican migrants, in any case, come from areas not likely to become export centers for fruits and vegetables.

Florida producers have also been adept at using the U.S. government to limit Mexican imports. The U.S. farm value of fresh vegetables and melons was $7.4 billion in 1995, and Florida's production of six winter fresh vegetables—tomatoes, bell peppers, cucumbers, snap beans, eggplant, and squash—represented about 10

percent of the total. Florida produced 2.5 billion pounds of these six fresh vegetables in 1995, other states produced 3.8 billion pounds, and 2.6 billion pounds were imported—about three-fourths of these fresh vegetable imports were from Mexico. Mexico exported about $1.5 billion of fruits and vegetables in 1995, including $600 million of tomatoes. The 16.5 pounds of fresh tomatoes that the average American eats each year, include about 4.6 pounds produced in Florida, seven pounds produced in other states, especially California, and 4.6 imported pounds, usually from Mexico.

Most of the year-to-year fluctuation in Florida and Mexico shares of the winter vegetable market has been due to weather, but in December 1994, the Mexican peso was devalued. Mexican fruit and vegetable exports surged in 1995-96, due to both the peso devaluation and to cold weather in Florida (Love and Lucier, 1996, 20).

Florida has filed two separate actions against Mexican winter vegetables, has lost one, and is likely to win the other—it should be noted that the 1996 "tomato war" does not hinge on tariffs—U.S. tariffs on Mexican tomatoes are low—$0.01 per pound—and are scheduled to be phased out in 2004. In the winter of 1996, prices for 25-pound boxes of tomatoes fell from the usual $10 to $12 to $3, below the $8 cost of production in Florida, and the $6 cost of production in Mexico. Florida and Mexico compete for less than half the year—for the five months between December and April—with the most severe competition in February-March.

Most observers attribute Florida's falling share of the winter vegetable market to weather and to Mexico's "correct" technological choices. Until the early 1990s, both Florida and Mexico produced mostly "mature green" tomatoes, which means that green tomatoes were picked into buckets, sorted and packed into cartons, and then gassed to turn them pink before being shipped to retail stores. However, Mexico began in the 1990s to plant "vine-ripe" tomato varieties that can be picked pink, and reportedly taste better than mature green tomatoes.

NAFTA permits governments to protect industries that are hurt by import surges, and Florida growers argued that a Mexican import surge in 1995-96 was hurting the U.S. tomato industry. But Florida growers lost this case in a 4-1 decision by the International Trade Commission on July 2, 1996, because most U.S. tomatoes are not produced in Florida—tomatoes are produced in California, South Carolina, and other states, and the "injury" clause of NAFTA does not consider one seasonal component of an entire industry. In response, Florida proposed, and the Clinton Administration supported, the redefinition of the Florida tomato industry as an "industry" for the purpose of invoking the NAFTA import-surge clause.

Florida producers filed a separate petition on April 1, 1996, that alleged that Mexico dumped tomatoes in the U.S. at less than their cost of production in 1995-96—they needed only show that there was "some injury" from imported tomatoes to win this case. The U.S. Department of Commerce investigated to determine,

e.g., whether Mexican tomatoes were sold at the same prices in Canada, Mexico, and the U.S. in 1995-96 but, just before it issued its decision, Mexico agreed to a price floor for its tomato exports—Mexican growers would charge at least $0.21 per pound, or $5.17 for a 25-pound box for their tomatoes shipped to the U.S.—and Florida growers agreed to suspend their dumping case. The Florida Department of Agriculture spent $1.5 million to press the tomato-growers' complaints against Mexican tomatoes.

Tomatoes and other winter vegetables are produced by a handful of large growers who rely on migrant Mexican workers in both Florida and Mexico. In Florida, four "family" farms dominate the Florida tomato industry—DeMare, Gargiulo, Heller, and Esformes—together they account for half of Florida's $400 million in annual tomato sales.

Mexico's export-oriented winter vegetable industry is centered in Sinaloa, about 600 miles south of the U.S. border. Large farms there employ about 170,000 Mexican workers for four to five months. Most of these seasonal workers are migrants; three-fourths migrate to Sinaloa from other parts of Mexico. In 1996, typical wages for tomato picking in Sinaloa were reported to be about $3 -$5 per day, and children often join their parents in the fields.[26]

The 1996 tomato war indicates that Mexican producers will not gain easy access to the U.S. market simply because NAFTA is in place. Even though most U.S. observers are not very sympathetic to the Florida growers—a recent story in the Wall Street Journal was headlined "With little evidence, Florida growers blame tomato woes on NAFTA"[27]—U.S. producers can wage effective campaigns to retard imports.

Given the difficulty of making the transition to labor-intensive fruits and vegetables, the key question is what will happen to farmers in Mexico. Most reports from rural Mexico in 1996 are dominated by discussion of a lack of credit and other obstacles that make it hard for farmers to switch crops and remain in agriculture.[28]

NAFTA and Supply-Push Migration

On January 1, 1994, the North American Free Trade Agreement (NAFTA) went into effect, laying the basis for an eventual free trade area encompassing 380 million people with a combined GDP of $7 trillion. The purpose of NAFTA is to reduce trade barriers and promote investment in the region, thereby stimulating economic and job growth throughout North America.

Migration played a background role during the Congressional debate over whether NAFTA should be ratified.[29] This was primarily because the migration message from researchers could be used by both opponents and proponents of NAFTA. The consensus among experts was NAFTA would contribute to an initial

increase in Mexico-to-U.S. migration, and decrease the cross border flow beginning in a decade or so (Martin, 1993). NAFTA proponents, who took a long-run perspective, argued that the prospect of eventually reduced migration was an argument in favor of NAFTA, while some NAFTA opponents opposed the agreement because of the predicted short-run migration hump.

Many observers expected Mexico-to-U.S. migration to begin to decrease as soon as the North American Free Trade Agreement (NAFTA) was signed. Former Mexican President Carlos Salinas de Gortari explained the relationship between NAFTA and migration in this way; "Today, Mexicans have to migrate to where jobs are being created, the northern part of our country. With NAFTA, employment opportunities will move toward where the people live, reducing drastically migration, within the country and outside of the country" (quoted in the San Diego Tribune, November 14, 1993, 1).

Trade-stimulated economic growth should also reduce emigration from Mexico; the U.S. Commission for the Study of International Migration and Cooperative Economic Development looked for "mutually beneficial, reciprocal trade and investment programs" to reduce unauthorized migration from Mexico and concluded that "*expanded trade* between the sending countries and the United States *is the single most important remedy*" for unauthorized immigration (1990, p. xv, emphasis added).

However, the commission warned that "the economic development process itself tends in the short to medium term to stimulate migration." Policies that accelerate economic growth, including privatization, land reform, and freer trade, can produce a migration hump, or temporarily more migration, creating "a very real short-term versus long-term dilemma" for a country such as the United States that wants to use free trade agreements as one means to curb unauthorized immigration (U.S. Commission, 1990, p. xvi).

Table 5
Canada, Mexico, and the United States (1995)

	GDP ($ bil)	GNP Per Capita $	Ratio-U.S.=100	Avg. Ann. Growth (1985-95)	Pop. (mil)	Avg. Ann. Growth (1990-95)
Canada	569	19,380	0.72	0.4	30	1.3
Mexico	250	3,320	0.12	0.1	92	1.9
U.S.	6,952	26,980	1.00	1.3	263	1.0
Total	7,771				385	

Source: World Bank Development Report, 1997.

NAFTA brought together 3 different countries in the world's largest free trade area. Canada and the United States have similar GNPs per capita, but their per capita GNP and population growth rates diverged since 1985—Canada has experienced slow economic growth and fast population growth compared to the United States. Mexico, in comparison to the United States, had a very slow real per capita GNP growth rate over the past decade, and its population grew at twice the U.S. rate.

The major economic effect of NAFTA should be to stimulate the flow of investment, goods and services across North American borders. There were more than 50 models that projected the effects of NAFTA on the economies and labor markets of Canada, Mexico and the United States, and most concluded that the economic effects of NAFTA in the United States were projected to be small, both because the Mexican economy is only 1/20 the size of the U.S. economy and because tariffs are already low—the average U.S. tariff on Mexican imports in 1991 was 4 percent, and the average Mexican tariff on U.S. imports was 10 percent.

Most of the models that considered NAFTA's effects on migration expected the agreement to increase the flow of Mexicans to the United States. The "smoking gun" in this migration hump scenario anticipates that the free trade in agricultural products envisioned by NAFTA will displace Mexican farmers who have a tradition of migrating to the United States.

The most widely-cited projection of NAFTA's effects on Mexico-to-U.S. migration was that of Hinojosa and Robinson (1991). Using a CGE model of the U.S. and Mexican economies and labor markets, and then projecting how freer trade might affect Mexican agriculture, they estimated that NAFTA would displace about 1.4 million rural Mexicans, largely due to changes in Mexican farm policies and freer trade in agricultural products.

If jobs are not created for these displaced farmers in the areas where they live—and few observers expect a significant number of "real" jobs to be created in these rural areas, Hinojosa-Robinson projected that 800,000 would stay in Mexico, and that 600,000 would migrate (illegally) to the United States. These 600,000 additional U.S.-bound migrants—say 100,000 per year over 6 years—are presumably NAFTA-caused additions to the "normal" flow of legal and illegal Mexican worker arrivals.

The reason why NAFTA increases migration in the Hinojosa-Robinson model is because of free trade in corn. Between 30 and 50 percent of all days worked in rural Mexico are devoted to production of corn and beans. U.S. farmers can produce both crops cheaper than Mexican farmers—the U.S. corn price of $95 per ton early in 1994 was less than half of the Mexican price of $205 per ton. Liberalizing trade in corn, as NAFTA does over 15 years—is expected to shift North America's corn production northward, at U.S. prices, since Iowa alone produces twice as much corn as Mexico.

Instead of slowing down change in agriculture, as these migration models would advise, the Mexican government speeded up agricultural changes. Mexico changed its farm policies in four important ways in the early 1990s:

- First, Mexico accelerated the withdrawal of input subsidies from agriculture, increasing costs for many farmers.
- Second, Mexico in 1991-92 freed up the land market, permitting ejido land to be rented or sold, and permitting foreign and domestic corporations to own Mexican farm land, in an attempt to attract capital into agriculture.
- Third, Mexico since 1987 has opened itself to freer trade in farm commodities, and NAFTA in 1994 locks in a schedule to achieve relatively free North American trade in farm commodities by 2009.
- Fourth, Mexico in 1993 switched its system of farm support from price guarantees to income transfers, eliminating the need for farmers to grow crops over the next 10 years to receive government support.

These policy changes amount to a revolution in Mexican government policies toward the one-third of the population in rural areas. Their net effect will undoubtedly be to promote emigration from rural Mexico.

Although no one knows how many people will leave rural Mexico during its expected "Great Migration," many echo Luis Tellez, the former Undersecretary for Planning in Mexico's Ministry of Agriculture and Hydraulic Resources, who suggested on several occasions that Mexico's rural population might shrink by 1 million annually, that up to 15 million rural Mexicans may migrate "within a decade or two" (Golden, 1991, p. A1).[30] After Mexicans leave the farm, Mexico's labor allocation should improve—Tellez frequently reminded audiences that 27 percent of the Mexican population depends on agriculture for a living, but this sector generated only 9 percent of GDP in the early 1990s, and for this reason includes 2/3 of Mexico's poor people.

The unanswered question is how many Mexicans displaced from agriculture will migrate to Mexican cities and find jobs, and how many will migrate to the U.S. Many new jobs in Mexico are being created in "mid-sized" Mexican cities both along Mexico's northern border, and in interior cities (Corona 1993, Browning and Corona 1995), but still not as many as were created in Mexico City, Guadalajara, and Monterrey in the 1970s, when fewer Mexicans were joining the labor force every year.

Changing Mexico

Mexico is rapidly urbanizing, and more Mexican migrants in the U.S. were born or have lived and worked in Mexican cities.

According to Wayne Cornelius, the urban origins and experience of more Mexican migrants matches neatly the demands of U.S. nonfarm employers for unskilled nonfarm workers. Interviews with Mexican-born workers in San Diego found that over half intended to stay permanently or as long as possible in the U.S. upon arrival, and only 20 percent were in the U.S. to save a target amount of money before returning to Mexico (Cornelius, 1997, 5). But intentions to stay in the U.S. increase with experience; two thirds of those interviewed said that, based on current circumstances, they would like to remain in the U.S.

Remittances and Development

Mexico receives $4 billion to $5 billion per year in remittances: the Mexican central bank reported in June 1997 that Mexicans in the U.S. remitted $4.2 billion in 1996, up from $3.7 billion in 1995. Mexicans reportedly had $10.3 billion in savings in U.S. banks in 1996.

Many researchers do not believe that emigration and remittances are a shortcut to faster economic development.

The new economics of migration stresses the multiplier role that their expenditure can have on local economic activity, the importance of foreign labor markets in overcoming the inability to borrow money locally, and the ability of foreign jobs to cushion the effects of recessions in the country of origin.

However the open question is what kind of government environment is needed so that remittances have their maximum development impact. Taylor et al. (1996, 411) assert that "Schemes to harness international migrant remittances for local development are destined to fail if governments do not create an economic environment that is conducive to investment in productive activities at home." This means that, under some circumstances, it may be better to "correct failures in local capital and risk markets" rather than e.g., create jobs (1996, 405).

Most of the money is sent to Mexico in small sums, often less than $300, and at a relatively high cost to sender and recipient. The cost of transferring these remittances is often 20 percent of the amount transferred. For a typical $300 transfer, Western Union in the U.S. charges $29 or 10 percent, and Elektra in Mexico turns remittances from dollars into pesos at an exchange rate that is about 10 percent less than the interbank rate.[31] This means that as much as $1 billion of the $4 to $5 billion destined for often poor areas of Mexico is absorbed by transfer costs.

In May 1997, the U.S. Postal Service and its Mexican partner, Bancomer, extended their wire cash transfer service, Dinero Seguro or Safe Money, from Texas to 200 post offices in Southern California. Dinero Seguro charges $15 for a wire transfer of up to $250, or a maximum commission of six percent. However, the

competitors to the Western Union-Elektra consortium often require several days to clear fund transfers, so that many migrants continue to use the higher cost service.

Networks

The demand-pull and supply-push factors that motivate and sustain migration have been likened to battery poles—they have the potential to start a car or a migration flow, but they act only when a link is established between them. Network factors are the diverse forces that demographer Everett Lee called "intervening variables," networks of friends and relatives, employers, labor smugglers and moneylenders who can tell potential migrants about conditions abroad, and provide them with the means to take advantage of opportunities abroad. According to one review, if demand-pull and supply-push factors explain why Mexicans migrate to the U.S., networks determine who migrates, and where Mexican migrants go in the U.S. (Wilson, 1993, 119).

Networks provide part of the explanation for why more Mexican migrants go to Los Angeles than Minneapolis. Neighboring Mexican villages illustrate the effect of networks: the village that sends many of its young men Los Angeles may have sent farm workers to the United States in the 1950s, so that today young workers from the village are informed in advance about where to go in Los Angeles to find jobs.

The village that sends few migrants, on the other hand, may not have many anchor friends and relatives in the United States to provide potential migrants with job and housing information. The fact that young people from this equally poor but less well networked village may well wind up unemployed in the United States helps to explain why fewer people from that village emigrate.

Most empirical studies find that network factors eventually increase in importance over time. In a process that has been termed "cumulative causation," each time a migrant leaves he "alters the social context within which subsequent migration decisions are made, typically in ways that make additional movement more likely" (Massey et al., 1993, p. 451). The explanation for snowballing migration is that migration "tends to increase in prevalence and become more diverse because transnational movement causes relatively permanent changes in individual motivations, social structures, and cultural milieus, and these changes cumulate over time to change the context within which subsequent migration decisions are made. As more people are induced to migrate, knowledge and network connections expand further, inducing more people to migrate, and so on" (Massey, Goldring, and Durand, 1994, 1528). Within the emigration area, there may be secondary effects, including changes in the distribution of income, changes in the distribution and usage of farm land, and changes in consumption habits.

Network Hiring

Most jobs at the bottom of the U.S. labor market are found by word-of-mouth and, after one or more immigrants is hired, an immigrant network is often established to provide additional workers as vacancies appear. The employer of low-wage and unskilled workers—a restaurant or hotel, a shoe or furniture manufacturer, or a farmer—typically experiences a high turnover of American workers because the Americans are dissatisfied with the low wages, hard work, and few benefits of these jobs.

The immigrants, by contrast, tend to report diligently every day, offer to bring their friends and relatives to fill vacant jobs, and even to train newly-hired workers. The loyalty and dependability of immigrants soon makes them, in the eyes of some employers, preferred workers. Using immigrant networks to find new workers offers employers several advantages; current workers know exactly what the job requires; current workers have an incentive to recruit only good workers; current workers transfer existing friendships, etc. into the workplace; and networks are a cheap and efficient way to obtain new workers.

Between 1942 and 1964, U.S. employers recruited workers in Mexico with the blessing of the U.S. and Mexican governments. Neither government endorses private recruitment for work in the U.S. today. However, indirect recruitment through migrant networks is widespread—U.S. employers often ask current workers to recruit family and friends to fill vacant jobs. In addition, many U.S. employers outside traditional immigration areas use U.S. and Mexican labor brokers to recruit immigrants, and they advertise on both sides of the border.

Case studies of immigration networks demonstrate how quickly certain jobs become the "property" of non-nationals. In Los Angeles, unionized Black janitors who cleaned high-rise buildings were displaced by non-union Mexican immigrants over a five year period in the early 1980s. This displacement occurred quickly and indirectly; according to a GAO report, the number of unionized Black janitors in Los Angeles county fell from 2,500 in 1977 to 600 in 1985, even though janitorial employment rose 50 percent in the county as a result of a building boom (GAO, 1988, pp. 40-1).

One reason for the displacement of unionized Black janitors in an expanding service industry is that the structure of the cleaning industry changed. Instead of hiring janitors directly, janitorial service firms that specialized in cleaning buildings developed, and they tended to employ recently-arrived immigrants to clean buildings for 25 to 35 percent less, in part because they paid lower wages, and in part because they offered fewer benefits. In the case of Los Angeles janitors, cleaning firms paid their immigrant workers up to two-thirds less than prevailing union wages. A subsequent study reported that inflation-adjusted janitorial wages fell 36

percent to $4.50 per hour between 1983 and 1988, and that the share of each rental dollar going to janitorial services fell from six percent to three percent (other estimates put the cost of cleaning at 10 to 12 percent of the cost of operating a building, when including costs from electricity and taxes to security).

The most recent study of network hiring was directed by Waldinger (1994). It described how employers in Los Angeles asked current immigrant workers to bring friends and relatives to fill job vacancies. These immigrants can draw from a seemingly endless pool of friends and relatives in the U.S. and abroad, and Waldinger found that network hiring tended to exclude e.g., native-born Blacks and whites, in part, because they did not learn about job vacancies, and in part because their reservation wages—the minimum wage they demanded to accept a job—were often 50 percent more than prevailing wages.

Why don't employers who are hiring large numbers of new workers encourage the establishment of a network of Black or white workers? Many employers believe that immigrants work harder, complain less, and in general have the "right attitude" toward their jobs and managers; they also "get along" with co-workers, in many cases friends and relatives who found them jobs. Interestingly, the "right attitude" was considered more important for many jobs than education or English.[32]

Surveys of employers who hire new workers through immigrant networks support the hypothesis that immigrants often get into certain jobs by accident or design, and then a process of cumulative causation is set in motion that ensures that nationals will not be recruited or attracted to "immigrant" jobs. It is in this way that direct immigrant-native worker competition for jobs gives way to indirect competition, as occurs when immigrant networks become "exclusive suppliers" of new workers for vacant jobs.

The U.S. in 1996 is taking two policy steps that may affect the demand for immigrant workers and the willingness of U.S. workers to accept "immigrant jobs." First, the U.S. minimum wage is scheduled to rise from $4.25 hourly to $4.75 on October 1, 1996, and to $5.15 on September 1, 1997, increasing the earnings of a full-time minimum wage worker employed 2,000 hours per year from $8,500 to $10,300 by 1998.[33] In 1995, about 3.7 million U.S. workers 16 or older were paid $4.25 or less per hour; they represented about 5.3 percent of all hourly-paid workers. Teens aged 16 to 19 are about one-third of those paid $4.25 or less; about 73 percent of all minimum wage workers are white.

The second U.S. policy change that may affect the "immigrant labor market" is welfare reform, which, inter alia, denies food stamps and Supplemental Security Income to most legal immigrants, and permits states to eliminate cash assistance and Medicaid for non-U.S. citizens. All states must file plans with the federal government to implement welfare reform by July 1, 1997, and review the citizenship status of persons receiving benefits within 12 months. There are believed to be

about 1.5 million legal immigrants in 1996 getting federal welfare benefits, and some may be pushed into the labor market.

There are about 4.6 million adults receiving welfare assistance, including 650,000 who are working or in training. States are required to have 25 percent of the adults receiving assistance working at least 20 hours weekly by 1997, and 50 percent working at least 30 hours weekly by 2002. The average adult receiving assistance has eighth grade skills, so that the planned welfare-to-work transition could add over 2 million largely unskilled workers to the U.S. labor market.

Communications, Transportation, and Rights

The U.S. is taking steps to make work pay more, and pushing more U.S. citizens and legal immigrants into the labor force. It is not clear these minimum wage and welfare policy changes will affect Mexico-U.S. migration networks.

Networks or linkages across the U.S.-Mexican border have been shaped and strengthened by three of the major revolutions of the past two generations; the communications revolution, the transportation revolution, and the rights revolution. The *communications revolution* refers to the fact that potential migrants know far more about opportunities abroad than did turn of the century migrants from southern and eastern Europe who set out for North and South America and Australia.

The major source of information about life abroad is countrymen already settled abroad who can tell the migrants about opportunities in the United States. Cultural gaps are also diminishing, making it easier for especially young people to consider working and living abroad.

The *transportation revolution* is simply the fact that the cost of traveling—relative to the wages that can be earned—has dropped enormously, while access to and the convenience of international travel has increased. The cost of traveling legally to the U.S. from most parts of Mexico is less than $500, and even illegal entry typically costs less than $1000. British immigrants who indentured themselves to migrate to the North American colonies in the 17th century, by contrast, often promised to work three to five years to repay one-way transportation costs.

The third network revolution that can turn potential migration into actual migration is the *rights revolution*, or the spread of individual rights and entitlements to all residents of the United States and other industrial democracies (Hollifield, 1994). Over the past 50 years, the industrial democracies have expanded their safety nets, and strengthened personal rights vis-a-vis government agencies, so that more residents, including foreigners, have human and work place rights, and are sometimes eligible for social welfare benefits. The rights revolution can strengthen networks by enabling even unauthorized foreigners who are present to increase the probability that they can remain in the United States.

Rights are created by governments, and frustration with their inability to affect communications and transportation has prompted many governments to roll back immigrant rights, especially for non-U.S. citizens. In the U.S., for example, unauthorized foreigners have seen their rights to social and other services curtailed over time, and new systems established to screen them out of social services and the labor market. Proposition 187, approved by a 59-41 percentage vote in California in November 1994, represented perhaps the most-discussed effort to discourage immigration by establishing a state-run system to keep unauthorized immigrants out of schools and social service programs.

Network factors may be very important in sustaining migration, but they are very hard to measure. The definition suggests why. Massey and Espinosa quote a definition of the social capital that undergirds networks; "the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network... of mutual acquaintance and recognition" (Massey and Espinosa, 1995, 13). Such a definition can be operationalized to include a variety of hard-to-measure variables.

Past Case and Community Studies

This section has two parts; a "meta analysis" of community and network case studies completed before 1995, and a re-analysis of the Mexico Migration Project (MMP) data. Both parts illustrate how a migration process that began largely as demand-pull recruitment has evolved into a more complex migration relationship in which supply-push and network factors play ever larger roles.

Studies of Mexican communities that send migrants to the U.S. emphasize that most of the first migrants were men recruited to work on U.S. farms. However, very little active recruitment was necessary, especially in some villages, since the community studies emphasize that, even during the Bracero Program there was illegal migration to the U.S. alongside legal *bracero* migration. Mines (1982, 446), for example, notes that some migrants told him that "as undocumented migrants [during the 1950s] they earned higher wages and stayed for longer periods" then as legal *braceros*.

Past Studies

This section reviews community studies completed primarily by U.S. researchers to determine what factors were considered to be most important in (1) initiating and (2) sustaining Mexico-U.S. migration. We review them to highlight how the major factors initiating and sustaining migration have changed. The studies are summarized in the attached chart from oldest (top) to newest (bottom), and the

major factor motivating migration runs from demand-pull (left) to supply-push and network (right).

Case or community studies try to understand migration processes in a setting where the researcher can understand—the individual, household, and community context in which decisions to migrate are made. In most cases, researchers visit the community that they are studying for extended periods of time, interview 5 to 10 percent of the households, and then collect Mexican and sometimes U.S. community variables to explain the factors that initiated and sustained migration to the U.S.

First Wave Studies

The first studies of emigration communities were done by Taylor in Michoacán (1929, 1931, 1932, 1933). Taylor concluded that wage gaps motivated Mexico-U.S. migration and, once in the U.S., wage gaps between the border areas and northern states encouraged Mexican migrants to continue to Chicago and other Midwestern cities in search of employment.

One of the three *bracero* recruiting centers in Mexico was in the border state of Chihuahua, and Hancock concluded that Mexicans were eager to migrate to the U.S. because of higher U.S. wages. Hancock reported that average daily farm wages in the U.S. ranged from $5.90 in California to $4.67 in Arkansas, and from $0.89 in the Northern Pacific states of Mexico to $0.42 in the southwestern Mexican states, for wage ratios of between 7 to 14 to one (1959, 29). Although higher wages were the impetus for migration, Hancock noted that a *bracero* soon learned that "working people [in U.S.] have greater economic opportunities,... justice is more impartially administered, and that government officials treat ordinary citizens with more respect than usually is the case in Mexico" (1959, 38).

Hancock examined four of Chihuahua's 66 *municipios*—Aldama (population of 13,600 in 1957), Meoqui (20,800 in 1957), Guerrero (31,800 in 1957), and Janos (5,300 in 1957)—to determine the effects of emigration on them,

There were about 500 *braceros*—11 percent of the local labor force—from Aldama each year in the mid-1950s, and most reported that they had more work at higher wages in the U.S. than in Mexico (1959, 96). Meoqui had a *bracero* quota of 600 in 1957 and, once the effect of *bracero* emigration was to attract to Meoqui migrants from Durango, Coahuila, and Zacatecas to pick cotton.

Janos had no *bracero* quota and, while local officials asserted that no one wanted to emigrate, Hancock found several residents who had migrated illegally to the U.S., and observed that former *braceros* had a "friendly attitude" toward Americans (Hancock, 1959, 118). Hancock concluded that Mexicans wanted to work in the U.S. because of a range of factors—low wages, high living costs and

escaping the monotony of village life, but that "the causes of emigration... can be reduced to one salient fact: the Chihuahua economy is unable to provide employment adequate to support the state's population" (1959, 124).

By the 1960s and 1970s, community studies were noting that more factors played a role in motivating and sustaining migration. Wiest (1973) describes the effects of emigration on households in Acuitzio del Canje, a town of 3,600 in located near Morelia, Michoacán, and emphasizes that the U.S.-bound immigrants in the late 1960s were legal greencarders taking advantage of 15 to 1 income differences. Most of these "green card commuters" were former *braceros* who intended to return to the village.

Wiest reported that 24 percent of the migrants in 1966-67 who were out of the village were in the U.S., and that most had the right to live and work in the U.S.[34] In 1966-67, Mexicans employed on U.S. farms could earn $15 to $25 per day, versus $0.80 to $1.20 in local the day labor market—according to Wiest, "a relatively unskilled temporary job in Mexico provides a higher income than jobs... in Mexico" (1973, 203). Despite U.S.-Mexican wage differences, however, Wiest emphasized that most of the Mexican sojourners in the U.S. intended to return to Mexico; "regardless of the type of labor in the United States, the tendency is toward temporary residence there" (1973, 186).

Many former *braceros* became greencard commuters, traveling seasonally from homes in Mexico to jobs in the U.S. Cornelius (1976a, 1976b) described the process through which young men from several communities in Jalisco migrated to the U.S. for farm jobs without their families, both legally and illegally.

Reichert (1979, 1981, 1981) conducted interviews with 26 informants a decade later in Michoacán and, like earlier studies, and emphasized that most Mexican migrants in the U.S. were sojourners employed in agriculture. Reichert noted that, in the late 1970s, there was about 1 illegal migrant in the U.S. for every 2 legal migrants, and that the wage gap between seasonal farm jobs in the U.S. and Mexico had narrowed, to about $30 per day in the U.S., and $3.80 per day in Mexico. However, Reichert concluded that the expenditure of remittances was not promoting stay-at-home development; "money earned in the U.S. has enabled migrants to raise their standard of living to a level that can only be maintained through recurrent migration" (1981, 63).

Reichert and Massey (1979, 1980) used these data to separate migration from these villages into two phases; pre-1965 *bracero* outmigration, and post-1965 outmigration that increasingly involved women and children joining ex-*braceros* who had become legal U.S. immigrants. The U.S. policy of permitting U.S. employers to write letters offering ex-*braceros* jobs enabled many to become legal immigrants with the right to unify their families in the U.S.—one estimate in 1962 was that as many as 80 percent of the 55,000 Mexican immigrants admitted

to the U.S. were ex-*braceros* who obtained permanent labor certification (U.S. Senate, 1965, 22).

Roberts (1982) analyzed data collected from farmers in 1974 in San Luis Potosí, Guanajuato, Puebla, and Oaxaca, and found that, in all four Mexican states, a significant number of farmers in the early 1970s were also employed off the farm, and some hired seasonal workers to work on their farms. Roberts concluded that some local farm income was needed to attempt to migrate to the U.S., and that incomes in Oaxaca were too low to undertake migration to the U.S., so that young people from Oaxaca migrated to Mexican cities where they had contacts (1982, 319). However, a significant number of U.S.-bound migrants originated from Guanajuato, an area in which Mexican farm incomes were considerably higher.

Mines (1981, 1984) and Mines and de Janvry (1982) reviewed the evolution of migration from Las Animas, Zacatecas, a village of 1,300 in the late 1970s about three hours north of Guadalajara. Mines interviewed 67 households in Las Animas in 1979, plus additional Las Animas residents in the U.S., and found that over half of the village's income came from remittances sent home by persons employed in the U.S.

Mines concluded that Las Animas had reached a "migratory equilibrium" in 1979—the population of the village remained stable, as a result of many young residents leaving for the U.S., and many settling abroad—half of the village's residents in the U.S. were legally present in 1979, before the U.S. legalization program (1982, 446). Mines found that many of the workers older than 40 illegally shuttled between homes in Mexico and seasonal farm jobs in the U.S., while many of the younger workers were legally working in the U.S., and became less and less likely to return every winter to homes in Mexico.

Mines and Massey (1985) used migration patterns in Las Animas and another community to describe how migration networks mature. In both communities, men began to leave for U.S. jobs in the 1920s, and then migration stopped in the 1930s. Migration began again with *bracero* recruitment in 1942. The percentage of men going to the U.S. illegally increased until 1954-55, when a combination of "Operation Wetback" in the U.S., and the expansion of the Bracero Program, shifted the balance back toward legal but seasonal migration to the U.S. However, illegal immigration increased again after a severe drought in 1957.

By the 1970s, this migration network had matured, in the sense that a "sister" community was established in south San Francisco. As the Mexicans settled in the U.S., Mines observed that "cost[s] to the receiving area [California] increase and benefits decline" (1982, 452). On a visit to Las Animas in 1987-88, Mines observed that most of the young men seemed to have left Las Animas to try to qualify for the SAW program, even though most had not done the qualifying U.S. farm work in 1985-86.

Dinerman (1982) interviewed migrants and stay-at-homes in two similar Michoacán communities in the late 1970s and early 1980s, but she found that the "rate and frequency of U.S. migration were much higher" in one community than the other (1982, 42). Although both communities sent *braceros* to the U.S. in roughly equal numbers, migrants from one community had, by the early 1970s, shifted to nonfarm U.S. employment, and hired workers in Mexico to tend their plots. In the other community, fewer ex-*braceros* owned land, and more ex-*braceros* migrated within Mexico, until government support for handicraft activities created local job opportunities.

Taylor (1992, 194-5) interviewed 61 households in one village in 1983, and re-interviewed 55 of these households in 1989, and observed that the average income of sample households rose far more, from $1,800 to $3,600, than did average remittances, from $800 to $1,100. Taylor attributed sharply rising incomes to local economic activities that were made possible in part by the investment of remittances, primarily in cattle.[35]

Comparative Community Studies

As the number of studies multiplied, several authors compared the findings of community studies. There were two major approaches; to examine individual community studies, including the studies summarized above, or to focus on larger bodies of data, especially the MMP data summarized below, and to draw inferences from data collected from a number of communities with a fairly standard survey instrument.

Perhaps the most cited set of community studies are those done by Massey, Alarcon, Durand, and Gonzales in *Return to Azatlan* (1987). This book was built around extensive interviews in four communities. It concluded that the integration of the southwestern U.S. into the national economy in the late 1800s created a demand in the U.S. for Mexican labor, the restructuring of Mexican agriculture created a supply of workers willing to migrate, and the railroads provided the link between U.S. demand and Mexican supply (1987, 39).

Return to Azatlan makes four points about the process of Mexico-U.S. migration. First, few Mexicans migrated from these communities before the 1950s and, when they did migrate, they were as likely to move within Mexico as to migrate (illegally) to the U.S. Second, Mexican migration to the U.S. was almost stopped in the 1930s, as a result of the Depression and repatriations.

Third, Bracero Program recruitment began significant U.S.-bound migration after 1942, and this migration continued at roughly *bracero*-era levels after U.S.-government approved recruitment was stopped in 1964. Fourth, the share of illegal migrants among first-time U.S.-bound Mexicans dipped below 50 percent only during the late 1950s, when the Bracero Program was at its peak.

Return to Azatlan emphasizes continuity and an upward trend in a migratory process that began over 100 years ago—the significant blips in an otherwise steadily rising migration flow occur in the 1930s, when Mexico-U.S. migration slowed or stopped, and in the late 1950s, when many migrants went legally to the U.S. as *braceros*.

Other data, especially U.S. labor market data, emphasize more discontinuities in the flow. For example, studies of the U.S. farm labor market do not support the notion that a large number of ex-*braceros* came legally or illegally after 1964. In the mid-1960s, U.S. farmers were bussing workers from skid-row in Los Angeles to their farms, recruiting Indians, and asking universities to develop labor saving machines to harvest crops (Martin, 1996). Perhaps the most telling evidence that Mexican migration slowed considerably between the mid-1950s to mid-1960s was that the fledgling UFW was able to win a one-year 40 percent wage increase in 1966 from wine grape producer Schenley.

To the extent that Mexico-to-U.S. migration flows are mirrored in developments in the U.S. farm labor market, U.S. farm labor market evidence would suggest that immigration from rural Mexico to rural areas of the United States remained relatively low in the 1960s and 1970s, and then rose sharply in the 1980s. The community studies, by contrast, emphasize continuity in the migration flow—the probability of making a first unauthorized trip to the U.S., and the percentage of young men who have been to the U.S. by age 40, rises steadily, according to most community studies in west central Mexico.

Goldring (1990) noted that migrants from one community were "specialized," migrating to U.S. strawberry fields, while migrants from a nearby community migrated to the U.S. to work in construction. The mostly strawberry migrants were able to gain seniority and access to a state-run migrant camp open six months per year and offering a variety of children's and health services. Consequently, these farm worker migrants remained sojourners in the U.S., while the construction migrants settled near their U.S. jobs and sent for their families.

Cornelius (1990) studied three emigration communities in 1988—almost 600 household heads were interviewed in Tlacuitapa, Jalisco, Las Animas, Zacatecas,[36] and Gomez Farias, Michoacán. The major conclusion is that one should be "realistic" about accelerating economic development in communities that have long histories of migration to the U.S.

Mature migrant networks begin to bring immediate family members, wives and children, to join spouses in the U.S. (Reichert and Massey, 1980; Massey, Donato, and Liang, 1990; Fonseca and Moreno, 1988; Gonzalez and Escobar, 1990; Goldring, 1990; Donato, 1994). In one study, women were especially likely to make a first illegal U.S. trip by 1990, in some cases joining men who migrated seasonally for years (Kanaiaupuni, 1995). In another study, the probability that

women would migrate to the U.S. increased considerably if they had an immediate relative who received temporary amnesty as a result of IRCA (Donato, 1993).

Themes

Durand and Massey (1992) reviewed community studies, and argued that Mexico-U.S. migration evolves similarly in each community, so that "discrepancies" in factors motivating and sustaining migration are due to the "stage of migration." For example, mostly young men migrating illegally without their families for U.S. farm jobs probably indicates that the community has only recently begun to send migrants to the U.S., while women and children migrating to U.S. cities is indicative of a more mature migration stream.

Massey, Goldring, and Durand (1994), on the basis of data from 19 agrarian communities in Jalisco, Michoacán, Guanajuato, and Nayarit, concluded that although "the first international migrants tend to be married male household heads of prime labor force age, usually from a nonagricultural background and often from a property-owning class, as migration becomes more prevalent and social capital accumulates, this profile changes" (p. 1528) to include more diverse migrants. Individual characteristics lose importance over time as migration networks mature, so that even the poor, the landless, women, and children are able to also migrate, taking advantage of their community's growing migration network.

Many of the communities that have sent migrants to the U.S. for long periods have become "nurseries and nursing homes," places in which a supply of workers for the U.S. is created, and to which workers retire. Instead of trying to get experienced migrants from such places to stay home, Cornelius urges policy makers to focus on persuading "first-time" migrants to stay in Mexico, a goal that "will be difficult but not impossible" (1990, 90).

Massey (1988, 408) argued that Mexico-U.S. migration is too well developed to reduce or stop; "it is much too late in the process to have any realistic expectation of markedly affecting the level of Mexican emigration to the United States," so that migration-avoiding policies should concentrate their efforts outside of traditional migrant-sending areas. Cornelius disagrees, noting that population growth continues in traditional sending areas, and that there is some in-migration to some emigration communities to fill the vacuum left by departing migrants, so that the number of migrants even from traditional sending areas could remain large (1990, 91).

These studies raise two questions:

1. How sensitive are migration flows to socioeconomic conditions and government policies in the U.S. and Mexico?
2. Do migration flows become more or less sensitive to socioeconomic conditions and policy changes over time?

Most studies based on interviews with Mexicans in Mexico conclude that U.S. control policies have few effects on the migratory flow and that migration is becoming less sensitive to socioeconomic conditions over time.

The MMP data, for example, stress the importance of "social capital" rather than economic variables in initiating the migratory flow, and emphasize that migration flows become less sensitive to policy changes over time. For example, Donato, Durand, and Massey (1992) conclude that the probability of making a first trip to the U.S. has been increasing in the 1990s despite IRCA and stepped up border enforcement. Their data, based on 1987-89 interviews with 1,350 households in 7 communities in Jalisco, Michoacán, and Guanajuato, led to the conclusion that stepped up border enforcement and employer sanctions, which were applied to all U.S. employers as of December, 1, 1988, were not deterring especially experienced migrants from attempting illegal entry. In some communities, 100 percent of the experienced migrants intended to return to the U.S.[37]

Other community studies also suggest that IRCA did not reduce overall levels of illegal migration (Gonzalez and Escobar, 1990; Massey et al. 1990). One study of three emigration communities in Jaliso, Zacatecas and Michoacán found instead that IRCA "augmented the flow of migrants... through legalization programs." At most, IRCA may have "cause[d] a recomposition of the migrant flow" in the short run, because fewer Mexican were entering illegally (Cornelius, 1990, 23).

Studies based on apprehension data, on the other hand, suggest that IRCA was a U.S. policy instrument that reduced the influx of illegal Mexican migrants (Bean et al. 1990; White et al. 1990). Apprehension data analysts noted that much of the drop in apprehensions was due to the legalization of over 2 million Mexicans (Espenshade, 1990).

In an attempt to understand trends in apprehensions, Massey and Singer (1995, 18) used MMP data to estimate that the probability of apprehension on an illegal attempt to enter the U.S. was 0.35. By their reckoning, over the 25 years between 1965 and 1990, some 36.5 million Mexicans entered the U.S. illegally, and 5.2 million illegal Mexican residents were in the U.S. in 1989. This suggested to them that the probability of apprehension "was drifting downward" in the late 1980s—that U.S. border had become "increasingly porous." Singer, Durand, and Massey (1996, 37) concluded that "interlocking processes of social and human capital accumulation build a self-feeding momentum into the migration process... [that] U.S. enforcement practices in no way halt—and in many ways encourage."

There is also disagreement among analysts about the effects of a peso devaluation on emigration. Some, including Jorge Bustamante, argue that devaluations reduce emigration sharply in the short-run, because the cost of being smuggled into the U.S. is fixed in dollars and the smuggling fee is paid in Mexico from Mexican savings, so that a devaluation raises a financial hurdle for potential migrants.

However, if the cost of entering the U.S. is paid by U.S. residents, then a devaluation that increases the value of U.S. work relative to that in Mexico can stimulate migration. Taylor (1995), for example, estimates that a 10 percent peso devaluation increases Mexico-to-U.S. migration by 17 percent.

MMP data suggest that illegal migration was lower in 1983 and 1988, just after devaluations, supporting Bustamante. However, Donato, Durand, and Massey (1992) emphasize that the slowdown in illegal immigration was short-lived—well before the peso recovered, emigration increased.[38]

Mexico has had major devaluations at the end of each of the last 4 Presidencies; in 1976, in 1982, again in 1986-87, and in 1994-95. After each devaluation, illegal immigration as measured by apprehensions in the U.S. increased, but there seems to be no immediate and consistent relationship between peso devaluations and illegal immigration to the United States.

For example, after the 1982-83 peso devaluation, it took about 16 months for the U.S. Border Patrol to notice a significant increase in illegal immigration. In 1987, apprehensions dropped despite a devaluation of the peso, largely because so many Mexicans were becoming legalized U.S. immigrants under the 1986 Immigration Reform and Control Act (IRCA).

The drop in apprehensions in the mid-1980s despite the peso devaluation emphasizes the importance of U.S. policies in determining whether Mexicans respond to economic crisis by emigrating. IRCA was signed into law in November 1986, and for the next six months, internal INS enforcement was suspended—unauthorized aliens who could get into the U.S. were not subject to INS raids or employer sanctions.

Beginning on May 1, 1987, the U.S. offered legalization to illegal alien farm workers, and over 800,000 Mexicans took advantage of it to become legal U.S. immigrants. There was less need to risk apprehension when legalization applications could be filed in Mexico, or Mexicans could come to the border, assert that they qualified for legalization but had no records to prove that they had worked illegally in U.S. agriculture, and then obtain 90-day entry and work permits.

Smuggling fees dropped as Mexicans entered legally, and the fraudulent document industry boomed. Most applicants for legalization under the special agricultural worker (SAW) program submitted only letters from U.S. labor contractors and farmers that asserted, for example, that "Juan Gonzalez picked tomatoes for me for 92 days between May 1985 and May 1986." By some estimates, over half of the 1.1 million aliens legalized around the U.S. under the SAW legalization program were not eligible.

The economic outlook in Mexico and U.S. responses to the first two peso devaluations provide clues to the response to the 1994-95 devaluation. The 70-percent peso devaluation of 1982-83 lowered real wages in urban areas, and put

Mexican farmers in a cost-price squeeze, but the fact that most Mexican workers kept their jobs and saw their standard of living erode only gradually helps to explain the delayed illegal emigration response (Lustig).

The 1986-87 peso devaluation, by contrast, occurred when the U.S. was offering amnesty to illegal immigrants, the INS was educating employers rather than enforcing sanctions, and the U.S. and California enjoyed a period of rapid U.S. job growth, all factors that encouraged a seemingly "legal" migration response.

The 55 percent peso devaluation of 1994-95 occurred in a different climate in Mexico and the United States. In 1995-96, many Mexican firms laid off workers, rather than simply allowing their wages to be reduced by inflation. The number of workers in formal employment—permanent Mexican Social Security Institute or IMSS beneficiaries—fell by about 400,000 between mid-1994 and the end of 1995, from 8.8 to 8.4 million—estimates of the total number of Mexicans who lost their jobs in 1995 range up to 1.7 million.

Assessment

This section reviewed leading studies of Mexican emigration communities to determine what factors initiated and sustained migration to the U.S. The community studies lead to several conclusions:

- Most researchers identify U.S. recruitment, in the 1942-64 *bracero* era, as the key factor that unleashed "mass" migration to the U.S. For this reason, most of the "pioneer" migrants were young men from rural areas coming to work on U.S. farms. In most studies, a combination of stepped up U.S. enforcement and an expanded Bracero Program in the mid-1950s reduced illegal immigration and increased legal migration.
- The studies differ on what happened after the Bracero Program ended in 1965. Some emphasized that, in the late 1960s, only those who had greencards could easily enter the U.S. and find work. Other studies emphasize continuity in the migration process.
- All studies agree that, by the late 1980s, the probability that a young man would make a first trip to the U.S. was rising, that more women and children began to migrate to the U.S., and that factors other than a specific economic event—such as a U.S. recruiter or a drought in Mexico—motivated especially young men and women to migrate to the U.S.

This last finding—the changing reasons why Mexicans migrate to the U.S.—is perhaps most important for thinking about the policy responses to the changing factors that sustain Mexico-U.S. migration. The community studies suggest clearly that U.S. recruitment in the 1950s stimulated Mexico-U.S. migration. If Mexico

and the U.S. wants to avoid initiating and sustaining Mexico-U.S. migration, this conclusion suggests that U.S. recruitment of Mexican workers should be avoided.

Given current role of supply-push and network factors in sustaining migration between Mexico and the U.S., the community studies are much less clear about how to reduce or reverse sustaining factors. Only a few of the studies suggest doing nothing—that economic development stimulated by remittances in Mexico will "naturally" reduce emigration pressures, although Taylor (1992) approaches this conclusion.

More common is the conclusion of Cornelius; a "culture of outmigration" has developed in some areas of Mexico so that "migration to the U.S. becomes a complete substitute for local economic activity," despite the fact that many young migrants "have no apparent necessity for going" to the U.S. (1990, 77). Massey et. al (1987) similarly conclude that migration has become a way of life in come communities in west central Mexico, so that dramatic economic improvement in Mexico, or much tougher U.S. immigration controls, would be necessary to break the culture and bonds that have evolved.

Massey argues economic improvement or effective controls are unlikely to slow migration from established areas; "it is much too late in the process to have any realistic expectation of markedly affecting the level of Mexican emigration to the Untied States," so that migration-avoiding policies should concentrate their efforts outside of traditional migrant-sending areas, and give up where migration networks are established. Cornelius disagrees, noting that population growth continues in traditional sending areas, and that there is some in-migration to some emigration communities to fill the vacuum left by departing migrants, so that the number of migrants even from traditional sending areas could remain large (1990, 91).

The central finding of the more recent community studies is that the probability of taking a first trip to the U.S. has been rising:

- despite employer sanctions and stepped up border enforcement,
- and in part because of legalization and family unification policies.

The question is, what policies should be pursued to reduce the factors that seem to be sustaining Mexico-U.S. migration? There are at least three broad options; stepped up U.S. border and interior controls, free trade and other growth-accelerating policies in Mexico, or learn to live with high levels of Mexico-U.S. migration.

The U.S. has already stepped up U.S. border and interior controls, and is adding both Border Patrol agents and interior inspectors. There are several more notches of enforcement that could be tried, including the phasing-in of a counterfeit-resistant work permit, effective enforcement of employer sanctions and, to the extent that social services sustain some migration, more rules and screens to prevent

immigrants and unauthorized migrants from participating in tax-supporter programs.

Social service screens are controversial, since it is not clear what role welfare and other tax-supported services play in stimulating migration. Excluding unauthorized children from K-12 education, for example, may not deter unauthorized immigration, but may be counterproductive to keep unauthorized children out of public schools, making them less productive workers in the U.S. or in their countries of origin.

In any event, if the community studies are correct, neither border controls, nor employer sanctions, nor social service screening, is likely to be effective.

Most U.S. and Mexican observers believe that the best way to reduce the importance of the factors that sustain migration is to accelerate economic and jobs growth in Mexico, and to assure that the benefits of more rapid economic growth are shared widely. Former Mexican President Salinas argued for the North American Free Trade Agreement (NAFTA) on the grounds that it would accelerate job growth in Mexico, and "more jobs will mean higher wages in Mexico, and this in turn will mean fewer migrants to the United States and Canada. We want to export goods, not people" {quoted in Bush letter to Congress, May 1, 1991, 17).[39] U.S. Attorney General Janet Reno made the same point: "We will not reduce the flow of illegal immigration until these immigrants can find decent jobs at decent wages in Mexico" (San Diego Union-Tribune, November 14, 1993, 1).

Most analyses concluded that NAFTA is the policy most likely to speed up economic and job growth in Mexico and thus deter illegal immigration, even though most researchers echoed the conclusion of the U.S. Commission for the Study of International Migration and Cooperative Economic Development; "The economic development process itself tends in the short to medium term to stimulate migration" (Cornelius and Martin, 1993, Martin, 1993). After a 10 to 15 year "migration hump," these researchers suggest that Mexico-U.S. migration should decrease.

The most troubling community studies are those that, following Massey and Espinosa (1995), downplay the importance of economic variables in sustaining migration, argue that control policies cannot work, and stress the role played by "social capital"—friends and relatives who can help Mexicans to migrate to the U.S. Massey and Espinosa used interviews with 3,700 people in 25 Mexican communities to conclude that migration is increasingly motivated by "social capital theory" and "the new migration theory" rather that wage and unemployment differences that might be reduced by economic and job growth.

These studies are troubling because, if Mexico-U.S. migration really is "self-feeding," as Massey and Espinosa suggest (1995, 14), then the most effective short-run techniques to reduce or reverse the factors that sustain Mexico-U.S. migration

would be a control-style response to unwanted Mexico-U.S. migration—a wall along the border, and a moratorium on legalization and immigration. It may be that even these control efforts would be ineffective but, if economic variables do not affect flows, and social capital does, then controlling immigration rests on "decreasing" the amount of social capital available, and preventing the formation of additional social capital.

Mexican Migration Project Data Re-Analysis

The MMP data were collected in the 1980s and early 1990s from about 200 households in each of 39 communities in west central Mexico, the region of Mexico centered on Guadalajara from which most Mexican migrants to the U.S. have come (Mexican Migration Project, 1995). The communities range in size from 1,000-person hamlets in 1990 to a section of Guadalajara, a city with a 1990 population of 2.9 million. As of 1993, the MMP data included information on about 42,700 men, women, and children, including 9,530 migrants.

In each of the 39 communities, about 23 percent of the housing units were randomly selected after a house to house census established the total number of housing units, and household interviews were conducted in December-January, when sojourner U.S. migrants often return to Mexico. Individual migration histories were compiled for all members of the household, including children of the household head who had formed their own households, and those absent when the interview was conducted; information was gathered on an average 9 persons per surveyed household.

Interviewers spoke with the household head and obtained information on all children, whether they were present or absent and, if absent, whether they were in Mexico or the U.S. (Massey and Espinosa, 1995, 4). For the household head, a "migration history" was compiled for each year after age 15—did the person migrate to the U.S. and, if yes, as a legal or illegal migrant. In addition, interviewers talked to about 20 migrants from each of the communities in the U.S. the following summer to obtain data on e.g., U.S. wages and remittances.

Modeling First Migrations

This section presents the results of models that predict the probability that a young man aged 20 to 24 would migrate to the U.S. in any year, and the cumulative probability that young men would take a first trip to the U.S. by age 40. For each year of life, a household member being interviewed had three choices (1) not migrate to the U.S.—coded 0—or (2) make an unauthorized trip[40]—coded 1—or (3) migrate lawfully—coded 2. Once a person migrated, that person was excluded from further

analysis, so that every year, both the numerator and denominator changed, as some people migrated, while others turned 20.

These individual life-histories were used to estimate "age-period" models of migration, i.e., the ages of residents and community characteristics were assembled to estimate the probability of migration to the U.S., and whether the first trip was legal or illegal, for each year after 1940. Two probabilities were estimated:

- the probability that a man aged 20 to 24 migrates to the U.S. legally or illegally in a given year
- the cumulative probability that men by age 40 would have made a first legal or illegal trip to the U.S.

The typical person for whom "first U.S. migration" behavior was modeled was a 32 year old married man, with about 5.5 years of education and 2.2 minor children at home (Massey and Espinosa, 1995, 8). Across these MMP communities, about one-third of the men made a first trip to the U.S. by age 40, although in six of the 30 communities, over half of the men made a first U.S. trip by age 40.

For example, in community 2, a section of a large city, the probability that a young man 20 to 24 would migrate illegally to the U.S. was 1 percent in 1994, and 16 percent of the young men in this section of the city would migrate illegally to the U.S. by age 40 (Table 2).

To better trends over time, consider a typical community—say number 11, with a 1990 population of 20,000. Table 4 shows that about 12 percent of the men aged 20 to 24 in this community took a first illegal trip to the U.S. in 1980. About one in 10 young men continued to make a first illegal trip to the U.S. from this community throughout the 1980s—the low point in illegal migration was in 1993, when only 3 percent of the young men made a first illegal trip. The probability of an illegal first trip more than doubled to 7 percent in 1994, which means that 7 of 100 young men in community 11 made a first illegal trip to the U.S. in 1994.

Braceros were recruited in community 11, and the first-legal-trip data indicate that, during the *bracero* era, 1942-1964, about 2 percent of the young men made a first legal trip to the U.S. However, there was also considerable illegal immigration—there were only two periods during the *bracero* era when first legal trip probabilities were greater than first illegal trip probabilities—1940-44, and 1955-59.

In the early 1980s, three times more young men made their first trip to the U.S. from community 11 illegally than legally. However, in 1988, more young men went legally than illegally, and the legal probability has generally exceeded the illegal probability since.

Many U.S.-bound migrants are from very small places that, even in 1990, had only 1,000 to 3,000 residents. For example, Community 10 is typical of the small villages that depend on emigration and remittances to supplement earnings from rain-fed agriculture.

According to migration histories collected in 1989 from 150 households in Community 10, in the early 1940s, about 3 percent of the young men made a first unauthorized trip to the U.S., and 6 percent made an unauthorized trip in the early 1950s. First unauthorized trips slowed in the early 1960s, but then jumped in the 1980s, so that, between 1984 and 1986, over 40 percent of the young men who had not previously migrated made a first unauthorized trip to the U.S. Community 3 has similar first illegal trip probabilities, peaking at over 30 percent between 1984 and 1986.

The figures in the Appendix show that the probability of making a first illegal trip to the U.S. from communities 10 and 3 was higher than the probability of making a first legal trip from 1971 through 1987. Since 1987, more young men are making their first trips legally rather than illegally. In community 3, note that the chance of an illegal first trip remained higher than a legal trip throughout the 1971-94 period.

The cumulative probability data estimate how many young men from a community would have taken a first trip by age 40, legally or illegally. The pool of those who could migrate—the denominator—is all men in the community under age 40 who have so far not migrated legally or illegally.

During the wartime Bracero Program, 1942-46, the cumulative probability of migration legally was considerably higher than for illegal migration. However, in the late 1940s, the probability of illegally migrating exceeded the probability of legal migration, but legal migration once again became the norm after Operation Wetback in 1954 until the end of the Bracero Program in the early 1960s.

After 1964, the cumulative probability that young men migrated legally trended downward, while the cumulative probability of a first illegal trip moved up, peaking at 80 percent across these emigration communities in the early to mid-1980s. After reaching a low in 1985, the cumulative probability that a young man would have made a first legal trip to the U.S. by age 40 has fluctuated, with legal and illegal cumulative probabilities following the same patterns.

Women have different migration patterns than men. A woman's chance to migrate legally is generally higher than her migrating illegally, and women are most likely to migrate during periods of family unification, the mid 1960s and the 1990s. But from some communities, such as 3, women's migration patterns are similar to men's—the probability of migrating illegally is always higher than migrating legally throughout the 1971-1994 period.

Assessment

Based on the model and the MMP data, it appears that the probability of young men leaving west central Mexico for the U.S. by age 40 was 80 to 90 percent since the early 1940s. On a year by year basis, the major difference was whether young men made their first trips legally or illegally.

In the early 1940s, about two-thirds of the young men in the 39 communities took a first legal trip to the U.S. by age 40, and another 25 percent took a first illegal trip. Over the years, legal and illegal probabilities mirror each other—when the probability of a first legal trip decreases, the probability of a first illegal trip increases, ensuring that 80 to 90 percent of the young men make a first U.S. trip by age 40. There are two exceptions to this pattern—in the mid-1960s, and again after 1987.

The migration data from these 39 communities provide evidence that, from traditional emigration areas of Mexico, the U.S. policy choice is whether young men take their first trips legally or illegally, i.e., U.S. and Mexican economic conditions and policies seem only to shift migrants between legal and illegal categories. However, the data and analysis leave several questions unanswered, including whether and how U.S. and Mexican economic conditions and policies change the duration of stay abroad, and whether and how migrants who return to Mexico attempt re-entry.

New Community Studies

The mid-1990s represent a new era in Mexico-U.S. migration. There are several reasons, including changes in U.S. immigration law and enforcement practices, the implementation of NAFTA, and the restructuring of the Mexican economy. In order to determine how these and other changes are affecting Mexico-U.S. migration, we commissioned four new community studies for this report.

Themes

The community studies completed in 1995-96 reach several conclusions;

1. First, they agree that, although economic factors remain central to the decision to migrate, the factors initiating and sustaining Mexico-U.S. migration have become more complex. Most Mexican research on the factors that initiate and sustain migration include economic, social, geographic, environmental, and other factors (Stern 1977, Arizpe 1978, Winnie and Arroyo 1979, Lopez 1986, Gonzalez and Escobar 1990, Arroyo 1994, Arroyo and Papail 1996), but not in a manner that attempts, e.g., to assert the relative importance of each of these factors.

2. The new cases studies emphasize that there are network turning points which can be obscured in retrospective migration histories. Two examples make the point. First, Mexico City changed from the major destination to the major origin of Mexican migrants between 1970 and 1990, yet network studies failed to find network tipping points related to economic, environmental, and social variables that would explain the change.

   Second, there is universal agreement that more women and children are joining husbands in the U.S. in the mid-1990s. There is little agreement on why Mexican women apparently decided that it was better to raise their children in the U.S., and that Mexican men and women decided that, with two earners, they could survive better in the U.S. than Mexico.

3. Our mid-1990s interviews find that the probability of successfully entering the U.S. on a first unauthorized attempt is rising, to 59 percent in 1994-95. Almost two-thirds of first time migrants are using coyotes to help them cross.

Evolution

Most of the community studies of emigration areas in Mexico before the mid-1980s were done or supervised by U.S.-based researchers. Massey and his three Mexican anthropologist collaborators—Alarcon, Durand and Gonzalez—cast a long shadow in both countries. These researchers popularized the network concept on both sides of the border, and emphasized the importance of "social capital" in migration decisions.

Mexican researchers in the 1970s and earlier examined internal migration, and used concepts such as networks to explain the movement from rural to urban areas. For example, Arizpe examined "relay migration" from impoverished indigenous regions to Mexico City (1975, 1977), and Lomnitz studied social networks in a small migrant community (1975, 1977). Both showed how the decision to migrate depended on personal contacts—"microstructures of migration" or networks—how migrants from the same community or family grouped together in their destination, and often practiced the same trades or entered the same businesses, and how mutual assistance led to the formation of new urban communities based on groups, values and cultures that the migrants brought with them.

Mexican community studies today pay deference to networks, but lay more weight on economic factors such as employment, poverty, and wage gaps than do the studies linked to Massey (Orozco 1993, Arroyo and Papail 1996). Mexican researchers also put more weight on non-economic and non-network factors, such

as distance from the border or destination community, community organization, kinship and ethnic characteristics.

A typical Mexican study is that of Margulis and Tuiran(1986), which stresses that there was an uneven distribution of capital and labor across space, and that migrants were searching for survival and better opportunity. The demand for migrant labor in the U.S. is considered an important factor after 1900, and became especially important after 1940. Indeed, Margulis and Tuiran argued that the U.S. used the *bracero* system to take advantage of Mexican labor when it was most productive, and not bear its upbringing or retirement costs.

Network reasons for initiating and sustaining migration have been a mainstay of the Mexican literature since the 1980s. There are two approaches to networks. First, some researchers see networks as a channel that facilitates migration and lowers the cost of a risky undertaking. In this sense, a network is a kind of social organization that structures migrants' experiences, and provides substantial help to migrants, precisely because it is "open" to helping relatives, friends, and members of the community (Lopez 1986, Alarcon 1989, Durand 1988, Rionda 1992).

The second approach to networks is to see them as bridges that link a single community across space. In this binational community view, economic concerns, politics, religion, ethnicity and identity are similar in the linked communities, laying the basis for mutual support despite distance (Lopez 1995, Espinosa 1996, Mummert and Zendejas 1996, Durand 1992). Many researchers combine both approaches, seeing networks as both open social structures, and as the glue binding binational communities together.

The fact that networks have become an umbrella concept that encompass a great deal of human behavior tends to obscure certain features that are vital to initiating and sustaining migration. For example, so some families and individuals profit differentially from existing networks, perhaps by "placing" members in crucial points, or should a network be viewed as a big and happy family? More refined analyses are needed to determine when and how networks break up; when and how individuals decide to migrate in spite of weak or no links to networks ; and when and how a "binational community" reconstitutes itself in the U.S., as when most women and children join men abroad.

History shows that migrant destinations change, yet network theory has been unable to explain why. For example, between 1970 and 1990, Mexico City switched from being the major destination for Mexican migrants—far more important than the U.S.—to becoming the major origin for migrants in Mexico. However, network studies provided few clues as to how such a major shift could occur so quickly, although the major variables—fewer jobs, high housing and living costs, environmental factors, and social fears such as crime—probably reversed networks with ever-more social capital within 20 years.

One key variable in network breaks is family—when and why do wives and children join men in the destination area? It is clear that more Mexican women and children are migrating to the U.S. possible (Gonzalez de la Rocha 1989, Mummert 1996 in appendix, Lopez 1996 in appendix), but it is not clear whether the return to nuclear families in one place represents a significant change in gender relations, or a return to a situation of protection by the male.

The community studies commissioned for this report suggest that two factors are at work. First, more women seem to have decided that it is better to raise their families in the U.S., where children can complete secondary school. Second, many men apparently want the U.S. earnings of their wives to support themselves in the U.S.

The body of research based on interviews in the late 1980s of the past 40 years of migration cannot easily locate such "turning points" in migration networks. However, the new case studies suggest that a combination of economic instability since 1982, slow job growth, and restructuring that promises little economic future in some emigration areas certainly played a role in the decision to move to the U.S.

In addition to network turning points, the new case studies indicate that a rising percentage of unauthorized migrants are entering the U.S. on their first attempt. Based on interviews with 1,200 households in Jalisco in 1995-96, about 48 percent of those attempting illegal entry into the U.S. succeeded on their first try in 1980-84, 53 percent between 1985-93, and 59 percent in 1994-95. Reliance on coyotes also increased—50 percent of those attempting a first illegal entry used a coyote in 1990-93, versus 71 percent in 1994-95, and more migrants are attempting entry in Mexicali-Nogales.

Key Informants and Public Opinion

In early June 1997, key informants in west Central Mexico were asked about the extent, effects, and likely future patterns of emigration. Three themes dominated their responses:

1. Most migrants from central Mexico to the U.S. are rural, not urban residents. Many live in small "bedroom" communities that have less than 5,000 residents, and are dependent on rainfed agriculture and urban and farm jobs in nearby towns. Most key informants emphasized that the choice is occasional work in Mexico for 22 to 24 pesos ($3) per day in rural Mexico, or minimum wage work in similarly uncertain labor markets in the U.S.

2. There is a culture of emigration, in the sense that many rural young men expect and are expected to migrate to get the money needed to buy a

house and marry. In other words, going and coming to the U.S. is such an everyday occurrence that someone with a U.S. network who does NOT go is considered the exception. Despite much discussed stepped-up U.S. border controls, and a great deal of misinformation about IIRIRA e.g., barring illegal alien children from U.S. schools, several key informants noted that it takes only 1 successful entry and return with money to offset 100 failures and induce more young men to make the trip.

3. The most surprising finding was that many key informants who seemed knowledgeable about migration stressed the NON-importance of remittances in launching local businesses, especially larger businesses that employed 10 or more workers. Indeed, even returned migrants with successful businesses stressed that they got the money to begin the business in Mexico, not in the U.S. All acknowledged that the spending of remittance money on food and housing has local multiplier effects on economic activity, and that some remittance savings were invested in agriculture, but we were struck by the inability of key informants to mention by name a local business success that was founded by a returned migrant with remittances, while all knew of the handful of multinationals such as Nestle that had operations in the area.

Key Informants

This section provides capsule summaries of several of the places that were visited. All were in Jalisco, the largest state in west central Mexico, and a place were agriculture means that farmers with a few hectares of land plant corn in mid-June, and hope that enough rain falls in the summer so that there is a harvest in October-November.

Zapotlanejo, about 20 minutes east of Guadalarja, Jalisco, is a city and municipality of 80,000 that represented the optimistic end of the development-slows-emigration spectrum. This “birthplace of the clothing industry” has 1,400 small retail shops selling a wide range of sports-oriented clothing for children and adults. The city of 47,000 has grown rapidly, as rural residents abandon farming and move into shanty towns on the edge of the city—at least 5,000 people in Zapotlanejo live without water or electricity. The 33,000 rural residents in the surrounding area, everyone agreed, are suffering from low farm prices and high costs of producing crops; some farm land is reportedly being abandoned.

Men began migrating to the U.S. from Zapotlanejo in the 1940s under the Bracero Program and illegally, but there was a sharp increase in emigration in the late 1960s, when many residents were able to obtain green cards from U.S. employers

and work in the U.S. as greencard commuters. Today, there are ex-Zapotlanejo residents settled in California, Chicago, and Texas; one estimate was that about 80 percent of those who worked in the U.S. stayed.

Zapotlanejo has experienced a boom in the past 10 years, as the number of retail clothing shops expanded by over 100 each year, reflecting its reputation for quality production. An estimated 5,000 local residents are employed in the clothing industry, and others are employed in support industries, including transport (2,000 visitors reportedly arrive every day). However, this still leaves 10,000 or more workers in the region—many on farms—who are unemployed or underemployed.

One such migrant was a father of 10 who worked most of each year in a Dallas factory, and who had at least one son working in Tennessee illegally. This farm family with 11 cows had several children who completed high school and went to college, as well as a newly-established retail clothing shop, but when asked how many of the children would go if there were a new guest worker program that offered legal entry and work permits, the mother thought that most or all of her children would go. The father reportedly goes into debt to farm in Mexico, and migrates to the U.S. to earn money to pay off the farm debts.

Perhaps the central migration issue in this town is the race between the U.S. and the clothing industry to absorb workers. Despite high wages—$400 to $500 per month for the men who cut fabric, and $250 per month for the women who sew at piece-rate wages, there seems to be a combination of shortages of skilled and experienced workers for the clothing industry, and too many rural workers going into debt in agriculture. In an area where the minimum wage is 22 pesos or $3 per day, we were told that all workers expect to be paid more than the minimum wage of 22 pesos per day ($3).

It is expensive to set up a sewing shop in Zapotlanejo; little commercial space is rented, but if it were, 700 square meters of space to establish a sewing shop would rent for 2,000 pesos or $250 per month, and sell for $60,000—real estate prices may have tripled in the past 10 years in Zapotlanejo.

Most shops that have sewing machines buy rather than rent them, and establishing a sewing shop with 10 sewers can easily cost $10,000, including sewing machines at $600 each. In addition, larger sewing shops in town are subject to social security or IMSS taxes that add 25 to 30 percent to wages. But key informants said most sewing shops started with one or two machines in a home that could be bought with less than $1,000, and used family labor to get established (usually the cutting was done in larger factories, who also paid for the fabric, and home workshops only did sewing for them). Over time, these home-based workshops expand or cease to exist.

The goal of the town is to decentralize sewing, to lend sewing machines to rural women, and to have them sew garments in their homes. This would prevent the growth of shanty towns around Zapotlanejo, and help sewing shop owners to avoid IMSS costs. IMSS are social security and other payroll taxes that add approximately 20 to 30 percent to wages.

While the decentralization of sewing might provide more jobs for local women, it is not likely to provide many additional jobs for local men in rural areas, who are most likely to emigrate. About 20 percent of the farm land around Zapotlanejo is in ejidos, and land prices seem to vary considerably, from $3,600 per hectare for dryland crop land. There is a local dairy industry, but everyone agreed that milk prices were too low to make milk production profitable.

There is one American firm in Zapotlanejo, employing 250 seamstresses; it received a special municipal tax break to locate there. It does all its sewing in the shop, pays all labor and employment taxes, and exports garments to South America and U.S. markets.

Pegeuros is a town of 4,000, plus 4,000 in the surrounding countryside, that has a long tradition of emigration. The local economy is based on rainfed agriculture, but has developed a significant agribusiness industry centered on poultry, dairy, and hogs; these agribusinesses developed in Pegeuros because their owners were from the area, not because the area has either cheap animal feed or slaughtering facilities. Some key informants reported low wages of $25 to $40 per week for laborers were also a factor in the decision to locate in Pegeuros. Both large-scale dairy and poultry production are reportedly profitable.

The returned migrants in Pegeuros stressed the non-importance of remittances and skills acquired in the U.S. in starting local agribusinesses. Instead, they credited e.g., selling clothes in Mexico City with laying the foundation for local agribusinesses. Several noted that the amount of money needed to begin a viable agribusiness greatly exceed what a typical migrant can earn while in the U.S., so that most remittances are spent on current consumption and improved housing. Ironically, many of the workers employed for wages in these local agribusinesses are migrants from nearby towns, since Pegeuros residents tend to go to the U.S., or expect U.S. wages in Pegeuros (supervisors and accountants on large farms earn $400 to $500 per month).

There are as many persons born in Pegeuros in the U.S. as in Pegeuros, and some have been very successful, including several who started businesses in the Los Angeles area. The U.S. Pegeuros-residents have a club that returns money to Pegeuros for civic improvements, but some of the projects supported by the club have not benefited local residents, including a clinic that was built with club support in 1995, but in 1997 had no equipment because Mexican customs refused to

allow the entry of donated medical equipment. The U.S. clubs maintain ties to their Mexican villages of origin with beauty pageants in both the U.S. and Mexico that include contestants from the U.S. and Mexico; many week-long fiestas in Mexican villages include a day for migrants living in the U.S.

A typical lot in Pegeuros on which to build a house cost $2,500, and the house another $20,000, although one house built by an extremely successful Pegeuros migrant in Hollywood cost $200,000. Many of the successful migrants who settle in the U.S. invest in real estate and businesses there; some local residents complain that those who settle in the U.S. reduce remittances and investments in their village of origin.

Pegeuros leaders feared a mass return of Mexicans after April 1, 1997, but so far, there have been almost no returns. There have been a few returned criminal aliens, and they have caused trouble, and inspired imitation by local youth.

The Los Altos area of Central Mexico has been exporting young men for centuries, for seminary and work. One village of 2,800 was mostly dependent on U.S. remittances and money earned in nearby towns—it was a "bedroom community" seemingly closer to the U.S. labor market than to local jobs that added residents despite emigration through births exceeding deaths. At least 500 persons born in the village were in the U.S.; there are also retired residents living in the village who worked in the U.S., and now receive U.S. Social Security benefits.

There is a marked contrast between public squalor and private affluence in these villages. The main street running through town was only quasi-paved, but the homes of migrants were immediately noticeable because of their satellite TV dishes. Migrant remittances were also being used to construct a fairly-elaborate hall for weddings and 15-year old coming out parties for girls.

When asked how many young men would go if there were a new guest worker program that permitted legal migration, most people expected most of the young men without education to leave for the U.S.

Lagos de Moreno is a town of 125,000 that has a long tradition of resistance to the federal government's land and other reforms. Lagos de Moreno is actually two distinct areas; a city bustling with factories that process agricultural products, including milk, and shops selling a variety of goods, and a rural hinterland that includes over 300 villages often filled with struggling farmers. The major agricultural enterprise is dairying; Nestle has a plant in the town.

Lagos de Moreno has several enterprises that send workers to the U.S. for training, but it appeared that the workers sent to the U.S. for training were not those who would otherwise have migrated.

Key informants in Lagos de Moreno spent some time discussing differences between groups of residents, including Native Americans who married among themselves, and poor blond girls who were able to marry up because of their looks. All

agreed that a root cause of rural poverty in the area was a poorly-executed land reform in the 1950s and 1950s, when haciendas were divided up among peasants, but they were not provided with the credit that the hacienda owners provided, so farm production fell. One elderly Lagos resident recounted how her husband went to the U.S. as a *bracero* in the early 1940s, and with 5,000 in peso savings from 18 months of U.S. work was able to begin what turned into a profitable cattle business.

Opinion Polls

This section presents public opinion data from 1989 and 1995 on the factors that sustain migration across the U.S.-Mexican border. The Los Angeles Times interviewed some 1835 Mexicans August 5-13, 1989 in 42 Mexican cities and towns to determine whether IRCA was discouraging illegal migration to the U.S. About one-third of the Mexicans who responded to the poll reported they had already visited the U.S., 42 percent said they had relatives in the U.S., and 7 percent reported that they received funds from a U.S. relative.

About 6 percent of those polled in Mexico in the summer of 1989 reported that they were "very likely" to take up U.S. residence in 1990, and 16 percent said that they were "fairly" likely to move north within the next year. Since each one percent of respondents was assumed to represent about 850,000 Mexican residents, this was interpreted to mean that about 4.7 million Mexicans were "very likely" to move to the U.S. illegally in 1990. These polling data were used to conclude that, despite IRCA, many Mexicans planned to illegally enter the U.S. (Marjorie Miller, "The Times Poll—Despite New Laws, U.S. Still a Lure in Mexico," Los Angeles Times, August 21, 1989).

Conclusions

Much has changed since Herbert Hoover in 1918 argued for removing restrictions on Mexican immigration by asserting that "we need every bit of this labor that we can get and... we will need it for years to come" (Quoted in Kiser and Kiser, 1979, 14). However, there has been one constant—a debate over whether Mexican workers were truly needed in the U.S. The Mexican Consul in Arizona, in 1918, noted that many Mexicans and Mexican Americans in that state were unemployed, so that "there is an abundance of labor here [in the U.S.] and what is lacking is a good wage and above all good treatment" (Quoted in Kiser and Kiser, 1979, 15).

The constants in Mexico-U.S. migration are at least threefold:

1. The pleas of U.S. employers, especially farmers, for supplementary foreign workers.

2. Arguments by U.S. unions, churches, and sometimes the Mexican government that there was no shortage of labor in the U.S., only a shortage of wages and decent working conditions.

3. Migration off the land in Mexico (Escobar and Roberts, 1996, 1).

After almost 80 years of Mexico-U.S. governmental interaction over Mexican migration to the U.S. for employment, there is still disagreement over facts, trends, and recommendations.

We believe that Mexico-U.S. migration for employment is initiated and sustained by three broad categories of factors; demand-pull factors in the U.S., supply-push factors in Mexico, and network factors that bridge the border. Our major conclusion is that the factor that initiated Mexican worker movement to the U.S.—government-approved U.S. employer recruitment—has been joined by supply-push and network factors as major motivators and sustainers of migration.

Given the importance of supply-push and network factors in current Mexico-U.S. migration flows, we argue that there is currently a peak or hump in Mexico-U.S. migration that should be reduced by economic and job growth in Mexico beginning in 5 to 15 years.

Notes

1. U.S.-Mexico migration for employment and retirement patterns are summarized in Volume 3, pages 869-1000.

2. According to Massey, 95 percent of Mexicans' first trips to the U.S. are unauthorized (1996). The INS estimated in 1997 that there were 5 million unauthorized aliens residing in the U.S. in October 1996. Of these, 54 percent—2.7 million—were Mexicans who the INS believes were residing in the U.S. 12 months or more. The number of unauthorized aliens settled in the U.S. was estimated to be increasing by 275, 000 per year, including 154,000—69 percent—Mexican nationals (INS, 1997). In addition to resident illegal alien Mexicans, there are additional seasonal or sojourner migrants who are in the U.S. part of each year—perhaps 500,000 to 1.5 million.

3. Mexican estimates suggest an increase of 277,000 legal and unauthorized Mexican-born persons in the U.S. each year, while U.S. estimates suggest 340,000 per year. Between FY91 and FY95, the 1.5 million legal Mexican immigrants were almost 30 percent of the 5.2 million legal immigrants admitted to the U.S.

The number two country of emigration, the Philippines, reported that 4.2 million Filipino-born persons were living outside the Philippines in 1996, and that 654,000 Filipino workers were deployed abroad in 1995. The Philippine Central Bank reported that remittances from Filipino overseas contract workers increased over 63 percent to U.S. $4.9 billion in 1995 (124 billion pesos), up from U.S. $3 billion in 1994 .

4. The 4 million to 5 million Mexican workers employed in the U.S. are equivalent to 40 to 50 percent of the Mexican workers permanently employed in private formal sector jobs in Mexico.

There were 9,163,459 permanent workers enrolled in IMSS at the end of 1996, a record gain of 661,024 from 8.5 million at the end of 1995, reflecting in part the return of 274,493 IMSS jobs lost in 1995. Growth continued in 1996: some 282,782 permanent workers were enrolled between January and April 1997, bringing the total to 9,446,241 at the end of April 1997, including 103,000 additions in April. Of the permanent workers enrolled in IMSS, 40 percent were in manufacturing (377,000 new IMSS jobs in 1996), 36 percent in services (166,000), 19 percent in trade (103,000), and 5 percent in agriculture (16,000).

In addition to permanent IMSS participants, some 2 million to 4 million government employees are permanent workers affiliated with ISSSTE, the government workers social security institute.

It should be emphasized that not all Mexican workers in the U.S. are in formal sector jobs. However, according to the NAWS, virtually all Mexican born farm workers have social security taxes deducted from their wages.

5. Sometimes migrants repay smuggling costs by working in coyote-related employment in the U.S., suggesting that funds to pay for entry, border crossing, and U.S. employment are becoming more closely linked

6. Based on mid-1990s fertility levels, Mexican woman average three births in a lifetime, down from seven in 1970. If lifetime fertility in Mexico stabilizes at 2.5 children per woman, Mexico's population will rise from 96 million today to 192 million in 2050, according to PRB. If lifetime fertility stabilizes at 2 children per woman, the Mexican population would be 154 million in 2050.

The secretary-general of Mexico's National Population Board predicts that Mexico's fertility rate will fall to 2.1 births per woman by 2005, and then fall below replacement level. The growth in the number of Mexicans 0 to 5 is currently zero, and the growth of the 6 to 14 age group is about 0.6 percent per year.

7. There are several measures of employment and unemployment in Mexico. A May 1995 Banamex review of data from the National Employment Surveys of 1988, 1991, and 1993 (ENE), household income and expenditure surveys of 1984, 1989, and 1992 (ENIG), and the population censuses of 1980 and 1990, concluded that the labor force or economically active population 12 and older in 1995 was 36.1 million, up from 33.7 million in 1993, and 31.2 million in 1991—in 1993, about 10 percent of the 12-14 year olds in urban areas with 100,000 or more residents were in the labor force, and 30 percent of the 12-14 year olds in rural areas (152-3). According to Banamex, Mexico had 27.4 million paid employees in 1995, and a labor force of 37 million in 1997, including those who are self employed, unpaid family workers, and the unemployed. A 1995 report from the U.S. Embassy in Mexico City estimated that 35 percent of economically active Mexicans are either unemployed or underemployed.

8. Between 1993 and 1997, Mexican National Employment Surveys indicate that the labor force increased from 32.4 million to 36.7 million, or by over 1 million or 3 percent per year. The 37 million current labor force number includes about 4 million unpaid family workers and 2 million unemployed workers; those classified as employers or wage and salary workers totaled about 30 million in 1997.

9. Even if economic growth averages 4 percent per year, the Mexican economy should be able to generate enough jobs for the smaller entry labor force cohorts after 2000. At 4 percent GDP growth, and the 1.35 economic-employment growth ratio, Mexico would be generating about 950,000 jobs per year soon after 2000, which should fully absorb the entry cohort. With 3 percent growth, and the 1.35 growth-employment ratio, Mexico should generate

800,000 new jobs per year, which should absorb the entry cohort of 2005 (Mexico's total labor force may grow by more than 800,000 per year, as persons not in the labor force seek work if jobs are available).

10. Mexican manufacturing is considered capital intensive, and with a high import content, reflecting *maquiladora* assembly activities, e.g., television parts are imported, and assembled televisions are exported. Tijuana has become the world's TV-manufacturing capital, churning out 14 million sets a year.

11. In FY95, the 19,200 Mexican non-immigrants admitted to the U.S. with H, O, P, Q, and R visas were 10 percent of the total 196,800 non-immigrants admitted with such visas, including 6,100 H-2A farm worker admissions, and 3,500 H-2B nonfarm worker admissions. Current non-immigrant temporary worker programs permit U.S. employers to recruit foreign workers anywhere.

12. It is easy to emphasize the gap between U.S. and Mexican positions, or ways to narrow the gap. For example, most U.S. employers would agree that Mexican guest workers would have to be paid prevailing U.S. wages, and work under prevailing U.S. working conditions, as Mexico would likely insist. However, U.S. farm employers have proposed that temporary foreign workers receive a housing allowance in lieu of U.S.-government approved housing, something that may be hard to justify given that the foreign workers presumably have no knowledge of local housing conditions, and that they are entering the U.S. for seasonal work.

In other words, if the seasonality that some U.S. and Mexican advocates think characterizes Mexican-U.S. migration is real, then there may be pressure to adopt different and lower housing and protection standards for guest workers, which may increase opposition to a guest worker program.

Whatever protections are adopted, many worker advocates believe that U.S. enforcement is adequate to ensure that they are obeyed.

13. There is a debate over whether low wages or unemployment is the major push factor in Mexico that encourages emigration. Massey et al. 1994, 710 conclude that "employment related variables [in Mexico] generally equaled or exceeded those of wage-related indicators."

14. Lowell (1995, 15) notes that the number of legal immigrant entries into the U.S. is (1) negatively correlated with non-immigrant entries across 116 countries that send migrants to the U.S., and (2) positively correlated with illegal entries, suggesting that legal immigration is a proxy for "emigration pressure" from a country.

15. Both historically and today middlemen recruiters and transporters have been involved in the migration process. Today, these understudied middlemen—who might be considered as arbitrageurs of differences between international labor markets—play an role in facilitating illegal labor migration, extracting a fee from migrant workers or their employers equivalent to 25 to 100 percent of what the migrant will earn in his first year abroad.

16. It should be emphasized that unauthorized workers accompany legal guest workers in every country with a guest worker program. The ratio to unauthorized to authorized workers is amenable to policy intervention, as in the mid-1950s, when the U.S. launched "Operation Wetback" and simultaneously encouraged farmers to employ legal *bracero* workers.

17. In 1947, there was a smaller than usual cotton crop, and relatively little farm work available in southern California during the winter months. However, the fall 1948 cotton crop was much larger than usual, increasing the demand for labor in 1948.

18. Some Midwestern meatpacking plants offer "bounties" of $200 to existing workers for each new worker referred. Many plants have recruiters who seek out workers within 50 or 100 miles of the plant, and some send recruiters to Texas or California in search of workers. For more details on how Mexican and other workers are recruited to work in Midwestern meatpacking plants, see Martin, Taylor, and Fix, 1996

19. Tomatoes are native to South America. Commercial U.S. production began in the 1880s. The U.S. produces about 20 percent of the world's tomatoes.

Cannery or processing tomatoes are harvested by cutting the plant and shaking off the tomatoes. The tomatoes are then sorted by color as they move past an electronic eye, and then loaded unto 25 ton trucks for delivery to processing plants.

The tomatoes are washed, screened to remove debris, and then either sliced or processed into tomato paste.

20. In addition, there were in 1993-94 about 500,000 non-immigrant foreigners working temporarily in the U.S. labor market—temporary non-immigrant workers are often found in the same sectors as settled foreign workers, viz, construction, agriculture, and hotels and restaurants.

21. The 23 million rural Mexicans shared the $30 billion rural GDP in 1994, giving them an average $1,311 each, while the 67 million urban Mexicans who shared the remaining $347 billion GDP had an average $5179 GDP each. Mexico's economy shrank by about 7 percent in 1995.

22. According to a Mexican proposal to the World Bank in 1995, 41 percent of Mexicans live in rural areas, and 84 percent of the extremely poor Mexican residents are in rural areas. Mexico-Agricultural Development and Rural Poverty Project, MXPA7711.

23. At the other end of the spectrum, Mexico includes the fourth largest number of billionaire families—24—after the U.S., Japan, and Germany. The wealthiest Mexicans in 1994 included Carlos Slim Helu ($6.6 billion in assets, Telmex), Emilio Azcarraga ($5.4 billion, Grupo Televisa), Lorenzo Zambrano ($3.1 billion, Cemex), and Aleko Peralta ($2.5 billion, Grupo IUSA)

24. About 12 percent of the sample households included an adult who had migrated to the U.S. in the past four years, and 27 percent included an adult member who had migrated to the U.S. at least once (de Janvry and Sadoulet, 1997, 7).

25. There are a few commodities that can be produced cheaper in Mexico, including avocados. However, when the USDA held hearings on whether Mexican avocados could be imported into the American northeast, where the pests common in Michoacán could not survive the winter, California producers called for keeping trade barriers in place until there was much more study and information available on the possible risks to U.S. avocados and citrus. California has 60,000 acres of avocados, and California avocado sales in 1995 were about $225 million.

26. Most Mexican vegetable exporters provide housing in 125 camps in the Culican Valley at no charge to their harvest workers, often 150 square feet for each family, which can range six to 10 family members. Government doctors visit the camps to dispense basic medicines and to teach techniques of birth control; however, the schools in the camps teach from 5 to 8 PM, so that children can help their parents in the fields

27. Helene Cooper and Bruce Ingersoll, "With little evidence, Florida growers blame tomato woes on NAFTA," Wall Street Journal, April 3, 1996.

28. For example, a Mexican peasants organization, the National Union of Autonomous Regional Campesino Organizations (UNORCA), in April 1996 asserted that more than 80 percent of Mexico's of what it said were three million ejidatarios, and 2.5 million small farmers, were vulnerable to bankruptcy. In late April, 1996, the Mexican government announced a plan to provide $1 billion in credit and technical assistance to 600,000 producers of grains on 11.5 million acres.

29. There were dozens of hearings on whether NAFTA should be approved by the U.S. Congress, but only one devoted specifically to how NAFTA would affect Mexico-to-U.S. migration. During the November 3, 1993, hearing before the House Judiciary Subcommittee on International Law, Immigration and Refugees, Chairman Romano Mazzoli (D-Ky) repeatedly asked Administration officials why they had not reached an agreement with Mexico on additional steps to control illegal immigration. They responded with variations on the statement of Deputy United States Trade Representative Rufus Yerxa: "NAFTA does not explicitly address the issue of illegal immigration, but in the long run, it is one of our best bets to reducing illegal immigration."

30. Tellez converted this to a labor displacement figure in May 1992, when he predicted that over 1.4 million farmers and workers would be displaced by 2002 due to freer trade and land reforms. Tellez projected that the farm work force would fall from 26 percent in 1992 (7.l8 of 30 million) to 16 percent by 2002 (6.4 of 40 million). Cited in Cornelius, 1992, p. 6.

31. About $12 billion is transferred outside the U.S. each year by money remitters or transmitters such as First Data Corp's Western Union and Moneygran Payment Services—these two collectively account for $11 billion or 90 percent of the nonbank international transfer market in the U.S. U.S. banks transfer an estimated $800 billion daily overseas. Wall Street Journal, May 20, 1997.

32. Some surveys indicate that employers prefer immigrants because their "right attitude" includes a tendency not to complain about labor law violations. Enforcement experience suggests that a majority of garment and agricultural employers inspected by labor law authorities are violating *some* labor law, but it is often very difficult to quickly prove the violation.

For this reason, labor inspection records indicate that many violations are "technical," such as failing to post safety notices, because such violations are clear, while others take time to prove. For example, it can take hours of investigative time to determine whether workers paid piece rate wages are earning the minimum hourly wage of $4.25 to which they are entitled, and so, rather than go through incomplete records, the inspector may simply issue a citation for a missing poster and move on. For a review of enforcement practices in immigrant labor markets, see Martin 1994.

33. It might be noted that the Fair Labor Standards Law, which established minimum hourly wages, overtime pay, and child labor rules, is routinely violated by some firms. DOL's 800 labor inspectors open 20,000 investigations each year, mostly following complaints, and win settlements for workers in about 90 percent of the cases. One employer group estimates that U.S. workers are unlawfully denied $19 billion per year in overtime pay—federal law requires that workers employed more than eight hours daily or 40 hours weekly be paid 1.5 times their normal wage (G. Pascal Zachary, "Many firms refuse to pay for overtime, employees complain," Wall Street Journal, June 24, 1996).

34. Wiest distinguished between temporary-recurrent migrants who were typically away for less than one year, indefinite migrants who those whom the household members

interviewed say that do not know if the absent member will return, and permanent relocation was the term applied to those who left the village.

35. Taylor (1987) emphasized that illegal migration to the U.S. does not contribute disproportionately to a Mexican household's income.

36. Cornelius concluded that Las Animas may be the exception in the sense that U.S.-bound migrants from there followed well-trod network paths to a few areas of the U.S. Cornelius argued that "social network-based migration does not necessarily tie a Mexican sending community to a single receiving area within the U.S."

37. Donato, Durand, and Massey concluded that IRCA was not deterring illegal entries. The 1987-89 drop in INS apprehensions, they concluded, was probably due to legalization, not to fewer Mexicans migrating to the U.S.

Espenshade agreed with the conclusion that the prospect of being apprehended seemed to do little to discourage Mexicans attempting illegal entry in the late 1980s and early 1990s, but he emphasizes that, once inside the U.S., the probability of apprehension goes down, but the costs of being apprehended goes up, since apprehension inside the U.S. can mean loss of a U.S. job (1994, 886).

Most evidence points to a probability of apprehension on any illegal attempt of about 0.3—about 74 percent of a sample of persons legalized under the general legalization program—and 68 percent of Mexicans—reported that they had never been apprehended by the INS between their entry—which should have been before January 1, 1992, and their application for legalization in 1987-88 (INS, 1992, 15).

Reports in 1995 from the single most labor-intensive activity in North American agriculture—the harvest of about 200,000 acres of raisin grapes around Fresno, California from mid-August to October—found that newly arrived and unauthorized workers were still getting into the U.S. and going to work. The unauthorized workers in the raisin fields reported that they paid higher fees to smugglers in summer 1995, $300-$400 versus $200-$300, but the larger increased cost was the lost days of work in the U.S. because of delays in crossing the border.

Most of the raisin workers, however, persisted until they succeeded in reaching the Fresno area (INS Evaluates Gatekeeper, SouthPAW, Migration News, October 1995).

38. Massey and Espinosa (1995, 51) argued that many Mexican migrants from West Central Mexico in the late 1980s and early 1990s were motivated to migrate to the U.S. to seek capital to invest in Mexico, not simply searching for higher incomes. These migrants could not obtain the capital they needed in Mexico because interest rates were high. However, high interest rates are also typically associated with slow economic growth and joblessness, so that high Mexican interest rates could just as plausibly be associated with more emigration for very traditional low wage and jobless reasons for migration.

39. In a September 10, 1992 speech to the Detroit Economic Club, President Bush said that the economic growth accelerated by NAFTA should "cut down on the cross-border flow of illegals that I think is burdening a lot of our country, particularly California."

40. For those who migrate to the U.S., interviewers asked whether the migrant was legally authorized to work in the U.S., so that persons crossing the border with tourist visas, border crossing cards, or borrowed or false documents were coded as making illegal entries.

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U.S. Impacts of Mexican Immigration

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Introduction

An assessment of the impacts of Mexican immigration in the United States depends on how many come, and when (first chapter); who migrates, where they come from and where they settle; how long they stay, how they and their offspring adjust (second chapter); why they come and how they select their U.S. destinations (third chapter). Previous chapters have elaborated the complexity of each of these themes, which bear on the nature and magnitude of demographic, social, and economic impacts of Mexican migration. An assessment of the impacts is further complicated because, in addition to the difficult issues considered in prior chapters, the consequences of Mexican immigration differ over time, across diverse regions, and among various segments of the society and sectors of the economy.

This chapter is concerned with the consequences of recent (largely 1960 to the present) streams of Mexican migrants, although we acknowledge that many current impacts have accumulated over several decades. Impacts deriving from decades of Mexican migration are manifested in multiple spheres of social, political, and economic life. Today these impacts are most clearly evident in locations where the

Mexican-born population is densely settled, notably the cities along the U.S.-Mexico border, and, several large cities in the Southwest (e.g., Los Angeles, San Diego, Houston, Dallas), and Chicago. That many native-born Mexican origin residents are themselves descendants of recent migrants renders the focus on recent entrants arbitrary, yet necessary for policy considerations. We elaborate these issues in the discussion of demographic impacts.

It is important also to acknowledge how changed economic and socio-political circumstances may alter the contemporary impacts of Mexican migration relative to earlier periods. There is extensive empirical evidence that the returns to education have been rising in the United States since the mid-1970s, and this implies more limited economic mobility for recent migrants relative to earlier migrants from Mexico. Taken together, the lowered demand for unskilled workers coupled with a less tolerant climate for welfare and health care benefits have increased the challenges of migrant integration and adaptation while fueling public perceptions that the costs of migration exceed the benefits.[2]

The preponderance of scientific evidence refutes this view, but acknowledges that not all segments of society share equally in the benefits of immigration (Borjas, 1977; Hammermesh, 1997; Smith and Edmonston, 1997). Moreover, the costs are borne disproportionately by certain groups in the United States. Herein resides an important source of misunderstanding about the benefits and costs of migration generally and Mexican migration in particular, namely the distributional aspects of gains and losses. Therefore, we depart from the simple premise migration from Mexico produces benefits to the United States, and that these benefits come at a cost. Accordingly, our main task is to identify the benefits and costs and to specify which groups benefit and lose from Mexican migration.

To decipher benefits and costs deriving from out-migration from Mexico and in-migration to the United States, we lay out a heuristic framework that differentiates national from regional and local impacts and also separates, for analytic convenience, economic from socio-cultural, demographic and political consequences. For most outcomes, the distinctions are largely theoretical because all of these dimensions are highly inter-related. We also acknowledge that short and long-term impacts differ, that some impacts are transmitted intergenerationally, and that many benefits and costs can not be quantified. Although we mainly emphasize measurable impacts, we also consider unmeasured benefits and costs, including those based on perceptions rather than facts, because these also can be highly influential in shaping responses to migration. Our attempt to provide a balanced and nuanced portrait of benefits and costs is crucially important for contemplating policy strategies, whose ultimate goal is to maximize benefits and minimize costs for both countries.

Impacts and the Changing Character of Migration

Migration from Mexico to the United States has changed over time, which suggests that the historical dimensions of the labor flow are important for understanding contemporary impacts. Initially Mexican workers were almost exclusively destined to jobs in the agricultural industry. In this instance, the local costs might be relatively contained, even though the benefits were enjoyed by the entire U.S. population through lower food prices. However, over time, the Mexican flow has changed in size, volume and characteristics (first two chapters, this volume). Even though current migrants from Mexico largely seek urban destinations and find employment outside of agriculture, vestiges of the historical role of Mexican workers in U.S. agriculture remain, as evident in their disproportionate representation in farming industries. We elaborate on these points below.

The highly fluid social, demographic and political contexts in which U.S.-bound Mexican migration has evolved render the task of drawing conclusions about some impacts tentative, although other impacts are amenable to firmer conclusions. For example, we are confident in our inferences (substantiated below) that the magnitude of impacts in the United States are more pronounced in places that send and receive large volumes of migrants. However, we also emphasize that social, economic and demographic impacts are not confined to migrant-sending and receiving areas because local impacts may be arbitraged by secondary migration of people and capital, and by multiplier effects that yield benefits to consumers of less expensive goods produced by migrants. In addition to migration, other channels distribute the economic effects of migration, notably international trade, taxes and transfers.

Two additional features of contemporary Mexican migration are relevant for understanding social, demographic, political and economic impacts in the United States. One is the changing composition of the flows between temporary and permanent migrants. Temporary migrants are themselves highly differentiated in ways that shape their impacts in the United States: some sojourn back and forth throughout their productive lives, while others take a single or a few trips over their life cycle (Massey, et al., 1995). These patterns of migration have different implications for all types of impacts, be they social, economic, demographic, or political. Unfortunately, owing to data limitations, few studies of impacts distinguish between permanent and temporary migrants, except in discussions of highly specialized flows, such as braceros or other temporary seasonal workers.

A second feature of Mexican migration that has important implications for impact assessment concerns the legal status of the migrants. This feature is crucial

because participation by unauthorized workers in social programs and their consumption of tax-financed social services is a highly sensitive political issue undergirding the latest round of restrictions on the access of the foreign born to social welfare benefits (see note 2). Although, it is difficult to distinguish various types of impacts according to legal status, several recent studies have attempted to estimate the fiscal and labor market impacts of documented and undocumented flows. We report on these studies below, and where data permit, refer to the experiences of the legalized population.[3]

Chapter Organization

Our assessment of the myriad impacts of Mexican migration to the United States is based on new syntheses of existing studies as well as several original papers. First, we summarized existing studies about the impacts of Mexican migration to the United States. Because the literature about the impacts of the foreign born in the United States is voluminous, we sought to distinguish, as much as possible, whether and how impacts of Mexican migration differ from those of migration in general.

To preface our evaluation, we first present a typology that frames our discussion of various dimensions of impacts according to level of aggregation, and we discuss the distributional aspects of Mexican migration for understanding local, regional and national impacts. This section is followed by a general overview that describes how Mexican migration to the United States differs from U.S. immigration in general. The purpose is to identify what these differences portend for understanding impacts of Mexican migration in various social domains and areas of the country that receive the largest shares of Mexican migrants. We use the 1990 Census of Population and several additional surveys and published data sources to depict demographic, economic, social and political impacts. All data sources have their limitations, which are discussed in appropriate sections. In striving to present our main findings in nontechnical prose, we have prepared a series of appendices to present technical and tabular materials as well as detailed descriptions of the various data sources used.

Conceptualizing Impacts of U.S.-Bound Mexican Migration

We begin with a heuristic framework that depicts various domains through which Mexican migration impacts receiving communities. Our purpose is two-fold. One is to identify the various domains where impacts of Mexican migration will be identified. Second, the framework serves as a basis for organizing the literature reviews and

presenting findings from prior studies and those prepared specifically for the binational study. We strive for the most balanced accounting possible, but because the nature of the impacts (both benefits and costs) differs in magnitude, kind, and amenability to quantitative analysis, we provide considerable detail and comment on the conclusiveness of the evidence presented in various studies.

Dimensions of Impacts

We define impacts as consequences or changes in social, demographic, economic, cultural or political arrangements that stem directly or indirectly from Mexican migration to the United States. Not all of these impacts are measurable, but for heuristic purposes, it is worthwhile to think broadly about the myriad consequences of such migration. Moreover, the nature and magnitude of impacts manifest themselves differently at national, regional, and local levels, and vary over time, partly because some are cumulative, and partly because migrants (and especially their offspring) assimilate economically and socially in the United States, thereby changing the character and magnitude of impacts inter-temporally and/or inter-generationally.

Levels of aggregation are important because benefits and costs differ accordingly, and because policies governing migration may originate at one level, but may produce various intended and unintended consequences at different levels. Although some impacts measured at the national level may be quantitatively small, at the regional and local levels these same impacts can be very large. Put another way, studies based on specific local labor markets or school districts are more likely to show large effects of Mexican migration than those based on regional or national levels analyses.[4]

Simply stated, most impacts of Mexican migration will be more pronounced in locales and industries where migrants reside and work. For example, the impacts of Mexican migration on U.S. public education outlays are much greater (both in absolute per-capita terms and in relative terms) in Los Angeles than in Fargo, ND, and, as we show below, they also depend on the legal status of the migrants and their children. Average impacts (per capita or relative shares) lose this important distributional dimension, which is crucial for understanding the political hysteria in California leading to Proposition 187 and related initiatives to limit access of migrants to social consumption services and means-tested income transfers. Accordingly, we make every attempt to spell out channels through which impacts are produced and to specify the level of aggregation at which generalizations and specific conclusions obtain.

1. *Demographic impacts* stemming from migration from Mexico manifest themselves through changes in the age structure and gender composition, as well as the

ethnic and racial composition of a population, which can be quite substantial at the local level if migrants leave from or settle in a few selected cities and states, even if the national population composition does not change much. Although Mexican migration also contributes to net U.S. population increase, this "outcome" has not been a major preoccupation of national demographic impact assessments.[5] Rather, population losses and gains are more salient at local levels, where a relatively large influx not only can lead to overcrowding (Myers and Lee, 1996), but also visible changes in race and ethnic population composition.

Beyond these direct demographic impacts (i.e., changes in population composition, density, and natural increase), indirect demographic impacts derive from other migrant characteristics. For instance, the higher fertility of Mexican-born women relative to native-born women of Mexican or other origins have implications for future demographic impacts, and in particular, the size of the Mexican-origin population (Forste and Tienda, 1996; Smith and Edmonston, 1997). However, these effects may be tempered by patterns of intermarriage that not only reduce the numbers who self-identify as Mexican origin, but also may result in lower fertility among assimilated groups (Smith and Edmonston, 1997). Additional indirect demographic impacts of migration may stem from residential mobility of native populations from localities that receive large shares of migrants to those that receive few migrants. Also, native populations can respond by not moving to places where immigrants locate which they might consider in the absence of immigration. However, it is unclear whether concentrated settlements of the foreign born result because natives move out first, creating residential opportunities for the newcomers, or whether the rising migrant composition of a community results in out-migration of native populations. Unfortunately, this question can not be addressed with existing data.

2. *Economic impacts* of Mexican migration to the United States are concerned with quite diverse outcomes. Therefore we distinguish several broad channels of influence through which migration has made an impact on the economy of the receiving society. The dominant and most commonly studied broad channel of influence focuses on the *labor market*, namely the direct effect of migrants on the employment and wages of U.S. residents (both natives and prior migrants). One common view of labor market impacts is that migrants take jobs away from native workers and depress their wage rates. Although this belief is widely shared because it proliferated in the popular media during the 1980s, empirical evidence is mixed, as we elaborate below.

Mexican migrants also influence employment and wages through their demand for goods and services. Moreover, migrant workers can be complements as well as substitutes for native workers, and the net effects of migrants on the wages of natives are also difficult to assess. That migrants also create jobs through their

contributions to production and their own demand for goods and services makes it very difficult to estimate their net employment and wage effects. Industry-specific studies suggest some substitution of migrants for domestic workers, but these studies fail to identify what happens to the displaced workers (Martin and Midgley, 1994:30). Moreover, these studies do not clearly indicate whether the substitution resulted from wage competition (i.e., whether employers pay migrant workers less for comparable work) or whether employers prefer migrants because of other unobserved characteristics, such as attitudes, dependability and willingness to work extra time (Krischenman and Neckerman, 1991; Tienda and Stier, 1996; Tienda, 1989).[6] Neither is it obvious that Mexican migrants have lower reservation wages than equally unskilled domestic workers (Tienda and Stier, 1996).

A second broad channel through which migration to the United States produces economic impacts is the *fiscal channel*. Narrowly defined, fiscal impacts are the current account balance between what migrants pay in taxes and fees, and what they consume in tax-supported amenities and services. Conceived more broadly, fiscal impacts also involve the prices of public goods where immigrants live (e.g., higher taxes due to the increased costs of providing various public services), as well as the quality of services received (e.g., overcrowding in schools). That the majority of Mexican migrants earn low wages is undisputed. Therefore, as a group, they also pay lower than average income taxes. Mexicans who reside in the United States also have larger than average family size, so they may consume proportionately more in public education services than they pay in local taxes. However, many Mexican migrants who move back and forth may pay taxes and not receive equivalent benefits.

Migrant participation in the welfare system has been an issue of considerable concern in recent years. Migrants from Mexico come to the United States in search of employment opportunities and higher wages. Welfare availability does not appear to play a major role in their decisions to enter the United States, and when they are young, their propensity to participate in the welfare system (primarily Aid for Dependent Children or AFDC) is lower than that both of otherwise comparable natives in general and of otherwise comparable native-born persons of Mexican ancestry. However, older persons born in Mexico tend to participate more in SSI than otherwise comparable natives, perhaps in part because those who are 65 and over do not qualify for Social Security, whereas native-born persons do qualify.

The fiscal issue is further complicated by the fact that Mexican (and other) migrants pay Social Security taxes, but many are not eligible for Social Security benefits either because they are too young to collect, because of their legal status, or because they return to Mexico before paying the required number of quarters. However, many receive Supplemental Security Income benefits, which results in another source of income transfers. Finally, costs of migration services also have

risen because tighter border surveillance is expensive. Although these expenditures disproportionately benefit the Southwestern states that share a border with Mexico, they are financed from federal taxes, and therefore the costs are incurred by all citizens. This outlay is seldom considered in assessments of fiscal impacts, perhaps because the outlay also involves opportunity costs that are not easily estimated (e.g., funds that may be spent on welfare, highways, etc.).

Of course, fiscal impacts change over time, depending on (1) changes in the demographic profile of the foreign born population (especially the relative balance of school-age and elderly groups); (2) changes in the economic status of successive cohorts; and (3) future paths of government spending. In general, immigrants are more costly than natives during childhood because school-aged children often require special outlays for bilingual education, but immigrants are usually less expensive in old age. Over a lifetime these differences tend to balance out, but whether costs exceed benefits ultimately depends on future earnings and successful economic adaptation of migrants. Age at arrival is crucial for assessing lifetime earnings: the younger the age at arrival, the more likely that future earnings will offset costs of immigration (Smith and Edmonston, 1997).

A third and less studied broad channel of economic influence focuses on *scale effects*, namely whether the volume of Mexican migration coupled with its high geographic concentration has a positive economic effect. Virtually all of the formal theoretical work on the effects of immigration assumes constant returns to scale, which tends to make the predicted effects less positive than if increasing returns were assumed. As consumers, the foreign born and their offspring expand the domestic market and also encourage increased investment expenditures, thereby augmenting aggregate demand.

Some public goods, such as national defense, do not depend directly on the size of the population (as does education). An increase in population ought not increase the need for national defense, but would increase the number of people paying for defense, thus lowering the cost per capita and lessening the burden on the native residents. On the other hand, Mexico-born and Mexican-ancestry populations have low U.S. military participation rates, which also may deprive them of an important path to occupational mobility. Scale effects associated with migration emerge in highly complex ways, with variable impacts for national, regional and local markets.

3. *Social and political impacts* are perhaps the most difficult to assess partly because it is difficult to classify social and political consequences into costs and benefits. Because most Mexican migrants are integrated into the United States through existing Mexican migrant or Mexican-American neighborhoods, barrios, and settlements, the interaction between the migrants and the wider U.S. citizenry is partly mediated through the existing Mexican-American community. The Mexican-

American community has experienced major changes since 1960: the population became more urban; more educated; and, importantly, more politically active. Another important consideration for understanding social impacts is that levels of residential concentration of contemporary migrants are unprecedented by historical standards (Higham, 1997). Also, the intense inflow of new migrants from Mexico coupled with dense settlement patterns have permitted the proliferation of Spanish in both public and private arenas while slowing the pace of language shift (to English) among the native born (Lopez, 1996).

All the changes summarized above have important implications for discussions about the social and political impacts of Mexican migration in the United States. In particular, it is essential to consider the paradoxical way in which Mexican-American political assimilation in the past 30 years has widened the breach between Mexican migrants and the more settled Mexican-American communities. The breach between migrants and natives has proved to be something of a limiting factor in further Mexican-American political empowerment. If ethnic diversity has been heralded as a major asset of American society, it is also considered a cost, particularly when tied to migration. The migrant origins of the U.S. population are quickly forgotten when negative public perceptions about migrants are fueled by fears that they increase job competition, drive up taxes, and contribute to rising crime rates. Such perceptions, however misguided, can exert powerful influences on the climate of opinion toward migrants, including early and recent arrivals, and trigger prejudice and, under the worst case scenario, ethnic uprisings (Higham, 1997; Smith and Edmonston, 1997).

4. *Other impacts*, our residual category, includes a myriad of consequences ranging from cultural transformation of U.S. neighborhoods and communities to human costs incurred by the migrants stemming from tightened border controls that raise the risk (and consequences) of unauthorized entry and the impoverization generated by new legal restrictions on access to means-tested benefits. Cultural impacts of the sustained migratory streams between Mexico and the U.S. are evident in the proliferation of businesses that cater to ethnic concerns; the proliferation of Spanish-speaking in public places; and the emergence of "sister" communities in the United States which reproduce Mexico's rich cultural variation in the United States.

Theoretical Principles and Their Distributional Implications

Labor migration, whether internal or international, involves three general types of (income) redistributions: (1) from the origin area to the destination area; (2) within the origin area between the various factors of production, usually from other

factors to labor; and (3) within the destination area between the various factors of production, usually from labor to other factors. These effects are seldom symmetrical, but they are crucial for framing binational relationships politically. Moreover, numerous issues arise regarding the assumptions that underlie these three redistributions, such as whether the migrants own capital and bring it with them, or acquire it and take it to their origin countries. Nevertheless, international migration triggers income redistribution, although the specific redistributions depend on who moves between which places.

These redistributions derive from three sources: (1) pecuniary externalities; 2) technological externalities; and (3) the presence of market distortions and public goods. Pecuniary externalities occur through the market as supply and demand changes caused by migration affect relative wages and relative prices. With regard to migration from Mexico to the United States, this type of externality has received the most attention. The workings of the market to a large extent determine how wages and employment opportunities are affected for natives and prior migrants. Such wage and price changes produce income redistribution within both countries. For example, the historical flow of Mexican migrants to jobs in southwestern agriculture redistributed income in favor of land and capital owners.

The redistribution between the countries involves individuals who were productive members of Mexico's labor force becoming productive members of the U.S. labor force. If the migration was motivated by a positive wage differential favoring the U.S.—a wage differential that reflects a labor productivity differential—then the aggregate output of the two nations taken as a whole rises. The migrants themselves clearly benefit, and as long as the migrants have positive marginal products in each nation, Mexico's aggregate output falls whereas that of the United States rises. However, aggregate output or income is probably a less relevant indicator of a nation's economic welfare than per capita income. Whereas per capita income of both nations combined presumably would rise because of migration from Mexico to the United States, that of either nation could fall.

Technological externalities occur through nonmarket mechanisms, and not because of market-induced wage and price changes. These externalities may cause either positive or negative effects in origin and destination areas, but have not played a major role in the debate regarding the effects of Mexican migration to the United States. Many potential technological externalities have been discussed in connection with the education of migrants, especially those migrants who are well-educated relative to the population of the origin society. For example, the "brain-drain" debate questioned whether scientists and engineers trained at public expense in poor countries like India developed technologies at their destinations that were beneficial to the new society. Because migration from Mexico has been primarily from areas where education levels are low (especially by comparison to the U.S. averages),

this issue has not been at the forefront of the debate about the economic consequences of U.S.-bound Mexican migration.

The presence of market distortions and public goods is a third source of income redistributions that result from migration. Market distortions occur when workers are paid less than their private marginal product, due perhaps to monopsonistic hiring practices or discrimination. Moreover, progressive tax and spending policies can create a difference between an individual's net real wage (i.e., actual wage minus any tax payments plus any benefits received that are financed through the general tax system) and his marginal contribution to national product. This net wage, rather than the actual money wage, is relevant for the assessment of the costs and benefits of migration (Usher, 1977).

If migrants are relatively poor, a progressive tax system may induce an adverse impact on the welfare of the native residents. Furthermore, by virtue of their presence, migrants acquire a share of publicly owned property, thereby receiving a wealth transfer. Whether a net transfer actually occurs depends on the migrant's impact on the cost sharing of social overhead capital. Furthermore, because the financing of social capital frequently occurs over many years following actual construction, it is not clear that a transfer exists. If one does exist, it would be offset to some unknown extent because a large fraction of public expenditures is for the provision of public goods and services that do not vary appreciably with the level of immigration (e.g., Simon, 1982; Reder, 1963). Thus, for example, migrants contribute to the cost of public goods such as national defense, reducing the cost to each original resident without reducing the amount of defense provided. A second major aspect of the debate regarding the economic consequences of Mexican migration to the United States focuses on fiscal effects, which we discuss below.

Migrants are the clearest beneficiaries from migration. Presumably, after taking into account the physical and financial risks associated with their northward journey, individuals who migrate expect to improve their economic status in the United States relative to what it was in Mexico. These economic benefits to migrants are largely produced through participation in the labor market. However, beyond workers as beneficiaries from migration, it is difficult to identify other gainers and losers in the two-nation system, because even when gainers and losers can be identified, the gains and losses are hard to measure. Moreover, many normative issues arise regarding the weights that society attaches to particular gains and losses, or more generally, the welfare function that immigration policy seeks to optimize.[7]

Admittedly, it is easier to theorize about the broad range of possible impacts of Mexican migration than to quantify them. This is because some costs are measurable, albeit quite imprecisely, while the vast majority are not measurable at all. Direct benefits of migration are difficult to measure. For example, economic

impacts that are exerted through increases in aggregate demand or expansion of local markets are usually ignored by analysts due to measurement problems. Impacts operating through international trade are seldom addressed separately, except in connection with labor market influences. Social, political and cultural impacts are most difficult to assess, and we treat these influences in less depth than demographic and economic impacts because existing data do not permit much in the way of original analysis, and because available studies about impacts are similarly limited. Our discussion of social and political impacts is largely, although not exclusively, based on evaluations and insights from existing studies. In the remainder of this chapter we summarize what is known about the U.S. demographic, economic, social, political and other impacts of Mexican migration to the United States.

Guidelines for Impact Assessment

Several attributes of the Mexican foreign-born population are directly relevant for understanding the nature and magnitude of demographic, economic and social impacts in the United States. These include the relative and absolute size of recent cohorts, their settlement patterns, the volume of unauthorized entries, as well as socioeconomic characteristics of those admitted (or who manage to enter without inspection). Before reviewing existing evidence and providing new evidence about the demographic, economic and social impacts of Mexican migration to the United States, we briefly discuss the relevance of each of these characteristics for impact assessment.

Changing Volume of Migration

Mexico currently contributes a larger share to the U.S. foreign-born population than any other country—roughly as much as the entire continents of Asia and Europe. During 1994 alone the United States admitted as legal resident aliens 111,398 persons born in Mexico. Between 1989 and 1993, boosted by legalizations under terms of the Immigration Reform and Control Act of 1986, 2.4 million persons of Mexican birth were legally admitted to the United States. The size of the immigrant flow is important for understanding impacts because arguments about scale economies and about magnitudes of impacts derive directly or indirectly from the volume of migrants, depending, of course, on residential patterns, return migration rates, and other social and demographic characteristics, which we discuss below.

Although recent streams are the focus of most impact assessments, it is important to recognize that contemporary impacts also derive from past migration streams. In the decade 1911-1920, 219,000 Mexicans legally immigrated to the U.S. (Bean

and Tienda, 1987). This flow more than doubled during the 1920s, but abated during the 1930s and 1940s, when immigration virtually stopped (except refugees). Migration from Mexico resumed during 1950s (299,000), and has steadily increased, rising to more than a million immigrants during the 1980s. Between 1990 and 1994, over 2 million Mexicans became legal residents of the United States and accounted for about one in three legal admissions during the period (INS, 1997). This unusually large number, at least by comparison to prior decades reflects the large impact of the amnesty program on Mexicans residing in the United States. All Mexicans granted amnesty were supposed to have been continuous residents of the United States since before 1982.

The temporal pattern of the stream is important for an assessment of impacts because earlier migrants will have aged and retired by 1990; hence, profiles of utilization of Social Security and other tax supported programs will be directly affected. Furthermore, more established streams appear to have a built-in momentum which, given current admission criteria, has accelerated the volume of new migrants in more recent decades.

Settlement Patterns

For historical reasons, the Mexican-origin population is residentially concentrated in the five Southwestern states, especially California and Texas, and Illinois (Bean and Tienda, 1987). Within these locations, Mexican migrants tend to reside in the inner cities of the largest metropolitan areas. Moreover, Los Angeles, Chicago, San Antonio and Houston contain sizable established Mexican-American communities. The residential concentration of Mexican migrants bears on impact assessments for several reasons. First, existing studies are clear that the strongest impacts occur in areas of greatest concentration, and often accrue to earlier immigrants, who are good labor market substitutes for their recently arrived compatriots. Second, geographic concentration of population makes possible scale effects, although many of these are not easily measured and may be arbitraged through other mechanisms, including secondary migration of native populations. Third, political impacts and cultural imprints on the host society are contingent on geographic concentration, to some extent, as we elaborate below.

Undocumented Migration

Not only is Mexico the single most important source of legal immigrants, it is also the primary source of unauthorized migrants. Representative data on undocumented migrants are necessarily sketchy, but studies of the legalized population indicate that 70 percent of undocumented migrants granted amnesty

under the provisions of the immigration Reform and Control Act (IRCA) of 1986 were of Mexican origin (see Tienda, et al., 1991; Borjas and Tienda, 1993; Singer, 1994). Although IRCA included provisions for tighter border enforcement, the undocumented stream has continued to increase in recent years. Between 1989 and 1994, the U.S. Border Patrol located 6.4 million entries from Mexico who were deemed deportable. Tienda and Singer (1995: Table 1) reported that roughly 90 percent of Mexicans who adjusted their legal status under IRCA resided in three states: California (61 percent); Texas (17 percent) and Illinois (11 percent). This implies that these three states bear the brunt of costs and benefits associated with undocumented migration.

Legal status of migrants is important for understanding the impacts of Mexican migration because public attitudes and behavior toward migrants from Mexico are often driven by images, accurate or not, of undocumented migrants. Employers who fear sanctions for hiring migrants who entered the United States unlawfully may deliberately avoid hiring all workers who look and sound like foreigners. Such behavior could directly affect the employment and wage opportunities of earlier arrivals who entered legally, as well as some native residents who speak English with an accent or "look Mexican." Although these effects are difficult to quantify, there is little disagreement that the presence of a large share of undocumented migrants among the Mexican migrant population shapes the policy and social climate surrounding Mexican migration to the United States. Moreover, beliefs that undocumented migrants are heavy users of tax-funded social programs has triggered legislative initiatives to restrict access to social programs by all migrants, including legal, non-citizen immigrants and undocumented migrants. We discuss this issue in some detail because Mexican migrants—both documented and undocumented—are at the center of the debate by virtue of their residential concentration in California, the state responsible for most initiatives to curtail access of migrants to social programs.

Labor Market Skills

Among recent and prior migrants, Mexican-born migrants feature the lowest levels of formal schooling and English proficiency. Both characteristics are important determinants of labor market success and the likelihood that immigrants will not become public charges. Tables 1A through 1F provide summary education and English proficiency statistics for Mexican migrants, compared to other foreign born, U.S.-born Mexicans, whites, and blacks separately for men and women residing in California, Texas and Illinois in 1990.[8] The lowest level of education corresponds to the Mexican foreign-born population in all three states (as well as the national population) and for both sexes.

Table 1A
Selected Social and Economic Characteristics:
California Men, Ages 16+ 1990

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	11.2	8.8	11.2	12.1	11.6
CV		17.5	42.0	26.6	14.7	15.9
	25-54	12.2	7.8	12.5	13.9	12.9
CV		22.9	57.8	35.5	18.5	20.1
	55+	9.4	5.5	10.8	12.7	10.8
CV		42.5	81.3	47.1	25.6	36.4
Percent with High-school Diploma or More						
	16-24	47.1	25.8	53.2	67.1	58.7
	25-54	73.0	26.4	74.3	91.0	82.2
	55+	38.5	13.9	57.1	75.2	52.9
English Proficiency						
— Well	16-24	96.4	49.6	81.0	99.4	99.6
	25-54	96.9	52.2	77.0	99.4	99.6
	55+	92.1	48.3	62.8	99.5	99.6
Labor Force Participation						
—Employed	16-24	52.9	70.2	49.0	57.5	34.1
	25-54	80.0	83.7	82.5	86.6	64.9
	55+	43.1	43.8	41.7	39.0	34.1
—Unemployed	16-24	10.7	10.4	8.4	7.7	12.7
	25-54	6.2	7.7	5.0	3.7	8.0
	55+	3.2	5.9	3.5	1.8	1.8
—Not in Labor Force	16-24	33.5	19.1	40.7	27.7	41.8
	25-54	12.6	8.4	11.0	7.4	22.8
	55+	53.7	50.2	54.9	59.1	64.0
Percent in Professional Occupations[a]						
	16-24	6.1	2.5	9.4	11.6	9.4
	25-54	16.2	5.3	26.1	35.6	20.7
	55+	16.4	5.9	25.3	40.0	22.7
Percent in Extractive Industries[a]						
	16-24	4.0	16.4	2.5	2.9	1.3
	25-54	4.8	17.2	2.5	3.0	1.5
	55+	7.9	26.9	4.9	4.2	2.2
N	16-24	12,961	18,934	12,206	5,691	6,891
	25-54	21,807	38,363	38,835	20,080	17,132
	55+	5,608	5,243	10,011	9,097	5,650

[a] Conditional on being in the labor force
Source: 1990 PUMS 5% file

Table 1B
Selected Social and Economic Characteristics:
California Women, Ages 16+ 1990

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	11.4	9.4	11.4	12.2	11.9
CV		16.6	37.0	26.6	15.0	15.9
	25-54	12.0	7.8	11.9	13.6	13.0
CV		20.8	56.2	37.6	16.6	17.9
	55+	8.9	5.2	8.9	12.0	10.7
CV		42.8	83.4	57.4	23.0	33.1
Percent with High-school diploma or More						
	16-24	52.1	31.4	57.0	70.1	62.9
	25-54	71.6	26.9	70.5	91.0	84.6
	55+	32.6	12.4	44.3	72.5	51.1
English Proficiency						
—Well	16-24	97.0	54.6	81.1	99.4	99.4
	25-54	97.3	45.8	72.1	99.5	99.6
	55+	90.4	37.8	51.9	99.4	99.8
Labor Force Participation						
—Employed	16-24	48.9	42.5	45.3	61.9	41.4
	25-54	65.4	49.3	65.6	72.2	64.6
	55+	27.6	17.7	24.6	22.5	24.5
—Unemployed	16-24	7.7	9.8	5.9	5.5	10.9
	25-54	4.7	8.5	4.5	3.1	6.8
	55+	2.3	3.8	2.4	1.0	1.4
—Not in Labor Force	16-24	43.2	47.7	48.6	31.8	46.1
	25-54	29.8	42.1	29.8	24.4	28.0
	55+	70.2	78.5	73.0	76.5	74.1
Percent in Professional Occupations[a]						
	16-24	9.9	4.9	12.4	14.5	12.2
	25-54	23.1	7.6	23.8	38.7	28.8
	55+	17.6	6.3	15.7	31.4	25.6
Percent in Extractive Industries[a]						
	16-24	1.5	5.6	0.7	1.0	0.3
	25-54	1.7	8.6	0.8	1.4	0.3
	55+	2.5	9.5	1.8	1.3	0.4
N	16-24	12,657	12,947	11,077	5,515	6,226
	25-54	23,155	31,401	42,786	20,270	19,134
	55+	6,748	6,145	13,854	113,316	7,701

[a] Conditional on being in the labor force
Source: 1990 PUMS 5% file

Table 1C
Selected Social and Economic Characteristics:
Texas Men, Ages 16+ 1990

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	10.8	8.8	11.0	11.7	11.3
CV		18.7	41.0	30.0	17.0	16.2
	25-54	11.3	7.4	12.9	13.5	12.2
CV		29.3	64.6	38.3	20.2	21.7
	55+	6.6	4.4	11.4	11.8	9.0
CV		69.3	98.5	50.3	30.7	45.2
Percent with High-school Diploma or More						
	16-24	42.6	24.4	52.5	59.9	51.2
	25-54	64.2	25.1	75.1	87.4	74.5
	55+	23.5	10.3	61.5	65.3	32.7
English Proficiency						
—Well	16-24	94.7	62.6	83.9	99.1	99.5
	25-54	95.6	53.6	82.3	99.3	99.6
	55+	80.0	41.0	65.7	99.0	99.7
Labor Force Participation						
—Employed	16-24	49.9	64.4	49.6	54.2	37.3
	25-54	80.8	83.5	82.0	87.9	68.1
	55+	38.6	37.6	49.9	41.7	31.5
—Unemployed	16-24	12.4	9.5	7.5	7.0	13.8
	25-54	7.3	7.9	5.3	3.7	9.4
	55+	4.1	4.9	4.0	1.9	2.7
—Not in Labor Force	16-24	36.6	25.7	39.7	33.7	43.0
	25-54	10.8	8.4	10.1	6.4	19.3
	55+	57.2	41.0	46.1	56.4	65.7
Percent in Professional Occupations[a]						
	16-24	5.5	2.8	11.4	9.9	5.2
	25-54	14.6	5.4	29.3	32.1	13.4
	55+	11.7	5.6	31.6	31.6	11.9
Percent in Extractive Industries[a]						
	16-24	5.5	10.9	4.6	6.6	1.9
	25-54	6.8	11.9	3.9	7.0	3.4
	55+	11.1	19.8	4.5	11.3	6.1
N	16-24	12,417	4,967	2,041	3,604	6,860
	25-54	23,501	14,072	6,481	12,463	16,364
	55+	6,692	3,080	911	5,848	5,811

[a] Conditional on being in the labor force
Source: 1990 PUMS 5% file

Table 1D
Selected Social and Economic Charactertistics:
Texas Women, Ages 16+ 1990"

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	11.1	9.3	11.2	12.0	11.6
CV		18.6	37.5	28.9	16.5	15.8
	25-54	11.2	7.4	12.2	13.2	12.5
CV		29.1	62.3	37.7	18.1	19.0
	55+	6.0	4.3	9.6	11.4	9.6
CV		73.9	98.4	53.4	27.1	39.3
Percent with High-school Diploma or More						
	16-24	48.8	30.5	55.8	65.1	58.3
	25-54	64.0	26.1	71.9	88.0	78.4
	55+	18.9	10.6	50.5	63.2	35.6
English Proficiency						
—Well	16-24	95.2	63.8	81.4	99.3	99.5
	25-54	95.1	45.9	78.3	99.4	99.7
	55+	70.4	36.3	59.4	98.8	99.9
Labor Force Participation						
—Employed	16-24	42.4	36.9	42.6	52.5	40.7
	25-54	62.9	43.2	62.4	71.1	69.4
	55+	21.0	13.7	26.8	20.6	26.0
—Unemployed	16-24	8.9	7.6	6.6	6.2	13.6
	25-54	5.1	6.9	5.7	3.1	7.8
	55+	1.5	1.6	1.7	1.0	1.6
—Not in Labor Force	16-24	48.6	55.3	50.2	40.4	44.1
	25-54	31.9	49.9	31.6	25.5	22.2
	55+	77.5	84.7	71.5	78.4	72.4
Percent in Professional Occupations[a]						
	16-24	8.9	4.3	11.2	15.8	7.4
	25-54	21.8	8.0	26.7	36.7	21.2
	55+	12.3	5.7	20.5	26.7	16.0
Percent in Extractive Industries[a]						
	16-24	1.1	3.1	0.9	2.1	0.5
	25-54	1.5	3.4	1.6	2.7	1.1
	55+	1.5	4.4	0.5	3.0	0.7
N	16-24	12,513	4,149	1,743	3,391	7,131
	25-54	25,326	12,755	6,542	12,871	19,201
	55+	8,293	3,874	1,253	7,528	8,506

[a] Conditional on being in the labor force
Source: 1990 PUMS 5% file

Table 1E
Selected Social and Economic Characteristics:
Illinois Men, Ages 16+ 1990

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	11.1	9.5	11.8	12.0	11.3
CV		18.2	35.6	22.3	15.1	17.8
	25-54	11.7	8.2	13.4	13.5	12.2
CV		26.7	53.6	31.3	17.6	23.6
	55+	8.8	6.4	10.9	11.6	9.7
CV		42.3	71.6	48.7	25.4	40.4
Percent with High-school Diploma or More						
	16-24	47.5	34.0	63.4	65.2	48.9
	25-54	69.0	30.5	77.2	89.1	71.6
	55+	32.1	19.1	54.6	65.4	37.4
English Proficiency						
—Well	16-24	96.0	51.2	88.1	99.2	99.5
	25-54	96.7	57.5	85.4	99.7	99.7
	55+	95.8	55.8	71.7	99.4	99.7
Labor Force Participation						
—Employed	16-24	54.2	75.7	50.7	62.5	34.7
	25-54	83.8	89.1	85.8	89.8	63.7
	55+	53.1	54.7	45.9	40.0	33.4
—Unemployed	16-24	14.0	9.1	8.3	7.4	18.7
	25-54	8.1	6.7	4.7	3.9	13.7
	55+	3.3	6.1	3.4	10.4	17.0
—Not in Labor Force	16-24	30.2	14.9	39.2	28.1	44.6
	25-54	7.5	4.2	9.0	5.7	22.0
	55+	43.6	39.3	50.7	58.5	63.7
Percent in Professional Occupations[a]						
	16-24	5.9	2.3	12.0	10.5	5.0
	25-54	13.3	4.4	29.3	28.6	15.0
	55+	13.1	4.8	28.0	26.1	17.3
Percent in Extractive Industries[a]						
	16-24	1.5	7.5	1.0	3.0	0.4
	25-54	2.3	6.0	0.5	3.7	0.6
	55+	3.1	6.1	1.8	8.1	0.4
N	16-24	1,072	1,729	1,191	2,949	4,656
	25-54	1,409	4,008	4,895	9,639	10,349
	55+	322	547	1,275	4,632	4,091

[a] Conditional on being in the labor force

Source: 1990 PUMS 5% file

Table 1F
Selected Social and Economic Characteristics:
Illinois Women, Ages 16+ 1990

	Age	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives
Average Years of Education						
	16-24	11.5	10.0	12.1	12.3	11.6
CV		16.5	33.6	20.6	14.1	16.8
	25-54	11.9	8.2	12.7	13.3	12.6
CV		23.8	53.1	31.9	15.5	19.9
	55+	8.6	5.7	8.9	11.2	10.2
CV		46.9	75.8	56.5	23.0	36.1
Percent with High-school Diploma or more						
	16-24	52.5	40.3	64.7	69.1	54.2
	25-54	71.0	30.2	74.0	90.2	77.0
	55+	34.0	13.9	40.9	62.9	43.1
English Proficiency						
—Well	16-24	96.6	58.0	89.1	99.1	99.4
	25-54	96.8	47.9	80.0	99.7	99.7
	55+	88.1	34.9	57.5	99.6	99.7
Labor Force Participation						
—Employed	16-24	53.7	49.4	42.7	63.9	35.3
	25-54	69.6	55.0	65.4	73.1	63.4
	55+	31.9	19.9	26.3	21.9	24.8
—Unemployed	16-24	9.0	11.8	7.6	5.5	14.5
	25-54	3.9	8.8	4.7	2.8	9.7
	55+	3.1	5.1	2.1	0.9	1.5
—Not in Labor Force	16-24	37.1	38.8	49.2	30.3	49.6
	25-54	26.4	36.2	29.8	24.0	26.8
	55+	65.1	75.0	71.6	77.2	73.7
Percent in Professional Occupations[a]						
	16-24	8.5	5.1	13.2	15.4	8.6
	25-54	20.8	5.4	28.9	33.4	23.9
	55+	15.3	10.1	19.6	19.6	24.6
Percent in Extractive Industries[a]						
	16-24	0.5	1.5	0.0	0.9	0.3
	25-54	0.4	0.4	0.2	1.2	0.1
	55+	0.7	0.9	0.2	1.5	0.0
N	16-24	1,013	1,026	1,109	2,937	4,867
	25-54	1,584	2,924	5,267	9,897	13,543
	55+	366	468	1,686	6,174	6,089

[a] Conditional on being in the labor force
Source: 1990 PUMS 5% file

Focusing on the population in the prime working ages (25-54), foreign-born Mexican men and women averaged 7.5 to 8.2 years of education, compared to between 11 and 12 years for the U.S.-born Mexican men and women. Residents of Illinois average slightly higher education levels owing to the larger shares who received high school diplomas (30 versus approximately 25 percent for California and Texas residents). Other foreign-born men and women in their prime working ages averaged 12 to 13 years of education, depending on their state of residence, as did native white and black men and women.

Older men and women born in Mexico (ages 55 and over) completed even fewer years of graded schooling than their younger counterparts, usually six or fewer years. Mexican-born men and women who resided in the United States in 1990 were less proficient in English than their age counterparts born in other countries. Undocumented migrants from Mexico have especially low levels of formal schooling. Tienda and Singer (1995: Table 10) reported that Mexicans legalized under the IRCA amnesty program averaged 6.9 years of formal schooling compared to 9.4 years for those from other Latin American countries. Undocumented migrants from other regions of the world averaged 13.7 years of formal schooling.

The skill composition of Mexican migrants has important and profound implications for addressing questions about labor market impacts, and in particular, whether Mexicans compete mainly with other low wage workers (e.g., native-born teens, women, blacks, unskilled Mexican Americans and migrants who arrived earlier), or whether Mexican migrants fill labor market niches that domestic and other foreign-born workers do not want. In light of recent trends in U.S. wage inequality between skilled and unskilled labor groups, the question of whether large numbers of unskilled Mexican migrants can be absorbed in the labor market remains a central source of controversy about the U.S. impact of Mexican migrants.

Labor Market Profile

Based on their educational characteristics, Mexican migrants would appear to be at a disadvantage in competing for U.S. jobs and wages relative to other population groups compared in Tables 1A-1F. However, the evidence is mixed. Mexican-born men have consistently higher age-specific labor force participation rates than native blacks in all states considered in Tables 1A-1F, but this is not so for women, among whom native blacks have the participation advantage. Moreover, at younger ages, Mexican migrants have a substantial labor force participation advantage over their U.S.-born counterparts. Tienda and Singer (1995: Table 1) reported high labor force participation rates among newly legalized immigrants, around 95 percent for men. Mexican migrants experience higher unemployment rates than Mexican Americans, other immigrants, and native whites, but they do not always have higher

unemployment than native blacks. The disparity in labor force participation and unemployment rates between Mexican migrants and blacks is especially pronounced in Illinois, where inner city joblessness has risen dramatically since 1970 (Wilson, 1987; 1996). These two comparisons—labor force participation rates and unemployment rates—are highly relevant for a study of impacts not only because Mexican migrants are disadvantaged relative to blacks and Mexican Americans in terms of the language and educational credentials they bring to the labor market, but also because they bear on questions about job competition and displacement.

For historical reasons detailed by Verduzco and Unger (this volume), Mexican migrants are highly concentrated in agriculture and other extractive industries. Table 2A shows that among men ages 16 and over who resided in California in 1990, 17 percent of Mexican migrant men were employed in agricultural jobs compared to under 3 percent of other foreign-born men, and under 5 percent of U.S.-born Mexican origin men. Even among women, those born in Mexico were disproportionately concentrated in agriculture, where they accounted for 8 percent of industry employment compared to under 2 percent for U.S. Mexican-origin women (Table 2B).[9] Less than 1 percent of other foreign-born women who resided in California and were employed in 1990 worked in agriculture. Mexican- born men also find jobs in construction, nondurable manufacturing and retail trade, each sector absorbing over 12 percent of the employed. For Mexican migrant women, durable and nondurable manufacturing, retail trade and business repair services are important employment sectors.

In Texas, another state where Mexican workers historically have been concentrated in agriculture, about 11 percent of all Mexican migrants were so employed in 1990, compared to less than 3 percent of other migrants and about 5 percent of Mexican Americans. However, in Texas nearly one in four Mexican migrant men were employed in construction, the modal employment sector for them but no other group. In Texas foreign-born men from places other than Mexico were concentrated in retail trade (their modal employment sector), business and repair services, and nondurable manufacturing. Among employed migrant women who resided in Texas in 1990, nearly one-in four worked in retail trade and there were no differences between those born in Mexico and elsewhere in this respect. However, Mexican-born women living in Texas were more likely to work in manufacturing goods compared to other migrant women, 15 versus 6 percent, respectively.

Because Illinois does not have as large an agricultural sector as either California or Texas, the shares of Mexican migrants who work in this sector are somewhat lower than those for California or Texas, but still much higher than the shares of other male migrants and Mexican Americans so employed. Among the foreign born residing in Illinois in 1990, nondurable manufacturing was the modal employment sector, but relatively larger shares of Mexican-born men and women compared to

Table 2A
Industry Distribution of the Labor Force by Race and National Origin: California Men Ages 16+, 1990

	Industry Distribution					
Industry	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	4.5	17.5	2.6	2.7	1.2	4.6
Mining	0.4	0.2	0.1	0.5	0.3	0.4
Construction	12.8	13.5	7.2	11.7	6.9	11.3
Manufacturing —Durable Goods	6.4	9.3	6.7	4.7	4.7	5.7
Manufacturing —Nondurable Goods	13.7	16.8	17.7	13.5	11.3	14.3
Transportation	10.2	4.0	7.2	8.6	15.0	8.3
Wholesale Trade	5.7	5.0	5.3	5.5	3.8	5.3
Retail Trade	17.6	17.6	19.5	14.5	14.2	15.7
Finance	3.4	1.4	5.2	6.7	5.0	5.5
Business, Repair, and Other Services	9.9	10.5	12.7	11.3	12.9	11.3
Professional Business Services	15.2	4.2	15.8	20.3	24.6	17.6
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	9.9	27.7	12.6	–	12.3	–

Source: 1990 PUMS 5 % file

Table 2B
Industry Distribution of the Labor Force by Race and National Origin: California Women Ages 16+, 1990

Industry	Industry Distribution					
	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	1.7	8.1	0.9	1.2	0.3	1.7
Mining	0.1	0.0	0.1	0.1	0.1	0.1
Construction	1.4	0.9	0.9	1.8	1.1	1.5
Manufacturing —Durable Goods	5.1	17.0	8.6	3.5	2.9	5.2
Manufacturing —Nondurable Goods	8.2	13.2	11.3	6.7	6.8	7.9
Transportation	5.0	1.8	4.0	5.0	8.9	4.9
Wholesale Trade	3.3	4.7	3.7	3.3	2.1	3.4
Retail Trade	19.8	16.2	16.6	18.5	12.6	17.8
Finance	8.8	3.3	9.7	10.8	9.0	9.8
Business, Repair, and Other Services	9.9	17.4	15.4	11.2	10.4	12.0
Professional Business Services	36.8	17.2	28.8	38.0	45.9	35.7
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	5.0	34.6	14.3	–	11.8	–

Source: 1990 PUMS 5 % file

Table 2C
Industry Distribution of the Labor Force by Race and National Origin: Texas Men Ages 16+, 1990

Industry	Industry Distribution					
	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	4.7	10.7	2.5	4.3	2.3	4.6
Mining	2.2	1.7	1.6	3.3	1.2	2.8
Construction	12.3	23.6	8.2	10.8	7.6	11.6
Manufacturing —Durable Goods	7.2	7.8	6.1	7.1	8.0	7.2
Manufacturing —Nondurable Goods	8.7	12.1	13.4	10.6	10.9	10.6
Transportation	9.8	4.4	6.6	9.4	14.0	9.3
Wholesale Trade	5.7	5.6	5.0	6.7	5.0	6.3
Retail Trade	19.2	16.0	21.5	15.2	18.4	16.3
Finance	3.2	2.2	4.3	5.6	3.4	4.8
Business, Repair, and Other Services	9.6	10.2	11.9	9.2	10.5	9.5
Professional Business Services	17.3	5.6	18.7	17.9	18.7	17.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	7.0	23.2	12.7	–	11.1	–

Source: 1990 PUMS 5 % file

Table 2D
Industry Distribution of the Labor Force by Race and National Origin: Texas Women Ages 16+, 1990

Industry	Industry Distribution					
	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	0.9	3.2	0.6	1.4	0.3	1.3
Mining	0.5	0.3	0.8	1.3	0.7	1.0
Construction	1.0	1.0	1.1	1.6	0.7	1.4
Manufacturing —Durable Goods	5.6	15.1	6.2	4.1	4.2	4.9
Manufacturing —Nondurable Goods	4.5	7.2	7.7	4.4	5.1	4.7
Transportation	3.9	1.8	3.1	5.7	6.4	5.3
Wholesale Trade	2.6	3.6	3.0	3.6	1.9	3.3
Retail Trade	24.4	22.8	24.2	18.9	18.1	19.9
Finance	6.8	4.1	5.7	10.5	6.5	9.1
Business, Repair, and Other Services	10.6	21.4	16.4	9.4	13.4	10.8
Professional Business Services	39.2	19.4	31.2	39.1	42.7	38.4
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	8.4	31.5	17.8	–	9.0	–

Source: 1990 PUMS 5 % file

Table 2E
Industry Distribution of the Labor Force by Race and National Origin: Illinois Men Ages 16+, 1990”

	Industry Distribution					
Industry	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	2.0	6.3	0.6	3.5	0.4	3.2
Mining	0.1	0.2	0.1	0.7	0.1	0.6
Construction	9.5	9.7	4.1	9.5	5.5	8.9
Manufacturing —Durable Goods	9.7	13.9	9.1	8.6	8.3	8.8
Manufacturing —Nondurable Goods	18.9	26.8	18.8	15.2	12.2	15.6
Transportation	9.8	4.3	7.7	10.2	15.9	10.4
Wholesale Trade	6.9	5.6	5.3	6.7	4.4	6.3
Retail Trade	18.8	19.0	17.0	14.5	16.3	15.0
Finance	3.5	1.2	4.9	6.0	4.9	5.6
Business, Repair, and Other Services	9.4	9.1	10.7	8.1	11.3	8.6
Professional Business Services	11.4	4.0	21.8	17.1	20.5	17.0
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	10.7	25.3	14.0	–	14.2	–

Source: 1990 PUMS 5 % file

Table 2F
Industry Distribution of the Labor Force by Race and National Origin: Illinois Women Ages 16+, 1990

Industry	Industry Distribution					
	Mexican Natives	Mexican Foreign Born	Other Foreign Born	White Natives	Black Natives	Total
Agriculture	0.5	0.7	0.2	1.0	0.1	0.8
Mining	0.0	0.0	0.0	0.1	0.1	0.1
Construction	1.0	0.4	0.5	1.4	0.6	1.2
Manufacturing —Durable Goods	8.2	23.8	9.1	5.6	5.0	6.1
Manufacturing —Nondurable Goods	10.5	25.6	12.8	7.1	4.8	7.4
Transportation	5.2	2.2	3.5	4.8	23.0	7.5
Wholesale Trade	4.3	5.1	4.1	3.4	1.7	3.2
Retail Trade	22.1	14.3	14.4	20.4	12.9	18.9
Finance	11.8	3.1	7.8	10.6	8.2	9.9
Business, Repair, and Other Services	9.9	12.1	10.8	9.3	8.2	9.3
Professional Business Services	26.6	12.6	36.8	36.3	35.4	35.5
Total	100.0	100.0	100.0	100.0	100.0	100.0
Dissimilarity Index (%) (ref: native whites)	10.8	41.3	11.9	–	18.2	–

Source: 1990 PUMS 5 % file

migrants born elsewhere were so employed. In striking contrast to Mexican migrants residing in Illinois, nearly one-third of the foreign born from other countries were employed in professional business service industries. In this respect, Illinois' non-Mexican migrants were quite similar to native whites and blacks, and quite unlike Mexican migrants. These differences are especially evident for the female labor force in Illinois.

The index of dissimilarity reported in the lower row of each panel of Tables 2A and 2B provide a useful way to summarize the differences in the industrial distribution of employed Mexican migrants relative to native-born white men and women, respectively. This index indicates the share of the labor force that would have to change industries to reach parity with the native white labor force. These entries reveal that the industry distribution of employed Mexican migrants is more dissimilar from that of native whites than are any industrial distributions of the other groups. Moreover, the differences in industrial distributions between Mexican migrants and native whites are larger for women than for men, although the magnitude of the differences varies across states. These differences have implications for the nature of job competition between Mexican migrants and other demographic groups, but they are also related to human capital that migrants bring to the U.S. labor market and their earnings possibilities upon employment.

These differences are illustrated in Tables 3A through 3F, which tabulate for each of the three states the mean (1989) annual earnings of persons born in Mexico according to industry of employment and compares them with native whites, blacks, Mexican Americans and other foreign born. Although this table contains an enormous amount of information, several important generalizations are warranted. First, without exception, Mexican migrants received the lowest average annual earnings in every industry and each state, but it is unclear whether this is exclusively a result of their lower levels of education, limited proficiency in English, variation in annual hours worked, higher levels of employment instability in the course of a year, or wage discrimination. Second, annual earnings of Mexican migrant women are consistently below those of their male migrant counterparts employed in similar industry sectors. These differences can not be attributed to unequal educational attainment, as gender differences in formal schooling are relatively small among Mexican migrants. Third, Mexican migrants residing in Texas received lower annual earnings in each industry than their counterparts employed in similar industries in either California or Illinois. These differences are important for labor market impacts because they suggest that the Mexican-born population competes most directly with native-born persons for low-wage jobs, with Mexican-born women competing for the lowest wage jobs. These differences also are important for fiscal impact analyses inasmuch as they represent unequal levels of taxable income.

Table 3A
Social and Economic Characteristics of the Labor Force by Industry: California Men Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	45.1	7.1	12,451	99.7	13.0	25,660	99.3	12.0	15,696
CV		62.9	97.0		22.1	109.2		24.9	86.9
Mining									
	90.5	11.5	29,919	98.8	12.7	36,520	100.0	12.9	27,658
CV		30.6	69.0		15.3	61.1		16.6	77.2
Construction									
CV	73.7	10.2	21,826	99.5	12.6	31,260	99.6	12.3	23,350
		39.6	90.3		16.6	81.4		19.4	94.4
Manufacturing —Durable Goods									
	70.2	10.3	21,461	99.6	13.4	37,064	99.8	12.7	26,368
CV		41.5	90.0		17.1	83.7		17.4	80.2
Manufacturing —Nondurable Goods									
	78.9	11.3	26,323	99.4	13.8	41,292	99.8	13.1	29,952
CV		37.1	80.2		16.4	70.7		17.3	66.3
Transportation									
	92.6	12.3	28,558	99.7	13.2	35,843	99.5	12.8	27,706
CV		24.9	67.6		15.4	65.1		16.0	66.7
Wholesale Trade									
	81.2	11.4	24,989	99.6	13.3	37,748	99.8	12.9	25,771
CV		35.1	94.7		16.0	82.4		15.9	94.7
Retail Trade									
	78.0	10.9	16,274	99.7	12.8	22,770	99.8	12.4	16,308
CV		34.7	105.4		15.6	106.0		16.2	101.5
Finance									
CV	93.6	13.6	33,629	99.5	14.7	49,997	99.7	13.7	25,682
		22.7	106.4		14.6	95.5		15.6	97.9
Business, Repair, and Other Services									
	79.1	11.1	19,021	99.4	13.3	28,935	99.7	12.7	19,295
CV		35.9	113.9		17.0	112.2		17.9	123.6
Professional									
	95.3	14.5	30,151	99.7	15.4	39,327	99.5	13.7	27,482
CV		24.3	92.5		17.7	86.8		20.0	82.1

Table 3A (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	89.6	9.8	15,092	33.9	6.1	11,052	52.7	8.5	14,352
CV		37.5	100.1		66.4	78.6		59.5	105.4
Mining									
	98.1	11.8	29,858	62.9	7.7	19,255	88.1	12.9	34,127
CV		20.6	52.3		51.8	69.0		34.0	81.2
Construction									
CV	97.2	11.5	24,328	48.6	7.9	16,061	66.7	10.9	22,478
		20.6	81.3		52.6	77.3		43.3	98.5
Manufacturing —Durable Goods									
	96.9	11.5	23,561	47.3	7.9	15,601	68.1	11.4	21,619
CV		22.2	72.8		53.0	70.5		38.6	94.8
Manufacturing —Nondurable Goods									
	97.0	11.9	25,957	53.1	8.1	17,006	82.1	12.9	28,862
CV		21.2	65.7		51.7	67.9		30.5	77.4
Transportation									
	97.8	12.2	28,104	71.4	9.3	21,970	89.3	13.1	28,852
CV		17.2	61.4		44.9	71.4		23.9	66.4
Wholesale Trade									
	97.8	11.8	22,839	54.6	8.3	16,353	80.3	12.8	28,181
CV		20.0	72.8		52.3	73.9		30.6	99.5
Retail Trade									
	97.2	11.9	16,260	54.9	8.5	12,643	73.2	11.5	17,271
CV		17.5	100.7		49.5	85.8		34.1	107.9
Finance									
CV	97.7	13.1	27,374	69.6	9.8	19,675	92.0	14.2	32,406
		17.3	97.2		48.2	103.5		19.2	99.7
Business, Repair, and Other Services									
	97.0	11.9	17,934	53.1	8.3	14,045	75.2	11.7	19,344
CV		20.7	96.8		50.9	94.5		35.3	109.1
Professional									
	98.3	13.5	27,472	76.9	11.2	19,809	92.9	14.9	30,467
CV		20.5	69.8		41.8	87.6		23.6	103.1

[a] Percent speak well

Source: 1990 PUMS 5% file

Table 3B
Social and Economic Chracteristics of the Labor Force by Industry: California Women Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	46.0	7.4	8,191	99.4	13.1	14,737	100.0	12.2	15,088
CV		59.8	88.7		17.6	90.5		25.2	62.1
Mining									
	97.5	13.3	22,781	100.0	13.8	24,674	100.0	13.5	22,284
CV		22.4	46.2		10.6	44.4		13.7	49.4
Construction									
CV	89.5	12.3	18,599	99.2	13.1	20,797	99.5	13.2	18,749
		25.0	80.3		15.0	84.0		11.7	63.3
Manufacturing —Durable Goods									
	57.5	9.4	13,337	99.2	13.4	23,405	99.9	12.9	20,422
CV		46.5	85.6		16.1	87.3		15.2	65.9
Manufacturing —Nondurable Goods									
	79.2	11.2	18,919	99.3	13.2	25,842	99.5	12.9	23,413
CV		34.0	69.9		16.4	66.8		16.4	60.9
Transportation									
	95.8	12.9	23,272	99.6	13.2	24,959	99.8	13.0	24,687
CV		18.4	61.7		12.6	63.5		14.1	62.7
Wholesale Trade									
	80.7	11.4	16,609	1.0	13.2	22,710	99.6	13.0	20,306
CV		33.6	74.5		13.8	69.9		17.7	64.1
Retail Trade									
	87.0	11.7	11,368	99.6	12.6	13,009	99.6	12.5	12,294
CV		25.5	99.3		13.1	108.0		14.1	95.8
Finance									
CV	96.7	13.2	20,782	99.7	13.3	23,806	99.4	13.3	21,131
		16.8	80.7		13.1	83.4		13.7	71.5
Business, Repair, and Other Services									
	74.8	10.8	12,050	99.4	13.2	16,864	99.7	12.6	14,236
CV		37.7	105.5		16.7	105.5		17.8	111.8
Professional									
	95.9	13.5	19,472	99.6	14.3	21,146	99.7	13.6	21,127
CV		21.4	78.1		15.6	74.7		17.1	71.5

Table 3B (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	92.4	10.1	9,341	28.4	5.9	6,819	52.7	8.9	9,670
CV		34.6	89.0		65.1	71.6		54.4	92.3
Mining									
	1.0	11.8	20,887	[b]	[b]	[b]	95.0	13.7	23,617
CV		22.0	41.5					37.2	48.1
Construction									
CV	99.0	12.3	18,283	55.1	9.0	12,163	85.1	13.1	20,554
		16.5	86.4		43.9	78.7		26.9	70.4
Manufacturing —Durable Goods									
	95.0	11.2	15,430	37.8	7.3	9,952	50.4	9.9	13,243
CV		24.8	71.5		54.2	67.9		47.0	84.0
Manufacturing —Nondurable Goods									
	97.5	11.7	19,817	50.4	8.0	12,348	78.0	12.1	19,424
CV		18.4	59.6		50.9	62.7		30.8	67.6
Transportation									
	98.4	12.5	21,998	79.1	10.6	16,917	90.8	13.5	23,235
CV		13.3	58.6		36.7	73.9		20.5	56.0
Wholesale Trade									
	97.0	11.8	15,801	50.5	8.2	10,859	79.4	12.4	17,490
CV		19.8	62.8		51.3	72.7		30.9	71.6
Retail Trade									
	97.8	11.8	10,609	62.8	9.5	8,872	79.1	11.9	12,082
CV		15.5	95.1		40.7	88.6		29.3	95.1
Finance									
CV	98.6	12.5	18,356	85.6	11.6	16,292	94.8	13.8	21,180
		12.8	70.8		25.7	71.3		17.9	84.6
Business, Repair, and Other Services									
	96.8	11.7	12,214	47.9	8.1	8,354	65.9	10.6	11,869
CV		21.9	97.5		51.8	77.8		41.3	100.7
Professional									
	98.4	12.9	17,006	81.4	11.2	13,344	92.7	14.2	21,064
CV		17.7	74.7		34.8	83.2		22.4	81.4

[a] Percent speak well

[b] Samples too small for reliable estimates

Source: 1990 PUMS 5% file

Table 3C
Social and Economic Chracteristics of the Labor Force by Industry: Texas Men Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	65.6	7.6	9,875	98.2	11.9	17,085	99.5	10.5	10,630
CV		54.7	102.9		23.3	117.3		26.4	169.4
Mining									
	91	11.6	27,792	99.4	13.4	38,484	99.8	12.9	28,155
CV		32.2	80.2		19.1	74.1		18.3	61.2
Construction									
	77.3	9.4	15,867	99.5	12.2	25,625	99.7	11.4	14,487
		44.8	94.1		20.0	86.2		22.3	81.4
Manufacturing —Durable Goods									
	86.2	11.1	22,737	99.7	13.1	35,019	99.6	12.4	24,389
CV		34.1	79.9		17.6	69.4		17.4	71.6
Manufacturing —Nondurable Goods									
	86.7	11.0	21,726	99.5	13.2	32,580	99.8	12.1	20,870
CV		35.6	81.5		17.9	66.4		18.1	77.2
Transportation									
	95.1	11.9	24,023	99.8	12.9	31,637	99.4	12.3	22,937
CV		26.5	70.6		16.7	65.2		17.6	68.5
Wholesale Trade									
	88.40	11.3	21,273	99.8	13.2	33,459	99.3	12.1	18,917
CV		33.0	96.1		17.5	86.3		19.2	79.3
Retail Trade									
	89.3	11.2	13,246	99.3	12.5	19,934	99.4	12.0	11,438
CV		30.4	109.6		18.2	113.0		17.1	107.6
Finance									
	92.9	12.7	25,279	99.3	14.6	41,788	99.8	13.0	19,456
		29.8	117.4		15.1	97.8		21.4	92.1
Business, Repair, and Other Services									
	87.2	10.9	15,012	99.0	12.8	23,886	99.8	12.0	13,312
CV		35.6	107.6		18.9	103.7		21.5	98.3
Professional									
	96.1	13.5	23,832	99.2	15.2	33,253	99.5	13.7	27,482
CV		27.1	109.4		19.0	95.2		20.0	82.1

Table 3C (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	87.4	8.5	9,002	38.4	5.4	8,588	50.1	7.2	9,673
CV		40.9	77.6		71.6	56.7		68.7	92.7
Mining									
	96.4	11.1	22,271	57.0	7.2	17,607	92.6	15.1	37,629
CV		24.4	73.7		57.1	58.1		28.4	82.0
Construction									
	94.3	10.1	14,833	47.2	6.6	12,392	71.6	11.2	22,622
		31.6	85.4		64.7	81.0		47.1	95.1
Manufacturing —Durable Goods									
	94.2	11.0	20,191	50.9	7.6	13,882	77.8	11.8	25,579
CV		27.0	69.1		55.4	61.9		45.0	94.2
Manufacturing —Nondurable Goods									
	96.1	11.1	19,357	55.8	7.4	14,630	79.6	12.6	26,268
CV		25.7	69.9		62.1	71.3		36.1	91.1
Transportation									
	96.9	11.5	22,587	66.1	8.7	17,073	91.0	13.2	26,423
CV		26.2	65.2		51.9	81.1		31.6	71.8
Wholesale Trade									
	95.2	11.1	17,785	57.3	8.0	14,197	81.5	13.0	28,633
CV		27.3	71.3		56.2	80.9		33.0	108.9
Retail Trade									
	96.3	11.4	12,057	60.7	8.2	11,495	78.6	11.7	14,717
CV		21.5	96.3		56.3	91.7		37.8	107.6
Finance									
	97.0	12.4	19,983	59.9	8.8	14,300	90.2	13.2	25,699
		24.5	99.4		59.6	116.5		35.9	119.2
Business, Repair, and Other Services									
	95.3	10.9	13,007	55.9	7.7	12,049	78.2	11.7	17,465
CV		28.1	97.1		59.6	83.3		41.5	110.9
Professional									
	96.7	12.8	21,045	73.6	10.8	19,160	94.4	15.6	30,339
CV		26.5	91.6		49.3	140.8		25.6	137.4

Source: 1990 PUMS 5% file

[a] Percent speak well

Table 3D
Social and Economic Chracteristics of the Labor Force by Industry: Texas Women Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	66.4	8.3	7,481	99.0	12.2	10,257	100.0	11.3	9,050
CV		54.1	178.5		20.6	99.2		26.8	70.2
Mining									
	97.2	13.5	24,237	100.0	13.7	26,690	100.0	13.8	24,174
CV		18.7	60.1		14.5	59.0		13.8	51.0
Construction									
	93.6	11.9	14,667	99.0	12.7	18,163	100.0	12.8	14,590
		27.2	84.2		14.9	94.9		18.1	65.4
Manufacturing —Durable Goods									
	79.2	10.6	12,878	99.3	12.9	19,381	99.7	12.5	15,350
CV		37.9	87.3		16.4	75.7		14.8	93.3
Manufacturing —Nondurable Goods									
	89.0	11.2	15,567	99.3	12.8	20,883	99.8	12.3	17,270
CV		30.4	64.7		14.8	54.7		16.5	59.7
Transportation									
	98.1	12.9	20,391	100.0	13.3	21,151	99.5	13.1	21,692
CV		16.7	62.1		13.5	57.7		13.8	61.2
Wholesale Trade									
	89.8	11.6	15,454	99.5	12.8	20,004	99.5	12.8	17,779
CV		29.9	88.1		16.5	71.9		15.1	96.0
Retail Trade									
	92.4	11.3	8,852	99.6	12.3	11,100	99.6	12.1	8,970
CV		25.4	100.5		16.4	103.7		14.3	107.2
Finance									
	97.0	12.7	16,640	99.0	13.1	19,048	99.6	13.1	16,866
		18.1	69.7		13.5	72.0		14.1	57.5
Business, Repair, and Other Services									
	84.4	10.4	9,478	99.2	12.6	12,974	99.8	11.5	9,792
CV		37.5	115.9		18.6	100.8		22.6	127.7
Professional									
	96.9	13.0	15,077	99.5	14.2	18,076	99.7	13.1	14,789
CV		23.4	83.0		16.4	69.2		19.1	83.5

Table 3D (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	83.4	8.8	9,042	29.6	5.2	4,413	57.8	7.8	8,009
CV		43.0	235.8		74.7	76.8		75.9	60.2
Mining									
	96.2	13.1	21,171	69.4	9.7	15,410	95.4	14.6	28,599
CV		16.4	61.0		58.3	67.0		17.6	66.9
Construction									
	95.6	11.6	12,538	62.3	8.0	9,568	93.5	13.3	18,714
		20.3	65.3		62.8	71.9		31.0	68.5
Manufacturing —Durable Goods									
	94.1	10.5	11,936	44.8	7.3	9,362	64.0	10.3	13,105
CV		30.5	72.4		55.2	85.9		45.0	78.8
Manufacturing —Nondurable Goods									
	95.6	11.0	13,454	53.7	7.8	10,123	78.7	11.4	16,772
CV		25.4	61.1		55.3	77.8		38.6	57.1
Transportation									
	98.0	12.4	18,730	75.6	10.3	12,468	96.7	13.6	21,982
CV		15.7	59.7		39.6	85.9		18.7	69.3
Wholesale Trade									
	95.5	11.4	13,377	51.7	7.8	8,058	83.2	12.2	17,554
CV		24.2	77.2		60.2	79.9		33.3	91.3
Retail Trade									
	95.9	11.3	7,984	65.2	8.6	7,583	80.8	11.6	10,041
CV		21.3	83.7		49.4	94.1		33.5	111.4
Finance									
	97.5	12.4	15,140	79.4	10.5	11,640	92.4	13.6	18,856
		16.6	67.2		38.3	66.7		23.2	82.6
Business, Repair, and Other Services									
	93.3	10.5	9,178	46.4	7.1	6,782	64.8	10.3	10,017
CV		33.6	109.6		61.3	83.3		47.3	118.4
Professional									
	97.1	12.5	13,714	74.2	10.5	10,531	94.0	14.3	19,434
CV		24.2	77.6		44.0	96.4		25.2	104.5

[a] Percent speak well

Source: 1990 PUMS 5% file

Table 3E
Social and Economic Chracteristics of the Labor Force by Industry: Illinois Men Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	66.6	9.2	13,074	98.8	12.5	16,269	100.0	11.8	15,559
CV		45.0	87.0		15.7	81.7		16.3	111.2
Mining									
	96.1	11.8	32,834	100.0	12.2	35,013	100.0	12.3	26,084
CV		19.4	62.3		11.7	54.5		19.5	35.4
Construction									
	90.0	11.3	24,019	99.9	12.5	29,029	100.0	11.6	21,437
CV		27.9	75.2		13.6	61.0		23.5	92.1
Manufacturing —Durable Goods									
	87.2	11.4	25,059	99.9	13.1	34,404	99.6	11.9	21,999
CV		30.9	79.9		14.9	72.8		21.5	67.5
Manufacturing —Nondurable Goods									
	85.7	11.2	25,310	99.6	12.9	33,095	100.0	11.7	23,977
CV		32.5	69.6		15.2	61.1		22.3	61.9
Transportation									
	96.8	12.4	27,570	99.3	12.8	32,245	99.7	12.5	26,059
CV		21.0	65.5		14.7	59.3		17.8	69.1
Wholesale Trade									
	90.5	12.1	27,158	99.8	13.3	34,678	99.7	12.2	22,648
CV		26.3	88.5		15.4	77.3		19.6	83.1
Retail Trade									
	87.8	11.5	14,783	99.3	12.5	20,055	99.6	11.9	11,646
CV		26.7	116.9		14.8	99.9		17.2	132.0
Finance									
	98.0	13.8	33,260	99.7	14.8	45,091	99.5	13.2	25,025
CV		20.8	103.8		13.8	88.1		21.9	93.0
Business, Repair, and Other Services									
	90.6	11.8	17,880	99.7	13.1	26,606	99.5	11.9	13,368
CV		27.8	112.9		16.7	101.1		20.0	110.2
Professional									
	97.8	14.2	28,819	99.5	15.1	34,475	99.6	13.3	22,404
CV		24.2	104.5		17.6	81.7		23.7	90.5

Table 3E (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	89.1	9.5	9,916	37.4	6.6	10,596	80.9	10.1	17,364
CV		37.4	103.1		63.3	63.2		42.7	64.8
Mining									
	[b]	[b]	[b]	71.7	8.1	20,842	[b]	[b]	[b]
CV					40.9	53.9			
Construction									
	95.7	11.1	23,162	59.0	8.6	18,269	89.1	12.1	26,134
CV		26.7	99.0		47.3	62.5		31.5	66.2
Manufacturing —Durable Goods									
	97.1	11.2	23,304	54.3	8.1	17,990	84.9	12.4	26,598
CV		23.2	68.2		50.1	57.3		31.3	81.9
Manufacturing —Nondurable Goods									
	95.1	11.1	23,790	56.1	8.1	18,168	82.8	12.1	26,540
CV		25.6	57.0		52.3	59.3		32.2	73.1
Transportation									
	97.3	12.0	25,690	75.1	9.1	21,694	89.5	12.8	27,728
CV		17.9	50.8		44.1	60.6		27.6	62.3
Wholesale Trade									
	96.2	11.3	19,890	56.0	8.5	17,305	83.8	13.0	31,946
CV		26.1	73.1		44.0	55.4		27.4	95.5
Retail Trade									
	97.5	11.6	13,603	51.9	8.5	12,379	79.2	12.2	16,444
CV		20.8	116.8		47.9	82.9		28.6	117.3
Finance									
	98.8	12.7	22,027	77.6	9.6	19,791	95.2	14.7	33,068
CV		20.7	83.0		47.6	70.1		19.2	114.7
Business, Repair, and Other Services									
	98.3	11.8	17,280	56.9	8.7	13,712	84.5	12.7	20,825
CV		18.8	118.6		49.3	83.3		29.9	86.7
Professional									
	99.4	12.8	22,040	75.7	11.5	19,356	95.2	15.9	37,899
CV		25.0	75.8		40.8	76.1		23.9	119.6

[a] Percent speak well

[b] Samples too small for reliable estimates

Source: 1990 PUMS 5% file

Table 3F
Social and Economic Chracteristics of the Labor Force by Industry: Illinois Women Ages 16+, 1990

Industry	Total Population			White Natives			Black Natives		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	86.4	11.8	9,411	100.0	12.9	8,964	100.0	12.1	5,166
CV		26.7	71.3		14.2	63.5		16.3	62.5
Mining									
	94.3	12.7	22,623	100.0	13.4	17,253	[b]	[b]	[b]
CV		15.4	61.0		10.9	41.8			
Construction									
	95.4	12.4	17,239	98.8	12.7	17,112	100.0	12.7	16,333
CV		22.4	61.8		12.2	56.8		18.5	58.2
Manufacturing —Durable Goods									
	82.4	11.0	15,950	99.2	12.9	19,614	100.0	12.3	17,891
CV		33.3	76.6		15.0	79.3		18.2	73.2
Manufacturing —Nondurable Goods									
	81.9	10.9	16,411	99.5	12.4	19,497	100.0	12.0	18,130
CV		30.6	68.5		12.9	60.0		17.1	70.7
Transportation									
	98.4	12.9	22,784	99.3	13.0	22,117	99.7	12.9	23,503
CV		15.8	56.1		13.3	56.0		14.5	55.0
Wholesale Trade									
	91.7	12.3	17,618	99.7	12.9	18,717	100.0	12.8	18,446
CV		22.3	80.3		12.5	59.7		16.4	81.0
Retail Trade									
	95.8	12.1	10,297	99.6	12.5	10,294	99.3	12.2	10,209
CV		18.0	106.2		12.5	95.1		15.4	113.4
Finance									
	98.9	13.2	18,977	99.7	13.3	20,167	99.6	13.2	18,970
CV		14.4	72.2		12.5	79.7		14.7	67.5
Business, Repair, and Other Services									
	90.8	11.9	12,191	99.4	12.9	13,280	99.4	12.1	11,893
CV		25.5	95.2		15.3	107.2		19.5	95.3
Professional									
	98.2	13.7	18,417	99.6	14.1	17,624	99.6	13.4	18,037
CV		19.2	73.6		14.8	65.0		19.0	67.0

Table 3F (Continued)

Industry	Mexican Natives			Mexican Foreign Born			Other Foreign Born		
	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.	Engl. Prof.[a]	Mean Ed.	Mean Annual Earn.
Agriculture									
	92.2	11.2	8,268	33.6	7.7	9,897	[b]	[b]	[b]
CV		27.2	66.6		46.8	59.7			
Mining									
	[b]	[b]	[b]	[b]	[b]	[b]	[b]	[b]	[b]
CV									
Construction									
	91.3	11.7	20,927	34.9	8.0	8,455	92.5	12.3	22,976
CV		31.6	49.4		48.4	66.3		46.8	74.4
Manufacturing —Durable Goods									
	94.8	10.9	15,047	49.1	7.8	11,187	69.0	10.8	14,684
CV		30.7	56.3		51.2	60.2		39.5	62.5
Manufacturing —Nondurable Goods									
	95.9	11.2	16,131	45.3	7.8	11,716	71.9	11.1	15,753
CV		23.4	52.5		49.2	56.5		35.3	72.6
Transportation									
	98.6	12.6	19,800	74.8	11.0	17,072	92.6	13.4	21,929
CV		13.1	54.5		31.5	66.6		22.8	62.6
Wholesale Trade									
	97.1	11.5	16,280	63.5	9.2	12,695	82.2	13.0	18,383
CV		18.1	78.3		42.4	60.2		23.2	109.8
Retail Trade									
	98.2	11.7	9,026	70.5	10.3	9,679	84.6	12.3	11,765
CV		16.5	101.0		36.5	92.8		26.4	119.5
Finance									
	96.8	12.7	16,092	92.0	12.4	15,124	96.6	14.0	18,606
CV		10.9	59.3		19.5	50.5		16.6	61.6
Business, Repair, and Other Services									
	96.9	11.7	12,953	45.9	8.7	9,909	77.6	11.9	12,457
CV		49.6	73.2		49.6	72.4		33.3	71.9
Professional									
	97.1	13.1	15,313	79.2	11.6	13,802	93.9	14.7	23,048
CV		19.9	71.3		38.3	106.3		21.2	88.4

[a] Percent speak well

[b] Samples too small for reliable estimates

Source: 1990 PUMS 5% file

In sum, current rates of labor force participation and industry employment profiles are crucial for understanding the labor market impacts of Mexican migrants, although cross-sectional estimates do not reveal whether Mexican migrants are subject to greater levels of employment instability, or whether they draw disproportionately on the unemployment compensation system. Furthermore, labor market activity rates also influence the likelihood that Mexican migrants will be eligible for means-tested income transfers, which bears directly on questions of fiscal impacts, and indirectly on social consequences. Like educational attainment and rates of labor force participation, the employment profile of Mexican migrants has direct implications for an assessment of economic and social impacts because education and earnings positions situate Mexican migrants in the U.S. stratification system, and because their disproportionate concentration in low-wage employment raises the possibility that Mexican migrants compete with domestic low-wage workers, notably teenagers, minorities, and women. We address these and numerous additional issues concerning the impacts of Mexican migration below.

Impacts Assessment

Our assessment of impacts, which is based on a scrutiny of existing literature and several original analyses and tabulations, begins with an overview of demographic impacts, including those projected by the U.S. Bureau of the Census should current levels of immigration continue. We concentrate on economic impacts because most existing studies emphasize this dimension of the consequences of immigration, in particular, the labor market and fiscal impacts. However, the final section considers various social and political issues, including recent evidence on residential segregation, neighborhood transformation, economic mobility, crime, and attitudes toward Mexican migrants.

Demographic Impacts

Demographic impacts of migration from Mexico derive from changes in population size and annual growth rates and changes in population composition, especially age structure and race/ethnic make-up. The demographic impact of Mexican migration also derives crucially from (1) the intensity of the flow over time; (2) the highly concentrated settlement patterns of recent and earlier arrivals; and (3) the reproductive behavior of foreign-born women. Fertility of foreign-born women determines the age structure of future generations, and thus the longer term impact of recent migration trends for future population growth. The settlement patterns of recent and prior arrivals determines the ethnic landscape of cities and states where Mexicans settle and form communities. And, the volume of migration influences

both the size and growth of the Mexican-origin population both directly through numbers added and indirectly through differential fertility and mortality. All these dimensions of demographic change are crucial for understanding the social and cultural impacts of Mexican migration, as well as the integration experiences of the migrants themselves, which in turn transmit different impacts.

In this section, we review recent population trends and projections with the goal of identifying how migration, and that from Mexico in particular, has contributed to various aspects of demographic structure. First, we describe changes in the size and composition of the Mexican-origin population during the past quarter century, from 1970 to 1996. We pay special attention to changes since 1980 because the Spanish-origin identifier allowed for more consistent and comprehensive measurement of the Mexican-origin population (Bean and Tienda, 1987; Tienda and Ortiz, 1986), and because the intensification of the migrant stream during this period has direct implications for current and future impact assessment. Second, we summarize population projections prepared by the U.S. Bureau of the Census, the National Academy of Sciences, and the Urban Institute, and draw inferences about the future Mexican-origin population.

Population Growth

In 1990 the foreign-born numbered just under 20 million, comprising about 8 percent of the U.S. population. By 1996 the foreign-born population approached 25 million, still well below the historic high of nearly 15 percent registered at the turn of the century. Mexicans accounted for approximately 22 percent of the 1990 foreign-born population and about 27 percent of the estimated 24.5 million foreign born residing in the United States in 1996 (Hansen and Faber, 1997). That about 27 percent of the 1996 foreign-born population arrived after 1990, and an additional 35 percent were admitted during the 1980s reveals how the intensity of migration has been increasing over all, and for Mexicans in particular (see Table 4).

As a component of demographic change, international migration has commanded relatively less attention than either mortality or fertility partly because the U.S. population has been growing slowly during the past two decades, and partly because net migration has not been a major component of population change in the past.[10] However, immigration can produce potentially large impacts on population size, rate of growth, and composition and is likely to do so in the future if current trends continue. Already recent trends have left an indelible demographic imprint. In 1970, just under 5 percent of the U.S. population was foreign-born. By 1996, a quarter century later, this number nearly doubled. During this period international migration accounted for between 25 to 33 percent of net annual population increase (U.S. Bureau of the Census, 1996; Fix and Passel, 1994). In

Table 4
Population by Country of Birth, Citizenship, and Year of Entry: March 1996
(thousands)

Country of Birth	Total Foreign Born	Naturalized Citizen	Not a Citizen	Year of Entry			
				Before 1970	1970 to 1979	1980 to 1989	1990 to 1996
All Countries	24,557	7,904	16,653	4,806	4,756	8,416	6,579
Mexico	6,679	852	5,828	838	1,512	2,428	1,900
Phillippines	1,164	610	554	159	294	451	260
China	801	276	525	76	139	313	274
Cuba	772	361	412	318	148	201	106
India	757	285	472	53	181	299	224
Vietnam	740	308	432	17	98	323	302
El Salvador	701	113	588	31	143	373	154
Canada	660	315	345	361	75	119	105
Korea	550	167	384	14	103	278	155
Germany	523	371	152	424	27	19	53
Dominican Republic	515	126	389	74	79	195	166
Jamaica	506	158	348	49	139	191	128

Note: Countries with totals under 500,000 are not shown.

Source: United States Census Bureau, March 1996 Current Population Survey

the future, current levels of immigration can become an even larger component of population growth if fertility remains below replacement (as it has been for nearly two decades) and longevity remains constant or increases. Under these conditions, the impacts of immigration as a component of net growth will increase.

Although slightly more than 1.1 million migrants arrived each year during the past decade or so, the net annual increase of the foreign-born population is about 700,000 each year (Fix and Passel, 1994:23). This is because mortality and emigration (mostly involving recent entrants) reduce the foreign-born population by an estimated 200,000 annually. Mexico has accounted for a highly variable share of legal U.S. immigrants admitted during the past three decades, which in turn result in highly variable contributions to population increase. During the 1960s and 1970s, approximately 14 percent of all legal immigrants admitted were from Mexico. This share rose to 23 percent during the 1980s owing to the impact of the legalization program (INS, 1997: Table 2). The contribution of IRCA legalizations to total Mexican immigration was most pronounced in Fiscal Years 1989 through 1991, when the Mexican share of legal immigration (including adjustments to legal status) rose appreciably from 37 percent in 1989 to 44 percent in 1990; then to 52 percent in 1991 and 22 percent in 1992. Thereafter, the Mexican share of total immigrants admitted stabilized at its pre-IRCA level of 12 percent or so (INS, 1997: Table 2). With total immigration accounting for between one-third to one-quarter of annual population growth, the direct contribution of legal immigration from Mexico to U.S. population growth is small during the non-IRCA years (about 3 to 4 percent) and modest during the IRCA years (about 10 to 13 percent). Thus, legal immigration from Mexico accounted for between 3 to 13 percent of total population growth.[11]

Although Mexican migration has been a relatively small component of net aggregate population growth, its impact on the size of the Mexican-origin population, and the population of selected states where most recent arrivals settle is far more substantial. Bean and Tienda (1987:66) concluded that migration was responsible for less than half (and substantially less than half for legal immigrants) of the growth of the Mexican-origin population between 1970 and 1980. At that time, only one in four persons of Mexican origin were foreign born. By 1990, and in the wake of both the large volume of IRCA legalizations and continued immigration from Mexico, nearly one in three persons of Mexican origin were foreign born (U.S. Bureau of the Census, 1993: Table 1). INS (1997: Table 2) reports that nearly 1.6 million Mexicans were admitted as legal U.S. residents between 1981 and 1990; an additional 1.5 million were admitted in Fiscal Years 1991-1995.

Secondary (or indirect) demographic impacts attributable to Mexican migration derive from the differential fertility of native- and foreign-born women of Mexican origin. In 1990, the average number of children ever born to Mexican-origin women

aged 25 to 34 were 1.7 and 2.1 for the native and foreign born, respectively. Among women aged 35 to 44, the nativity differentials in children ever born were greater still—2.5 for U.S.-born women compared to 3.3 for Mexican-born women. These differences in child bearing influence future population growth through changes in the age structure and its associated future momentum. Moreover, the current and future demographic impacts, particularly those associated with the school-aged population and the future force entrants, will be most pronounced in localities where Mexican migrants are residentially concentrated.

Relative to the native-born Mexican-origin population, legal immigrants from Mexico are older. The median age of the native-born Mexican-origin population has risen slowly, from 18.4 in 1960 to 20.5 in 1980 (Bean and Tienda, 1987), to 23.7 in 1990 (U.S. Bureau of the Census, 1993a). As a result of the changing age structure of recent migrants and the aging of earlier migrants, the foreign-born Mexican-origin population became more youthful between 1960 and 1980, with the median age declining from 42 in 1960 to 29 in 1980 (Bean and Tienda, 1987: 67; U.S. Bureau of the Census, 1993: CP-3-3: Table 1). High fertility of all Mexican-origin women relative to non-Hispanic white women also contributes to a youthful age structure, which is reflected in the median age of 17-18 between 1970 and 1990 (Bean and Tienda, 1987; U.S. Bureau of the Census, 1993). These changes in age composition are significant for assessing the economic consequences of Mexican migration because they alter the relative shares of school-aged and working-age population as well as the elderly.

That females predominate in recent cohorts (with the exception of those involving the IRCA legalizations) also has implications for the future demographic impacts of Mexican migration. For example, the median age of female Mexican immigrants legally admitted in 1995 was 25—the peak of women's reproductive years. In this connection, two aspects of women's reproductive behavior are noteworthy. First, Mexican migrants bear more children than migrants from other regions of the world of comparable social and economic characteristics (Bachu, 1991).[12] Second, the larger completed family sizes of Mexican migrant women result from childbearing after migrating to the United States rather than having initially larger families when first entering the United States. This is contrary to predictions based on assimilation theory and differs from the fertility behavior of other immigrant women. More generally, this implies that the secondary effects of Mexican migration are likely to be larger than those of other migrant women.

Residential Distribution

A second important facet of demographic impacts of Mexican migration stems from the U.S. settlement patterns of recent migrants. The foreign-born population,

Table 5

1970 Distribution of Population by Race/Ethnicity and Nativity: 1970, 1980 and 1990

	California	Florida	Illinois	New York	Texas	Other SW AZ, CO, NM	Other US	Total
1970								
Mexican Origin[a]	1,112,008	11,047	117,268	12,249	711,058	176,397	199,124	2,339,151
Foreign Born	1,757,990	540,284	628,898	2,109,776	309,772	159,391	4,113,191	9,619,302
Mexican	411,008	3,018	50,098	4,806	193,639	47,797	49,345	759,711
1980								
Mexican Origin	3,637,466	79,392	408,325	38,755	2,752,487	837,386	986,628	8,740,439
Foreign Born	3,580,033	1,058,732	823,696	2,388,938	856,213	329,341	5,042,953	14,079,906
Mexican	1,277,969	13,704	167,924	10,676	498,181	112,982	117,785	2,199,221
1990								
Hispanic Origin	7,687,938	157,4143	904,446	2,214,026	4,339,905	1,691,864	3,941,737	22,354,059
Mexican	6,118,996	161,499	623,688	93,244	3,890,820	1,227,509	1,380,182	13,495,938
Puerto Rican	126,417	247,010	146,059	1,086,601	42,981	18,116	1,060,570	2,727,754
Cuban	71,977	674,052	18,204	74,345	18,195	5,040	182,119	1,043,932
Other Hispanic	1,370,548	491,582	116,495	959,836	387,909	441,199	1,318,866	5,086,435
Not of Hispanic Origin	22,072,083	11,363,783	10,526,156	15,776,429	12,646,605	6,782,827	147,187,931	226,355,814
White	17,029,126	9,475,326	8,550,208	12,460,189	10,291,680	6,049,294	124,272,473	188,128,296
Black	2,092,446	1,701,103	1,673,703	2,569,126	1,976,360	260,508	18,943,047	29,216,293
American Indian	184,065	32,10	18,213	50,540	52,803	340,227	1,115,015	1,793,773
Asian	2,710,353	146,159	275,568	666,843	303,825	120,890	2,744,721	6,968,359
Other Race	56,093	8,285	8,464	29,731	21,937	11,908	112,675	249,093

Table 5 (Continued)

	California	Florida	Illinois	New York	Texas	Other SW AZ, CO, NM	Other US	Total
1990 (continued)								
Total Population	29,760,021	12,937,926	11,430,602	17,990,455	16,986,510	8,474,691	151,129,668	248,709,873
Foreign Born								
Population	6,458,825	1,662,601	952,272	2,851,861	1,524,436	501,153	5,816,168	19,767,316
Nativity								
Mexican	2,474,148	55,316	281,651	43,505	907,432	234,375	301,587	4,298,014
Cuba	49,643	497,619	11,173	52,064	11,865	2,365	112,242	736,971
Other Caribbean	28,969	224,124	11,861	630,927	16,119	2,872	286,505	1,201,377
Central America	543,027	134,799	26,537	128,622	84,653	10,201	206,139	1,133,978
South America	163,627	161,773	27,397	319,731	36,877	9,479	318,613	1,037,497
Asia	200,601	116,278	225,339	556,662	248,878	82,313	3,548,966	4,979,037
Other	2,998,810	472,692	368,314	1,120,350	218,612	159,548	1,042,116	6,380,442

[a] Corresponds to Total Foreign Stock, that includes foreign born and native of foreign or mixed parentage

Source: United States Census Bureau, 1990 U.S. Census Data

but especially recent arrivals, is residentially concentrated in six states—California, Florida, Illinois, New York, New Jersey and Texas. Two of every three immigrants legally admitted in 1995 chose these states as their destination, which have been the leading states of intended residence since 1971. Because California has been the first choice of residence every year since 1976, it currently houses the largest foreign-born population both in terms of numbers (an estimated 8 million as of 1996) and share of the state's population (one-fourth of the total population is foreign born). Other states with at least one million foreign-born residents include Florida, Texas, New Jersey and Illinois (Hansen and Faber, 1997:2).

Mexican migrants were residentially concentrated in three of these states—California, Illinois and Texas. In 1970, just over one-fourth of the foreign-born population resided in these three states compared to 86 percent of the Mexican-born population: 54 percent in California; 6.6 percent in Illinois; and 25.5 percent in Texas. By 1980 the share of the total foreign-born population residing in these three states rose appreciably from 28 to 37 percent, most in California, and the share of the Mexican foreign-born population residing in these states increased slightly to 88 percent (58 percent in California; 7.6 percent in Illinois; and 22.6 percent in Texas). During the 1970s, the Mexican share of the foreign-born population rose from 7.9 to 15.6 percent.

The 1980s and 1990s witnessed an intensification of these two demographic trends, namely, a rising share of Mexicans among the foreign-born population (from 15.6 to 22 percent of the resident foreign-born population) and the continued residential concentration of all migrants in California, Illinois and Texas (up from 37 percent in 1980 to 45 percent in 1990). In 1990, about 85 percent of all Mexican migrants resided in these three states compared to just under half (45.2 percent) of all migrants.[13] The increased residential concentration in these three states coupled with the persisting residential concentration of all Mexican migrants has two important implications for understanding the social impacts of Mexican migration. One is that some of the demographic (as well as economic and social) impacts deriving from other migrants (especially those from Central and South America) may be attributed to Mexican migrants. Another is that the social and economic impacts directly attributable to Mexican migration will be most pronounced in these three states for the foreseeable future. This is so even if migration were stopped completely because of the secondary effects deriving from the changed age and race composition as well as differential fertility and mortality associated with the youthful populations. Accordingly, we spotlight these three states in our assessment of economic and social impacts below.

Population Projections

According to the Census Bureau's most recent projections, the U.S. population is expected to increase by 50 percent between 1995 and 2050, from 263 million to 394 million (U.S. Bureau of the Census, 1997). The U.S. population is expected to grow slowly even in the absence of immigration. However, zero immigration is an implausible scenario at present. Below replacement fertility rates coupled with continued, albeit modest, increments in longevity, means that immigration will be a larger component of future population growth (U.S. Bureau of the Census, 1996:23). Census Bureau projections do not separately identify immigrants by country of origin, but their projections are helpful in drawing inferences about Mexican migration insofar as they identify plausible changes in the size of the Hispanic-origin population. We know that Mexicans comprise slightly over 60 percent of all Hispanics, and this share has remained relatively stable at least since the early 1970s (Bean and Tienda, 1987: Table 2.2). Recent trends also indicate that migration was responsible for about half the growth of the Mexican-origin population, and that foreign-born share has risen gradually over successive censuses (Bean and Tienda, 1987; U.S. Bureau of the Census, 1993).

The recent National Academy of Sciences (1997: chapter 3, p.26) report on the consequences of immigration considered how the U.S. population would have evolved in the absence of immigration since 1950. The panel concluded that the U.S. population would have been 14 percent smaller than its 1995 size and that it would have been considerably older. Projecting forward current levels of immigration for 50 to 55 years would increase population by 80 million above what would occur in the absence of any immigration.[14] This net increase reflects the direct result of 45 million new immigrants plus the dual indirect effects of higher immigrant fertility and the lower overall mortality of a more youthful first and second-generation migrant population. Under this scenario, immigration will represent an increasing share of population growth over time. As the single largest national origin group in recent years, Mexicans would account for approximately 10-12 percent of the increase at the base year, compounded by their higher fertility and young age structure.

Two important composition changes follow from the current level and country of origin composition of migrant streams. First, current migration levels will increase future enrollments in primary, secondary and college enrollments relative to lower migration levels. Second, owing to the predominance of Latin American and Asian migrants in recent streams, the race and ethnic composition of the U.S. population will change dramatically, favoring the increase of Asians and Hispanics. According to the U.S. Census Bureau's (1996:15) projections, the growth of the Hispanic population will probably be a major element of total demographic growth, contributing 37 percent of growth from 1995 to 2000; 44 percent from 2000 to

2020; and 62 percent thereafter. However, this growth may be fueled more by the indirect effects of migration on fertility than by migration directly. As a result of this growth, the absolute and relative sizes of Asians and Hispanics will more than double (3 to 8 percent for Asians and 10 to 26 percent for Hispanics). Alternatively, if there were no net immigration after 1994, the race and ethnic composition of the U.S. population would be quite different than projected by the middle series (which approximates the current admission regime).

Within the middle immigration scenario, the growth of the Mexican-origin population is likely to increase far more than the other Hispanic-origin groups for several reasons: First, Mexicans comprise the largest source country of current migration. Among the top 20 countries of birth admitted in Fiscal Year 1995, only the Dominican Republic and Cuba ranked in the top 10, but even the fourth-ranked Dominican Republic sent less than half as many migrants as Mexico (INS, 1997). Second, fertility of both native and foreign-born Mexican-origin women will likely contribute to relatively faster population growth (U.S. Bureau of the Census, 1996:15). Third, the 1995 Mexican-origin population is larger and relatively younger than other Hispanic-origin groups, providing a bigger base from which to compound future indirect effects (fertility of migrants and lower mortality of the younger population). Finally, Mexicans have been the largest source of undocumented migration in recent years, and this flow is unlikely to end even if the size of the future undocumented population shrinks (owing to tighter border controls).

Of course, all projections become less reliable the further in time one extrapolates, but the conclusion that immigration generally and Mexican migration in particular will be a major component of future population growth is all but assured. Less clear are the relative components of growth due to fertility, as well as legal and illegal migration.

Conclusions about Demographic Impacts

Several conclusions follow from this discussion. First, Mexican migration has become *spatially* as well as *temporally* concentrated, thereby confining the first and second order impacts to three states: California, Texas and Illinois. The residential concentration of Mexican migration coupled with rapid growth has changed the ethnic landscape of major cities in these states.

Second, although immigration has not been a major component of population growth in the past, its influence on demographic change has been increasing. And, as immigration becomes a larger component of population growth and change, so too will Mexican migration exert more pronounced demographic, and thereby economic and social impacts. If current migration trends continue, the demographic impact on the Mexican-origin population will increase over time, as it will be

compounded by higher fertility and mortality of Mexican-origin women, and the lower mortality at younger ages. That these trends are currently underway is evident in that the Mexican share of the foreign-born population has been rising (from 22 to 27 percent during the 1990s alone) and the foreign-born share of the Mexican-origin population has increased from one in four to one in three during the 1980s.

Third, because the share of ALL migrants who settle in California, Texas and Illinois has been increasing over time, it is difficult to disentangle the impacts due to Mexican migration from those due to other migrant groups who settle in areas where Mexicans are highly concentrated, particularly those from Central and South America.

Labor Market Channels of Influence

Theoretical Principles[15]

Before presenting empirical evidence about the labor market impacts of Mexican migration to the United States, we develop a simple model of international migration to describe theoretically some of the basic points of contention in the debate regarding the economic effects of immigration (Greenwood and McDowell, 1986; 1993). For simplicity, consider the United States as a country of immigration that produces a single, nonexported output by means of two inputs, capital and homogeneous labor. The left panel of Figure 1 depicts a situation in which the world supply of labor (e.g., Mexican labor) is perfectly elastic at wage rate W_e. The right panel shows a hypothetical model of the U.S. labor market. If labor were to seek its maximum earnings, if transportation and other costs associated with moving were negligible, and if institutional impediments to the free flow of international migration were nonexistent, cd = a'd' workers would migrate to the United States. Consequently, U.S. labor supply would increase from S_{us} to S''_{us} and its wage rate would fall to the world equilibrium level at W_e. If the United States were completely and effectively to close its borders, its wage rate would be W_{us}. In this simple model, because labor is homogeneous, foreign-born labor is a substitute for native-born labor.

Suppose instead that for political, economic, humanitarian, or other reasons, the United States imposed a binding quota of ab = a'b' workers, allowing an increase in labor supply from S_{us} to S'_{us}. This increase has two important consequences. First, the domestic wage rate falls to W'_{us} and total employment rises from **oe** to **ob**. However, domestic employment declines by **ae** workers from **oe** to **oa**. Thus, to some extent (i.e., **ae**) immigrants displace domestic workers. Second, when the wage rate falls from W_{us} to W'_{us}, labor earnings change from **0xze** to **0trb**, of which **0sta** accrues to indigenous workers and **asrb** to immigrants. The earnings of indigenous workers have fallen from **0xze** to **0tsa**. On the other hand, returns

to nonlabor factors of production have risen from **xyz** to **tyr**. The clear implication is that some groups in the United States benefit from immigration, while others bear the costs.

An existing wage differential of (W'_{us} - W_e), to the extent that it reflects its real-world counterpart, is substantial. For example, Mexico is the single major supplier of U.S. migrants, and wages available in the United States are between 5 and 13 times higher than those available in Mexican agriculture.[16] Given such a wage differential, the continued build-up of demand for entry into the U.S. labor market from abroad would be expected. Of course, information concerning the availability of the wage differential is not freely available to all potential migrants, as the model implies, and transportation and psychic costs associated with international migration may be appreciable. Nevertheless, the potential supply is still substantial, even if relatively nearby sources, like Mexico, the West Indies, and Central America, are the primary origin areas.[17]

The magnitudes of the wage and employment changes consequent upon immigration are dependent upon the elasticities of labor demand and domestic labor supply, the magnitude of the quota, and other assumptions implicitly embedded in Figure 1. In general, the more inelastic are the demand and supply relationships, the greater will be the reduction of domestic wages due to a given amount of immigration. Moreover, the displacement effect will be greater the more elastic is domestic labor supply and the less elastic is labor demand.

One of the most troublesome assumptions in Figure 1 is that labor is homogeneous. This assumption rules out the possibility of uneven impacts among various labor force groups. The introduction of two classes of labor (i.e., skilled and unskilled) permits greater focus on the low-wage labor market, which has commanded considerable research attention by analysts of rising wage inequality.[18] If the composition of Mexican migrants is oriented toward less-skilled workers, the most directly relevant demand and supply elasticities are those in the low-wage labor market. Relaxing the assumption of homogenous labor is further appealing because it raises the salience of skill transferability and questions about the economic adaptability of immigrants and their offspring to the receiving society. Moreover, with two classes of labor and with capital, immigrants and natives may be either complements or substitutes in production. If immigrants and natives are complements, the demand curve for complementary native workers would shift out, such as from D_{us} to D'_{us} in Figure 1. If they were substitutes in production, native demand for substitutable native workers would shift in the opposite direction.

As noted above, the transfer of resources inherent in international migration also results in a redistribution of income between origin and destination countries. In Figure 1 the area **ezrb** represents a net addition to national output in the country of immigration. As long as the migration is motivated by a positive wage

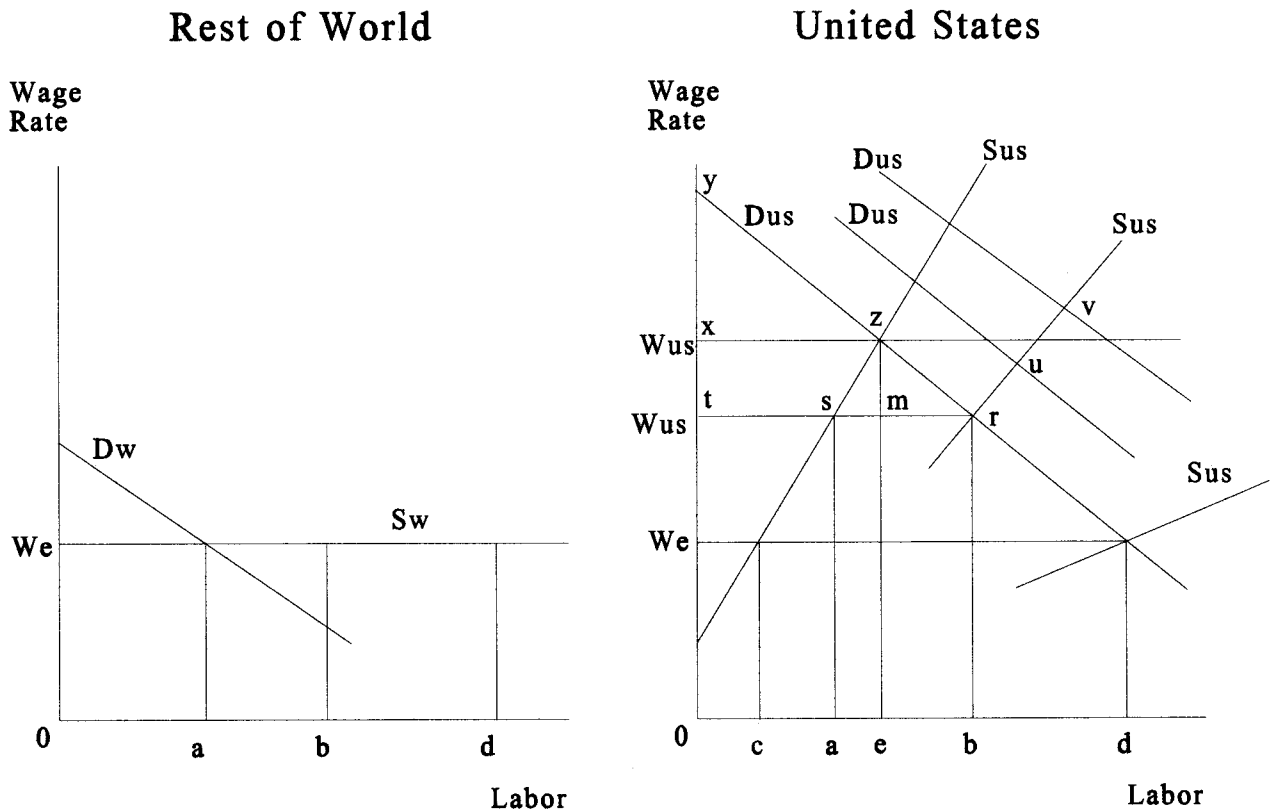

Figure 1. Labor and Wage Rate: U.S. and the Rest of the World

differential, the loss of output in the country of emigration would presumably be less than this magnitude, and global output would rise.[19] The effects on the country of origin would be greater or less, depending on the employment status (unemployed, underemployed, not in the labor force) of migrants. The assumption implicit in the left panel of Figure 1 is that the migrants do not affect employment in the source countries. Relaxing this assumption opens up the possibility of the brain-drain phenomenon.

Another problem with the simple, static, partial equilibrium model developed here is that it ignores many important features of an expanding, dynamic economy. For instance, Bernard (1953:57) attacks the so-called lump of labor fallacy, suggesting that "job opportunities in any society are not fixed at any particular level but expand with a rising population." Bernard argues that through their consumption, immigrants expand the market of the receiving society. They also stimulate increased investment expenditures, thereby further contributing to increased aggregate demand. Moreover, immigrants contribute importantly to technological progress and entrepreneurial activity (i.e., technological externalities). Simon (1981) shares the view that in the long run, immigrant contributions to technical progress positively affect per capita income. In terms of Figure 1, Bernard suggests that immigration shifts both the labor supply and labor demand schedules outward, but he does not explain why the demand shift should dominate the supply shift (e.g., point v). If the supply shift dominated the demand shift (e.g., point u), wages would fall and indigenous workers would be displaced, though not to the extent that would have happened had no offsetting demand shift occurred (e.g., point r).

Bernard's position (i.e., point v in Figure 1) is certainly plausible, but does not appear to have an important place in the present debate, at least in so far as the aggregate U.S. economy is concerned. Substantial quantitative evidence suggests that this condition may have prevailed in the U.S. up to 1900 and perhaps even to 1920, during which time aggregate scale economies probably existed. The consensus appears to be that such conditions have not existed during the last half century, and therefore equilibria such as v are unlikely to hold at the present time.[20] Not only might the immigrants themselves contribute to an outward shift of D_{us} (Bernard, 1953), but also aggregate labor demand is likely to be growing due to other forces such as growth of aggregate income. Depending upon how fast domestic labor supply is growing relative to demand, immigrant "absorptive capacity" could be greater or less than might be implied by a static model.

Empirical Evidence

Empirical studies about labor market impacts of immigration have been concerned with two related questions: (1) Do immigrant workers depress the wage

rates of domestic workers and, if so, which domestic workers? (2) Do immigrant workers displace certain domestic workers from their jobs, or through various channels do immigrant workers increase employment opportunities over and above their own contributions to employment. The answers to these questions are related in part to whether immigrants and natives are complements or substitutes in production. Although much effort has been devoted to addressing these questions, the empirical evidence is inconclusive. Answers depend on the level of aggregation of the analysis; assumptions about whether (and how) the labor market is segmented; the temporal frame of reference; the methodology used; and the migrant characteristics, notably education level and years since migration. That Mexican immigrants have low levels of education and are heavily concentrated in the Southwest implies that labor market impacts most likely will be concentrated within the low-skill segments of these particular markets. Although the initial impacts of immigrants differ from the ultimate impacts, few studies have examined this aspect of immigration.[21] Especially understudied are the intergenerational consequences of immigration (for an exception, see Borjas, 1992).

Aggregate and Group-Specific Impacts

Several empirical studies employ a production-theory approach to determine the substitutability between capital and various groups of native- and foreign-born workers. In spite of nontrivial methodological differences and in time period analyzed, several major studies concluded that immigrants have had very small (negative) impacts on the earnings and employment opportunities of the native-born population (Grossman, 1982; Borjas, 1986a; Greenwood, Hunt and Kohli, 1996, 1997). These studies assume an instantaneous adjustment to exogenous changes in labor supply, and essentially ignore the important question about how quickly local economies adjust to an exogenous change in labor supply. Even though the resulting change in wages may be small, adjustment costs may be large.

Prior Evidence of Labor Market Impacts. The wage and employment impacts of immigrants on native workers may differ according to race and national origin, but the findings of prior studies are highly variable. The empirical evidence generally indicates that immigrant groups tend to be substitutes for some domestic labor market groups and complements for other domestic workers (Borjas, 1987a). Specifically, Hispanic immigrants appear to be substitutes for white domestic male workers, but complements with native Hispanic workers. Mexican immigrants have a small negative impact on the earnings of both white and black native-born men. However, all immigrants have a sizable negative impact on their own wage levels (see Borjas, 1986a, and 1986b).

Although Borjas finds limited evidence that immigrants are substitutes for the black native-born population, one study conducted within a human capital framework claims that recent immigrants from countries other than Mexico, Cuba, and the West Indies are substitutes for black males (see Stewart and Hyclak, 1986). Yet another study conducted within a human capital framework (King, et al., 1986) uncovers little evidence of substitution between migrants and second or third-generation Hispanics. However, among a subsample of laborers, negative effects of migrants on native workers emerge, but these too are relatively small (-0.1). In sum, *the preponderance of aggregate evidence about the complementarity and substitution relationships between native and foreign-born workers indicates that immigration decreases employment and wages of low-skill domestic workers by very little. These findings, based on 1970 and 1980 data, imply a highly inelastic supply of domestic low-skilled labor and a relatively elastic demand for such labor*.

Regarding the hypothesized negative impact of immigrants on various skill groups, Briggs has argued for over two decades (1975a; 1975b; 1995) that the low-skill segment of the U.S. work force, and the minority work force in particular, have borne the brunt of the labor market competition from immigrants to the United States. That young workers, and especially minority teenagers, are disproportionately represented among the least skilled and experienced domestic workers suggests that the negative effects of migrants will be greatest among minority teenagers. Contrary to this proposition, Borjas (1984b) estimates positive elasticities of complementarity between immigrants and young (i.e., 24 years of age or younger) native-born black men. This impact is not uniform across immigrant groups, however. For example, Borjas (1986b) finds that Hispanic immigrants exerted an insignificant and sometime negative impact on wages and earnings of young black men, whereas the impacts of non-Hispanic immigrants are consistently positive.

Other studies (e.g., Matta and Popp, 1988; Kimenyi, 1989) claim that the complementarity and substitutability of immigrant and domestic labor have changed over time, such that highly skilled immigrants from Europe were complements in production to black youth, whereas more recent, less-skilled migrants from the Americas are substitutes. That no study has adequately separated the effects of legal and undocumented migration weakens inferences about the dynamics of competition in low-wage labor markets, however. This is an especially important consideration for drawing inferences about the labor market impacts of Mexican migration. DeFreitas' (1988) view of immigration as a sequential process in which some newcomers integrate into ethnic job clusters and, over time, disperse from these enclaves to exert competitive pressures on low-skilled native workers seems to be a plausible explanation for some of the observed coexistence of complementary and substitution relationships.

Workers born in Mexico increase the supply of labor available in the United States. This increased labor supply clearly is not spread evenly across the United States, but rather is concentrated in proximity to the U.S.-Mexico border and in areas that offer those types of employment opportunities that are attractive to migrants from Mexico. Previous studies typically have shown that the wage and employment effects of increased immigration on native-born groups are not great. The largest impacts are on other foreign-born workers (like the migrants themselves). The results of earlier studies, however, have been based on 1970 and 1980 census data and on other data sources that are sufficiently old to throw into question their contemporary relevance. Moreover, the various studies that adopt a production function approach usually have not focused specifically on areas of high migrant concentration. The analysis reported below addresses both of these limitations of prior studies.

1990 Labor Market Impacts. In the discussion that follows, we assume that in each metropolitan area the technology can be represented by an aggregate production function that expresses output as a function of various labor inputs and capital. Using the Symmetric Normalized quadratic functional form introduced by Diewert and Wales (1987), we estimate a nine-input production function. The methodology for this analysis is detailed in Research Volume 3, pages 1078 to 1116. In addition to capital, the labor inputs in the Mexican Model are (1) native, low-skill Mexican males; (2) native, low-skill Mexican females; (3) native, low-skill non-Mexican males; (4) native, low-skill non-Mexican females; (5) native, high-skill; (6) foreign-born, low-skill Mexican; (7) foreign-born, low-skill non-Mexican; and (8) foreign-born high-skill.[22] Workers from Mexico tend to be low-skilled, and hence they compete most directly with low-skilled native- and foreign-born workers. The methodology used to estimate the models reported below allows for eight skill classes of labor, along with capital. Thus, six classes of low-skill labor are distinguished. Within the low-skill native group Mexican ancestry natives are distinguished from other natives, and each group is separated by sex. This separation by sex allows a focus on low-skill females, who have been ignored in most prior analyses. The foreign born are distinguished as Mexican and non-Mexican because we wish to simulate on low-skill, foreign-born, Mexican labor (i.e., increase employment of this group by a given amount and observe how this and other groups ultimately are affected through the workings of the model) and because we also wish to identify the labor-market impacts on this group.

Data for the estimation are drawn from the 1990 U.S. census. Metropolitan areas form the basic region that is the focus of the cross-sectional analysis. For the econometric model that provides considerable detail on native-born persons of Mexican ancestry as noted above, 122 metropolitan areas are used in the analysis.

This is the maximum number of usable areas. California and Texas each contain 23 of these areas. The various areas included in the analysis are reported in Appendix A.

Estimation of the production function relationships indicates that capital is a complement for all categories of labor except foreign-born high-skill labor. Overall, however, far more substitution than complementarity is apparent in the estimated relationships, and this is somewhat surprising. Most labor categories compete with each other. The strongest complementarity links are between native, low-skill men and low-skill foreign born, as well as between native, low-skill, non-Mexican women and high-skill foreign born. Based on the production function estimates alone, an increase in the number of low-skill Mexican migrants would tend to benefit capital and low-skill native males and hurt all other categories of labor. Except for low-skill Mexican migrants themselves, the estimated effects are very small.

In addition to the production structure channel of influence, the full model contains a labor force participation channel and an aggregate demand channel of influence. Table 6 reports results for a simulation of the full model. The basic simulation entails a 20-percent increase in the number of foreign born, low-skill Mexican workers. For all 122 areas, the average real wage of this labor group falls by 3.0 percent. Due to this lower wage rate, workers in this category withdraw from the labor force, so that ultimately employment of this group increases by 19.39 percent and not by 20 percent which reflects a displacement effect of about 0.6 percent (20.0 percent - 19.4 percent).[23] The wage rates of other labor categories are almost unchanged. For example, native, low-skill females of Mexican ancestry suffer a wage loss of only about 0.3 percent and their employment falls by about 0.2 percent. Thus, for the average U.S. region, even relatively large increases in Mexican-born labor do not appear to have large impacts on native workers.

Metropolitan areas in California and Texas have relatively heavy concentrations both of Mexican-born persons and of native-born persons of Mexican ancestry. As noted above, each of these states contains 23 metropolitan areas in the sample. The major impact of a 20-percent increase in foreign born, low-skill Mexican labor in California is on this group, whose wages fall by 6.9 percent (Table 6A) and whose employment declines by 1.3 percentage points (20 percent less 18.7 percent) (Table 6B). The largest wage impacts on other groups occur to foreign-born, low-skill, non-Mexicans and to foreign-born, high-skill persons, but in each case the effects amount only to about one percent. The labor displacement effect is never more than 0.5 percent for any group (Table 6B).

The results for Texas are similar to those for California, but for the most part are slightly more moderate. For example, when their employment is increased by 20 percent, foreign-born, low-skill Mexican workers in Texas suffer a 5.0 percent

Table 6A
Percentage Change in Real Wage of Various Labor Skill Groups Due to a 20-Percent Increase in Low-Skilled, Foreign-Born Mexican Labor—Selected MSAs

	Low-skilled							
	Native							
	Mexican		Non-Mexican		Foreign-born		High-skilled	
MSA	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
All areas (122)	0.34	-0.34	0.33	-0.15	-3.01	-0.45	0.06	-0.47
California areas (23)	0.75	-0.68	0.59	-0.41	-6.85	-1.05	0.05	-1.16
Texas areas (23)	0.64	-0.68	0.72	-0.16	-5.00	-0.65	0.22	-0.64
Arizona, New Mexico, Colorado areas (11)	0.43	-0.36	0.48	-0.16	-3.69	-0.56	0.12	-0.57
Areas in border states (52)	0.69	-0.66	0.67	-0.28	-5.90	-0.85	0.14	-0.90
Areas of high concentration of foreign born, low-skilled, Mexicans[a] (13)	1.42	-1.27	1.55	-0.23	-11.42	-1.38	0.59	-1.40
Areas of low concentration of foreign born, low-skilled, Mexicans[b] (43)	0.02	-0.02	0.02	-0.02	-0.19	-0.04	-0.00	-0.04
Santa Ana, CA	1.29	-0.48	0.51	-0.68	-7.37	-1.30	-0.39	-1.69
Bakersfield, CA	0.56	-0.72	0.57	-0.44	-8.89	-1.29	0.05	-1.32
Chico-Paradise, CA	0.13	-0.25	0.21	-0.14	-1.83	-0.37	0.008–0.06	-0.34
Fresno, CA	1.31	-1.11	1.12	-0.62	-12.24	-1.63	0.25	-1.49
Los Angeles, CA	2.30	-1.36	1.07	-1.59	-13.54	-1.53	-0.56	-3.43
Merced, CA	2.05	-0.94	1.41	-0.24	-14.24	-1.74	0.88	-1.75
Modesto, CA	0.18	-0.80	0.53	-0.36	-7.40	-1.23	0.09	-1.21

Table 6A (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Oakland, CA	0.07	-0.25	0.10	-0.21	-1.50	-0.37	-0.09	-0.40
Oxnard-Ventura, CA	0.87	-0.69	0.63	-0.48	-6.98	-1.16	-0.09	-1.23
Redding, CA	0.01	-0.03	0.02	-0.02	-0.24	-0.06	0.00	-0.05
San Bernardino, CA	0.31	-1.24	0.16	-0.52	-7.09	-1.58	-0.16	-1.35
Sacramento, CA	0.11	-0.32	0.11	-0.19	-1.36	-0.30	-0.04	-0.26
Salinas, CA	1.29	-1.04	1.64	-0.42	-13.39	-1.81	0.59	-1.88
San Diego, CA	0.87	-0.81	0.61	-0.56	-5.90	-1.03	-0.14	-1.12
San Francisco, CA	0.15	-0.16	0.16	-0.18	-1.48	-0.27	-0.06	-0.39
San Jose, CA	0.50	-0.54	0.14	-0.38	-3.59	-0.80	-0.13	-0.92
Santa Barbara, CA	0.79	-0.84	0.82	-0.45	-8.80	-1.34	0.09	-1.37
Santa Cruz, CA	0.79	-0.84	0.90	-0.47	-8.82	-1.29	0.09	-1.32
Santa Rosa, CA	0.48	-0.43	0.22	-0.28	-2.63	-0.61	-0.03	-0.61
Stockton-Lodi, CA	0.66	-0.65	0.38	-0.39	-6.45	-1.07	0.05	-1.06
Vallejo, CA	0.22	-0.38	0.19	-0.20	-2.64	-0.51	0.00	-0.50
Visalia-Tulare, CA	2.05	-1.10	1.51	-0.36	-15.17	-1.95	0.73	-1.95
Yuba City, CA	0.23	-0.61	0.57	-0.28	-5.96	-0.98	0.12	-0.98
Abilene, TX	0.25	-0.24	0.18	-0.13	-2.17	-0.35	0.01	-0.30
Amarillo, TX	0.16	-0.25	0.15	-0.14	-1.58	-0.30	0.00	-0.37

Table 6A (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Austin, TX	0.30	-0.40	0.32	-0.23	-2.55	-0.46	0.01	-0.42
Beaumont, TX	0.05	-0.08	0.04	-0.04	-0.47	-0.11	-0.01	-0.10
Brazoria, TX	0.17	-0.27	0.11	-0.16	-1.96	-0.36	-0.03	-0.37
Brownsville, TX	2.70	-2.14	3.88	-0.25	-20.34	-1.94	1.68	-1.87
Bryan-College Station, TX	0.21	-0.26	0.27	-0.15	-2.43	-0.41	0.02	-0.43
Corpus Christi, TX	0.21	-0.44	0.23	-0.20	-3.08	-0.48	0.00	-0.47
Dallas, TX	0.69	-0.03	0.60	-0.40	-3.21	-0.57	-0.05	-0.61
El Paso, TX	2.69	-2.89	2.98	0.20	-19.44	-2.04	1.14	-2.09
Ft. Worth-Arlington, TX	0.30	-0.27	0.25	-0.22	-2.47	-0.52	-0.02	-0.42
Galveston, TX	0.13	-0.18	0.14	-0.11	-1.51	-0.28	-0.02	-0.23
Houston, TX	1.02	-0.12	0.79	-0.25	-3.89	-0.48	-0.07	-0.86
Killeen-Temple, TX	0.14	-0.17	0.12	-0.08	-1.47	-0.23	0.01	-0.23
Longview-Marshall, TX	0.14	-0.22	0.11	-0.11	-1.20	-0.32	-0.01	-0.26
Lubbock, TX	0.11	-0.18	0.12	-0.10	-1.13	-0.24	0.00	-0.21
McAllen-Edinburg-Mission, TX	3.75	-4.03	4.33	0.22	-25.44	-1.79	2.29	-2.05
Midland, TX	0.54	-0.64	0.31	-0.32	-4.46	-0.79	-0.04	-0.63
Odessa, TX	0.30	-0.63	0.41	-0.35	-4.49	-0.92	0.04	-0.97

Table 6A (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
San Antonio, TX	0.29	-1.28	0.46	-0.37	-4.66	-0.87	0.02	-0.65
Tyler, TX	0.24	-0.45	0.27	-0.21	-3.22	-0.59	0.00	-0.46
Waco, TX	0.25	-0.35	0.27	-0.19	-2.50	-0.47	0.02	-0.46
Wichita Falls, TX	0.06	-0.16	0.14	-0.09	-1.24	-0.34	0.00	-0.24
Yakima, WA	1.55	-0.98	1.32	-0.38	-11.26	-1.67	0.37	-1.61
Yuma, AZ	2.03	-0.91	2.10	-0.26	-15.85	-1.83	0.87	-2.06
Las Cruces, NM	1.06	-0.93	1.47	-0.33	-10.35	-1.43	0.50	-1.68
Richland-Kennewick-Pasco, WA	0.65	-0.64	0.67	-0.32	-6.35	-0.98	0.07	-0.88
Greeley, CO	0.33	-0.43	0.32	-0.25	-3.24	-0.71	0.02	-0.62

[a] Refers to MSAs for which at least 60 percent of the foreign born are low-skilled persons born in Mexico.

[b] Refers to MSAs for which less than 10 percent of the foreign born are low-skilled persons born in Mexico.

Table 6B
Percentage Change in Employment of Various Labor Skill Groups Due to a 20-Percent Increase in Low-Skilled, Foreign-Born Mexican Labor—Selected MSAs

	Low-skilled							
	Native							
	Mexican		Non-Mexican		Foreign-born		High-skilled	
MSA	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
All areas (122)	0.00	-0.15	-0.01	-0.06	-0.61	-0.17	-0.01	-0.07
California areas (23)	-0.01	-0.39	-0.05	-0.16	-1.30	-0.44	-0.03	-0.19
Texas areas (23)	0.02	-0.24	-0.01	-0.08	-1.11	-0.24	-0.02	-0.11
Arizona, New Mexico, Colorado areas (11)	0.02	-0.13	0.00	-0.05	-0.82	-0.22	-0.01	-0.08
Areas in border states (52)	0.00	-0.30	-0.02	-0.11	-1.22	-0.34	-0.03	-0.15
Areas of high concentration of foreign born, low-skilled, Mexicans	0.07	-0.40	0.01	-0.12	-2.41	-0.51	-0.04	-0.20
Areas of low concentration of foreign born, low-skilled, Mexicans	0.00	-0.01	-0.00	-0.00	-0.04	-0.01	-0.00	-0.01
Santa Ana, CA	-0.08	-0.70	-0.11	-0.27	-1.40	-0.53	-0.05	-0.33
Bakersfield, CA	-0.01	-0.37	-0.03	-0.18	-1.53	-0.44	-0.03	-0.20
Chico-Paradise, CA	0.01	-0.05	0.00	-0.04	-0.43	-0.16	0.008–0.06	-0.04
Fresno, CA	0.02	-0.57	-0.06	-0.24	-2.04	-0.87	-0.05	-0.27
Los Angeles, CA	-0.25	-1.96	-0.44	-0.70	-3.06	-0.73	-0.16	-0.76
Merced, CA	0.17	-0.29	0.03	-0.11	-2.53	-0.82	-0.04	-0.22
Modesto, CA	-0.04	-0.32	-0.02	-0.13	-1.45	-0.48	-0.02	-0.18

Table 6B (Continued)

MSA	Low-skilled						High-skilled	
	Native							
	Mexican		Non-Mexican		Foreign-born			
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Oakland, CA	-0.04	-0.20	-0.04	-0.08	-0.40	-0.17	-0.02	-0.08
Oxnard-Ventura, CA	0.02	-0.30	-0.03	-0.16	-1.25	-0.41	-0.02	-0.17
Redding, CA	0.00	-0.01	0.00	0.00	-0.04	-0.03	0.00	-0.01
San Bernardino, CA	-0.13	-0.89	-0.13	-0.29	-1.68	-0.72	-0.05	-0.30
Sacramento, CA	-0.02	-0.16	-0.02	-0.07	-0.33	-0.14	-0.01	-0.06
Salinas, CA	0.05	-0.40	0.00	-0.19	-2.43	-0.67	-0.04	-0.26
San Diego, CA	-0.05	-0.69	-0.11	-0.25	-1.42	-0.46	-0.05	-0.27
San Francisco, CA	-0.02	-0.16	-0.03	-0.07	-0.34	-0.11	-0.01	-0.08
San Jose, CA	-0.03	-0.34	-0.06	-0.14	-0.80	-0.33	-0.02	-0.15
Santa Barbara, CA	0.03	-0.26	0.00	-0.13	-1.51	-0.48	-0.02	-0.18
Santa Cruz, CA	0.03	-0.24	0.01	-0.12	-1.38	-0.41	-0.02	-0.16
Santa Rosa, CA	0.00	-0.17	0.00	-0.07	-0.55	-0.23	-0.01	-0.06
Stockton-Lodi, CA	0.02	-0.30	-0.02	-0.14	-1.20	-0.56	-0.02	-0.16
Vallejo, CA	0.00	-0.10	-0.01	-0.06	-0.54	-0.18	-0.01	-0.07
Visalia-Tulare, CA)	0.12	-0.43	0.02	-0.15	-2.58	-0.78	-0.05	-0.28
Yuba City, CA	0.01	-0.12	0.02	-0.08	-1.00	-0.34	-0.01	-0.12
Abilene, TX	0.02	-0.04	0.01	-0.03	-0.35	-0.10	0.00	-0.04
Amarillo, TX	0.01	-0.04	0.00	-0.03	-0.36	-0.10	0.00	-0.04

Table 6B (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Austin, TX	0.00	-0.12	-0.01	-0.06	-0.47	-0.15	-0.01	-0.07
Beaumont, TX	0.00	-0.02	0.00	-0.01	-0.10	-0.04	0.00	-0.01
Brazoria, TX	0.01	-0.05	0.00	-0.04	-0.37	-0.12	0.00	-0.04
Brownsville, TX	0.13	-0.74	0.03	-0.21	-4.57	-0.66	-0.08	-0.32
Bryan-College Station, TX	0.01	-0.04	0.01	-0.03	-0.43	-0.13	0.00	-0.06
Corpus Cristi, TX	0.00	-0.11	-0.01	-0.06	-0.67	-0.20	-0.01	-0.07
Dallas, TX	-0.01	-0.33	-0.06	-0.15	-0.64	-0.23	-0.04	-0.16
El Paso, TX	0.04	-1.11	-0.06	-0.18	-4.68	-0.97	-0.10	-0.41
Ft. Worth-Arlington, TX	-0.01	-0.18	-0.02	-0.08	-0.47	-0.19	-0.01	-0.08
Galveston, TX	0.01	-0.04	0.00	-0.03	-0.28	-0.08	0.00	-0.03
Houston, TX	-0.05	-0.58	-0.10	-0.18	-0.93	-0.25	-0.05	-0.23
Killeen-Temple, TX	0.01	-0.03	0.00	-0.02	-0.30	-0.08	0.00	-0.03
Longview-Marshall, TX	0.01	-0.03	0.00	-0.02	-0.21	-0.06	0.00	-0.03
Lubbock, TX	0.01	-0.03	0.00	-0.02	-0.29	-0.08	0.00	-0.03
McAllen-Edinburg-Mission, TX	0.13	-1.27	0.05	-0.23	-6.10	-0.77	-0.13	-0.42
Midland, TX	0.05	-0.08	0.01	-0.07	-0.81	-0.22	0.00	-0.06
Odessa, TX	0.02	-0.13	0.01	-0.08	-1.11	-0.26	-0.01	-0.11

Table 6B (Continued)

MSA	Low-skilled						High-skilled	
	Native							
	Mexican		Non-Mexican		Foreign-born			
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
San Antonio, TX	-0.04	-0.43	-0.05	-0.15	-1.12	-0.34	-0.03	-0.16
Tyler, TX	0.01	-0.03	0.01	-0.04	-0.55	-0.18	0.00	-0.06
Waco, TX	0.01	-0.06	0.01	-0.04	-0.49	-0.17	0.00	-0.05
Wichita Falls, TX	0.00	-0.02	0.00	-0.02	-0.24	-0.08	0.00	-0.03
Yakima, WA	0.09	-0.19	0.04	-0.10	-1.78	-0.49	-0.02	-0.19
Yuma, AZ	0.12	-0.30	0.05	-0.12	-3.44	-0.64	-0.04	-0.23
Las Cruces, NM	0.08	-0.27	0.04	-0.10	-2.57	-0.73	-0.02	-0.19
Richland-Kennewick-Pasco, WA	0.04	-0.14	0.01	-0.07	-1.00	-0.27	-0.01	-0.11
Greeley, CO	0.03	-0.07	0.01	-0.05	-0.61	-0.20	0.00	-0.07

wage decline (Table 6A) and about 1.1 percentage point job displacement (Table 6B). Comparable effects for Arizona, New Mexico, and Colorado (11 areas) are a 3.7 percent wage reduction and approximately 0.8 percent displacement. Areas of high concentration of foreign-born, low-skill Mexican workers clearly experience the largest impacts of a 20-percent increase in this labor category. For 13 areas for which this labor group constitutes 60 percent or more of the foreign-born population, the wage effect for a 20-percent increase in this group represents a decline of 11.4 percent. Employment of the group is reduced by 2.4 percentage points. Native, low-skill females of Mexican ancestry suffer a 1.3 percent wage decline and a 0.4 percent job displacement effect. Even these last effects are not large.

Three possibilities have been suggested for the repeated empirical finding that the effects of even relatively large increases in foreign-born labor do not appear to have great impacts on native workers. First, the foreign-born population is a relatively small fraction of the population and the labor force, and thus the effects may not be detectable. The results presented above suggest that even in areas with heavy concentrations of foreign-born, low-skill, Mexican labor, the wage and employment displacement effects of relatively large increases in this labor group are not great either for the native-born groups or for other foreign-born groups. The only noteworthy impact is on the own-wage rate because the members of the group are very good labor market substitutes for one another. A second possible explanation for the relatively small impacts of the foreign born on wages and employment is that offsetting increases occur in labor demand and supply relationships with the effect that the wage changes tend to cancel. A third explanation is that efficient U.S. markets result in the effects quickly arbitraging themselves across the nation, with the result that the effects are difficult to detect.

A closer examination of specific metropolitan areas in California and Texas and of other areas of high foreign-born, low-skilled Mexican concentration, indicate that the simulated wage and employment effects vary substantially. For example, among metropolitan areas in California, the own-wage reduction resulting from the 20-percent increase in foreign-born, low-skilled Mexican workers reaches as high as 15.2 percent in Visalia-Tulare and as low as 0.24 percent in Redding (Table 6A). Employment of foreign-born, low-skilled Mexicans is reduced by as much as 3.1 percent in Los Angeles and as little as 0.04 percent in Redding (Table 6B).

Similar variation in the magnitude of wage and employment effects is apparent among metropolitan areas in Texas. The wage reduction experienced by foreign-born, low-skilled Mexicans varies between 25.4 percent for McAllen-Edinburg-Mission and 0.5 percent for Beaumont (Table 6A). The group experiences employment reductions of between 6.1 percent in McAllen-Edinburg-Mission and 0.1 percent in Beaumont Table 6B). Also of note, wages of foreign-born, low-skilled Mexicans fall by 15.9 percent in Yuma, AZ, while employment falls by 3.4

percent. Greeley, CO, also has a high concentration of foreign-born, low-skilled Mexicans, although the own-wage reduction there is only 3.2 percent and the employment reduction is a mere 0.6 percent.

The range of the wage and employment effects on other groups resulting from a 20-percent increase in foreign-born, low-skilled Mexican workers is much smaller. Among metropolitan areas in California, the wages of native, low-skilled males (both Mexican and non-Mexican) increase, though this increase is relatively small and varies between 0.0 percent in Redding and 2.3 percent in Los Angeles (Table 6A). The wage effect is similar for metropolitan areas in Texas, reaching a high of 4.3 percent in McAllen-Edinburg-Mission. The employment effect on this group varies little across metropolitan areas in California and Texas and is nearly zero in most cases.

To the extent that wages and job opportunities of the native born are influenced by low-skill migrants from Mexico, females and especially Mexican ancestry females bear the impacts. However, these effects are not great even in areas with high concentrations of foreign-born, low-skill Mexicans. For example, in areas where at least 60 percent of the foreign-born population consists of low-skill migrants from Mexico, a 20 percent increase in this population reduces the real wage of native-born Mexican ancestry females by 1.27 percent and their employment by 0.40 percent (Tables 6A and 6B).

As discussed above, native, low-skilled females (both Mexican and non-Mexican) and other foreign-born groups tend to suffer wage and employment decreases as a result of the 20-percent increase in foreign-born, low-skilled Mexican workers. Although the effects are quite small on average for metropolitan areas in California and Texas (around 1 percent or less), some areas of high foreign-born, low-skilled Mexican concentration display relatively large effects. For example, in Los Angeles, the wages of foreign-born, high-skilled workers fall by 3.4 percent while employment falls by 0.8 percent. In McAllen-Edinburg-Mission, TX, the wages of native, low-skilled, Mexican females fall by 4.0 percent, accompanied by a 1.3 percent reduction in employment.

A general presumption is that the two groups most likely to enjoy benefits due to migration from Mexico to the United States are the migrants themselves and their U.S. employers. However, because most models that focus on the U.S. impacts of immigration assume separability of labor and capital, as well as not incorporating capital explicitly in the empirical framework, empirical models typically do not allow any assessment of the returns to capital. In the Mexican Model described above, we explicitly introduce capital and therefore we are able to perform simulation exercises that relate to the return to capital.

In some detail, Appendix C reports the percentage change in the real rental price of capital due to a 20-percent increase in foreign-born, low-skill Mexican

labor. Among all of the inputs, capital is the clearest winner. In California areas in general the real rental price of capital increases by 0.82 percent, but the increases are somewhat larger in agricultural areas like Merced (1.66 percent), Salinas (1.68 percent), and Visalia-Tulare (1.43 percent). However, the largest increase (2.54 percent) occurs in Los Angeles. The average increase in the real rate of return to capital in Texas is 0.33, but for many areas close to the border the return is considerably higher (Brownsville—1.44 percent; El Paso—1.58 percent; McAllen-Edinburg-Mission—1.75 percent). Another border area that experiences a large increase in the rate of return to capital is Yuma, AZ (1.66 percent). These results provide confirmation that the U.S. owners of capital benefit due to low-skill migration from Mexico.

A model containing racial detail also was estimated and simulated.[24] This model, although containing no detail regarding migrants from Mexico, may nonetheless be simulated for areas of high concentration of low-skill migrants from Mexico. These simulations indicate that a 20-percent increase in low-skill foreign-born labor in the Los Angeles MSA would reduce the real wages of low-skill native black females by 4.5 percent and result in a job-displacement effect of 4.25 percent for them. Low-skill native black males would experience a 3.4 percent job displacement effect. The low-skill foreign-born group itself would suffer a 3.4 percent real wage decline and 2.2 percent job displacement effect.

In summary, labor market impacts are the most intensively studied effects of the foreign born in the United States. Although these effects may be mitigated or reinforced through less-highly studied channels of influence, the following conclusions have the strongest support. First, in both 1980 and 1990 the foreign born had a tendency to put downward pressure on the wage rates of the native born and a tendency to displace them from their jobs, but the effects were not large at the national level. The Mexican-born had similarly small impacts at the national level. Second, the foreign born are highly concentrated regionally, and although internal migration and trade tend to distribute the consequences over broader regions, the economic consequences also are concentrated. The largest impacts of low-skilled migration from Mexico are on other low-skilled migrants from Mexico, because the two groups are good labor market substitutes. In areas of high concentration of new migrants from Mexico, such as El Paso, other migrants from Mexico suffer job displacement and significant downward pressure on their wage rates. Such effects impede the upward economic mobility of less-skilled migrants themselves. Third, in certain regions of foreign-born concentration, minorities appear to suffer job displacement and downward wage pressure. This effect is especially important in Los Angeles, where less-skilled African-American women bear the most noteworthy impacts. Finally, owners of capital and land are the primary U.S. beneficiaries from the presence of less-skilled migrants from Mexico.

Labor Market Impacts of Undocumented Migrants

The widespread belief that undocumented migrants depress the labor market prospects faced by unskilled native workers also has been debated in the academic and policy literature. Proponents of this view often argue that undocumented migrants compete primarily with low-skill native-born workers, particularly minorities and young workers, but there is quite a diversity of opinion about the magnitude of the effects. For example, Huddle, Corwin, and MacDonald (1985) estimate a 65 percent rate of job displacement or, in other words, for every 100 undocumented aliens working, 65 jobs are taken away from natives. However, many other researchers (e.g., Bean, Telles, and Lowell, 1987; Giffen, 1992) argue that the available evidence does not support the popular perception of substantial negative impacts on native workers due to the presence of undocumented migrants.

The United States General Accounting Office (GAO) (1986, 1988) prepared two companion documents relating to the economic effects of illegal alien workers in the U.S. based on studies extending through the mid to late 1980s. The 1986 report admits that knowledge about undocumented workers was mostly based on Mexican workers in the Southwest. The study concluded that, "although information is limited, illegal workers appear to displace (or take jobs away from) native or legal workers" (1986:17-18). GAO's 1988 report focuses on case studies in specific industries and localities, and not surprisingly, finds that there was substantial evidence of labor market displacement of native and legal workers by undocumented migrants. Such evidence raises questions about the possibilities for reconciling conclusions based on econometric modeling (which conclude that migration has benign displacement effects) and case study methodology (which concludes that substantial displacement effects can be attributed to migrants in specific industries and regions).

The final issue examined in the 1988 GAO report is whether the presence of undocumented workers is associated with a declining business environment. Although the report never actually defines what is meant by a "declining business environment," the term appears to refer to industries with shrinking employment. Using case studies to address the question, the report concludes that little or no evidence indicates that undocumented aliens concentrate in industries that are declining. Several case studies suggest that certain activities could not have been maintained in the U.S. without the availability of legal or undocumented migrant workers.

Using a simulation exercise in much the same way as Johnson (1980) did to study the effects of immigration, Grossman (1984) develops and simulates a model of undocumented migration to assess its effects on domestic employment. Her model assumes two sectors and three factors, domestic skilled labor, domestic unskilled labor, and undocumented migrant labor. The main contribution of the Grossman

paper, given her assumptions, is in showing that the sectoral distribution of undocumented migrant labor ultimately determines the impact of undocumented migration on the wage rates of domestic unskilled labor. That dramatic differences exist in the regional concentration of migrants and in the interindustry distribution of undocumented migrants implies distinct effects across regions. Because of their sources and border entry points, undocumented migrants may be even more concentrated than the legal immigrants, and their impacts will be concentrated accordingly.

Advances in methods for estimating the number of undocumented migrants have made it possible for Bean, Lowell, and Taylor (1988) to conduct a more direct test of the impacts of undocumented workers on native workers. These authors found that undocumented workers exert little impact on the earnings of natives in each of the other five labor force groups. Furthermore, the earnings impact of undocumented workers on domestic workers, when significant, more often was positive than negative. These authors conclude that the findings of small complementary effects between undocumented Mexicans and some native-born groups, together with the substitution effects found with legal immigrants, are more consistent with the notion that undocumented migrants hold jobs that natives avoid than with the view that undocumented migrants directly compete with natives for jobs.

Using the same procedure as Bean, Lowell and Taylor to estimate the number of undocumented Mexican workers, Taylor et al., (1988) also attempted to identify the labor market impacts of undocumented and legal Mexican migrants on the wages of workers in southwestern SMSAs. Despite the differences in methodology, the findings are very similar to those of Bean, Lowell, and Taylor. They conclude that the relative size of the undocumented population is positively associated with the wages of native males, except for native black males (for whom negligible effects emerged). On the other hand, legal Mexican immigrants have a small negative impact on the wages of native non-Hispanic white males and U.S.-born Mexican-origin males.

Industry and Occupation-specific Impacts

The aggregate supply of unskilled labor may be quite inelastic. Although the aggregate demand for such labor is elastic, conditions may be considerably different in specific industries, or occupations, or regions. Consequently, even though the effects of immigrants on total employment of unskilled persons and on their national average wage may be small, the effects on workers at a subnational level could be considerable. Offsetting redistributions could occur either across regions or across specific industries, such that the "net" effect of immigration will be a tiny fraction of the corresponding national total employment, and its consequences obscured from an aggregate perspective.

Even in areas where immigrant concentration is high, the local effects of immigrants may be quite difficult to measure due to various forms of arbitrage. One way for such arbitraging to occur is through internal migration. For example, if immigrants cause native wages to fall or displace native workers from jobs, the natives may out-migrate from areas where immigrants locate, which in turn may cause native wage rates to rise in the area of out-migration, and to fall elsewhere. Moreover, unemployment rates in areas of native out-migration fall, whereas they rise elsewhere, at least in the short run. Filer (1992) has described how areas with high immigrant concentrations become less desirable for natives, thereby triggering native out-migration.

The many industry case studies are largely descriptive, but taken as a whole, generate several insights about the complementarity and substitution issue. First, in certain industries located in specific regions, such as Los Angeles and New York, employment displacement effects of migrant workers are clearly evident. This is consistent with the conclusion of the 1988 GAO study of undocumented migration based on case studies. These negative impacts are frequently experienced by earlier cohorts of immigrants, but native-born workers also suffer job displacement. The displacement may occur because the ready supply of immigrant workers places downward pressure on industry wage rates in regions with heavy concentrations of immigrants, which in turn causes native-born and earlier immigrant workers to withdraw their labor services from the industry. A shortcoming of the case studies is that they are too narrow to trace the ultimate outcomes for native workers, who presumably find new jobs, but at considerable cost. Alternatively, the displacement may occur without any noticeable downward pressure on money wage rates, but rather because employers *perceive* new migrants to be more efficient workers. This perception of greater efficiency may reflect immigrants' willingness to work harder, to accept lower fringe benefits and less job security, and to resist unionization.

Another theme that repeatedly emerges from the industry studies is that employers find immigrant hiring networks to be advantageous. This observation is relevant in many sectors, such as agriculture, manufacturing, construction, and services. No study has systematically analyzed why these networks are advantageous, but several have inferred that relatively substantial cost savings must be realized through the use of network hiring. Employers save the cost of recruiting workers because no advertising is necessary when information about job availability is passed through the network by word of mouth. Moreover, especially when the networks consist of families, some informal training may occur before the migrant actually begins working. Informal social controls on worker behavior (e.g., attendance, work effort and resistance to unionization) may also be exercised through migrant networks. As such, migrant networks serve as informal screening devices that deliver reliable employees.

Using 1990 census data for 65 rural California towns, Taylor and Martin (1996) show in the context of a simultaneous-equations model that every 100-person increase in farm employment attracts 143 additional immigrants and results in 132 additional poor residents and 69 more welfare recipients. The increase in cash assistance accrues not so much to the new migrants as to residents and settled migrants, and the immigrants do not appear to be attracted by the availability of welfare. Their basic point is that California growers pay poverty-level wages, but receive a "welfare subsidy" in the sense that their workers require and receive public welfare in order to make ends meet. Indeed, this welfare subsidy amounts to $987 per California farm job, or 13 percent of farm worker earnings.

Region-specific Impacts and Internal Migration

The regional concentration of the foreign-born population has direct implications for an assessment of economic impacts. However, labor and capital flows along with interregional trade may arbitrage many differences, and thus diffuse the local impacts nationally. In general, empirical evidence appears to indicate that in areas where immigrant concentrations are particularly high, such as along the southwestern border, wage depression and job displacement effects are evident. These impacts are strongest among the less-skilled and lower-income prior migrants in these regions. Although the early evidence of such regional effects was based on data from the 1980 census, more recent models based on the 1990 census show the same tendencies, as indicated in Tables 6A and 6B.

With respect to U.S. internal migration, several studies have tried to disentangle the relationship between population growth and employment growth by asking: Do people follow jobs, or do jobs follow people? Are the two variables jointly determined or perhaps independent of one another? Various researchers have developed measures of the migrant attractive power of an incremental job and of the number of jobs induced by an additional (employed) migrant (Muth, 1971; Greenwood, Hunt, and McDowell, 1986). Whether based on cross-sectional or temporal data, the studies have generally found that jobs and migration are jointly determined. Such estimates have naturally kindled interest in the differential attractive power of jobs for internal versus international migrants, and in the differential number of jobs induced by each type of migrant. Unfortunately, no study provides convincing evidence on this issue.

Internal migration may be important in another, more subtle way. Filer (1992) suggests that to the extent that immigrants and natives are labor market substitutes, the location of immigrants in various areas will place downward pressure on the wage rates of natives, some of whom will also be displaced from their jobs. In turn, natives will out-migrate from such areas and others who might otherwise have in-migrated will not do so. Although Filer does not mention this possible cause of

native out-migration, immigrants may not only drive down local wage rates, but may also drive up rents, with the consequence that native out-migration rises and native in-migration falls. Because few studies show strong impacts of immigrants on native wage rates, the primary mechanism through which out-migration is triggered may be rising rents.

An important implication of Filer's results is that capital is attracted to areas where immigrants settle because of the wage depressing effects they have. The inflow of capital coupled with the net out-movement of native workers places upward pressure on the wage rates of local natives. On the other hand, the net in-flow of native workers to areas with few immigrants, coupled with slower rates of capital accumulation in these areas, puts downward pressure on wages in these other localities. The net result is that native wages are equalized across areas, and the impacts of immigration are arbitraged across the nation. Because the effects of immigration on native wage are spread thinly across the country, they are difficult or impossible to detect empirically, which helps to explain why immigrants repeatedly appear to have little impact on native wage rates. It is unclear how much time is required to arbitrage the economic effects of immigration, and no study has examined this issue carefully.

Filer's empirical results and interpretation have not gone unchallenged. Butcher and Card (1991) argue that if New York, Los Angeles, and Miami, the three most immigrant-intensive cities in the United States, are separated out, "native in-migration flows during the 1980s were actually positively correlated with inflows of recent immigrants" (p. 294). Greenwood and Hunt (1995) provide a mechanism to explain how the settlement of immigrants in certain areas could also attract rather than repel natives. Even if immigrants and natives are substitutes in production, immigrants may positively affect local labor demand through the wealth they bring with them, by encouraging area exports, and through still other channels of influence. Greenwood and Hunt's simulations suggest that the negative effects on wages due to substitution of immigrant for native workers are largely offset by these other channels of influence. Indeed, under reasonable assumptions, immigrants may positively influence the wages of natives, which would cause in-migration of native workers to areas where immigrants settle.[25]

The idea that internal migration is an important mechanism through which the effects of immigration are arbitraged across the country is intuitively appealing. However, at least on its surface the argument appears to assume that immigration is of a one-shot variety, similar to the Mariel Boatlift of Cuban refugees into the Miami labor market during the early 1980s. If this were the case, over a period of time internal adjustments would likely occur to spread the effects more widely.[26] A large body of research on regional adjustments suggests that the effects would not necessarily be spread very rapidly. Still more troubling for the arbitraging hypothesis

is the observation that new immigrants continue to settle in the same places as their predecessors. Due to lags inherent in the adjustment process, the continuing inflow of new immigrant arrivals should keep the direct impacts of immigrants relatively high in areas of immigrant settlement. The validity of the arbitrage hypothesis therefore rests on the speed of regional adjustment to equilibrium.

Relative to other foreign-born groups and relative to the native born, persons born in Mexico have relatively low rates of U.S. internal migration (Greenwood, Henning and McDowell, 1997). Indeed, the native born of Mexican ancestry have low rates of internal migration in general. For example, among those household heads born in Mexico who entered the United States between 1970 and 1974, only 4.1 percent made an interstate move between 1985 and 1990. During the same period 5.2 percent of native-born heads of Mexican ancestry made such a move. In contrast, the same entry cohort from other countries of origin had much higher rates of internal migration over the 1985-1990 period. Representative rates of internal migration for these other groups are as follows: Philippines, 12.3 percent; Germany, 18.0 percent; United Kingdom, 19.7 percent; India, 21.7 percent; Korea, 15.8 percent; and Vietnam, 15.2 percent. Among these countries, only for Mexico do the foreign born have lower rates of internal migration than the native born of each respective ancestry.

Neuman and Tienda (1994) also confirmed that undocumented migrants from Mexico are less likely to move across state lines than undocumented migrants from other regions. An analysis of administrative records (Legalization Application Processing System, or LAPS) revealed that just over one-quarter of amnestied immigrants changed residence at least once between the time of most recent entry and application for amnesty, but the likelihood of inter-state moves as undocumented migrants varied by place of birth. Mexicans were least likely to move subsequent to their initial entry while Asians and Africans were most likely to do so. Specifically, only 19 percent of undocumented Mexicans who applied for legal status had moved across state lines before soliciting amnesty compared to over two-thirds of undocumented migrants from Asia and Africa, and over half of undocumented migrants from other Latin American countries (except Salvadorans, whose interstate migratory behavior was similar to that of Mexicans).

If secondary migration leads to greater residential dispersion throughout the country, the social impacts of undocumented migration ultimately will be less severe in the states that serve as gateways for initial entry. Overall, unauthorized Mexican migrants who moved across state lines were less residentially concentrated at the time of application for amnesty than were nonmovers. For Mexicans, California and Texas were the main gateways for unauthorized entry. However, there was limited evidence of dispersal of impacts through inter-state moves of unauthorized Mexican migrants; nonmovers were more than twice as likely as movers to have

entered through California (three out of four nonmovers from Mexico entered through California compared to just over one-third of movers). Mexicans who entered without inspection through Texas were more likely to have changed their state of residence by the time of application for amnesty, thereby attenuating impacts in this state. Specifically, just over half of Mexican movers entered through Texas compared to more than one-fifth of nonmovers.

These low rates of internal migration among persons born in Mexico are due to many factors, such as relatively low levels of education, lack of English language skills, and strong ties to areas with high concentrations of persons born in Mexico. Like education, migration is a form of investment in human capital and as such migration presumably yields higher future returns. Historically, internal migration has been a mechanism through which Americans have taken advantage of employment and wage opportunities elsewhere to improve their economic status. Thus, the low internal migration rates of both those born in Mexico and those born in the United States of Mexican ancestry may restrict their access to areas that provide favorable economic opportunities. Lack of internal mobility also perpetuates high concentrations of the Mexican-born population. The continued entry of migrants from Mexico who are good labor market substitutes for earlier migrants results in continued job competition between the groups, which in turn restricts wage growth for them.

International Trade

Most empirical studies of the economic consequences of U.S. immigration have failed to consider the international trade side. However, an exception is Borjas, Freeman and Katz (1992), who attempted to carefully assess the labor-market consequences of both immigration and trade. They first show that international trade had a significant implicit effect on the labor market and that this effect changed dramatically during the 1980s relative to the 1960s and 1970s. Indeed, the trade deficits of the 1980s resulted in a considerable increase in the implicit supply of low-skill labor to the manufacturing sector, which is the focus of their attention.

Borjas, Freeman and Katz (1992) conclude that both trade and immigration have greatly increased the effective supply of high school dropouts and that trade and immigration flows may have contributed substantially to the poor labor market performance of the least educated American workers during the 1980s (1992:240). More specifically, they argue that the various changes in relative skill endowments due to the combination of trade and immigration can explain over 40 percent of the decline in the relative earnings of high school dropouts during the 1980s (p.240). These findings indicate a significant impact of trade and immigration on some of

the most disadvantaged U.S. workers. However, the separate effects of trade and immigration, which in an important sense are not causally independent, are not measured.[27]

Conclusions on Labor Market Channels of Influence

Do low-skill workers from Mexico place downward pressure on the wage rates of other U.S. workers and displace them from their jobs? Analyses based on data from the 1980 census concluded that immigrants have little impact on native workers, except in areas of high immigrant concentration. In such areas some job displacement and slight downward pressure on wages was evident, but the largest impacts were on the migrants themselves. Moreover, in sectors where immigrants concentrated, evidence from case studies suggested some job displacement for natives.

The major surge of international migration that occurred during the 1980s has raised questions about the validity of conclusions based on 1980 data. Moreover, earlier economic models did not concretely address the impacts of migrants from Mexico on various skill classes of U.S. labor. Data from the 1990 census generally support the conclusions based on earlier data. Specifically, migrants from Mexico have little impact on native workers. Only limited evidence points to job displacement of natives and then mainly in areas of high concentration of Mexican migrants. Case studies continue to indicate the displacement of native workers in sectors that attract foreign workers. Where the migrants are more concentrated, the effects on the wage rates and employment of native workers, especially females of Mexican ancestry, are slightly negative, but even in these areas large increases in low-skill workers from Mexico have little impact on native workers.

One exception is that in Los Angeles the migrants displace low-skill black females and put downward pressure on their wages, and they also tend to displace low-skill black males. The largest labor market impacts of low-skill migrants from Mexico are on other such migrants from Mexico, because the current and earlier migrants are very good labor market substitutes. In areas of considerable concentration of these migrants, the negative effects on the wages and employment of earlier migrants are large, which appears to discourage upward wage mobility for these newcomers to the United States. The continued flow of new migrants and their location in the same areas as their earlier counterparts, coupled with relatively low internal migration rates of persons born in Mexico, suggest that migrants from Mexico will have some difficulty in improving their economic status, at least relative to other foreign-born groups.

Impacts through Economies of Scale

An increase in population ordinarily requires an increase in services provision—education, police protection, health care, electricity and sewer service to name a few. In the case of these common services, the pertinent question from the standpoint of impacts is whether the additional services are provided at increasing or decreasing marginal cost. Studies of the fiscal impacts of immigration usually assess the costs of immigrants on particular services by calculating the total amount spent on the service and dividing that by the number of persons who use the service. This procedure yields an average cost for a particular service for a designated administrative unit. The problem is that many studies assume that the marginal costs are equivalent to average costs. Under some circumstances marginal costs are lower than average costs; under other circumstances, marginal costs are greater than average costs.[28] Scale effects are an important reason why these relationships are variable, but most studies of the fiscal impacts of immigration assume equivalency of marginal and average costs, which we discuss further in the section on fiscal impacts.

Services like sewage, utilities, and roads can be more cheaply provided in areas of higher population density. Rural electrification is much more expensive, per capita, than urban electrification. Rural school districts may spend less per pupil than urban districts, but it is difficult to account for possible differences in quality of the educational services provided. As Preston (1989) notes, the distribution of people in the United States, with very high concentrations in large metropolitan areas and very low population densities in other areas, is precisely the kind of population distribution required for positive returns to scale. If there were constant or decreasing returns to scale, population density would be more uniformly distributed across the U.S. mainland, thus minimizing the local scale economies affecting the average person. That Mexican immigrants are densely settled in a few large cities of the Southwest and Illinois implies clear economies of scale.

If there are in fact positive returns to scale, the implication for immigration is fairly clear: more people make the whole society more efficient, and immigration would therefore inevitably be a benefit to the host society. The issue is, of course, more complex because there can also be diseconomies of scale, and because the extent of positive or negative returns to scale is the subject of substantial disagreement in the empirical literature. The question of returns to scale is central for assessing the impacts of Mexican immigration, which is distinguished by its volume relative to other country-specific flows, and its high concentration in a few large cities.

Pro-immigration analysts generally assume a positive return to scale for population growth. Most anti-immigrant work emphasizes over crowding, excessive

consumption of limited resources, and other implicit negative returns to scale for population growth. The economic literature that employs explicit models for the impacts of immigration, such as Borjas (1995), almost invariably assumes constant returns to scale in the production functions. Measurement of real returns to scale presents many problems mainly relating to the empirical problem of measuring returns or output or services in units of constant quality, and mathematically working with such models. However, this common assumption tends to bias conclusions about scale effects against some of the possible economic benefits of immigration. Kuznets' economic history of the United States makes a strong case for the importance of increasing returns to scale over time, and other authors have pointed out that there is little reason to believe these historical arguments are any less relevant today.

One clear example where scale effects may be strongly positive and where there is a paucity of economic research is in the multiplier effects via consumption and production associated with the proliferation of densely settled ethnic neighborhoods. Sociological studies have been more diligent in studying the growth and development of ethnic business economies in specific locations and for specific groups (e.g., Cubans in Miami and Koreans in various urban settings). However, the vast majority have ignored business ownership patterns among Mexican immigrants despite their dense settlement patterns. Two reasons explain this relative neglect. First, Mexicans have very low education levels which are presumed too low for a substantial impact on business ownership; second, census data show very low rates of self-employment among Mexicans relative to other immigrants.

There are reasons to challenge the idea that business ownership will remain low among densely settled Mexican immigrants. Although much of the economic literature assumes that years of schooling directly measures skill and hence worker productivity, the labor market profile presented above revealed some anomalies in this relationship. Especially noteworthy is that Mexican immigrants complete appreciably lower levels of education than U.S.-born blacks yet have higher rates of labor force participation. One possible reason for this outcome is that Mexican immigrants are preferred workers to native blacks, particularly in inner city labor markets where both groups come together and compete for low wage jobs (Wilson, 1996; Tienda and Stier, 1996; Tienda, 1989). Another reason is that Mexican immigrants find alternative ways of earning a livelihood, including informal employment and self-employment (Tienda and Raijman, 1996; Raijman, 1996). The latter option, which appears to be associated with residential concentrated settlements and thereby economies of scale, has been relatively ignored by students of Mexican immigration.

Entrepreneurship among Mexican Immigrants

Julian Simon (1989) argues that immigrants bring with them knowledge based on the experience of how things are done in other places and may therefore be highly productive and predisposed to self-employment even with a limited formal education. A corollary to Simon's argument about working-class innovation and entrepreneurship is the literature on immigration that treats immigrants as self-selected for entrepreneurial spirit and work ethic. Presumably, the possibilities of business formation among relatively unskilled Mexican migrants would be greater in ethnic neighborhoods where demand for goods and services that cater to Mexican tastes and preferences would generate demand for ethnic business concerns.

Although residentially concentrated, Mexican migrants have relatively low rates of self-employment and business ownership (Borjas, 1986; Portes and Bach, 1985), particularly by comparison to migrants from Cuba and Korea. Surprisingly, this anomaly has produced few studies to explain why this is so. However, a recent study of business activity in Little Village, one of Chicago's two Mexican migrant communities, showed much higher levels of self-employment among Mexican migrants than revealed by conventional census data.[29] This is because much self-employment activity is informal, and because self-employment activities were vastly under-reported, especially by individuals whose self-employment activity was pursued in addition to jobs in the formal labor market. The unique design of the Little Village study, which involved both a representative household survey and a random survey of extant businesses, permitted a detailed inquiry into the determinants of business formation among Mexican migrants. Rather than studying existing businesses (as most studies have done), the design provided information about individuals at different states of business formation. Finally, the study design permitted a comparative perspective about how and why different ethnic groups access the world of business ownership.

Findings based on the 1994 household and business surveys in Little Village challenge assertions of low entrepreneurial disposition among Mexican migrants on several grounds. First, the study revealed that the level of potential self-employment in the community is extremely high. Half of the population of Little Village aspired to starting their own business and of these, one in three had taken some concrete steps to actualize their goal. Both financial capital and lack of information about requirements to establish a formal business inhibited the likelihood of business formation for aspiring businessmen. The household survey also revealed that respondents inclined to begin a business differed systematically from those not predisposed to do so in their risk-taking disposition, in their family links to business, and in their economic resources. Results also confirmed that residence in environments where ethnic businesses proliferate is conducive to demonstration

effects and sources of financial and nonfinancial support that puts business ownership within the reach of individuals with modest education levels and limited resources. Thus, scale effects associated with densely settled neighborhoods appear to be conducive to enterprising activity even among low-education Mexican migrants.

A second major finding of the study is that the invisibility of Mexican self-employment, as reported by conventional census data, stems from the inability of current reporting categories to include informal activities and multiple job holding. Specifically, by neglecting a variety of informal activities (such as street vending, house repairs and child care services) that figure prominently in the income packaging strategies of migrant families, rates of self-employment of Mexican migrants (especially women) are seriously under-reported. The Little Village study also showed that the majority of self-employment activity among Mexican migrants residing in Chicago is marginal and results in response to the precarious labor market status of this migrant group. Informal self-employment provides income for migrants whose social circumstances, namely low education or undocumented status, limit their access to paid jobs. Dense settlement patterns also are conducive to the emergence of informal activity that caters to the needs of other co-ethnics.

A third major finding from the study concerns the heterogeneous ethnic composition of the business community in Little Village, which serves a relatively ethnically homogeneous Mexican neighborhood. During the last decade or so, various ethnic groups (notably Koreans, Arabs, Chinese, Vietnamese and Pakistanis) joined the white and Mexican business owners in Little Village. These groups differ notably in their prior entrepreneurial experiences in ways that Simon (1989) indicated. Specifically, Mexican business owners in Little Village had less experience in the world of business than other ethnoracial groups who owned and operated businesses in the neighborhood. However, Mexican migrants' experience deficit was compensated by the distinct pathways to self-employment along ethnic lines. For them, the informal economy served as a pathway to business ownership while entry through employment in a co-ethnic firm is more common among Koreans. That is, most Korean immigrants who owned and operated a storefront in Little Village acquired their business know-how by working in similar firms owned by co-ethnics, but nearly one-in three businesses owned and operated by Mexican migrants began informally. Lacking a strong ethnic economy to acquire training and skills, as do Koreans and Cubans, for example, many Mexican migrants use the informal sector as a means of acquiring skills and capital needed for starting a business in the formal sector. Informal economic activities allow enterprising migrants to experiment and explore the viability of particular types of businesses. By testing the market, possibly accumulating capital or learning about its availability, and acquiring rudimentary skills in a particular

line of work, informal self-employment serves as a steppingstone to successful business formation.

Conclusions on Impacts through Economies of Scale

Although relatively understudied in the literature on impacts of Mexican immigration, economies of scale (generated by the emergence of dense Mexican immigrant communities) can produce positive economic outcomes. The Little Village study showed that dense settlement patterns are conducive to the emergence of informal economic activity that caters to the needs of other co-ethnics. Some of this activity eventuates into formal businesses because many Mexican immigrants acquire business-relevant experience through informal market activities. Thus, scale effects associated with densely settled neighborhoods appear to be conducive to enterprising activity even among low-education Mexican immigrants.

Additional scale effects derive from the fact that Mexican immigrants consume goods and services produced in the United States, thereby contributing to aggregate income growth (although the net beneficiaries of immigrant consumption are the owners of capital). There is relatively little study of the consumption profiles of Mexican immigrants. This information is essential for appreciating how the scale effects of Mexican immigration operate through demand for goods and services, including those produced within and outside of ethnic labor market niches. This is an important area for further research because it would help balance the preponderant focus of impact studies on costs by acknowledging that many positive impacts are generated through increases in aggregate demand or expansion of local labor markets.

Welfare Participation

Prior Studies

One line of research conducted at the national level that has important implications for fiscal impacts (as well as perceptions about the costs and benefits of immigration) focuses on immigrants' use of social services. These studies are largely based on census-type data and attempt to "explain" differentials in program participation by immigrant and native families, emphasizing how eligibility characteristics unequally dispose families to participate in means-tested income transfer programs. *A main conclusion from the various studies of public assistance utilization is that immigrants in general are not more prone to use public assistance than natives of similar socioeconomic characteristics.* If controls for various demographic and family characteristics are not included in the analysis, then immigrant-to-native comparisons differ, depending on the gender of the head of

household (Blau, 1984), race/ethnic group (Tienda and Jensen, 1986, and also Jensen, 1988), and the year of analysis (Borjas and Trejo, 1991, and Borjas, 1995b).

For example, for male headed households, Blau found that immigrant families were more likely than native families to participate in a welfare program, but the opposite obtains for female headed households. Borjas (1995b) shows that immigrant families' welfare participation rate has risen in recent years. Concerning various race/ethnic groups, and Hispanics in particular, a higher percentage of Hispanic immigrant families than native Hispanic families are found to receive public assistance if controls for other characteristics are not included in the analysis.

Recent research has focused less on the issue of direct immigrant-to-native comparisons, and more on whether immigrant propensities to use social services have changed over time and/or whether the propensities of more recent cohorts differ from those of earlier cohorts. This research has also considered how years since migration has an impact on the utilization of public assistance programs. On the one hand, many individuals have argued that the economic assimilation that occurs with longer U.S. residence should result in higher incomes, thus reducing the use of public assistance. However, additional U.S. experience also results in greater knowledge of and familiarity with social programs, thus conceivably increasing the receipt of public assistance. The early evidence concerning this issue is especially mixed. Studies using a single cross-section of data (e.g., Blau, 1984, and Tienda and Jensen, 1986) were generally unable to find a consistent pattern linking length of U.S. residence and the probability of receiving welfare. These analyses do not allow the impacts of U.S. residence to be distinguished from entry cohort effects. The various works by Borjas provide the strongest evidence indicating that the use of public assistance rises with length of U.S. residence, but these conclusions are based on the strong assumption of uniform period conditions across groups. Jensen also finds some evidence that years in the U.S. increases welfare utilization, but this evidence does not separate cohort and assimilation effects.

Concerning the relative propensities of different cohorts to use public assistance, Borjas and Trejo as well as Borjas (1995b) find that the most recent cohorts have higher propensities to use the welfare system than earlier cohorts. They generally attribute this finding to the shift in natural origin mix of the immigrant flow. Jensen finds similar evidence for white immigrants, but he is unable to link the higher use of welfare by Asians in 1980 to a higher utilization propensity by the recent immigrants. Moreover, recent Hispanics were not found to have higher use in 1980. In fact, recent Mexican immigrants actually appear to have a lower probability of receiving transfer payments in 1979. Thus, Jensen (and also Jensen and Tienda) find differences across immigrant groups as well as differences within groups. Such potential differences across and within immigrant groups are not specifically addressed in the either the Borjas and Trejo or the Borjas analyses. Moreover, the

methodology used by Borjas and Trejo (and also Borjas) constrains the period effects on welfare participation by immigrants to be identical to those of natives. Evidence presented by Jensen raises questions concerning the appropriateness, and consequently the impact, of this restriction. All prior studies are limited because their reliance on 1980 data means that "recent" immigrants arrived over 15 years ago. Much has changed in the U.S. welfare policy climate since then.

Participation by the foreign born in welfare programs is the focus of considerable scrutiny in the United States. Presumably motivated by the notion that legal and unauthorized immigrants participate in some sense "too much" in such programs, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This Act restricts the access of even legal immigrants to welfare utilization. In spite of the passage of this legislation, many questions regarding immigrant utilization of public assistance programs remain only partially answered or unanswered. Precisely which public assistance programs are used relatively much by which entry cohort of which foreign-born group relative to which native-born group? The answers remain obscure. Accordingly, in a paper prepared for the Commission (Davies and Greenwood, 1997), we provide an unusually detailed analysis of public assistance utilization by Mexican-born households relative to various control groups of native-born households.

1990 Welfare Participation

This analysis uses the 1990 Public Use Microdata Samples to analyze participation in means-tested programs by Mexican-born households who resided in the United States. Several control groups are explored, as are several subsamples of the data, in order to provide a more complete analysis of welfare participation differences between Mexican-born and native-born households. Separate analyses of young and senior age groups for various nativity and ethnic subsamples permitted us to approximate program participation differences due to AFDC and SSI. The empirical results of this study indicate that Mexican-born households are no more likely to use welfare than either otherwise comparable native-born households of Mexican ancestry or otherwise comparable native-born households in general. However, they are more likely to participate than native whites, but less likely than native blacks. Moreover, recent cohorts from Mexico are less likely to use welfare than any control group, whereas more distant cohorts are more likely users.

Similar results obtain when households are partitioned into those headed by females and those headed by males. The highest incidence of welfare usage is among single female-headed households, but Mexican-born females in this group are significantly less likely to participate in welfare (AFDC) if they entered the United States in recent cohorts. This finding holds relative to different control groups, and it

holds as well for young female household heads (less than 30 years old) born in Mexico. The same general finding holds for male-headed households from Mexico, as well as for young male-headed households from Mexico. Recent entry cohorts participate less in welfare (AFDC) than otherwise comparable households both of Mexican ancestry and of all natives. However, Mexican-born male-headed households 65 years old and over who entered the United States in more distant cohorts show some tendency to use welfare (SSI) significantly more than otherwise comparable native-born households of Mexican ancestry. Although a similar relationship holds relative to all native households 65 and over, it is less strong.

Borjas and Trejo (1993) concluded that immigrants assimilate into welfare. Findings of the present study do not directly address the assimilation issue because we do not employ two censuses to form synthetic cohorts that are followed through time. However, results from the Davies and Greenwood study suggest some caution in drawing conclusions regarding the assimilation of Mexican immigrants into welfare. When they are young, recent entrants in the United States, the Mexican-born population is less likely to use welfare, which is almost certainly AFDC. When they grow older, or enter at older ages, they are more likely to use SSI.

In studies of this type, where the foreign born are analyzed relative to a control group of native-born households, investigators may impute behavior to the foreign born when the native-born control is in some sense more responsible for a finding. The apparently higher use of SSI by the Mexican-born population is almost certainly due to their not qualifying for Social Security during their retirement years. The control group of natives has Social Security income available to it, which in turn lessens its reliance on SSI. Indeed, it is not clear whether the results of the present study are due to the lesser use of SSI by older natives or the higher use of SSI by older persons born in Mexico.

Finally, it is important to note that, while there is a general consensus that immigrants are not more prone to use public assistance than natives of similar socioeconomic characteristics, immigrants' characteristics determine their eligibility for welfare and, to a large extent, their propensity to accept means-tested income transfers. For instance, Mexican immigrants to the United States are characterized by low levels of educational attainment, large families, and poor English-language abilities. All these factors, among others, are generally found to be positively related with the level of welfare use.

Conclusions about Welfare Participation and Implications of Recent Policy Changes

Migrants from Mexico to the United States tend to be young job seekers (second and third chapters). In general, they do not appear to cross the border in order

to enjoy welfare benefits, although a minority of past migrants may have been motivated by the desire to collect welfare.[30] Because they are primary-care providers to children, young females have considerably higher propensities to participate in U.S. welfare programs than young males, and among young females, those who are household heads with no spouse present have the highest propensities to use welfare. However, young females from Mexico were significantly less likely to use AFDC (in 1989) than either otherwise comparable native-born females of Mexican ancestry or otherwise comparable native-born females in general. The same conclusion holds for young female household heads with no spouse present. Household heads 65 and over who were born in Mexico were more likely to receive SSI in 1989 than otherwise comparable native-born heads, but this tendency may have been due to the failure of the Mexico-born heads to qualify for Social Security relative to their native-born counterparts.

Welfare participation patterns and their consequences will change as a result of recent changes in welfare legislation. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 defines a new eligibility category for legal aliens—"qualified aliens"—which includes lawful permanent residents, refugees, and asylees, as well as certain others. Most qualified aliens are barred from food stamps and Supplemental Security Income (SSI). Moreover, this law bars qualified aliens admitted to the U.S. before the law's enactment on August 22, 1996, from all means-tested federal programs for their first five years in the United States. States also are permitted to deny qualified aliens Temporary Assistance to Needy Families (TANF), which replaced Aid to Families with Dependent Children (AFDC), Medicaid, and various federally-funded state programs, such as child care and services for the elderly. Exceptions are made for refugees and asylees during their first five years in the United States. Naturalized citizens are eligible for benefits available to native-born citizens, but naturalization typically requires five years as a permanent resident alien.

Most federal public benefit programs have not been available to undocumented migrants, but the old law was silent on such eligibility for certain minor programs. The new law defines "not qualified aliens" to include undocumented migrants, and explicitly bars their use of federal public benefit programs as well as programs financed by state and local governments. If states wish to make benefits available to non-qualified aliens, they must pass a law that allows them to do so, which is highly unlikely.

The new eligibility requirements may discourage the entry of some potential migrants from Mexico. However, because most young migrants from Mexico seek better job opportunities in the United States and not welfare, we expect this effect to be small. Moreover, some potential legal migrants who would have been eligible for SSI under the old program may be discouraged from entering the United States

under the new, more restrictive eligibility criteria. Again, we expect this effect to be small since migrants from Mexico tend to be young and ineligible for SSI. With respect to migration from Mexico, the major effect of the new legislation may be the perception that the "climate" has changed and that the U.S. is less receptive to migrants from Mexico than previously. This perception may be particularly true for undocumented migrants.

A major limitation of prior studies of welfare participation is their failure to consider undocumented migrants because most studies of welfare participation are based on either 1980 or 1990 census data. Census data enumerate all foreign-born individuals residing in the United States on a specific day, but do not permit distinctions among various types of migrants, notably legal resident aliens (immigrants), undocumented migrants, and temporary residents such as students and various types of visitors. However, because a large fraction of all undocumented migrants are young males born in Mexico, and because young males born in Mexico have relatively low welfare participation propensities, it is unlikely that undocumented migrants are heavy users of welfare. Finally, the new welfare reform legislation explicitly denies benefits to undocumented migrants, which guarantees far less participation by this population at the present time relative to 1990. Welfare officials disinclined (or disallowed) to query legal status of applicants in the past may be more inclined to do so in the future.

Welfare participation by the foreign born is usefully considered from two perspectives. The first is the perspective of the migrants themselves and the second is that of the levels of government that are responsible for providing welfare benefits. The migrants are clearly better off, at least in the short run, with welfare than without it, but the major point of contention concerns the current costs to society of providing welfare benefits relative to the tax payments made by the users and relative to future costs imposed on society (i.e., negative externalities) if it does not provide the benefits.

A major rationale for welfare provision is to avoid future costs to society that would be incurred if welfare were not provided. Thus, for example, school-lunch programs presumably promote healthier, more attentive children who will learn more, thereby enhancing their future employability, and discourage poor health (and future public health costs) and criminal activities (and future costs associated with such activity). A delicate balance exists between the withholding of current welfare from migrants and future costs that may be incurred on society if the benefits are not provided. Estimates do not exist for this aspect of the public balance sheet.

In spite of relatively low welfare participation by young migrants born in Mexico, we can not infer the absence of a negative impact from data on behavioral tendencies. Data relating to such tendencies indicate nothing about taxes collected

from these migrants nor the cost of providing welfare services to them. Thus, we now turn our attention to the broader question of the net fiscal impact of Mexican migration to the United States.

Fiscal Impacts

Among the various channels through which immigration exerts economic effects, the fiscal channel has commanded considerable attention in the past five years. The fiscal channel entails the cost of government services such as education, transfers and benefits provided to immigrants, along with other costs for such things as the incarceration of immigrant prisoners, minus the taxes and fees that immigrants pay. Moreover, on-going residents may experience either higher or lower taxes due to the presence of immigrants, but this potentially important effect has been largely ignored to date. As states have brought suit against the U.S. federal government to recover the costs of providing services to unauthorized migrants, an important debate has taken place over how to quantify the fiscal impacts they initiate, as well as the fiscal impacts of migrants from abroad in general. The political backlash against the foreign born, especially in California, has increased the need for careful scholarly attention to the issue (Smith and Edmonston, 1997). Because Mexican migrants, both legal and undocumented, are disproportionately concentrated in California, Texas and Illinois, we focus on these three states.

Principles of Agreement and Disagreement

The debate over the fiscal impacts of migration has generated relatively few points of consensus. Most recent studies seem to agree that immigrants, and especially undocumented migrants, impose a fiscal burden on state and local governments, but there is considerable disagreement about the magnitude of the fiscal deficit. Weintraub and Cardenas (1984) are a notable exception: they surveyed undocumented migrants in Texas, and estimated a state level net fiscal gain of between $120 million and $180 million per year.

At the national level there is less consensus, with some authors arguing that immigrants subsidize natives, and other authors arguing the opposite. The reasons for this disagreement are partly technical of course, but in large measure the technical questions stem directly from the more basic issues inherent in trying to measure the economic impacts of one demographic group on another when the two groups are substantially intermingled. Rothman and Espenshade (1992) and Vernez and McCarthy (1995) survey the literature on fiscal impacts and comment on the inherent difficulties (see also, NAS, 1996; Smith and Edmonston, 1997). Five of the most serious difficulties are summarized below.

Inaccurate Estimates of the Undocumented Population

INS and Census Bureau estimates of the undocumented alien population in the United States in 1992 ranged between 3.2 million and 3.8 million, a difference of 15 percent. In calculating their estimates of the costs of undocumented migration, the states used population figures that were almost 50 percent higher than Census Bureau's best estimates. In the simple simulation we present below, we compare results using the "best" estimates and the very highest estimates of the undocumented population. This exercise responds to the NAS (1996) recommendation to generate a range of fiscal impacts using different assumptions.

Difficulties in Partitioning the Foreign Born by Legal Status

Many households contain people whose migration and legal statuses differ. For instance, many of the children of illegal immigrants are themselves U.S. citizens because they were born in the U.S. Should the education of these children be "charged" to the fiscal account of the immigrants? Because public primary and secondary education is by far the most expensive local service that immigrant families consume, decisions about how to identify the children has an enormous consequences on the fiscal balance sheet. Moreover, the present value of this cost has to be discounted by the future value of the productivity of well-trained workers, and this may reverse the balance of this fiscal impact.

The Problem of Accounting Completeness

None of the known studies successfully account for all of the relevant costs and benefits. Some costs, such as schooling or incarceration costs, can be estimated by applying an average per-person cost to a fixed number of persons who receive the service. But other services, such as highway construction, defense costs and governmental debt service are more difficult to apportion. And while some studies, such as that by the Urban Institute (Clark et al., 1994), made an effort to quantify the tax payment rates of illegal aliens for some kinds of taxes, their payment rates for other kinds of taxes and fees are unknown. Moreover, depending upon the cost conditions under which various public services are rendered, the taxes paid by on-going residents could rise or fall, because public services are typically priced at average cost. Finally, quality deterioration could occur in public services, such as due to crowding in schools or due to special program requirements that spread already thin teacher resources over more children. The states' own estimates of the fiscal burden of illegal migrants have included only

the cost of services provided, without accounting for any revenue from the group. This accounting strategy produces a distorted balance sheet (GAO, 1994). Consequently, each of the fiscal impact studies represents an incomplete fiscal accounting, and each is incomplete in a different way because a slightly different set of services and taxes is estimated, and/or a different level of government is involved in the revenue and expenditure side of the ledger. Consequently, most results are not directly comparable.

The Problem of Average versus Marginal Cost

To assess the cost that the children of illegal migrants impose on a local school system, fiscal impact studies divide the total education budget by the total number of students in the system, and apply that average cost to the number of children of illegal migrants in the system. The problem with this strategy, which is the only practical methodology to use, is that marginal costs seldom equal average costs. That is, the cost of educating one additional child could be zero if classrooms and teachers were already in place and could readily accommodate the additional student. Alternatively, if the new student needed special instruction of some kind, or if a new investment in physical plant were required to accommodate the student, marginal costs could be higher than average costs. A related problem is that analyses are often performed at administrative levels that encompass highly variable mean costs. For example, Rothman and Espenshade (1992) criticize Simon's (1981) national level fiscal study for applying national average education costs and tax rates to all natives and immigrants, despite that the different residential distributions of the groups imply different average cost and tax regimes.

The Problem of Time Frame

Except for a few exceptions, such as Loveless et al. (1996), which employed a 10-year span of time-series data, all the fiscal impact studies examine a yearly budget. The problem with the yearly approach is that immigrant's cost/benefit profile is likely to change over the life course (as Loveless and his colleagues have shown), and therefore the annual budget is a poor basis for estimating even short-term impacts. The National Academy of Sciences (1997) also conducted a long-term analysis that used a recent set of annual calculations as a starting point and projected both revenues and expenditures into the future under various assumptions about the course of immigration and fiscal policy as well as the economic assimilation of immigrants and their descendants. We highlight the main findings of this study below, and also identify some of its limitations in our concluding section.

State-Level Fiscal Impacts

Despite the above caveats, which are crucial to understanding the limits of the fiscal impact studies, for the purposes of illustration we prepared a secondary analysis of the fiscal impact of undocumented migrants for three large states whose migrants are most heavily Mexican: California, Texas and Illinois.[31] The following analysis is based largely on data assembled by Clark et al (1994), which includes a thorough examination of how state-level costs and taxes can be measured, as well as an evaluation of the states' own estimates of fiscal impacts.[32] We made a few minor alterations to their figures in order to apply all per capita costs and expenses (in 1992 dollars) to the 1992 populations. The three sources of state and local revenue included in their study account for less than 50% of the revenue of each of the states, and the costs are also incomplete. Therefore, we cannot draw conclusions about the total fiscal impact. The costs included in the model are primary and secondary school education, the state portion of Medicaid costs, and incarceration costs in state and local jails. The revenue side of the model includes state income tax, sales tax and property taxes.

We have added data that allow for comparisons between estimates for the (incomplete) net fiscal costs of illegal migrants compiled by Clark et al. and the comparable net fiscal costs of the rest of each state's population. These data, broken into three different scenarios, are summarized in Table 7, with a more detailed breakdown available in Appendix B. Scenario A in Table 7 represents figures based on best estimates of the illegal alien population established by Clark et al. Because the fiscal picture is not complete, the 'net' aggregate fiscal impacts contain obvious anomalies, such as the total population of California running a $14 billion surplus with the state.

The aggregate cost estimates of Clark et al. are considerably lower (more than $1 billion less) than those generated by the State of California, largely because of the wide discrepancy in the estimated size of the illegal migrant population in that state. By comparison, Illinois has such a small undocumented population that differences in cost estimation yield fairly modest gaps in the assessment of the cost of providing services to the undocumented.

Useful comparisons can be made between the net fiscal impacts of the undocumented and the rest of each state's population, but it is important to bear in mind that the fiscal balance is incomplete, and that other unmeasured revenue streams and costs could conceivably offset these effects. In scenario A, illegal migrants in California use $1,124 of state and local services per capita, which is higher than the $906 per capita of state and local services that the rest of the population uses. Public school expenses account for about two-thirds of these costs. In Texas, the undocumented and the rest of the population both use somewhat more than $1,000 per capita in services, and school costs account for more than 80% of the costs. In

Table 7

Fiscal Costs and Benefits of Illegal Immigrants, Compared to All Other Persons in Three States, in 1992 Dollars

Scenario A: The best estimates of Clark et al.

	1992 Number of Persons	Total Costs (million $)	Costs per Capita ($)	Total Taxes (million $)	Taxes per Capita ($)	Net Burden (million $)	Burden per Capita ($)
California							
Undocumented immigrants	1,410,000	$1,585	$1,124	$755	$536	$829	$588
Natives, and documented immigrants	29,457,000	$26,676	$906	$41,933	$1,424	-$15,257	-$518
Total	30,867,000	$28,261	$916	$42,688	$1,383	-$14,428	-$467
Illinois							
Undocumented immigrants	173,000	$113	$652	$96	$556	$17	$96
Natives, and documented immigrants	11,458,000	$11,207	$978	$11,671	$1,019	-$464	-$40
Total	1,1631,000	$11,320	$973	$11,767	$1,012	-$447	-$38
Texas							
Undocumented immigrants	349,000	$396	$1,134	$202	$579	$194	$555
Natives, and documented immigrants	17,307,000	$17,468	$1,009	$16,755	$968	$713	$41
Total	17,656,000	$17,864	$1,012	$16,957	$960	$906	$51

Table 7 (Continued)

Scenario B: Reclassifying families of mixed immigration status, to increase the number of undocumented school children

	1992 Number of Persons	Total Costs (million $)	Costs per Capita ($)	Total Taxes (million $)	Taxes per Capita ($)	Net Burden (million $)	Burden per Capita ($)
California							
Undocumented immigrants	1,479,144	1,871	1,265	792	536	$1,079	$729
Natives, and documented immigrants	29,387,856	26,390	898	41,896	1,426	-$15,507	-$528
Total	3,0867,000	28,261	916	42,688	1,383	-$14,428	-$467
Illinois							
Undocumented immigrants	178,417	138	774	99	556	$39	$218
Natives, and documented immigrants	11,452,583	11,182	976	11,668	1,019	-$486	-$42
Total	11,631,000	11,320	973	11,767	1,012	-$447	-$38
Texas							
Undocumented immigrants	370,093	488	1,317	214	579	$273	$738
Natives, and documented immigrants	17,285,907	17,376	1,005	16,743	969	$633	$37
Total	17,656,000	17,864	1,012	16,957	960	$906	$51

Table 7 (Continued)

Scenario C: Using the states' own (inflated) estimates of the undocumented population

	1992 Number of Persons	Total Costs (million $)	Costs per Capita ($)	Total Taxes (million $)	Taxes per Capita ($)	Net Burden (million $)	Burden per Capita ($)
California							
Undocumented immigrants	2,083,000	2,171	1,042	1,116	536	$1,055	$506
Natives, and documented immigrants	29,457,000	26,185	889	41,573	1,411	-$15,388	-$522
Total	31,540,000	28,356	899	42,688	1,353	-$14,333	-$454
Illinois							
Undocumented immigrants	270,000	173	640	150	556	$23	$83
Natives, and documented immigrants	11,458,000	11,164	974	11,617	1,014	-$453	-$39
Total	11,728,000	11,337	967	11,767	1,003	-$430	-$37
Texas							
Undocumented immigrants	550,000	611	1,111	318	579	$292	$532
Natives, and documented immigrants	17,307,000	17,271	998	16,639	961	$632	$37
Total	17,857,000	17,882	1,001	16,957	950	$925	$52

See Text for discussion, and see appendix B for more detailed elaboration

Source: Based on Clark, Passel, Zimmerman and Fix (1994) and Statistical Abstract of the U.S.

Illinois, the undocumented use less state and local resources than the rest of the Illinois population (and less than the undocumented in the other states) for two reasons. Clark, et al. estimate that the age profile of the undocumented is older in Illinois and the high school dropout rate is higher for the undocumented there (see their Table 4.9). These two circumstances (i.e., an older age profile and higher school dropout rate) imply that the undocumented are a smaller share of Illinois' school population. Therefore the undocumented in this state use relatively little in the way of state and local services.

Following further the lessons from scenario A, the gap in per capita service usage between the undocumented and the rest of the population is roughly $200 in California ($1,124 compared to $906), $100 in Texas, and negative in Illinois. The revenue gap is much larger in all three states. In the three states considered as a whole, the undocumented pay about $500 per person in state and local taxes, the rest of the population pays far more: in California about $1,400 per person; in Texas and Illinois about $1,000 per person. When costs are subtracted from taxes paid, to yield a net cost or burden per capita, the undocumented in California run a per capita deficit of $588, while the rest of California pays $518 more than it uses in services. Of course, these figures must be examined with caution because, as we noted above, this is not a complete fiscal accounting, and many kinds of services and revenues are left out. Still, the calculations show that the undocumented population most likely poses a fiscal burden on each of the states, because of the low rate of state and local taxes that undocumented migrants pay. Among the three kinds of taxes analyzed (sales tax, property tax, and state income tax), the migrants pay less of each type on a per capita basis because they have low incomes.

The fiscal gap between the undocumented and the rest of the population is much higher in California than in Texas or Illinois for two reasons: (1) the per capita revenue gap is highest in California, and (2) the undocumented population is far larger in California than in the other states. California has a sizable state income tax, to which the undocumented contribute only about $30 per person, while other Californians contribute more than $500 per person. Income taxes are very progressive at low income levels because most working poor people tend to have little taxable income. The undocumented may also be able to avoid compliance with some or all of their income tax responsibilities. Texas, on the other hand, has no income tax, but only sales tax and property tax. These taxes are much less progressive. For example, in the case of the property tax, renters pay it as part of their rent. As a result, the per capita revenue gap between the undocumented and the rest of the population is much less in Texas than in California. In Texas the undocumented pay $579 per capita in taxes compared to $968 per capita for the rest of the population. However, in California the undocumented pay $536 while everyone else pays $1,424 per person.

Focusing on the total net fiscal burden of the undocumented in each state, California bears the heaviest burden ($829 million), while the burden in Texas is much smaller ($194 million), and the burden in Illinois is almost trivial ($17 million) relative to the state budgets. These net figures are much smaller than the states' estimates used in claims against the federal government because the states' costs (but not revenues) are based on somewhat inflated figures for the undocumented population (see Clark et al, 1994; GAO, 1994).

There is no disagreement that California bears the brunt of new immigration, including undocumented migration. Therefore, it is logical that California experiences the heaviest fiscal burden due simply to the sheer number of immigrants it receives, as documented above. Table 7 shows that not only is California faced with by far the largest number of undocumented migrants, but also that the fiscal impact of this migrant stream is magnified by a relatively large per capita fiscal gap between the undocumented and the rest of the population. This gap results from the higher rate and more progressive nature of the tax system in California, which leaves the undocumented paying a smaller share of the total state and local tax burden.

Among the costs that can be *directly* attributable to illegal migrants, by far the largest is the cost of primary and secondary education. Cognizant of difficulties in accounting for the citizen children of illegal immigrants, in scenario B we recalculated the fiscal impacts by categorizing these children differently. In scenario A, only children who are themselves foreign-born and undocumented are counted among the undocumented school-age population. In scenario B, we augment this population by including the citizen children of the undocumented migrants on the grounds that their parents' unauthorized presence incurred their schooling costs. We assumed that this restriction would increase the 'undocumented' school age population by 25% . These results are presented in Table 7, scenario B. Although the undocumented population of primary and secondary students has increased 25% over that reported in scenario A, the total undocumented population has increased only about 5% (from 1.41 million to 1.48 million in California). Consequently, the total cost of services to the undocumented in California arose by 18%, from $1.58 to $1.87 billion, and the net fiscal burden increased substantially, from $829 million to $1.08 billion.

The final scenario reported in Table 7, scenario C, uses the states' own estimates of the undocumented population, which is considerably higher than the Census Bureau's high end estimate for the undocumented population in 1992. This scenario increases the undocumented population in California by 673,000 over the 1.4 million in scenario A, a gain of almost 50% (note that the states' total populations also change in this scenario, to accommodate the previously uncounted persons). The total costs in scenario C are different from the total

costs in the states' claims because we use per capita costs and revenues based on Clark et al. (1994), which differ from those provided by the states in some particulars. Using the states' inflated undocumented population estimates combined with estimates of various costs established by Clark et al., scenario C shows that the undocumented population in the three states (CA, IL, and TX) consume, respectively, $2.17 billion, $173 million, and $611 million in state and local services. The states' own estimates of these particular costs, using these population figures and their own methodologies yielded costs of $2.8 billion (California), $151 million (Illinois), and $362 million (Texas).

It is noteworthy that although scenario C increases the undocumented population much more drastically than scenario B, scenarios B and C yielded similar aggregate fiscal burdens for undocumented immigration. For California, the undocumented are more costly to the state and local treasuries under scenario B ($1.08 billion total cost) than in scenario C ($1.055 billion). Both scenarios B and C naturally increase the fiscal burden over scenario A ($829 million). For Texas, scenario C is the most costly. In scenario C the total costs and total taxes paid by the undocumented both increase sharply. In scenario B, which increases only the crucial school-age population (due to reclassification), the total costs increase substantially but the total taxes paid by the undocumented population increase only slightly.

Although scenario C uses a figure for the undocumented population that is 48% higher than scenario A (2.083 million as compared to 1.41 million), for California the total net fiscal burden of the undocumented is estimated to increase only by 27% (from $829 million to $1.055 billion). This is because some of the costs are assumed to be fixed. Even if the size of California's undocumented population is unknown, officials do know exactly how many of California's state prisoners are foreign-born and among these, how many are undocumented. Changing the estimates of the undocumented migrant population does not affect how many undocumented migrants were actually incarcerated in California in 1992 or 1993. Therefore, future simulations of the possible fiscal impacts of migration on prison costs would yield predictable and consistent variation in these parameters, such that a 50% increase in the migrant flow would yield a 50% increase in net total fiscal costs attributable to prison expenditures.

The previous analysis focused on undocumented immigration, which is important because it underscores ineligibility for tax-supported benefits and services. This is, after all, the major source of tension about the economic costs of immigration. However, the National Academy of Sciences study considered fiscal impacts for the state of California (as well as New Jersey) based on the total foreign-born population in that state. This analysis can not differentiate between undocumented and documented immigrants, yet it furnishes a different perspective of fiscal impacts by focusing on households rather than individuals as the unit of analysis, and

by considering the entire foreign-born population (rather than mainly undocumented migrants) in the analysis. This is important because most immigrants residing in California were admitted legally. This study concluded that the net fiscal burden incurred by California households headed by immigrants was $1,178 per household headed by a native-born individual. The analysis indicated that households headed by immigrants made small positive contributions to the federal government (on the order of $2 to $4 per year reduction of federal taxes for resident households), but this benefit is tiny by comparison to the costs incurred by the state. The study also concluded that the net burden is greatest for households of immigrants from Latin America, among which Mexicans are the dominant group.

This analysis highlights several problems identified above. First, the current year estimates understate future benefits and overstate current costs. Second, use of households as analytic units defined by the nativity status of the head overstated the education costs by attributing the education costs of native-born children of immigrant heads in the expenditures of immigrants.

National Level Fiscal Impacts

In this brief section we have focused on state-level fiscal impacts for three reasons: geographical specificity allows us to focus more narrowly on migration from Mexico; fiscal impacts are strongest in migrant receiving states like California; and as a result there is more scholarly consensus about the sign, if not the magnitude, of these local fiscal impacts. National level fiscal impact studies attempt to answer a broader question: whether foreign-born migrant's net contribution to the coffers of the United States are positive or negative. A wide range of views have been proposed.

Simon (1981, 1989), using data from the 1976 Survey of Income and Education, takes the most positive view. He argues that immigrants (who are a much younger population than natives) contribute to the Social Security program without being eligible (at least not in the short term) for benefits. Essentially this implies that newcomers subsidize natives through their Social Security contributions. At the other end of the spectrum, Huddle (1993, 1995) has presented the most negative picture of immigrant's national fiscal impact. Huddle's first work did not take the Social Security program into account, and his later work applied the current value of a lifetime of potential Social Security benefits to each immigrant, while counting the Social Security tax contribution only of the current year. Fix and Passel (1994) and Passel and Clark (1994) have severely criticized Huddle's methodology, and the debate between these authors is described in detail in GAO (1995). On balance, this discussion has not been productive in producing a balanced assessment of fiscal impacts.

Attempting a response to the limitations of static assessments of fiscal impacts of immigration, the National Academy study (1997) derived a set of projections about long-term fiscal impacts using varying assumptions about future expenditures and revenues, immigrant characteristics, including behavioral differences in fertility, labor force activity and program participation. Adhering to the recommendation of an earlier workshop about fiscal impacts (NAS, 1996), the panel generated a range of estimates based on alternative assumptions about the characteristics of immigrants, their behavior, and taxation regimes. Not surprisingly, the study concluded that differences between native- and foreign-born populations in expenditure profiles vary appreciably by program and depending on the assumed characteristics of the immigrant population.

The bottom line conclusion is noteworthy, however. Combining the costs of benefits from all programs, there is little difference between immigrants and natives over their respective lifetimes. *Immigrants are more costly than natives during childhood owing to the costs of bilingual education, while they are less expensive than natives in older ages. Over a lifetime, these differences balance out. Therefore, the long-term net fiscal impact of any given group depends crucially on age at arrival.* The greatest benefits for natives result from immigrants who arrive between ages 10 to 25, while the largest costs derive from immigrants who are over age 60 at the time of arrival. Moreover, the fiscal estimates of the impact of immigration are affected more by future income and earnings differences between immigrant and native-born households than by nativity differences in program participation. In turn, these depend crucially on the educational attainment of immigrants at arrival.

Discussion

While the issue of national level fiscal impacts is an important one, we have concentrated on state and local impacts here for a number of reasons. The literature on state and local level impacts has recently become more developed in response to the demands of local politics, especially in California, where the economic impact of immigrants is the source of considerable political tension. Even if the fiscal burden of immigrants on the state and local level were offset by immigrant contributions to the national coffers (especially through Social Security taxes), this would not diminish the reality and importance of the local costs. Since the political debate over immigration originates in the immigrant receiving states, the focus on local effects is important in its own right, in addition to its part in the larger national economic picture.

One of the most important lessons from the current state of research on the fiscal impact of immigration, and the impacts of immigration more generally, is

that very little is known for certain. Of all the economic costs attributed to immigration, the current year fiscal impacts should be the most straightforward to calculate because a current year analysis of fiscal impacts need not consider (difficult to estimate) indirect economic effects, secondary migration of natives, the effect of immigrants on natives' wages, or life cycle changes in earnings. And yet, as our simple exercise above has demonstrated, different (plausible) assumptions lead to very different results in even the most narrowly defined fiscal impact analysis.

We based our own secondary analysis on the empirical results of Clark et al. (1994) because their study is among the most meticulous methodologically, and also because they adhere to limited and cautious claims warranted by what is actually known. Considering that careful estimates of the undocumented immigrant population vary by as much as 15 percent or more, caution and humility are necessary in drawing conclusions about the fiscal impacts associated with immigration generally, and particular segments of the immigrant population specifically.

Currently a good deal is known about immigrants' usage of welfare and other means-tested income transfers (as we show below) and it is also possible to estimate reasonably the number of undocumented immigrant children in the schools (which depend on how we define the statuses of families and children). However, we know very little about how immigration influences the cost of providing other services like highways, parks, clean air, libraries, and national defense. Studies that claim to provide a full fiscal accounting of all services and all government revenues, even at the state level, make broad assumptions about the consumption of and marginal cost of providing these various public goods. The recent National Academy of Sciences report on immigration presents a "complete" fiscal impact study for California, based on the work of Clune (1996), which draws mainly on the Current Population Survey. In the absence of a detailed survey of the marginal cost of public goods specific to each state and locality, and the consumption of these goods by immigrants who, after all, have a different demographic, geographic, and economic profile from natives, even this allegedly "complete" fiscal impact study must be viewed with caution.

Our final caveat relates to the static versus temporal portrayal of fiscal impacts. Our discussion, and most empirical studies, have concerned themselves with static, single year time frames, whereas the fiscal impact of immigrants that ought to concern us is the impact over the life span of immigrants. In the static model, education is a cost. Yet, a large body of empirical evidence shows that education is fundamentally an investment in future skills and earnings. Therefore, estimates of fiscal impacts should reasonably expect that the current cost of education will be recovered in the future in the form of greater productivity.

The National Academy of Sciences has properly emphasized the future in portraying fiscal impacts over the life course of immigrants (Smith and Edmonston,

1997). However, its main limitation is that long-term fiscal impacts are not based on longitudinal data that accurately portrays immigrants investment behavior (education) and economic activity over the life course. The National Academy of Sciences based their analysis of life course fiscal impacts on two years of Current Population Survey data. Yet, a substantial body of empirical evidence has taught the social science community that cross-sectional data cannot distinguish between longitudinal and cohort effects. New and innovative work, as the National Academy has done, is always to be applauded; we simply advise that the current state of the knowledge in the area of fiscal impacts mandates caution and care when interpreting the results.

Conclusions about Fiscal Impacts

Despite the numerous caveats surrounding available estimates of fiscal impacts, several generalizations follow from the evidence presented above. The broadest generalization is that fiscal impacts of Mexican immigration differ by legal status; by state of residence; by program; and by age groups. Second, conclusions about fiscal impacts differ depending on whether a static or longitudinal time frame is used to assess impacts; whether individuals or households are used as analytic units in calculating revenues and expenditures; and the assumptions about the size of the undocumented population. Third, because California receives the largest share of Mexican—both legal and undocumented—and because of its tax structure, it also incurs the largest fiscal impacts. Finally, the net fiscal benefits associated with immigration generally accrue to the federal government (via federal taxes) while the net costs generally accrue to local entities, i.e., states and counties (Smith and Edmonston, 1997).

That conclusions about costs and benefits differ by program and between levels of government is unsurprising, and questions the wisdom of seeking a single answer about fiscal impacts at a single point in time. Rather, fiscal impacts should be calculated over the lifetimes of immigrants so that, depending on age at arrival, periods of dependency can be balanced against periods of economic productivity. Thus, according to the National Academy of Sciences that "combining the costs and benefits from all programs, *there is little difference between immigrants and natives over their respective lifetimes*." Short-term impacts of Mexican immigrants depend crucially on age at arrival and schooling levels, which determine labor market options. Longer term fiscal impacts depend on income and earnings differences relative to native workers, fertility (which influences the educational investments required by children of immigrants), and state of residence (which determines the progressiveness of the tax structure).

Socio-political Impacts

As noted in the introduction to this chapter, social impacts of the Mexican foreign-born population are especially difficult to appraise because of the myriad ways migration changes the host society; because migrants themselves change in the process of adapting to the host society; because social impacts are highly contingent on more general demographic and economic trends; and because many social dimensions, especially those relegated to the cultural realm, are not easily quantified. Social impacts also depend crucially on the resources Mexican migrants bring with them as well as those they acquire and transmit to subsequent generations; on patterns of inter-marriage, particularly with non-Hispanics; and on naturalization patterns and political participation. Finally, social impacts also are shaped by public perceptions about job competition, views about undocumented migration, and attitudes about crime and its relation to rising immigration trends. In this section we consider each of these themes and provide tentative conclusions about how Mexican migration impacts these social spheres.

Residential Segregation and Neighborhood Transformation

Residential patterns are important for appreciating social impacts because social and economic resources are unequally distributed over space; hence, residential location determines access to education, employment, and housing opportunities as well as levels of safety. Residential segregation not only undergirds unequal access to social and economic resources and opportunities, but also restricts inter-group contact, which is important for promoting understanding and reducing ethnic tensions.

Residential segregation may be voluntary, as frequently occurs when new migrants settle in neighborhoods populated by compatriots, or it may be imposed, as when restrictive covenants prevent particular groups from accessing the housing market (Massey and Denton, 1993; Clark, 1996). Currently as well as historically, most recent migrants to the United States (including Mexicans) settle in ethnic neighborhoods, which serve as stepping stones for economic and social adaptation of the first generation (Smith and Edmonston, 1997). Over time, the residential trend is toward dispersion, as the second generation becomes more socially and residentially integrated (Bean and Tienda, 1987; Clark, 1996; Smith and Edmonston, 1997).

It is unclear, however, whether residential mobility experienced by Mexican migrants who arrived prior to 1970 will be repeated by the second generation offspring of recent migrants, notably those whose parents have confronted shrinking

opportunities for earning a living and diminished educational institutions in decaying urban neighborhoods. This is because, in contrast to the residential succession patterns observed during the 1960s, most of the neighborhoods that had gained Hispanic residents before 1970 subsequently lost Anglo residents throughout the following decade. This trend was accelerated during the 1980s, when immigration increased Mexican density of traditional enclaves (Ortiz, 1996). In Los Angeles county, host to the largest share of recent migrants from Mexico, the 1980s witnessed increased segregation of Mexicans from whites compared to the 1970s, but paradoxically, inter-group contact (as measured by the exposure index, P*), declined (Ortiz, 1996).

Even if Mexican migrants become residentially dispersed over the long term, the short-term patterns of residential segregation are important nonetheless because they heighten visibility of recent arrivals and shape perceptions about them. In the short to medium term the temporal and residential concentration of Mexican migrants is a driving force behind residential succession, namely the process of neighborhood turnover that occurs as Mexicans enter an area and replace (or displace) its original inhabitants. In turn, residential succession fueled by Mexican migration during the 1970s and 1980s has restricted inter-group contact between Mexicans and Anglos in several major cities, including Los Angeles and Chicago (Bean and Tienda, 1987: Chapter 5; Clark, 1996; Ortiz, 1996).

Changing residential patterns are important because they reflect the pace of social and economic integration and lay the spatial foundations for inter-group relations, including ethnic tensions and conflict. Bobo and Zubrisky (1996) have explored racial segregation and ethnic interaction issues via surveys in Los Angeles, home to the largest Mexican population residing in the United States. They observe that whites are more opposed to housing integration with blacks than with Hispanics (in Los Angeles, Hispanics consist almost entirely of Mexican Americans and migrants from Mexico). Other groups, such as Asians, seem to share the same preference for Mexicans over blacks as neighbors. It appears that migrants occupy some kind of intermediate social position between native whites (whom all groups, including blacks, rate as the most desirable neighbors), and native blacks (who are rated by all groups as the least desirable neighbors). However, Mexican migrants do not occupy an intermediate social position because they are middle class or reside in neighborhoods with whites. Rather, as Clark (1996) has shown, Mexicans in Los Angeles are more likely to be residentially integrated with black and Asian neighbors now than in the past. In other words, much of the residential integration that has occurred in recent years is with other minorities, not with whites, but this depends on social class.

Although residential segregation often limits access of migrants to socioeconomic resources and opportunities, Mexican migrants also appear to forestall

neighborhood decay. A recent study of Chicago reveals that Mexican migration either contributes to community revitalization or prevents decaying inner city neighborhoods from becoming underclass neighborhoods, characterized by persistent poverty, chronic and pervasive joblessness, and generalized social disorganization. Morenoff and Tienda (1997) use a cluster analysis to identify four distinct kinds of neighborhoods (census tracts) in Chicago from the 1970, 1980 and 1990 censuses. The different kinds of neighborhoods (underclass, working class, stable middle class and "yuppie") are defined using only socioeconomic variables, not race or ethnicity. Morenoff and Tienda show that from 1970 to 1990 Chicago experienced a tremendous polarization in neighborhoods inhabited by U.S. born residents. By 1990, most of the neighborhoods that in 1970 were working class and stable middle class neighborhoods had either gentrified, or were absorbed into Chicago's black ghettos, abandoned by all but the poorest residents. The only parts of Chicago in which working class neighborhoods have grown or even been maintained are those areas settled by migrants from abroad. During this period Mexicans and Europeans (mainly Poles) were the predominant migrant groups settling in Chicago.

Their results suggest that residential patterns of Mexican migrants may serve as a buffer between the so-called "underclass" and middle class urban neighborhoods. Thus, the impact of Mexican migration on urban communities and the urban stratification system more generally depends both on changing economic opportunities and the changing race and ethnic landscape (Waldinger and Bozorgmehr, 1996). Although Chicago's experience may be a unique in many ways (because it is the only large city where shares of Puerto Ricans and Mexicans approximate the national population and because the city population was over 60 percent minority in 1990), it is worthwhile to consider whether the residential patterns of Mexican migrants buffer the neighborhood polarization process in other cities, especially Los Angeles and Miami, whose population composition has been transformed by immigration since 1960 (Waldinger and Bozorgmehr, 1996; Portes and Stepick, 1993). Political theory has always recognized the importance of a sizable intermediate and middle classes, and no political system is more inherently unstable than a bifurcated system. At least in Chicago's socio-political system, Mexican migrants appear to be a stabilizing force in the process of urban transformation.

Immigrant Adaptation and Social Mobility

The reality or myth of the hardworking immigrant, striving and saving to get ahead is a potent image that helps to reinforce the American creed of meritocracy. Despite lower levels of education and lower earnings, some studies show that Mexican Americans and Mexican migrants fare better economically and socially than native blacks of comparable or higher education (Trejo, 1997a;

Tienda and Stier, 1996). The tabulations reported at the beginning of this section consistently show that male Mexican migrants were disadvantaged relative to native blacks in terms of educational attainment and language skills, yet in most states had higher rates of labor force participation and usually lower unemployment rates. That the most economically and socially disadvantaged groups are not immigrants, but rather citizens of African American, Native American and Puerto Rican origin suggests that Mexican migrants have a reasonable chance of adapting to U.S. labor market and society, economic opportunities permitting, as have several prior generations.

On this crucial issue, there is some disagreement among scholars, depending somewhat, but not exclusively, on perspective. A recent study of Los Angeles painted a bleak picture of Mexican migrants' economic integration between 1960 and 1990. Using a synthetic cohort analysis, Ortiz (1996) showed real increases in earnings of Mexican migrant men between 1969 and 1989, but these were smaller than the real earnings growth of white men. As a result, the earnings gap between native born white men and Mexican migrants widened over the past 30 years. Women followed a similar trajectory, except that their earnings were even lower than those of men. Unfortunately, Ortiz does not carefully model earnings, thus her pessimistic conclusions need to be tempered because she does not consider how much the apparent slowdown in economic assimilation of Mexican migrants in Los Angeles results from their low levels of human capital relative to changes in demand for unskilled labor.[33]

Trejo's (1997a) analysis of wages of Mexican-origin men is not only more revealing about the process of economic assimilation, but also quite optimistic about long-term integration prospects. Based on an analysis of 1979 and 1989 Current Population Surveys, Trejo compares the wage growth of first, second, and third generation Mexican-origin men with that of native whites and blacks. Trejo's (1997a) main finding is that Mexican-origin men earn low wages primarily because of their lower stocks of human capital, notably education and low proficiency in English, not because they receive lower returns for their skills. Trejo also suggests that wage penalties for lack of fluency in English may have increased during the 1980s, when returns to skills rose appreciably, and this bodes ill for the pace of integration of Mexican migrants in the future.

So, too, does the reality of low levels of education. Although a generational perspective shows improvement both in educational attainment and in economic assimilation of Mexican origin men, the educational attainment of Mexicans (both native and foreign-born alike) is the lowest of any ethnoracial group (see Mare, 1995; Chiswick and Sullivan, 1995). Thus, owing to changes in the educational composition of recent migrants from Mexico, the average wages of Mexican origin men are dragged down by the presence of large numbers of immigrants with very

low levels of education. In a subsequent paper, Trejo (1997b) compares nativity differentials in the earnings of Mexican origin men and finds that the sizable earnings advantage of native born men over their migrant counterparts arises not just from intergenerational improvements in years of schooling and English proficiency, but also from increased returns to human capital for Mexican origin workers who were born and educated in the United States. However, he also observes that intergenerational changes in the wage structure take longer to play out for Mexicans than for other white migrant workers.

According to Trejo, the returns to experience are similar for U.S.-born workers regardless of origin, but Mexican returns to education rise for each successive generation and do not approach the schooling returns of U.S.-born whites until the third generation. These results show promise of economic integration of Mexican migrants, which, in turn, have direct and indirect implications for various types of economic impacts (Smith and Edmonston, 1997). However, the pace of convergence with native whites implies persisting economic disadvantages of Mexican origin men and women. More importantly, these disadvantages are likely to persist and possibly increase as the volume of unskilled migration from Mexico continues.

Similar conclusions were reached by Tienda and Singer (1995) based on their analysis of the economic integration prospects of the legalized population. They showed that the average education level of Mexicans, who made up over 70 percent of the legalized population, actually increased over time, from an average of less than 6 years for the pre-1975 arrivals to 9 years for those who arrived during the 1980s. They also showed positive growth in real wages for cohorts that arrived after 1975 coupled with real wage declines for those who arrived before 1975. In other words, earlier arrivals experienced wage deterioration which paralleled that experienced by unskilled native workers. Finally, in response to the question of whether undocumented immigrants can be economically assimilated, Tienda and Singer demonstrated positive real wage returns to U.S. experience in an undocumented status for all regional origin groups.

The suggestion that returns to English proficiency may be rising over time (Trejo, 1997a) is noteworthy from the standpoint of social impacts because Mexicans have higher rates of Spanish language retention than other recent immigrants (Lopez, 1996; Ortiz, 1996). Lopez (1996) emphasizes that exposure to other immigrants, not generational status, is the most powerful predictor of language maintenance. Moreover, persons born in Mexico as well as native-born persons of Mexican ancestry have low rates of internal migration, which is both a consequence and a cause of Spanish language maintenance. In this regard, the forces for retaining Spanish in public and private settings is particularly high for Mexicans, not only because of the sheer volume and residential concentration of recent flows, but also because Mexican Americans are less likely to migrate internally and more likely to

reside in multi-generational households that include one or more foreign-born persons (Lopez, 1996). These living arrangements slow the pace of language shifts among Mexican American households. Ortiz (1996) shows that in Los Angeles, the proportion of younger Chicanos who reported speaking Spanish at home rose between 1980 and 1990. She argues that this change reflects an increase in the share of young people with foreign-born parents rather than a change in the pace of language shift, but this is not obvious from the evidence presented. In any event, the role of Mexican migration in Spanish language maintenance is undeniable.

The tendency for Mexican migrants to reside in densely settled ethnic neighborhoods promotes maintenance of Spanish language use in public spheres further slows the shift toward exclusive language use. Public use of Spanish is more socially significant for ethnic relations than is private usage (Lopez, 1996). In cities that have been highly impacted by recent immigration from Mexico and other parts of Central and South America, Spanish usage is common even in non-Latino neighborhoods. This is because Spanish-speaking in public places is associated with the manual industrial and service occupations in which Mexican migrants are disproportionately represented, especially southern California, Texas and Chicago. Thus, Spanish usage has come to symbolize membership in the lower rungs of the working class (Lopez, 1996).

Naturalization and Political Participation

There are many political dimensions of Mexican migration and Mexican American life in the United States. Identification and measurement of political impacts of Mexican migration are highly complex and often indirect, which compounds the difficulty of measurement and assessment. Political life in the United States, as elsewhere, includes the realms of routine electoral politics where candidates seek votes, symbolic politics where images of migrants may be put to a variety of uses, and legislative politics where rights and privileges of different groups may be gained or lost.

If the migrants cannot vote, no direct effects seem forthcoming on routine electoral politics in the United States, but several links between migration and electoral politics exist, some direct and others indirect. Just as the econometric literature has tended to show that the labor market impacts of migration, when they are measurable, are mainly felt in communities where earlier migrants settled, so, too, the various political impacts of Mexican migration are felt primarily in Mexican American communities.

The foreign born affect electoral politics directly through census enumerations and decennial redistricting. U.S. congressional districts and all state legislative districts are apportioned on the basis of persons, rather than on the basis of citizens or

adult citizens because of the wording of article 1, section 2 of the U.S. Constitution (the U.S. is quite unusual in this regard). In the aftermath of the Voting Rights Act of 1965, which was extended in 1975 to include protections for Mexican Americans, some legislative districts have been designed to be minority dominated to insure greater minority representation in the various legislative bodies.

Because these districts are designed to contain a specified number of people, rather than a certain number of adult citizens, Mexican-American districts have many fewer potential (and actual) voters than other districts. Table 8 shows that in the 1992 U.S. elections, Mexican Americans cast only about 16 votes per hundred *persons*, while non-Hispanic Whites cast about 50 votes per hundred persons. The low number of Mexican-American votes derives from several factors—younger population, lower naturalization rates coupled with relatively low registration and voting rates. The most important difference is the low adult citizenship rate, 54 percent as compared with 95 percent for non-Hispanic Whites and 92 percent for non-Hispanic blacks. Even though they cannot vote, Mexican migrants ought to be considered a political asset for the adult U.S. citizens in established Mexican-American communities because the political clout of the established communities partly depends on the creation of safe districts, and the legislative districts depend on a sizable number of migrants.

The political demography of immigration also implies costs for established Mexican-American communities. Skerry (1995) and others have argued that the presence of large numbers of Mexican migrants, most of whom are quite disinterested in American electoral politics, dilutes the natural bonds between the elected officials and the adult citizens whom they most directly represent. Whether the presence of large numbers of migrants makes it harder for elected officials to reach out to their natural constituents (the adult citizens), and whether or not the representatives from Mexican-American districts have limited clout because of the paucity of voters in their districts, there is no doubt that Mexican-American communities are far less politically powerful than they potentially could be. The low registration rates and voting rates by Mexican-American adult citizens are substantial evidence, though not the only evidence, for weaknesses in political organization.

Mexican immigrants have the lowest naturalization rates of any foreign national origin group of substantial size in the U.S. Low naturalization rates can be seen as a proxy for the very limited attachment of Mexican immigrants to American politics, although some other factors (such as the potential loss of property in Mexico) have historically played a role in keeping the naturalization rates of Mexican immigrants down. On the other hand, the U.S.-born children of Mexican migrants are automatically U.S. citizens and these subsequent generations will be primarily attached to the U.S. political system, and in principle will augment the political power of established Mexican-American communities. But

Table 8
Demography of Political Participation, 1992

	Mexican Americans	Non-Hispanic Blacks	Non-Hispanic Whites	Other Non-Hispanics	Cubans	Puerto Ricans	Other Hispanic
Persons	15,267,776	32,077,899	192,958,425	8,780,088	1,122,381	2,640,295	4,715,788
(A) Adults/Persons	60%	65%	75%	71%	75%	55%	67%
(B) Adult Citizenship Rate	54%	92%	95%	58%	55%	93%	43%
(C) Registration Rate (for Adult Citizens)	61%	71%	78%	62%	78%	61%	69%
(D) Voting Rate (for Those Registered)	80%	84%	90%	87%	90%	79%	87%
Voters/100 Persons (A*B*C*D)	15.76	35.27	49.94	22.28	28.96	24.34	17.34

Source: Case weighted data from the 1992 Current Population Survey, November Voting Supplement

the naturalization profile of Mexican immigrants may change because immigrants granted amnesty have recognized that citizenship broadens their possible sponsorship of other family relatives and because citizenship safeguards eligibility for social welfare benefits.[34]

How Mexican migrants influence the political life of Mexican Americans, and by extension the American political system as a whole, largely depends on the political solidarity, or commonality of purpose, between the migrants and the co-ethnic U.S. natives. A comparison between the Cuban-American and the Mexican-American communities is instructive. Refugees from Castro's Cuba have generally found a substantial amount of political solidarity in the already established Cuban-American community (mainly in Florida) due to their shared and often strident opposition to the Castro regime (Portes and Stepick, 1993). Cuban immigrants have much higher naturalization rates than Mexican immigrants, and as Table 8 shows, Cuban-American citizens have registration and voting rates that far surpass those of Mexican Americans and sometimes exceed those of native whites. (Income and class, of course, play an important role along with sociopolitical factors in determining political participation). The political solidarity between Cuban immigrants and Cuban Americans has helped the Cuban-American community attain a political strength far beyond their numbers (Portes and Stepick, 1993).

Mexican Americans, on the other hand, seem to be more ambivalent about newer migrants from Mexico. Various surveys conducted and reported by de la Garza and his colleagues (de la Garza et al, 1992) have demonstrated a considerable lack of support among Mexican Americans for the rights of new immigrants. Various election day polls (Ayres, 1994) from 1994 showed that as many as 30 percent of California's mostly Mexican-Hispanic voters supported Proposition 187, arguably one of the most egregious pieces of anti-immigrant legislation in the post-Civil Rights era.

It is noteworthy that the Mexican-American community has substantially increased its power in electoral politics since 1970, and therefore the political impacts of Mexican migration, mediated through a complex relationship with established Mexican-American communities, may have *indirect* effects on elections and legislation at the local and national level. In presidential politics, the concentration of Mexican Americans in three important states (California, Texas, and Illinois) could potentially give Mexican-American voters significant leverage. However, such leverage, if it is forthcoming, would depend on the state in question being very closely contested, and on high voter turn out and block voting among Mexican American voters. While Mexican-American voters have generally favored Democratic over Republican candidates in presidential elections in proportions almost high enough to qualify as "block voting," the low turnout of Mexican

Americans, and the lower fund raising potential of the Mexican-American community compared to other constituencies means that national candidates are likely to continue to view the Mexican-American electorate as a marginal, rather than a central player.[35]

The designation of Mexican Americans as a "minority" group is a designation with social, demographic, and political implications. In many ways, Mexican Americans first became an official minority in 1975, when Mexican-American groups led by MALDEF (Mexican American Legal Defense and Educational Fund) made a successful effort to get the Congress to extend the protection of the Voting Rights Act (widely viewed as the most successful civil rights legislation in American history) to Mexican Americans. In general, Mexican-American political organizations tend to identify themselves with a coalition of minority interests, but Mexican Americans themselves are deeply ambivalent about their minority status (Skerry, 1993). While Mexican-American politicians in the U.S. Congress tend to find much common ground with black congressional leaders (both groups are predominantly Democratic, mostly urban, and largely progressive on fiscal issues), on the local level, such black- Mexican coalitions have proven much harder to create or sustain.

Crime

There is a general perception that high levels of migration and high crime rates are causally associated. Between 1960 and 1990, the annual migration rate rose from 1.7 to 3.0, while the homicide rate increased from 4.8 to 8.3 (Hagan and Palloni, 1996). Unfortunately, relatively little research addresses the association between changing crime and migration rates, and even less information focuses on the involvement of particular groups of migrants in criminal activity.

According to the 1991 Survey of State Prisons, Mexicans account for nearly half of the foreign-born population in state prisons. However, this does not establish that Mexicans are more prone to crimes than other migrants to the United States or U.S. natives. Rather, the over-representation of Mexicans among the foreign-born prison population reflects differences in treatment through the criminal justice system. Specifically, migrants along the border are more likely to be arrested, detained prior to trial, and consequently, to be convicted and imprisoned. Undocumented migrants also are less likely to be released from jail prior to trial. Because Mexicans are disproportionately represented among migrants detained along the border and among undocumented migrants, they are incarcerated at rates from 2 to 4 times those of citizens (Hagan and Palloni, 1996). However, gross differences in the incarceration rates of Mexican and U.S. citizens disappear once differences in age structure (because Mexicans are younger and petty crime rates

are higher among the young) and especially the differences in treatment in the criminal justice system of Mexicans and Anglos are taken into account. Thus, Hagan and Palloni (1996) conclude that for Mexicans the temporal association between migration and crime is coincidental rather than causal.

That property crime rates (but not violent crime rates) along U.S.-Mexico border cities are relatively high has fueled perceptions that migrants, and Mexicans in particular, are somehow responsible. There is some evidence that high crime rates along the U.S.-Mexico border are related to the level of undocumented migration, but not legal immigration (Hagan and Palloni, 1996; Smith and Edmonston, 1997). However, crime rates have fallen in recent years even though migration from Mexico, including unauthorized migration, has remained high. This situation affords an opportunity to set the record straight about the lack of causal connection between Mexican migration and crime rates along the U.S.-Mexico border. That is, crime rates along the border are below those of comparable non-border cities (Smith and Edmonston, 1997; Hagan and Palloni, 1996). Nevertheless, perceptions that crime along the border is due largely, if not exclusively to Mexican immigration may be more influential than facts in shaping policy responses to immigration. Therefore, our final section discusses recent evidence about attitudes toward and perceptions of Mexican migration to the United States.

Attitudes and Perceptions

Much of the current debate about immigration, and Mexican migration in particular, is fueled by distorted perceptions about the costs and benefits of migration rather than facts. This is significant because perceptions are crucial in shaping reactions to immigration. Two general changes in attitudes toward immigrants are germane for understanding the rising tide of anti-immigrant sentiment, and anti-Mexican sentiment in particular (Espenshade and Belanger, 1997). First, several recent polls suggest that anti-immigrant sentiment is on the rise. Nearly two of every three people surveyed in 1995 reported that U.S. immigration should be reduced. A similar level of disapproval arose in the early 1980s, when unemployment reached 10 percent. However, when given a choice, the majority of the U.S. population preferred immigrants from Europe and Asia over those from Latin America. And, among Latin American immigrants, those from Mexico were least preferred.

Second, the general public exaggerates the pervasiveness of undocumented migration as a share of total immigration from Mexico (Espenshade and Belanger, 1997). Several polls conducted during the early 1990s revealed that two of every three respondents surveyed believed that the majority of migrants were undocumented. In fact, Mexico-U.S. relations are so confused in the public mind

that nearly one in three respondents to a public poll indicated that illegal immigration was the greatest worry about the future of Mexico. The negative views about immigration, and Mexican migration in particular, reflect perceived job competition of undocumented migrants with domestic workers. Finally, when queried whether undocumented immigrants should be denied access to health and education, more than half of respondents answered affirmatively. The rising tide of anti-immigrant sentiment has been matched with legislation that attempts to deny immigrants access to collective consumption services and benefits of all kinds, except in the event of dire emergency. Restrictive policies of recent years, especially the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193) appear to have deep foundations in perceptions and more shallow foundations in fact.

Conclusions about Socio-political Impacts

Our general overview of social impacts points to several general conclusions, some more tentative than others. Although Mexican migrants tend to concentrate residentially, especially upon arrival, the available evidence points to residential integration over time. The 1980s witnessed an increase in residential concentration of Mexican migrants, but partly this reflects the intensity of the flow and the disproportionate share destined for a few labor markets in the Southwest. Nevertheless, residential concentration patterns imply concentrated impacts and possibly a slower pace of socio-cultural assimilation. This is evident in the high rates of Spanish language retention, which in turn, has implications for educational attainment and labor market integration of subsequent generations.

Social integration depends crucially on economic assimilation. Although there remains some controversy about whether migrants from Mexico can be integrated economically, recent econometric evidence suggests that second and third generation Mexican American men earn higher wages than their foreign-born counterparts of comparable human capital. In other words, the large wage gap between Mexican and non-Hispanic white men, and between native and foreign-born Mexican origin men, is largely attributable to group differences in levels of educational attainment and English proficiency. This is not a trivial issue, however, because Mexican migrants possess significantly lower human capital stocks than U.S. natives (including blacks) and because the demand for unskilled workers has fallen, thereby virtually ensuring low wages for those who do manage to get a foothold in the labor market.

Political impacts of Mexican immigration hinge on rates of naturalization and settlement patterns. The concentrated presence of Mexican immigrants increases the size of communities and the likelihood of indigenous representatives.

However, the low rates of naturalization coupled with the low voting rates weaken the potential impact of Mexican immigration on the political system, at least in the short run. Owing to poor data about immigrants and the criminal justice system, it is difficult to draw conclusions about the impact of Mexican migration on crime. Nevertheless, Mexicans do not appear to be more prone to crime than U.S. natives, and the major trends in crime along the Mexico-U.S. border appear not to be driven by migration. Finally, rising opposition to Mexican immigration appears to be based on mis-perceptions about the prevalence of undocumented migration in the total flow of Mexican migrants, and perceptions that Mexicans take jobs away from domestic workers. Whether right or wrong, these perceptions are quite profound in their consequences.

Conclusions and Recommendations

At the outset we postulated that migration from Mexico produces benefits to the United States, and that these benefits come at a cost. Our assessment leads us to conclude that the main beneficiaries are the workers themselves, both those who remain in the United States and earn higher wages than they would in Mexico, as well as those who return and reap higher returns on U.S. experience than they would have on a comparable amount of work experience in Mexico (Zahniser and Greenwood, 1997). U.S. workers who are complements in production to Mexican immigrants benefit, but we find limited evidence of complementarity. The major beneficiaries of Mexican labor are the owners of capital and land, which in California and Texas includes the vast agricultural industry that historically has employed large numbers of Mexican workers. U.S. consumers also benefit from Mexican immigration through lower prices afforded by lower unit costs for goods produced by industries where immigrants are concentrated (this includes the vast labor-intensive segments of the agricultural industry). Finally, the U.S. economy grows via Mexican immigration, although this is not a major source of economic dynamism. However, it is unclear whether and how the presence of Mexican migrants generate scale effects at the national level, although local scale effects may be more substantial.

There are also costs associated with Mexican migration. The displacement of workers who are substitutes in production is the most pronounced labor market impact, which is disproportionately borne by earlier migrants from Mexico and increasingly, by African Americans. Thus, continued immigration from Mexico may dampen the economic prospects of earlier arrivals. State and local governments that incur fiscal outlays for immigrants without adequate reimbursement from the federal government also bear the costs of Mexican migration. Education costs are particularly large, especially when they involve outlays for bilingual education

and other special services. Because education costs are incurred mainly by the young and represent an investment in future generations of workers, their present value should be discounted by the future productivity of the workers.

Another important facet of Mexican migration is that the demographic, economic and social impacts are concentrated spatially because the vast majority of earlier and recent arrivals settle in just three states—California, Texas and Illinois—and primarily in a few metropolitan centers within these states. Although residential concentration can not be assigned to either the cost or benefit ledger, this feature of Mexican migration has important social and cultural implications. The residential patterns of recent arrivals have altered the ethnic landscape of these states and in some locations, has visibly (and measurably) altered race and ethnic segregation patterns. That Mexican immigration mainly involves young workers also shifts the dependency ratio favorably, such that the burden of the elderly is shouldered by a wider base than would be the case in the absence of immigration. But, the average educational level of Mexicans is very low compared to the U.S. population, including Mexican Americans, and the weight of large cohorts in recent years have dragged down the average educational level of the Mexican origin population overall.

Residential concentration is important because it increases the visibility of the Mexican origin population and fuels anti-immigrant attitudes, particularly among those groups most likely to compete with them. Residential concentration patterns imply concentrated impacts and possibly a slower pace of socio-cultural assimilation. This is evident in the high rates of Spanish language retention, which in turn, has implications for educational attainment and labor market integration of subsequent generations.

Major Conclusions

Demographic Impacts

Although immigration has not been a major component of population growth in the past, its influence on demographic change has been increasing in recent decades. Consequently, future social and economic impacts of Mexican migration are likely to be greater because they will be compounded by higher fertility and mortality of Mexican-origin women, and the lower mortality at younger ages.

Labor Market Impacts

Analyses based on the 1990 census indicate that immigrants have little impact on native workers, except in areas of high immigrant concentration, where some job displacement and slight downward pressure on wages was evident. However,

the largest negative impacts were on the migrants themselves. Case studies indicate displacement of native workers in those sectors where that attract foreign workers. The continued flow of new migrants and their location in the same areas as their earlier counterparts, coupled with relatively low internal migration rates of persons born in Mexico, suggest that migrants from Mexico will have some difficulty in improving their economic status, at least relative to other foreign-born groups.

Impacts through Scale

Although relatively understudied in the literature on impacts of Mexican immigration, economies of scale (generated by the emergence of dense Mexican immigrant communities) can produce positive economic outcomes. The Little Village study showed that scale effects associated with densely settled neighborhoods appear to be conducive to enterprising activity even among low-education Mexican immigrants.

Welfare Participation Impacts

Mexican migrants are less likely to receive means-tested welfare benefits than their U.S. born counterparts of Mexican origin, but welfare participation rates differed by gender, headship and age. Household heads 65 and over who were born in Mexico were more likely to receive SSI in 1989 than otherwise comparable native-born heads, but this tendency may have been due to the failure of the Mexico-born heads to qualify for Social Security relative to their native-born counterparts. Welfare participation patterns and their consequences will change as a result of recent changes in welfare legislation. The new eligibility requirements may discourage the entry of some potential migrants from Mexico. The major effect of the new legislation may be the perception that the U.S. is less receptive to migrants from Mexico than previously, particularly undocumented migrants.

Fiscal Impacts

Fiscal impacts of Mexican immigration differ legal status; by state of residence; by program; and by age groups, but also depending on whether a static or longitudinal time frame is used to assess impacts; whether individuals or households are used as analytic units in calculating revenues and expenditures; and the assumptions about the size of the undocumented population. Nevertheless, because California receives the largest share of Mexican—both legal and undocumented—and because of its tax structure, it also incurs the largest fiscal impacts. Finally, the net fiscal benefits associated with immigration generally accrue to the federal government

(via federal taxes) while the net costs generally accrue to local entities, i.e., states and counties (Smith and Edmonston, 1997). Short-term impacts of Mexican immigrants depend crucially on age at arrival and schooling levels, which determine labor market options. Longer term fiscal impacts depend on income and earnings differences relative to native workers, fertility (which influences the educational investments required by children of immigrants) and state of residence (which determines the progressiveness of the tax structure).

Socio-Political Impacts

Social integration depends crucially on economic assimilation and vice versa. Although there remains some controversy about the pace at which migrants from Mexico can be integrated economically, recent econometric evidence suggests that second and third generation Mexican American men earn higher wages than their foreign-born counterparts of comparable human capital. In other words, the large wage gap between Mexican and non-Hispanic white men, and between native and foreign-born Mexican origin men, is largely attributable to group differences in levels of educational attainment and English proficiency. This is not a trivial issue, however, because Mexican migrants possess significantly lower human capital stocks than U.S. natives (including blacks) and because the demand for unskilled workers has fallen, thereby virtually ensuring low wages for those who do manage to get a foothold in the labor market.

Political impacts of Mexican immigration hinge both on rates of naturalization and settlement patterns. Low rates of naturalization coupled with the low voting rates weaken the potential impact of Mexican immigration on the political system, at least in the short run. Owing to poor data about immigrants and the criminal justice system, it is difficult to draw conclusions about the impact of Mexican migration on crime. Nevertheless, Mexicans do not appear to be more prone to crime than U.S. natives, and the major trends in crime along the Mexico-U.S. border appear not to be driven by migration. Finally, rising opposition to Mexican immigration appears to be based on mis-perceptions about the prevalence of undocumented migration in the total flow of Mexican migrants, and perceptions that Mexicans take jobs away from domestic workers. Whether right or wrong, these perceptions are quite profound in their consequences.

Research Agenda

Our study identified several areas requiring further research to better understand the demographic, economic and social impacts of Mexican migration to the United States. We conclude with a brief overview of priority questions for further research.

Demographic Issues

Mexican origin women have the highest fertility of all immigrant groups, but there is need to better understand:

- What are the causes and consequences of differential fertility of Mexican origin women in the United States?
- How do Mexican-born women and subsequent generations of native-born women of Mexican ancestry adjust their fertility behavior with duration of residence in the United States?
- How will inter-marriage patterns accelerate the assimilation of the Mexican-origin population?
- Why do internal migration patterns of the Mexican-born differ from those of their U.S.-born counterparts, and what consequences (positive and negative) follow from the low rates of internal migration?

Economic Issues

We identified several ways in which Mexican immigration differs from other flows, but data limitations constrained our ability to draw firm conclusions about various aspects of economic impacts. Further research is needed to address unanswered questions, such as:

- How do the earnings of Mexican-born individuals and those of subsequent generations of native-born persons of Mexican ancestry behave relative to an appropriate control with duration of residence in the U.S.?
- How does welfare participation and levels of welfare use change with duration of U.S. residence? What are the short and long-run fiscal impacts of legal and undocumented migrants from Mexico at the local, state and national levels?
- What is the level, nature and outcome of informal employment by legal and undocumented migrants from Mexico?
- Why are the internal migration rates of Mexico-born persons so low relative to other major immigrant groups? To what extent do these low rates of internal migration impact various outcome measures, such as earnings, employment, English language ability and other indicators of economic and social integration?
- How does the limited internal migration of the Mexican-born and Mexican-ancestry population affect residential segregation?

- What factors slow linguistic assimilation of the Mexican-born population? What are the implications of Spanish language maintenance for subsequent generations of youth? Does Spanish language maintenance retard social and economic assimilation?
- What processes undergird the negative impacts of recent migrants on employment and earnings of earlier migrants from Mexico? Is it because the earlier migrants do not respond (via migration) to labor market opportunities in other locations, do not master English, do not acquire additional education, and thus remain labor market substitutes for subsequent arrivals?
- What types of scale effects result from concentrations of Mexican migrants? Scale effects derive from the fact that Mexican immigrants consume goods and services produced in the United States, thereby contributing to aggregate income growth (although the net beneficiaries of immigrant consumption are the owners of capital). Although there is relatively little study of the consumption profiles of Mexican immigrants, such information is valuable for appreciating how the scale effects of Mexican immigration operate through demand for goods and services, including those produced within and outside of ethnic labor market niches.

Social Issues

The economic future of the Mexican-origin population hinges crucially on improving the educational profile of subsequent generations. Although the education levels of the Mexican-origin population have been improving, the rate of improvement is not fast enough to keep pace with either the gains observed for other demographic groups, or the increased skill requirements of employment.

- How do the Mexican-born and their offspring compare in this respect to other historical and contemporary immigrant groups?
- What are the determinants of naturalization propensities among immigrants from Mexico? Why are these propensities so low? Will recent changes in U.S. policies change the naturalization rates of Mexicans?
- How important is crime among the Mexican-born population, and is this problem increasing? Are recent arrivals more prone to crime than earlier migrants?

Notes

1. With assistance from Paul Davies, John McDowell, Emilio Parrado, Michael Rosenfeld and Steven Zahniser.

2. The Illegal Immigration Reform and Immigration Responsibility Act of 1996 explicitly precludes undocumented migrants from receiving most major federal public benefit programs. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, more commonly known as the Welfare Reform Act, disqualifies lawful permanent residents from receipt of food stamps and Supplemental Security Income, and prohibits immigrants legally admitted after 22 August 1996 from receiving any federal means-tested program for five years.

3. That IRCA altered the legal status of over a million Mexican migrants raises the possibility that impacts by legal status have been changed over the period we analyze.

4. For evidence about the sensitivity of conclusions about labor market impacts of migrants to level of aggregation, see Borjas, Freeman and Katz, 1996).

5. Migrant streams from Mexico are relatively small by historical standards, notably the population losses sustained by European countries during the early nineteenth century (see Massey, 1988).

6. There is some evidence that Mexican migrants are "preferred" to African American and Puerto Rican workers, especially in jobs that become "immigrant-typed" (Krischenman and Neckerman, 1991; Tienda, 1989). Some advantages of hiring Mexican migrant workers derive from well-established network recruitment hiring that benefits employers via lower search and replacement costs while also providing an informal screen on reliability.

7. For example, if the owners of capital in the United States enjoy a given gain at the expense of low-income workers, society may not wish to equally weigh the gains and losses. Such normative judgments presumably are one rationale for imposing entry quotas.

8. In the interest of brevity we focus on the three major destination states of Mexican migrants, but have produced parallel tables for Florida, New York and the major regions exclusive of these states. These results are reported in a separate appendix.

9. Another perspective of the dominance of Mexican workers in agriculture is provided by Table 2A, which presents the race and ethnic composition of industries. Taking California as an example, Mexican migrants account for nearly half of all workers in the industry compared to 36 percent of white natives and only 6 to 7 percent of Mexican natives and other migrants. Among women, over one-third of those employed in agriculture are Mexico born, compared to less than 7 percent of other migrant women.

10. Annual net demographic change stabilized around 1 percent by 1968, with modest oscillations around this level in particular years. See 1996 Statistical Abstract of the United States, Table 2.

11. These numbers are derived as follows: 12 percent of legal U.S. immigration from Mexico times a 25- to 33-percent contribution of the foreign born to U.S. population growth yields a 3- to 4-percent contribution of legal Mexican immigration to U.S. population growth during non-IRCA years. During IRCA years the calculation is based on 40 percent of legal U.S. immigration coming from Mexico, which yields between a 10- and 13-percent contribution of legal Mexican migration to U.S. population growth. Of course, this crude calculation ignores the fact that undocumented migrants were already present in the United

States and ignores the secondary impact of undocumented migration on population growth due to fertility. The latter consideration renders these estimates conservative, while the former implies that the demographic impacts occurred in years prior to those observed.

12. Bachu (1991:35) reports that the average number of children ever born was higher for women born in Mexico (2.1 births per woman) than for women born in any other country or region. On average, foreign born women 18 to 44 years old in 1988 each had borne 1.6 births at the time of the survey compared with 1.3 births for native born women.

13. Of the remaining 14.6 percent, 5.4 percent resided in Arizona, Colorado and New Mexico combined, 1.2 percent resided in Florida, 1 percent in New York, and 7 percent were dispersed throughout the rest of the country.

14. The medium immigration assumption is 820,000 per year, which is approximately the 700,000 reported by Fix and Passel (1994) plus an additional 120,000 undocumented migrants or other unanticipated refugee stream. The Census Bureau's (1996) rationale for the 820,000 middle scenario assumes 1,042,000 immigrants and 222,000 emigrants, which reflects the 1990 immigration law changes and current knowledge of emigration, undocumented migration, and movement to and from Puerto Rico.

15. This section was drawn from Greenwood and McDowell (1993) and McDowell, 1997, but with the permission of Greenwood.

16. Greenwood and Lillydahl (1984) discuss these and related data in more detail. Massey, et al. (1987, p. 173) report that among the households they surveyed, annual gross income earned in the U.S. in 1982 ranged from 281,000 to 352,000 pesos, assuming the average exchange rate that prevailed during the year. In the agricultural sector of Mexico the prevailing wage translated into 52,000 pesos per year if a worker were employed 52 weeks, which is highly improbable. Thus, by working in the United States, an individual from rural Mexico would enjoy at least a five-fold increase in annual earnings. For a sample of predominately undocumented Mexican migrants, Jones and Murray (1986) report a ratio of U.S. (i.e., average weekly earnings on latest U.S. job) to Mexican (i.e., average weekly income in Mexico) earnings that ranges from 7 to 13.

17. As of January 1997, 1,585,418 visa applications were active for North American countries. This figure represented 43.8 percent of applications worldwide.

18. The sophistication (and complexity) of the model can be increased by introducing a second good, either produced for export or domestic consumption. This extension of the model is important for understanding the elasticity of substitution of goods and laborers. However, for our purposes here, it suffices to focus on two labor groups, as this is most germane for the topic at hand.

19. This conclusion could conceivably be reversed by the presence of market distortions that result in a wide divergence between an individual's private remuneration and private marginal product. This possibility is, however, unlikely (Johnson, 1965).

20. Referring to the impacts of population growth on inventive activity, Kelley (1972, p. 20) concludes that "the scale effects of population have likely diminished significantly over time; they could well be unimportant in the contemporary setting." Kelley (p. 16) also speculates that, while probably significant in the past, "it is plausible that the positive benefits of population size through land and mineral development ... are relatively unimportant today." Spengler (1956, p. 287) makes essentially the same point as Kelley; that is, "possibly until the outbreak of World War I, immigration contributed directly and indirectly to ...the growth

of net national product and the amount produced per head. It is doubtful, however, whether this proposition remains valid after World War I."

21. For example, if immigrants are unskilled when they arrive, in the short run their impact may widen differentials between the wage of low- and high-skilled domestic workers. However, as immigrants acquire more experience, their earnings rise.

22. Skill groups are based on quartiles in a skill quantity index. Low skill refers to the bottom two quartiles based on a representative national sample from the 1990 U.S. census. High skill refers to the top two quartiles. Based on the national distribution of the skill index, data for specific metropolitan areas were formed into the various skill groups. The foreign born from Mexico tend to fall mainly in the low-skill group. More detail on the skill groups is found in the Appendix to the Commission report (see Davies, Greenwood, Hunt, Kohli, and Tienda, 1997).

23. Appendix A contains detail on all 122 metropolitan areas, whereas Table 6A and 6B report only selected areas.

24. The model upon which these conclusions are based consists of capital and the following eight labor categories: (1) low-skill native black males; (2) low skill native black females; (3) low-skill native non-black males; (4) low-skill native non-black females; (5) low-skill foreign born; (6) high-skill native blacks; (7) high-skill native non-blacks; and (8) high-skill foreign born. The skill categories are defined as discussed for the "Mexican model," and the estimates are based on 1990 census data for 225 MSAs. The simulation results are derived for a 20-percent increase in category 5—low-skill foreign born. Note that this group contains more than just low-skill persons born in Mexico because Los Angeles receives foreign-born persons from numerous countries of birth (Waldinger and Bozorgmehr, 1996).

25. Of course, the important question that no study has answered satisfactorily is whether the economic mobility of African Americans would have been higher were it not for the influx of immigrants. Unfortunately, we are not aware of any studies that can address this question in a compelling way. Several recent papers to be presented at a workshop address the question of whether and how immigration impacts African Americans specifically. This information will be incorporated in a subsequent draft.

26. Card has shown that the Mariel Boatlift, which consisted of mostly low skilled migrants, in the course of 6 months increased Miami's work force by 7% (60,000 people), yet had no perceptible impact on Miami's labor market for either natives or for previous Cuban migrants. This surprising result implies that the economic impacts of migrants are not so easily isolated to their city of entry or residence as has been previously assumed. Considering that the Mariel boat lift corresponded to a wave of migration that was a full order of magnitude larger (relative to the work force of Miami) than most of the empirical studies are able to contemplate, and that no impacts were found, Card's study raises fundamental questions about the efficacy of the econometric literature on labor market impacts of migration

27. A later study by Borjas appears to contradict that conclusion. See OECD report by Greenwood, et al., 1997.

28. Imagine adding one additional child to a school system: if the child can be absorbed into an already existing classroom, without any loss of quality in the education for the classmates, then the marginal cost of educating one additional child may be less than the

average cost. If a community received a wave of new immigrants and was forced to construct a new school building to accommodate them, the marginal cost of educating the new students might exceed the average cost per student throughout the district. Positive returns to scale implies decreasing marginal costs of services (because larger enterprises will presumably be more diversified, more efficient, and will have already made substantial capital expenditures whose cost can be born by more people).

29. Little Village experienced profound demographic succession between 1970, when Hispanics comprised only 30 percent of the community population, and 1990, when Hispanics comprised over 80 percent of all residents. In fact, by 1990, 17 of 20 census tracts were over 84 percent Hispanic, predominantly Mexicans (born in the U.S. and in Mexico). The household survey reported that over three-fourths of respondents were Mexico born. During this period, the white population decreased from 53 to 6 percent of the total and the total population of the community area rose from 62,848 to 81,155, representing a considerable increase in density (Raijman, 1996).

30. Data and models are not sufficiently refined to allow investigators to conclude that no one from Mexico enters the United States with the intention of collecting welfare, but general tendencies are clear.

31. Our discussion of demographic impacts underscored the point that California has received an increasing share of all immigrants in recent years, including undocumented immigrants from countries other than Mexico. Therefore, impacts associated with undocumented and legal migration from Mexico may in fact derive from other groups. Therefore, inferences about the current fiscal impacts of Mexican immigration are therefore exaggerated.

32. Several limitations of this study were identified by NAS, 1996, but generally conclude that this study is one of the best of its genre.

33. In fact, she seems to have causality reversed when she argues that “economic restructuring drew the growing number of new immigrant arrivals into an ever-expanding low-wage sector, where the increased immigrant concentration in a narrow tier of niches drove wages down” (p. 260).

34. Although Mexicans have among the lowest naturalization rates of all immigrant groups, recent years have witnessed a surge in naturalization applications, especially after immigrants granted amnesty became eligible for citizenship.

35. DeSipio and Rocha (1992) argued that Dukakis’ successful courting of Mexican American voters and organizations during the 1988 Democratic primaries was a key ingredient in his successful run for the nomination, especially in the Southwest. They also note, however, that once the primaries were over Latino political interests were quickly marginalized.

Appendix A — Real Wage
Percentage Change in Real Wage of Various Labor Skill Groups Due to a 20-Percent Increase in Low-Skilled, Foreign-Born Labor—Selected MSAs

	Low-skilled Native					High-skilled		
	Black		Non-black		Low-skilled	Native	Native	
MSA	Male	Female	Male	Female	Foreign Born	Black	Non-black	Foreign Born
Chicago, IL (1600)	1.73	-1.08	-0.51	-0.31	-1.07	0.17	-0.74	-1.10
Houston, TX (3360)	1.83	0.33	0.68	0.08	0.33	0.89	-0.52	-0.98
Los Angeles, CA (4480)	0.91	-4.50	-0.44	-2.28	-3.38	-0.79	-2.65	-7.21
Miami, FL (5000)	3.42	0.05	1.18	0.69	-5.46	1.86	-0.72	-7.52
New York, NY (5600)	2.88	-2.52	-0.65	-1.33	-3.66	0.91	-1.36	-4.11
Bakersfield, CA (680)	0.22	0.07	-0.57	0.14	-0.76	-0.43	-0.31	-1.16
El Paso, TX (2320)	2.10	0.44	1.37	1.31	-2.39	0.25	0.12	-2.59
Midland, TX (5040)	0.81	-0.13	-0.16	-0.01	-0.64	0.00	-0.13	-0.60
Odessa, TX (5800)	0.07	-0.03	-0.19	0.04	-0.65	0.13	-0.07	-0.73
Tyler, TX (8640)	0.12	-0.09	-0.10	0.03	-0.48	0.04	-0.08	-0.47
Visalia-Tulare, CA (8780)	0.12	0.26	-0.45	0.35	-1.83	-0.12	-0.10	-2.02
Aurora, IL (620)	0.46	-0.27	-0.22	0.03	-0.76	-0.03	-0.21	-0.83
Corpus Christi, TX (1880)	0.55	-0.02	0.01	0.06	-0.33	0.08	-0.03	-0.36
Fresno, CA (2840)	3.92	-0.83	-0.30	-0.07	-0.77	0.17	-0.30	-1.18
Merced, CA (4940)	-1.16	-0.63	-0.47	0.26	-2.21	0.38	-0.13	-2.43
Salinas, CA (7120)	1.95	-0.31	-0.66	-0.03	-2.14	0.24	-0.28	-2.49
Santa Barbara, CA (7480)	0.49	-0.09	-0.35	-0.01	-1.28	0.12	-0.31	-1.51
Santa Cruz, CA (7485)	-0.26	-0.60	-0.22	-0.06	-1.20	0.14	-0.23	-1.36
Waco, TX (8800)	0.23	-0.09	-0.08	0.00	-0.42	0.08	-0.03	-0.45
San Diego, CA (7320)	-0.14	-0.37	0.01	-0.66	-1.25	-0.01	-0.67	-1.68

Appendix A — Employment

Percentage Change in Employment of Various Labor Skill Groups Due to a 20-Percent Increase in Low-Skilled, Foreign-Born Labor—Selected MSAs

	Low-skilled Native					High-skilled		
	Black		Non-black		Low-skilled	Native	Native	
MSA	Male	Female	Male	Female	Foreign Born	Black	Non-black	Foreign Born
Chicago, IL (1600)	-1.37	-1.68	-0.31	-0.33	-0.90	-1.23	-0.10	-0.49
Houston, TX (3360)	-1.03	-1.57	-0.22	-0.23	-0.24	-1.17	-0.09	-0.43
Los Angeles, CA (4480)	-3.43	-4.25	-0.85	-1.25	-2.21	-3.41	-0.24	-1.46
Miami, FL (5000)	-2.08	-2.76	-0.36	-0.18	-2.97	-2.11	-0.17	-1.22
New York, NY (5600)	-2.64	-3.08	-0.68	-0.88	-2.28	-2.46	-0.18	-1.13
Bakersfield, CA (680)	-0.48	-1.00	-0.14	-0.06	-0.43	-0.50	-0.04	-0.22
El Paso, TX (2320)	-1.05	-1.59	-0.20	0.17	-1.53	-1.17	-0.08	-0.49
Midland, TX (5040)	0.00	-0.03	-0.02	-0.01	-0.29	-0.06	0.003–0.06	-0.06
Odessa, TX (5800)	-0.06	-0.10	-0.02	-0.01	-0.38	-0.08	-0.01	-0.09
Tyler, TX (8640)	-0.05	-0.04	-0.01	0.00	-0.21	-0.05	0.008–0.06	-0.06
Visalia-Tulare, CA (8780)	-0.91	-0.87	-0.13	0.02	-0.82	-0.59	-0.04	-0.28
Aurora, IL (620)	-0.14	-0.14	-0.04	-0.03	-0.37	-0.15	-0.01	-0.11
Corpus Christi, TX (1880)	-0.14	-0.12	-0.03	-0.01	-0.22	-0.10	-0.01	-0.07
Fresno, CA (2840)	-0.75	-1.17	-0.23	-0.20	-0.55	-0.93	-0.07	-0.32
Merced, CA (4940)	-0.45	-0.58	-0.09	0.00	-1.13	-0.36	-0.03	-0.28
Salinas, CA (7120)	-0.37	-0.83	-0.19	-0.14	-1.08	-0.53	-0.04	-0.35
Santa Barbara, CA (7480)	-0.28	-0.39	-0.08	-0.08	-0.64	-0.23	-0.02	-0.23
Santa Cruz, CA (7485)	-0.39	-0.24	-0.05	-0.06	-0.51	-0.26	-0.02	-0.17
Waco, TX (8800)	-0.07	-0.07	-0.02	-0.01	-0.28	-0.06	0.003–0.06	-0.06
San Diego, CA (7320)	-1.20	-1.77	-0.27	-0.44	-1.01	-1.17	-0.09	-0.52

Appendix B — Scenario A
Fiscal Costs and Benefits of Illegal Immigrants, Compared to all Other Persons in Three States

COSTS

(all data for 1992, in 1992 dollars except for prison populations which is 1993 data)

	1992 Number of Persons	K-12 Education per Student ($)	K-12 Education Number of Students	K-12 Education Aggregate Cost (million $)	State & Local Portion of Medicaid per Capita ($)	State & Local Portion of Medicaid Aggregate Cost (million $)	State & Local Jails Prisoners	State & Local Jails Cost per Prisoner ($)	State & Local Jails Aggregate Cost (million $)
California									
Undocumented immigrants	1,410,000	$4,075	276,574	$1,127	$71	$101	15,109	$23,619	$357
Natives, and documented immigrants	29,457,000	$4,075	4,962,922	$20,226	$144	$4,244	93,442	$23,619	$2,207
Total	30,867,000	$4,075	5,239,496	$21,353	$141	$4,344	108,551	$23,619	$2,564
Illinois									
Undocumented immigrants	173,000	$4,633	21,668	$100	$37	$6	348	$17,301	$6
Natives, and documented immigrants	11,458,000	$4,633	1,865,737	$8,645	$177	$2,029	30,869	$17,301	$534
Total	11,631,000	$4,633	1,887,405	$8,745	$175	$2,035	31,217	$17,301	$540
Texas									
Undocumented immigrants	349,000	$4,330	84,374	$365	$23	$8	1,594	$14,062	$22
Natives, and documented immigrants	17,307,000	$4,330	3,463,910	$14,997	$92	$1,600	61,868	$14,062	$870
Total	17,656,000	$4,330	3,548,284	$15,363	$91	$1,608	63,462	$14,062	$892

Appendix B — Scenario A (Continued)

		TAXES PAID					
	1992 Number of Persons	Sales Tax per Capita ($)	Sales Tax Aggregate (million $)	State Income Tax per Capita ($)	State Income Tax Aggregate (million $)	Property Tax per Capita ($)	Property Tax Aggregate (million $)
California							
Undocumented immigrants	1,410,000	$333	$470	$32	$45	$170	$240
Natives, and documented immigrants	29,457,000	$497	$14,628	$557	$16,413	$370	$10,892
Total	30,867,000	$489	$15,098	$533	$16,458	$361	$11,132
Illlinois							
Undocumented immigrants	173,000	$362	$63	$34	$6	$160	$28
Natives, and documented immigrants	11,458,000	$369	$4,231	$410	$4,694	$240	$2,746
Total	11,631,000	$369	$4,293	$404	$4,700	$238	$2,774
Texas							
Undocumented immigrants	349,000	$348	$121			$231	$81
Natives, and documented immigrants	17,307,000	$489	$8,460			$479	$8,295
Total	17,656,000	$486	$8,581	None	None	$474	$8,376

Appendix B — Scenario A (Continued)

NET FISCAL EFFECTS

	1992 Number of Persons	Total Costs (million $)	Costs Per Cap ($)	Total Taxes (million $)	Taxes Per Capita ($)	Net Burden (million $)	Burden Per Capita ($)
California							
Undocumented immigrants	1,410,000	$1,585	$1,124	$755	$536	$829	$588
Natives, and documented immigrants	29,457,000	$26,676	$906	$41,933	$1,424	-$15,257	-$518
Total	30,867,000	$28,261	$916	$42,689	$1,383	-$14,428	-$467
Illinois							
Undocumented immigrants	173,000	$113	$652	$96	$556	$17	$96
Natives, and documented immigrants	11,458,000	$11,207	$978	$11,671	$1,019	-$464	-$40
Total	11,631,000	$11,320	$973	$11,767	$1,012	-$447	-$38
Texas							
Undocumented immigrants	349,000	$396	$1,134	$202	$579	$194	$555
Natives, and documented immigrants	17,307,000	$17,468	$1,009	$16,755	$968	$713	$41
Total	17,656,000	$17,864	$1,012	$16,957	$960	$906	$51

Source: Clark, Passel, Zimmerman and Fix (1994) and Statistical Abstract of the U.S.
NOTE: Scenario A represents best estimates of various costs, expenditures and populations by Clark et al.

Appendix B — Scenario B
Fiscal Costs and Benefits of Illegal Immigrants, Compared to All Other Persons in Three States

COSTS

(all data for 1992, in 1992 dollars except for prison populations which is 1993 data)

	K-12 Education				State & Local Portion of Medicaid	State & Local Portion of Medicaid		State & Local Jails	State & Local Jails
	1992 Number of Persons	per Student ($)	Number of Students	Aggregate Cost (million $)	per Capita ($)	Aggregate Cost (million $)	State & Local Jails Prisoners	Cost per Prisoner ($)	Aggregate Cost (million $)
California									
Undocumented immigrants	1,479,144	$4,075	345,718	$1,409	$71	$105	15,109	$23,619	$357
Natives, and documented immigrants	29,387,856	$4,075	4,893,778	$19,944	$144	$4,239	93,442	$23,619	$2,207
Total	30,867,000	$4,075	5,239,496	$21,353	$141	$4,344	108,551	$23,619	$2,564
Illinois									
Undocumented immigrants	178,417	$4,633	27,085	$125	$37	$7	348	$17,301	$6
Natives, and documented immigrants	11,452,583	$4,633	1,860,320	$8,620	$177	$2,028	30,869	$17,301	$534
Total	11,631,000	$4,633	1,887,405	$8,745	$175	$2,035	31,217	$17,301	$540
Texas									
Undocumented immigrants	370,093	$4,330	105,467	$457	$23	$9	1,594	$14,062	$22
Natives, and documented immigrants	17,285,907	$4,330	3,442,817	$14,906	$93	$1,600	61,868	$14,062	$870
Total	17,656,000	$4,330	3,548,284	$15,363	$91	$1,608	63,462	$14,062	$892

Appendix B — Scenario B (Continued)

TAXES PAID

(per capita rates for years near 1992 applied to 1992 population)

	1992 Number of Persons	Sales Tax per Capita ($)	Sales Tax Aggregate (million $)	State Income Tax per Capita ($)	State Income Tax Aggregate (million $)	Property Tax per Capita ($)	Property Tax Aggregate (million $)
California							
Undocumented immigrants	1,479,144	$333	$493	$32	$47	$170	$252
Natives, and documented immigrants	29,387,856	$497	$14,605	$558	$16,411	$370	$10,881
Total	30,867,000	$489	$15,098	$533	$16,458	$361	$11,132
Illinois							
Undocumented immigrants	178,417	$362	$65	$34	$6	$160	$29
Natives, and documented immigrants	11,452,583	$369	$4,229	$410	$4,694	$240	$2,745
Total	11,631,000	$369	$4,293	$404	$4,700	$238	$2,774
Texas							
Undocumented immigrants	370,093	$348	$129			$231	$85
Natives, and documented immigrants	17,285,907	$489	$8,452			$480	$8,290
Total	17,656,000	$486	$8,581	None	None	$474	$8,376

Appendix B — Scenario B (Continued)

NET FISCAL EFFECTS

	1992 Number of Persons	Total Costs (million $)	Costs Per Capita ($)	Total Taxes (million $)	Taxes Per Capita ($)	Net Burden (million $)	Burden Per Capita ($)
California							
Undocumented immigrants	1,479,144	$1,871	$1,265	$792	$536	$1,079	$729
Natives, and documented immigrants	29,387,856	$26,390	$898	$41,896	$1,426	-$15,507	-$528
Total	30,867,000	$28,261	$916	$42,688	$1,383	-$14,428	-$467
Illinois							
Undocumented immigrants	178,417	$138	$774	$99	$556	$39	$218
Natives, and documented immigrants	11,452,583	$11,182	$976	$11,668	$1,019	-$486	-$42
Total	11,631,000	$11,320	$973	$11,767	$1,012	-$447	-$38
Texas							
Undocumented immigrants	370,093	$488	$1,317	$214	$579	$273	$738
Natives, and documented immigrants	17,285,907	$17,376	$1,005	$16,743	$969	$633	$37
Total	17,656,000	$17,864	$1,012	$16,957	$960	$906	$51

Source: Clark, Passel, Zimmerman and Fix (1994) and Statistical Abstract of the U.S.

NOTE: Scenario B represents an adjustment to best estimates of Clark et al. by reclassifying mixed status families to increase the number of undocumented school age children by 25%.

Appendix B — Scenario C
Fiscal Costs and Benefits of Illegal Immigrants, Compared to All Other Persons in Three States

COSTS

(all data for 1992, in 1992 dollars except for prison populations which is 1993 data)

	K-12 Education				State & Local Portion of Medicaid	State & Local Portion of Medicaid		State & Local Jails	State & Local Jails
	1992 Number of Persons	per Student ($)	Number of Students	Aggregate Cost (million $)	per Capita ($)	Aggregate Cost (million $)	State & Local Jails Prisoners	Cost per Prisoner ($)	Aggregate Cost (million $))
California									
Undocumented immigrants	2,083,000	$4,075	408,585	$1,665	$71	$149	15,109	$23,619	$357
Natives, and documented immigrants	29,457,000	$4,075	4,830,911	$19,688	$144	$4,291	93,442	$23,619	$2,207
Total	31,540,000	$4,075	5,239,496	$21,353	$141	$4,439	108,551	$23,619	$2,564
Illinois									
Undocumented immigrants	270,000	$4,633	33,817	$157	$37	$10	348	$17,301	$6
Natives, and documented immigrants	11,458,000	$4,633	1,853,588	$8,588	$177	$2,042	30,869	$17,301	$534
Total	11,728,000	$4633	1,887,405	$8745	$175	$2,052	31,217	$17,301	$540
Texas									
Undocumented immigrants	550,000	$4,330	132,967	$576	$23	$13	1,594	$14,062	$22
Natives, and documented immigrants	17,307,000	$4,330	3,415,317	$14,787	$92	$1,614	61,868	$14,062	$870
Total	17,857,000	$4,330	3,548,284	$15,363	$91	$1,627	63,462	$14,062	$892

Appendix B — Scenario C (Continued)

TAXES PAID

(per capita rates for years near 1992 applied to 1992 population)

	1992 Number of Persons	Sales Tax per Capita ($)	Sales Tax Aggregate (million $)	State Income Tax per Capita ($)	State Income Tax Aggregate (million $)	Property Tax per Capita ($)	Property Tax Aggregate (million $)
California							
Undocumented immigrants	2,083,000	$333	$694	$32	$67	$170	$355
Natives, and documented immigrants	29,457,000	$489	$14,404	$556	$16,391	$366	$10,778
Total	31,540,000	$479	$15,098	$522	$16,458	$353	$11,132
Illinois							
Undocumented immigrants	270,000	$362	$98	$34	$9	$160	$43
Natives, and documented immigrants	11,458,000	$366	$4,195	$409	$4,691	$238	$2,730
Total	11,728,000	$366	$4,293	$401	$4,700	$236	$2,774
Texas							
Undocumented immigrants	550,000	$348	$191			$231	$127
Natives, and documented immigrants	17,307,000	$485	$8,390			$477	$8,249
Total	17,857,000	$481	$8,581	None	None	$469	$8,376

Appendix B — Scenario C (Continued)

NET FISCAL EFFECTS

	1992 Number of Persons	Total Costs (million $)	Costs Per Cap ($)	Total Taxes (million $)	Taxes Per Capita ($)	Net Burden (million $)	Burden Per Capita ($)
California							
Undocumented immigrants	2,083,000	$2,171	$1,042	$1,116	$536	$1,055	$506
Natives, and documented immigrants	29,457,000	$26,185	$889	$41,573	$1,411	-$15,388	-$522
Total	31,540,000	$28,356	$899	$42,688	$1,353	-$14,333	-$454
Illinois							
Undocumented immigrants	270,000	$173	$640	$150	$556	$23	$83
Natives, and documented immigrants	11,458,000	$11,164	$974	$11,617	$1,014	-$453	-$39
Total	11,728,000	$11,337	$967	$11,767	$1,003	-$430	-$37
Texas							
Undocumented immigrants	550,000	$611	$1,111	$318	$579	$292	$532
Natives, and documented immigrants	17,307,000	$17,271	$998	$16,639	$961	$632	$37
Total	17,857,000	$17,882	$1,001	$16,957	$950	$925	$52

Source: Clark, Passel, Zimmerman and Fix (1994) and Statistical Abstract of the U.S.
NOTE: Scenario C is based on the states' own (inflated) estimates of the undocumented population.

Appendix C
Percentage Change in the Real Rental Price of Capital Due to a 20-Percent Increase in Foreign-Born, Low-Skilled Mexican Labor—Selected Areas

Area	Percentage Change
All areas (122)	0.27
California areas (23)	0.82
Texas areas (23)	0.33
Arizona, New Mexico, Colorado areas (11)	0.30
Areas in border states (52)	0.56
Areas of high concentration of foreign-born, low-skilled, Mexicans (13)	0.88
Areas of low concentration of foreign-born, low-skilled, Mexicans (43)	0.02
Santa Ana, CA	1.31
Bakersfield, CA	0.74
Chico-Paradise, CA	0.12
Fresno, CA	1.04
Los Angeles, CA	2.54
Merced, CA	1.66
Modesto, CA	0.74
Oakland, CA	0.27
Oxnard-Ventura, CA	0.89
Redding, CA	0.02
San Bernardino, CA	1.04
Sacramento, CA	0.15
Salinas, CA	1.68
San Diego, CA	0.80
San Francisco, CA	0.19
San Jose, CA	0.69
Santa Barbara, CA	0.45
Santa Cruz, CA	0.93
Santa Rosa, CA	0.29
Stockton-Lodi, CA	0.58
Vallejo, CA	0.31
Visalia-Tulare, CA	1.43
Yuba City, CA	0.42
Abilene, TX	0.10
Amarillo, TX	0.09
Austin, TX	0.16
Beaumont, TX	0.06

Appendix C (Continued)

Area	Percentage Change
Brazoria, TX	0.12
Brownsville, TX	1.44
Bryan-College Station, TX	0.14
Corpus Christi, TX	0.12
Dallas, TX	0.23
El Paso, TX	1.58
Ft. Worth-Arlington	0.17
Galveston, TX	0.08
Houston, TX	0.27
Killeen-Temple, TX	0.07
Longview-Marshall, TX	0.05
Lubbock, TX	0.06
McAllen-Edinburg-Mission, TX	1.75
Midland, TX	0.25
Odessa, TX	0.26
San Antonio, TX	0.48
Tyler, TX	0.16
Waco, TX	0.13
Wichita Falls, TX	0.07
Yakima, WA	0.81
Yuma, AZ	1.66
Las Cruces, NM	0.70
Richland-Kennwick-Pasco, WA	0.48
Greeley, CO	0.22

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Impacts of Migration in Mexico[1]

Gustavo Verduzco & Kurt Unger

Introduction

Migration impacts can be defined as the effects produced by the movement of people between two places, the sending or expulsion and the receiving places. For purposes of specificity it is convenient to restrict the analysis to the effects closer to migration itself, even if in reality there are many other side effects to the migration process. For our study, we are defining migration as an essentially economic phenomenon, given the nature of Mexican migration during the whole 20th Century as the movement of labor, a movement having little to do with religious or political motives to migrate as in other parts of the world.

The literature usually treats these population movements as a positive adjustment where labor supports and complements a better use and distribution of capital in the receiving region. In modern times, labor migration invariably occurs towards regions experiencing successful economic performance. The sending region will also benefit from remittances and experiences associated with working in a more advanced environment, plus the alleviation of unemployment at the point of origin. Nevertheless, migration between countries usually faces higher constraints not found in movements between regions within a country, due to the rigidities of different legal and political frameworks. The contrast between countries such as

the United States and Mexico brings additional frictions to international migration between them.

The Nature of Migration

The first point to keep in mind are the contradictory characteristics of the economic rationale to migration in contrast to the legal apparatus aimed to refrain migration. The economic reasoning, for the most part, supports migration both from the demand of labor as much as from the supply side. The legislation within the recipient country, in this case the U.S., limits the movement of foreigners. There are also, of course, many other social, cultural and demographic tensions and implications to consider given the mobilization of people under consideration, which involves the relation between two societies strongly different in their backgrounds.

Our aim in this chapter is to determine the effects in Mexico, in general and also specifically, resulting from being influenced by these labor movements. To this end we have to review the many concerns expressed by analysts of migration effects, both the positive and the negative impacts, but keeping at the center the economic preeminence of the phenomenon with labor as an important factor of production, and then the legal, cultural and demographic issues that may help us reach a better understanding.

A Temporal Dimension

To address the effects or impacts of migration on each country, it is necessary to consider several dimensions. One crucial dimension is time, given the very old labor supply and demand interaction embedded in the operations of each country, an interaction subjected to substantial variations along time.

Migration flows have varied in size, intensity and characteristics over the various periods of this century. The effects have to be estimated in reference to the specific period and context which corresponds to each country. However, these effects have to be seen not only as concrete measures or estimates in a certain point of time, but also pertaining to the dynamics of a very long labor interaction process.

International Economic Reorganization

It is well known that the economic pressures for restructuring have been experienced in over recent decades by every economy, including the Mexican and the United States economies. The U.S., as a wide and complex economy, has experienced a variety of sectoral and regional strategies. One of these strategies

has involved the hiring of low skilled labor at very low wages in order to remain competitive in certain agriculture activities (particularly evident in California) and in some services (Escobar, A., F. Bean and S. Weintraub, June 1996).

For Mexico, on the other hand, the result of trade liberalization, adjustment and privatization during the last decade or so has been a huge increase in the levels of unemployment and the search for all kinds of complementary incomes to finance basic family survival (Cortés, F. and R. Rubalcava, 1995). Open trade has also meant the successful recovery of certain agriculture activities, in particular those for export, and it has also channelled substantial new investment into subcontracting (*maquiladoras*) and a few other industrial and services activities. These trends will shortly show up in higher local demand for labor in Mexico, even if in some cases (as in the first direct effect of *maquiladoras*) this is at the expense of employment in other locations in the U.S. itself.

The North American scene has shown initiatives beyond the usual individual country moves. Most noticeable has been the U.S. initiative to incorporate Canada and then Mexico into NAFTA. This can be understood as a common strategy to better compete against Europe and Asia. It is most evident in the immediate strengthening experienced in the economic ties of the three NAFTA countries, most clearly shown in trade and investment statistics. And it is in the context of economic changes and the recent evolution of migration, the "demand-pull supply-push" interaction, where recent effects can be located.

Migration Flows: Temporary vs Permanent Migrations

The characteristics of migration flows add important considerations to estimates of impacts. Among the total so-called "migrants," there are two major groups, those becoming permanent residents of the U.S. and many others that come and go, some of them continuously along their productive lives. The latter group may experience the journey only once or a limited number of times, while some others may do it regularly. These patterns of migration impose obvious differences in the estimates of impacts or effects, be these economic effects, labor, or demand for public services. Though there are some preliminary estimates to distinguish the two types of migrants, in practice it is extremely difficult to estimate separately the effects due to each.

According to the survey EMIF (Encuesta de Migración a la Frontera Norte de Mexico), the annual flow of labor migrants travelling to the U.S. in 1993 and 1994 was around 800,000 individuals (Corona, R. and R. Tuirán, 1996). This is to say that any estimate of impacts would need to take into account the different behavior of this group of labor migrants, different in many respects to those residing permanently in the U.S.

Another strand to differentiate impacts is the legal status of the migrating flows. This is important in itself and also in respect to the workers' own perception of their labor competitiveness. In this respect, it is well known for instance that IRCA transformed almost automatically an important proportion of migrant flow as legal or documented migration, which then may have a different kind of effect accordingly. In practice, however, it is difficult to distinguish the effects or impacts of one group to the other due to information limitations, even when we may anticipate large differences in many respects.

The Levels of Analysis

Impacts have to be referred to the level where they are materialized. Spatially, there are three levels: national, regional and local. While at the national level impacts may be small in many respects, at the regional and local levels the impacts of migration may be extremely important. This can be as valid for certain regions in the sending country as for some of the states and counties that concentrate the flows in the recipient side.

It is well documented that there is a very large concentration of Mexican labor migration to the U.S. in the southwest, as well as to certain areas or poles mainly restricted to the states of Illinois, Oregon and Washington. Some other well dispersed places exist, but they account for minor proportions.

Another distinction has to do with the sector where migrant labor is employed. Mexican labor in the U.S. is mostly concentrated in agriculture, in particular in the production and packaging of fruits and vegetables, and some others are in the clothing industry, construction and certain services for buildings, gardens, tourism and what have been called the "ethnic industries." Even if the evidence indicates that the most recent Mexican migrants are predominantly in unskilled and low paid jobs in these kinds of activities, it is necessary to account as well for other groups of Mexican migrants in the past that followed more conventional employment trajectories given better conditions in the demand side, both conditions of the labor market and of economic prosperity in general, that were more favorable to that end.

On the Mexican side there is also a heavy concentration of not so many localities (municipios) with large migration intensity. These are mostly located in five states: Jalisco, Michoacán, Zacatecas, Durango and Oaxaca. These are the places where Mexican impacts of migration to the U.S. are likely to be apparent, at least in comparison with other non-migrating areas. Other characteristics relevant to estimating effects in these *municipios* is that more than one half of them (57% to be precise) are rural places (less than 20,000 inhabitants), and very few of them (only 1.7% to be precise) have more than 50,000 inhabitants.

The predominantly rural origin of the Mexican migrants explains their employment in the least skilled jobs in the United States. That is a very different case for Mexicans that migrate *within* Mexico, who tend to be more urban in origin and have better skills.

All the considerations above imply that we have to estimate carefully the impacts for each country according to the level and sector of activity, as well as other factors mentioned previously.

The Stylized Facts

First, we are dealing with two neighboring countries sharing a very long border and where the presence of Mexicans was well established before the west ward expansion of U.S. settlers in the previous century. This explains the important groups of Mexican origin in the southwest of the U.S. well before the migration moves of this century, a situation that has undoubtedly facilitated the assimilation between the two types of populations.

Early in this century, closeness between the two countries also facilitated migration flows. During the decade between 1910 and 1920 an estimated 890,000 Mexicans moved to the U.S. due both to expulsion and attraction forces. The expulsion factor was mainly the Mexican Revolution that took preeminence in Northern Mexico; but at the same time, Mexican labor was welcome to help in the extension of the railroads and in agriculture in the U.S., given the shortage in U.S. labor due to this country's participation in World War I (Hall, Linda, 1990). Even taking into account that few of those remained in the U.S.,[2] the next decade of the 1920s registered the approval of legal residence for 459,287 Mexicans, a total 3.2% of the Mexican population at the time.

As a counterflow, the economic difficulties of the 1930s generated the repatriation to Mexico of 345,000 Mexicans (47% of all those legalized since 1900). This move created substantial problems in the absorption of labor in certain regions of Mexico, something that quite likely accelerated the Cárdenas agrarian reform of the 1930s as illustrated in some ethnographic studies.

Next, the U.S. entry into World War II demanded again the support of Mexican labor of low cost (Fisher, 1953), giving raise to a total 4.6 million legal contracts to Mexicans in the U.S., the so called *Programa Bracero*. In spite of the relatively high number of contracts (equivalent to 209,000 a year), those opting to reside permanently in the U.S. were only a 12% of the total number of contracts granted. These are the very same years when Mexico enjoyed very successful rates of growth, the period of the "Mexican miracle," which translated into better living standards for many in Mexico due to improvements in education, health and other social benefits despite high rates of population growth.

In latter years, particularly during the 1970s and 1980s, the number of Mexican residents in the U.S. was increasing, at the same time that temporary migrants, both legal and undocumented, were also increasing. These years represent both the end of the "Mexican miracle" and the change in the direction of migration laws in the U.S. to restrict earlier acceptance of migrants.

The most recent period in the 1980s has developed more critically certain contradictions for the two countries, because the Mexican debt crisis of 1982 acted together with the approval of IRCA in 1986 to push into the legalization and, quite probably the settlement also, of a considerable number of Mexicans (2.24 million between 1986 and 1992), on top of the flow of recurrent temporary migrants between the two countries.

Some Impacts at the National Level in the Two Countries

The brief consideration above to the changing circumstances of labor migration during the 20th Century puts under perspective not only the magnitude of the flows in different periods, but also underlines the changing conditions over time affecting the interaction of supply-demand for labor, which in turn imposes different effects for each country in the different periods of attention. There have been periods in the past when migration was even more important than in recent years.[2] For instance, from the Mexican perspective, the loss of 3.2% of total population during the 1920s has probably been the most important demographic loss, not only in relative numbers, but also in the sense that the migrants were mostly relatively skilled middle class workers accounting for a very important share of the country's extremely scarce human capital (Verduzco, 1992). It is most unfortunate that we do not have more detailed studies of this kind.

Some speculation can still prove helpful. The loss through migration in the 1920s, is most significant if one considers that during the 1910s the Mexican Revolution resulted in the loss of 16% of the Mexican population, most of them part of the work force (Ordorica and J. Lezama, 1993). By the same token it is likely that the arrival effect of these Mexican migrants was not as important for the U.S. if considered on a national scale, but it certainly was considerable at the regional and local levels, especially in the southwest. And also the economic effects of the Mexican migration flows will vary according to their countercyclical contribution to the U.S. economy, say during the immediate post war 1920s and the very hard 1930s. We know that estimates of this kind are scarce and hard to get but they can certainly be postulated at high probability rates.

The impact on the U.S. of Mexican migration is undoubtedly present today in all spheres—cultural, economic, demographic and political. The contributions of

many well settled and assimilated Mexican-American communities and individuals are in evidence and well appreciated.

For Mexico, the *Programa Bracero* was most important between 1942 and 1964. It was particularly relevant for most of the rural communities on the center-west coast and northern Mexico as it has been extensively documented on studies of *pueblos campesinos* by both Mexican and U.S. scholars (Foster, 1948 and 1967; Beals, 1946 and 1962; Belshaw, 1967; Acheson, 1964). However, the extent and impact of migration flows during those years was very different from what seem to be the characteristics of present migration. On the one hand, Mexican labor at that time took essentially seasonal agricultural jobs, and few of those workers became permanent residents of the U.S. On the other hand, the Mexican economy was growing fast and did not show the kind of structural problems to create productive employment that we face today. In sum, a plausible hypothesis is to assume that migration in those years was due mostly to demand forces (the *Programa Bracero*), even if remittances and other positive externalities were also important to support the Mexican modernization in agriculture well in place during those same years.

The Challenge to Focus on Impacts

To properly estimate current effects or impacts of Mexican migrants, we need to take into account the very complex sum of economic, social and cultural interrelations that has amassed in both countries over the long experience of migration. The challenge is most important because our interpretations will have to remain consistent for future data comparisons.

Specific Criteria on the Impacts in Mexico

First, it is most important to consider both the number of persons who participate in the phenomenon of migration and the manner in which they participate in it.

Earlier we saw that the volume of migratory flows has varied considerably throughout the century, and therefore, for that reason alone, the impacts should also be different in the regions of origin during different periods.

Furthermore, the types of migration, whether temporary, recurrent or permanent, make the impacts stemming from each type equally different. It is not the same when most heads of families in some community have gone to work for one or two seasons in their lives to the U.S. as when a significant portion of the economically active population migrates in a recurrent manner; or when, after a few years, entire families in one locality move permanently to the United States. These are therefore diverse circumstances that influence the types of impacts that may be seen in the places of origin, and for that same reason it is important to be able to determine

them clearly, since both the implications and interpretations of those facts could vary enormously.

Other factors necessary to examine include the regions and localities of origin of migrations and whether those places have gradually changed over time, since the impacts would be different depending on the concentration or dispersion of migration, as well as on the years of exposure to the phenomenon. The literature shows varied effects along both dimensions.

It would not be the same if we found that migration came from all points in the country, that is, following a pattern of geographical dispersion, as if it were concentrated in specific areas. In the first case the regional impacts would probably be more difficult to discover than in the second. If various patterns coexisted, this would also pose different analytical challenges.

For the time being, we know that migration from Mexico to the United States has been taking place for many years. We also know that although the flows of origin have continued to be concentrated in some states of the country, there are now some new types, and that urban places of origin have increased, as have female and family migration.

We also have information showing that both the volume and the type of migratory flows have varied throughout the century. The years of the *bracero* agreement were the period when it was clearer that migratory flows had a merely seasonal nature and were limited almost entirely to the rural sphere in both Mexico and the United States.

In other pages we mentioned some of the overall impacts resulting from migrations in both countries. Below we will present different types of information that will enable us to situate more clearly both the circumstances that have a bearing on the impacts of migration, and the advances in knowledge that exist as a result of different research projects that have been carried out. We will begin by stating some of the general characteristics of migratory flows based on the differences observed in the municipalities of origin. This overview will give occasion to talk later about the variation in the impacts of migration in the different contexts of the country.

Municipalities of Origin of Migration

Of the 2,428 municipalities in the country, 62% show some degree of "migratory activity" to the United States, although 18% have extremely low levels[3] (see Table 1).

But looking at the above distribution by regions we find that in the southeastern states (Chiapas, Tabasco, Campeche, Yucatán and Quintana Roo), 66.5% of municipalities do NOT participate in that flow of migrant working population to

Table 1
Migratory Activity in the Mexican Municipalities by Regions
(Porcientos)

% EAP	Border	North	West	Center	Southeast	Country
0	10.2	5.5	2.5	39.7	66.5	38.0
0.1-1	11.3	8.2	1.9	33.8	13.8	18.3
1.1-6.9	49.4	39.0	19.0	18.0	14.2	22.0
7-24.9	26.7	28.5	59.4	7.2	4.5	16.9
25.0 y más	2.2	18.7	17.0	1.1	0.8	4.5
	(abs. 273)	(abs. 182)	(abs. 313)	(abs. 815)	(abs. 817)	(abs. 2404)

*Migratory activity-=Percent of migrants per Economically Active Population in the municipality.

Source: National Survey of Demographic Dynamics (ENADID 1987–1992).

the United States. It should be recalled, however, that development levels in those states are very varied, from very poor to very rich.

Furthermore, in the central states (Oaxaca, Veracruz, Guerrero, Puebla, Tlaxcala, Hidalgo, Querétaro, State of Mexico and Morelos), 33.8% of the municipalities do NOT participate. By contrast, in the border states only 10.2% do NOT participate, and in the western and northern states practically all the municipalities have some participation.

In the country as a whole, the states with the least participation are Tabasco, Chiapas, Veracruz, Yucatán[4] and Quintana Roo. But in addition, in the state of Oaxaca, 65% of the municipalities do NOT have any migratory activity, and therefore we have a contrasting situation there: in the last few years it has become a state of migration to the United States, but nevertheless the majority of its municipalities are not connected with that movement.[5] Moreover, the municipalities in that state involved in migration are dispersed throughout the different areas of Oaxaca's territory and it is only possible to speak of a relative concentration in the Mixtec region and slightly less in the Central Valleys, where the capital is also situated.

Let us now see how the municipalities are distributed according to greater and lesser intensity of "migratory activity."

In the first place, of all the country's municipalities, only 4.5% have "high" or *intense* migratory activity, a circumstance that probably situates the phenomenon of the country's "recurrent" migration in those places, since the reference of the indicator used for the Economically Active Population (EAP) of a municipality tells us, in those cases, of a situation that implies a structuring of the migratory

process that can only take place over many years.

Similarly, of the municipalities with "high" migratory activity, 80% are municipalities with a population of less than 20,000 inhabitants, which means they are very rural municipalities, and only one of them (Jerez, Zacatecas) has more than 50,000 inhabitants.

By contrast, we find that of all the municipalities in the country, 43% have "low" migratory activity and 17% medium. In these cases, 56% are municipalities with less than 20,000 inhabitants and only 17% have more than 50,000 inhabitants, which means that we can characterize the phenomenon of migratory activity as being closer to rural than urban conditions.[6]

Of the municipalities with "high" or *intense* migratory activity (109 municipalities), a majority of 88% are found in 9 of the states with the most migration: Jalisco, Michoacán, Guanajuato, Zacatecas, Durango, Chihuahua, San Luis Potosí, Guerrero and Oaxaca; but 48% are found in only three states: Jalisco, Michoacán and Zacatecas. This gives us a clear idea of the places where this type of municipalities are concentrated.

In summary, we find that the phenomenon of *intensity* of migration does not occur throughout the length of the republic, but is limited to only 4.5% of the country's municipalities, and of these, half (48%) are found in only three states: Jalisco, Michoacán and Zacatecas. We therefore need to be very careful with interpretations of the phenomenon of migration, especially when these are made on the basis of community studies, as the above information shows us, on the one hand, a dispersion of the phenomenon in general terms in the country, particularly from the central states towards the northern and border states, but, on the other, we can see a very strong concentration of the municipalities with the highest *intensity* of migration in few states, mainly in the west.

Variations in the Impacts

In conclusion, from the point of view of the impacts of migration on the places of origin, the above information shows us that since there is great variability in the phenomenon of migration in the country, the analysis of the impacts should take that consideration into account. We will talk about this further on.

Summarizing what has been analyzed so far, we find in the first place that a significant increase in the phenomenon of migration to the United States does seem to have occurred in the country, since there is migratory activity in 62% of municipalities. It is concentrated in a few states and areas of those states, mainly in the west and north (except the border states), as was pointed out earlier.

In the west we also find the majority of the municipalities where migratory

activity is highest of all. These include municipalities which for reasons of categorization fall within the limits of what we have qualified as *intense* migration (more than 25% of their Economically Active Population—EAP—involved in migration), as well as the municipalities in which more than 50% of the EAP have migratory activity to the United States. These municipalities have high migration since over 50% of their Economically Active Population went to work in the United States between 1987 and 1992. They total 23 municipalities and 19 of them (83%) are in Zacatecas, Michoacán and Jalisco. But of these 23 municipalities, only 3 have more than 20,000 inhabitants and the 23 as a whole have an average of 11,155 inhabitants. This gives us an initial idea of the type of municipalities involved.

The information also shows very clearly that the majority of the more urban municipalities, that is, those with more population, especially in the west and north, also have migratory activity, although with low levels. This is a fact which, in addition to coinciding with other information sources such as the Survey on Migration to the Northern Border (EMIF), makes it necessary to pose new research questions, since in fact we still know very little about the meaning of migration to the United States from these contexts, although further on we will try to point out some of the better known features so far. But having put forward these considerations, clearly the more rural municipalities with a population of less than 20,000 inhabitants predominate and for that reason they should be the prime object of our analysis with regard to the impacts.

And if we recall what we have seen in relation to the municipalities where there is *intense* migration, all of them, with the exception of Jerez, Zacatecas, have less than 50,000 inhabitants and most do not exceed 20,000 population. Let us also recall that only in a few cases do those municipalities form part of microregions within the states.

These different characteristics of the municipalities of emigration make it necessary for us to be cautious when speaking not only of the causal factors of migration, but also of the impacts on those places.

Municipalities with a Tradition of Intense Migration

We should also differentiate between municipalities or communities with a "long tradition of migration," as well as those that have a "migratory tradition," and those that have been incorporated into the migratory flow recently or relatively recently.

In the first of these, that is, those with a "long tradition of migration," the factors that had a bearing on the start of the migratory flows occurred many years ago and are unknown to us. Nevertheless, the effects of those successive migrations have gradually accumulated in a different manner over time, in such a way that

Table 2
Michoacán Migratory Activity
Municipalities with Migratory Levels 6 and 7*

Coeneo*	Alvaro Obregón
Cotija*	Briseñas
Chavinda*	Angamacutiro
Churintzio*	Coahuayana
Ecuandureo*	Copandaro
Huandacareo*	Cojumatlan de Regules
Huaniqueo*	Cuitzeo
Jiménez*	Erongaricuaro
Jiquilpan*	Ixtlan
Pajacuaran*	Jacona
Panindicuaro*	Juarez
Penjamillo*	Lagunillas
Purepero*	Marcos Castellanos
Puruandiro*	Morelia
Tangancícuaro*	Nuevo Parangaricutiro
Tinguindin*	Numaran
Tlazazalca*	Pátzcuaro
Tocumbo*	Periban
Venustiano Carranza*	Piedad, La
Villamar*	Querendaro
Vista Hermosa*	Quiroga
Zinaparo*	Los Reyes
José Sixto Verduzco*	Sahuayo
	Santa Ana Maya
	Tanhuato
	Taretan
	Tarimbaro
	Uruapan
	Yurecuaro
	Zacapu
	Zamora
	Zinapecuaro
	Zitacuaro

*Asterisk denotes communities with “intense” migratory activity.

what we can observe now is a different situation from those that prevailed in different periods and which gave rise to separate flows, probably also with different purposes according to each period. In these cases, what we are surely observing at present, if the flows have continued to be *intense* and uninterrupted, is their continuity, and we should therefore consider them thus to observe the factors that continue to

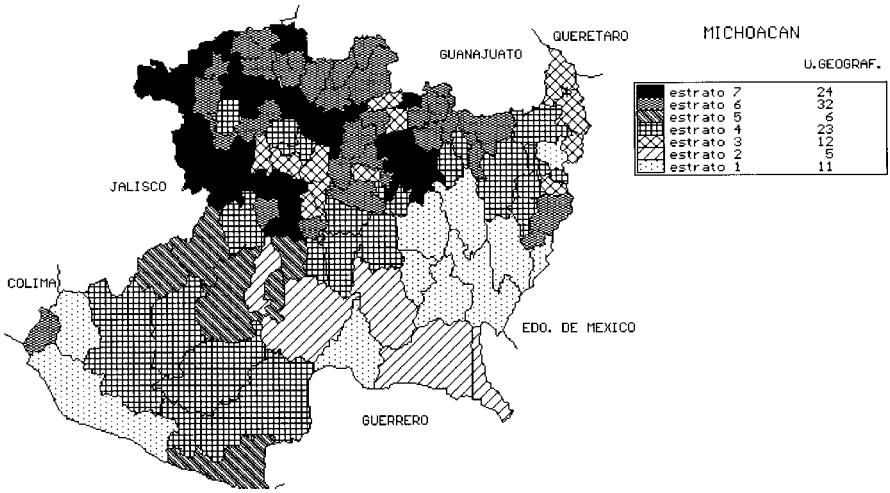

Figure 1. Density of Migratory Activity

further the migrations, as well as if we had to observe and interpret different effects of the migrations, since the recent impacts have changed on the basis of the achievements or of meeting the needs of earlier years, partly as an effect of the migrations themselves. For that very reason these types of places should be differentiated from those with recent flows, since in some the purpose of the migrations will be different from those where the migrations have been taking place for many years.

By the best known studies, cases of this type would be those exemplified by the studies carried out in the town of Jaripo (Fonseca, O. and Lilia Moreno, 1984); in Gómez Farías (López, G., 1986) and the one called Chamitlán (Massey et al., 1991), towns in Michoacán that have had continuity in the migratory process without interruption for a long period of time.

According to what is reported, migration in those places (and its effects) has not allowed appropriate or sufficient conditions to be met in order to end or reduce the dependency on migration to the United States. One author therefore states: "Migration is self-perpetuating because of the new consumption needs created by expectations of life and by the permanence of the variables that condition migration" (López, G., *op. cit.*, p. 109). This is therefore a form of insertion, among others, into the migratory process.

But another variable in this type of migration is the one presented in some of the studies by Robert Kemper (1995 and 1981) for the town of Tzintzuntzan, Michoacán. If we had looked at migration in this town at just two moments in time (in 1960 and 1980), we would think that there had been a continuity of the process.

There, however, migration has been interrupted: during the *bracero* contract it included practically all heads of families but it was suspended almost entirely during the 1960s and 1970s and was then directed en masse to Mexico City and other cities in the country. During the 1980s, migration to the "North" appeared again. Something similar appears to have taken place in the other lakeside towns of Pátzcuaro, as reported by Lise and Pietri (1976) until the 1960s, as well as Castile (1974) and partially by Beals (1946 and 1962) in the Tarascan Meseta of Michoacán for those same years.

By contrast to the first type of cases, here we find first a mass migration by heads of families at the end of the *bracero* contract, together with the extensive establishment of information and support networks. Then these flows ceased and were oriented mainly to Mexico City, and began again later to the United States during the 1980s.

As expressed by the same authors, the impacts of migration have been different partly because conditions in each period have varied, but also because the occupational composition of the migratory flows has been partially transformed in the different periods. The latter is important because although at times the flows might not diminish in volume or proportion, what has been observed are differences in socioeconomic groups that act in accordance with a specific purpose; the impacts may therefore also vary.

In these cases, as distinct from the previous ones for the state of Michoacán, not only was there a rupture in the migratory process to the United States, but also it was replaced by one of internal migration and then the orientation to the "North" was resumed just a little over a decade ago.

In our municipal information, the municipalities of the first type mentioned (Jaripo in the municipality of Villamar, Chamitlán in that of Chavinda and Gómez Farías in that of Tangancícuaro) offer the most *intense* levels of migratory activity in the entire country (above 50% of the EAP),[7] while the municipalities of the lakeside areas and the meseta appear in the "medium" and "low" levels. These are some examples of the care we have to have both to talk of the causal factors of migration, and if we have to analyze its impacts.

Municipalities with a Tradition of Migration

Apart from the municipalities or states that have had an *intense* participation in migration over time, we also have others in relation to the states that have had some relatively significant degree of migratory participation, although to a lesser extent than the previous ones. This is the case particularly with some of the border and northern states.

The low presence of migrants from these states according to information sources of the past, leads us to think of the hypothesis that the expansion of the agricultural frontier towards the north with the creation and expansion of important irrigation districts constituted an attraction for internal rather than international migrations. Let us recall the importance of the irrigation districts of Mexicali, of Sonora, Chihuahua, Coahuila and Tamaulipas in relatively recent times for the settling of the north of Mexico. It has been a process in which the opening up of lands and the settling came first, followed by agricultural modernization as of the 1950s.

However, perhaps because of the proximity of the border and fluctuations in the changes that were taking place, those states have had international migration for many years and therefore can be considered states with a "tradition of migration," even though their participation in the overall flow has been low.

We thus have another variable introduced which, unfortunately, we only know superficially. We do not know, for example, whether there is a corresponding agricultural labor force to these irrigation districts on the other side of the border; nor do we know whether the agricultural crises on this side were reflected in an increase in migratory flows from those states. We know in general that the migrants from those places have been relatively few, although we also know that their participation in migrations is long-standing.

In the regionalization used here, it appears that the states of the "north" have a proportion of municipalities with *intense* migratory activity that is very similar to the situation of the western states. This is due mainly to the states of Durango and especially Zacatecas, which contribute with 97% of the municipalities of the north in that category.

In fact both in the north and in the border area there is and there always has been migration but it appears to remain at medium and low levels and it would therefore be important to know the purpose of these flows in the different areas of those regions, as well as in rural and urban localities. That information would be most useful to be able to situate the type of impacts on those regions whose characteristic is having a tradition of migration which remains at low levels.

Municipalities of Recent Incorporation into the Phenomenon

The best known states involved in migration are Oaxaca, Guerrero, Puebla and Morelos, although there is still very little information on this phenomenon in those places.

In Oaxaca, which is the best known state, seven municipalities (1.2%)[8] have *intense* migration, and in the rest of those that do have migration, "low" migratory

activity predominates. Let us also recall that 65% of the municipalities in this state do NOT participate in this type of migration.

We know from the work of anthropologist Abraham Iszaevich (1988) that in one of these municipalities with intense migration (San Lucas Quiaviní), migratory flows to the United States began to increase in the early 1960s and eventually included 65% of adult males in the community. Moreover, in the seven communities he studied, there were different patterns of migration both to other places in Mexico and to the United States. Unfortunately we know almost nothing about the migratory situation in this state, which is particularly complex, not only because of its size, but also because of its cultural heterogeneity, since more than 10 important ethnic groups inhabit the state.

In other municipalities with recent migration, municipal information shows that migration to the United States is partially extended to all the country's states, although with low levels of intensity and with very limited participation in the majority of nontraditional states. In these cases, there is practically a total lack of information, as it was not even suspected that the phenomenon existed in the majority of those places.

In the three categories indicated above we have major differences that we should consider in order to situate the details of the phenomenon of migration in a manner appropriate to the conditions in which it occurs. This is also the path that will enable us to better understand aspects related to their impact.

The Rural and the Urban

In the cases of most intense and semi-intense migration, rural municipalities predominate over urban ones, although there is migration from practically all the municipalities that have urban populations. Therefore, even from this perspective, it would be observed that urban migration to the United States would probably already have major importance.[9] The Survey on Migration to the Northern Border (EMIF) reported that 56% of the flow came from urban localities—of more than 15,000 inhabitants—(Corona, 1996). But, unless this movement of people can some day be measured more accurately, it is clear migration of urban origin is more important now than before, and it would therefore be necessary to study in depth the implications of such a change.

Until now the most accurate study of migration to the United States has been carried out almost entirely from the rural point of view because the evidence was easier to analyze. In fact very few studies have analyzed this phenomenon from an urban perspective, as we will see further on. For the time being it is a limitation that does not allow us to understand the logic of labor movements of an urban work force that goes to work abroad; and even less to

think of specific impacts beyond a few general considerations following from the few existing studies.

Migrations and Development: National or Community Viewpoint

Earlier we saw that migratory flows to the United States have varied enormously over the century due to diverse circumstances in each country. For Mexico as a place of origin of migration, variations in the flow should be more or less in keeping with the type of changes that have taken place in different periods. Something similar should occur with the impacts, since as has continually been repeated in the studies, people do not simply leave to work as an end in itself, but with specific projects and goals. Therefore, following this same logic, it would be consistent to think that, depending on the specific contexts of migrants and according to the community and regional circumstances of each period, the migrants established their own goals in each period.

The above considerations point to various criteria that would be important to take into account when talking of the impacts of migration on the places of origin in Mexico.

Similarly, we have presented an overview of the presence of recent migratory flows in the country, as well as on the places where there is a greater presence of the phenomenon. This will enable us to interpret more appropriately the information that exists on the impacts based on the different studies that have been carried out in different periods.

Different Priorities in Research

We should note, in the first place, that unlike many of the studies carried out in the United States, in Mexico the topic of impacts has not been a priority—at least not from the same viewpoint, nor with the same insistence. Secondly, the majority of the studies deal with migrants and migrations from the rural sector, which although consistent with the greater presence of the phenomenon in those places, bypasses the view of the impacts on the diversity of urban localities where migration also exists. Thirdly, most of the studies, particularly the better known ones, have been carried out in two of the states with the most migration in the country (Michoacán and Jalisco) and several of them in communities in the municipalities with the greatest intensity of migration in the entire country. And although it is logical that it should happen, this implies certain limitations, at least from the point of view of the suitability of having a more comprehensive and complete knowledge of the phenomenon, especially when we know that recently it has become dispersed to almost the entire country, although with a low presence.

Among the studies carried out, the community studies of anthropologists or of an anthropological nature stand out. In those types of studies, it has been more common that the purpose of the work did not have the specific intention of studying migration, but rather the community life of *campesino* villages. The encounter with migration to the United States has been a finding that, owing to its magnitude and importance in the communities, has had to be detailed more carefully. That is why those studies are mainly geared to an ethnographic description of the life of communities in accordance with the most conventional methods of anthropology. These are followed in number by other studies of a sociodemographic nature whose information comes mainly from surveys applied to the population, sometimes to a single community or city, or to areas or groups of communities or cities, based on a sample that in some cases has been statistically representative and in others not.

Another characteristic in all cases is that the studies were carried out during different periods, a situation that also makes us be cautious with the interpretations, since we would have to situate the information according to the conditions of the appropriate spatial and seasonal contexts.

In speaking of the impacts, the authors tend to favor those that are a consequence of monetary remittances, that is, of the money sent or taken by migrants themselves to their communities. Some researchers, however, have also focused on the topic of the noneconomic effects of migration, although few have delved more deeply into this point.

The authors' intentions have frequently been to interpret the effects of both monetary remittances and work experience in the overall process of change in the communities studied. We should also be cautious, however, in this regard, since the authors do not always give an account of socioeconomic processes in the communities they have studied.

Jorge Durand (1994) also states an important fact in presenting the best known community studies. These include 25 authors and almost 37 communities, of which 30 are in Michoacán and Jalisco, 3 in Guanajuato, 3 in Oaxaca and only 1 in Zacatecas.

Despite the above-mentioned limitations, we believe that the series of research projects carried out in Mexico by both Mexicans and U.S. researchers can contribute important and useful knowledge on some of the effects or impacts of labor migrations in Mexico.

Monetary Remittances

The topic of remittances is perhaps the one that has received the most attention among the economic effects of migration. This is partly because it can be measured. The justification is greater in this case since wages are considerably higher in the

United States than in Mexico and there tends to be a differential between the peso and the dollar in favor of the latter which leads to a special appraisal in this regard.

Although the importance of monetary remittances has been known since the 1920s (Gamio, 1930; Taylor, Paul, 1932 in Durand, J., 1994), it was not until recently that researchers began to be concerned about the topic and to try to record the amounts in some way. The estimates of remittances reported in the literature generally allude to two levels: estimates of national coverage or estimates at the level of very specific communities in which case studies have been made.

Frequently, based on specific research projects, researchers have attempted to make more global calculations of the remittances sent by all Mexican migrants (Díez-Canedo, 1984); García y Griego, M. and F. de los Ríos (1985); Massey and Parrado (1994); Lozano, (1993). However, whether because of the community orientation of many of those studies, or because of the broad suppositions on which they had to be based, those calculations have been useful only as preliminary approximations during times when more accurate estimates were not available. Subsequently there have been other more complete estimates based on information from surveys with greater coverage, such as the survey carried out by CENIET, and more recently the Survey on Migration to Mexico's Northern Border (Corona, 1996).

In recent years Banco de México (the Central Bank) has designed a complex methodology together with a strategy of very broad coverage in order to be able to measure the inflow of dollars from Mexican migrants working in the United States.

Based on this methodology, and having reviewed the different measuring tests carried out, Fernando Lozano has produced two measurement exercises, trying to make up for the limitations of the different efforts, including the most recent ones, such as those carried out by Massey and Parrado (1994) and Corona (1996). This last work of Lozano's was carried out at the request of the commission that prepared the binational study (Lozano, 1997). His estimates are very close to the latest ones from Banco de México: US$3.867 billion for 1995 compared to the bank's estimate of US$3.672 billion.

Viewed from a national standpoint, the importance of remittances may seem moderate if we compare them with earnings from exports of goods, since the remittances sent by migrants barely represented 5% of the total value of exports in 1995. Nevertheless, they were equivalent to 57% of foreign investment that year. It should be recalled, however, that during the last decade remittances had a much greater relative importance when the economic context was also different, and remittances were in fourth place in foreign-currency inflows from abroad.

In view of the above and following the nature of geographic concentration of the phenomenon of migration, it would seem more useful to evaluate it from a

regional point of view. On this scale the importance of remittances is much greater, particularly if we bear in mind that the majority of municipalities of origin are predominantly rural.

Lozano's estimates are perhaps more revealing from another perspective, that which distinguishes between permanent and temporary migrants. The most important implication of his estimates is the large proportion represented by remittances from permanent migrants: 64.7% of total remittances. If the well-known tendency for permanent migrants to reduce their remittances to their area of origin as time goes by is proven, the importance of the remittances is destined to decline even more in the future.

Now, as we have seen when reviewing the municipal figures, although migration is present with different levels of intensity throughout the country, it is mainly concentrated in the states of the west and north, but especially in the former. From the point of view of remittances this would mean, at least in theory, a greater importance of same in those states and, within them, in the areas and communities in which the phenomenon of migration has intensified more, as we saw in earlier pages.

Clearly, in those areas in particular, the economic benefits of migration are most important, since the average income from remittances is equivalent to the average income of households in a context in which only 40% of households reach those levels of income (Papail and Arroyo, 1996). Also, remittances and other forms of assistance from migrants have been channeled over the years into providing support for certain agricultural activities, as well as for countless works such as parks, schools, churches, roads, street paving, introduction of drainage, etc., in a great many communities in those regions.

Similarly, the indirect effects of remittances should also be mentioned. These can be calculated, although in a partial and limited manner, on the basis of economic simulation exercises. Edward Taylor (1996) calculates that the greatest multiplying effect of remittances takes place in rural households whose consumption and spending patterns favor goods produced domestically with labor-intensive technologies; by contrast, when remittances reach urban households, the multiplying effects are less for Mexico because consumption patterns in those places include a larger number of imported goods. Taylor calculates that each dollar sent to Mexico by migrants could translate into an increase of between US$0.30 (30 U.S. cents) and US$0.40 (40 U.S. cents) in the income of farmers with small landholdings.

Nevertheless, as the United States economy becomes more integrated, the multiplying effects of remittances are likely to become smaller, since production in Mexico will respond more to demand in the overall North American market and less to demand only in Mexico.

Remittances and the Households

Strictly speaking, the most direct impact of remittances in dollars occurs in the households where they are received, depending on the amounts sent and the circumstances of each one. Secondly, the community can benefit more or less, depending on the number of households with migrants and of members working abroad, and there will also be greater benefit when the community can retain a substantial part of the multiplying effects of the demands stemming from the first outlay. Similarly, the impact will depend on whether the migratory pattern in the community is occasional or recurrent, that is, whether households have members migrating with a regular annual or biannual frequency, or whether migration takes place only occasionally, once or twice throughout people's entire life. Migration that becomes permanent is also destined to reduce its contributions.

These different types of behavior in fact occur in the myriad communities involved in the migratory process.

There follow some examples. Paul Taylor (in Durand, 1994) reported that during the 1920s there was a mass migration from Arandas, Jalisco, which included the young men of all social classes except landholders and wealthy merchants, but without excluding their sons. In 1923 the income from the 200 "northerners" from the town was $75,000 pesos, or the equivalent of US$375 per person (Martínez, T., 1985), a figure which in those days was not negligible.

Robert V. Kemper for Tzintzuntzan (1981 and 1995) and Castile (1974) for Cherán, both towns in Michoacán, affirm that almost all the young men in the community enrolled at some point in the Bracero Program, although afterwards they did not continue to go but changed their destination from the United States to Mexico City, although as was mentioned before, during the 1980s the emigration to the "north" began again. Currently, Kemper states (1995) that 200 families from Tzintzuntzan are living in Mexico City and around 150 in the United States, aside from the fact that 362 persons are living temporarily outside the community in Mexico City, Morelia and the United States.

In four communities of Michoacán and Jalisco, D. Massey et al. (1987) point out that of all migrants, between 15% and 25% had left to work in the United States 4 or more times. These would be the "recurrent" migrants.

Jorge Durand (1994) affirms that on average in the 11 communities in his study (in Michoacán, Jalisco and Guanajuato), 54% of the migrants had only made one journey in their entire life. Something similar is stated by Gustavo López (1986) for the town of Tangancícuaro in Michoacán, when he says that approximately 60% of the adult population had migratory experience, that is, that they had gone at least once.

In Los Altos (the highlands) of Jalisco, Juan Luis Orozco (1992:401-2) mentions three different profiles of migration in his communities. In Corralillos, 36%

of the sons had gone to work in the United States, while in the village of Los Dolores 21.4% had left and in El Refugio only 4.2%.

For Zamora, also in Michoacán, it is reported that 14% of the city's working population had migratory experience but only 19% of them were "recurrent" migrants who had gone four or more times (Verduzco, 1992).

These data give us an idea of the variation in migratory profiles, even in states and regions of high migration, and also during different periods.

Therefore, if our interest lies in the remittances, although we can talk of overall quantities and average monthly or annual amounts, in fact they reach the communities of origin in very individualized ways for each one, depending on the migratory profiles at the time which sometimes or in some cases include many people but can then drop or even increase more. Similarly, in some periods people only go to the United States and in others that pattern coexists with internal migration also.

It therefore follows that we find very variable quantities in the different studies. For example, Orozco (*op. cit.*) made a calculation based on data from his three communities, and found that the income from remittances reached US$86,464, which represents 13.9% of the total income of the communities or the equivalent of US$371 a year per family. But he explains that this varies a great deal from community to community. Corralillos is where the most is received; there the annual income is US$548 per family, equivalent to 28.4% of the income, whereas in El Refugio it is only US$60 per family, equivalent to only 4.3% of the income. Obviously the differences between these quantities have much to do with each town's different migration patterns.

Massey and Parrado (1994) found similar behavior in their study of 22 communities in the states of Michoacán, Jalisco, Guanajuato and Nayarit, since the remittances calculated as a percentage of aggregate income obtained in Mexico varied from insignificant quantities to considerable amounts.

Similarly, in Gómez Farías, Michoacán, López, G. (*op. cit.*), calculated that remittances varied between US$80 and US$300 a month per family and that they could be equivalent to 19% of the income.

In the village of Tepusco (municipality of Villa Hidalgo, Jalisco), almost 100% of external family income comes from remittances, and these surpass the amount of public spending of the municipality (Arroyo, De León and Valenzuela, *1991*, p. 159). Moreover, in Colotlán, Jalisco, the same authors point out that remittances are the economic base of that microregion, since they also amount to much more than municipal spending. But by contrast, in the area of Ocotlán, also in Jalisco, which is an industrialized region, there is less migration and those who do migrate to the United States have the lowest levels of education, and hence the amount received there from remittances is relatively insignificant.

Owing to the above, and with good reason, they themselves affirm (1991: p. 244) that the average estimates of remittances have limitations in their interpretation because the majority of families in their study actually received small quantities, a few received larger amounts, and more than a third did not obtain anything. This study has the additional value of being representative of the "area of rejection" of Jalisco and included 69 communities.[10] Furthermore, J. Papail and J. Arroyo (1996) mention that between 27% and 32% of the migrants from the four medium-sized cities of Jalisco were unable to send money during their last migratory experience.[11]

In this regard, in the communities studied by Orozco (*op. cit.*), 13% of the migrants did not manage to return with savings from their last trip, while among the migrants from the city of Zamora (Verduzco, *op. cit.*), 27% were also unable to send money or bring it back with them, and of these, two-thirds never returned to the United States.

Actually this is a point that has not been commented on much, since it is more common to talk of the successes than the failures, but these data indicate a quarter and even a third of returning migrants who were unable to send or bring back money. It implies a difficult situation for many as a result of very resolute efforts.

In practice, the possibilities that individuals have of saving have to do with diverse factors. In addition to merely circumstantial aspects, it also depends on the situation of savings prior to the departure of each individual, since some travel with what they have saved in different ways in Mexico, while others have to go into debt and borrow and then have to pay back (in Mexico or in the United States), usually with high interests. Fonseca and Moreno (*op. cit.*) illustrate this point very well based on the accounts of various informants, although this is a recurrent theme in almost all the studies and very well known by researchers of the topic. Similarly, we know of the high costs of subsistence incurred by workers, particularly those who work isolated in the fields, as well as undocumented migrants who have to depend on intermediaries to obtain food, clothing and other types of goods in order not to place themselves at risk (Fonseca, O. and L. Moreno, *op. cit.*). Moreover, migrants have to face the costs of the journey itself, and especially payments to a "coyote" to cross the border, as well as bribes to Mexican officials upon their return to the country. This is also something well known from experiences of field work (see W. Cornelius, 1978; López, G., 1986; Massey, D. et al., 1987).

Ina Dinerman (1983) reported on the basis of the experiences of informants from Ihuatzio and Huecorio in Michoacán, that between US$250 and US$300 was spent on "coyotes" alone. At that time the money had to come from the activities of the community itself.

On occasions, the monetary success of the trip to the United States will depend partly on the economic situation in relation to the demand for workers in the period

of the journey, since, for example, J. Papail and J. Arroyo (*op. cit.*) found in their sample from medium-sized cities of Jalisco that 15% of returning migrants were unemployed immediately before coming back to Mexico. They also mention having found higher rates of unemployment among undocumented migrants that among documented ones. It is likely that these two findings, as it is a recent study, reflect to a certain extent the new situation that prevails in the United States labor market.

But the fact is, as can be seen from the above examples, that the income that finally reaches families is not always high; on the contrary, many expenditures of all types have to be made on the journeys there and back and during the stay, and it is common for workers to have to face variable periods without work (Mines, R. and S. Gabbard, 1993), and there are diverse losses connected with remittances. In fact this is a point on which more research is needed, since the cost of migration appears to be very high.

In another sense we know, for example, that in recent times wages have dropped for migrants and we are aware that in addition there is greater labor competition among Mexicans themselves; if this situation were to persist, faced with high subsistence costs, to what extent would future migrations be inhibited or change, and with them, the inflow of remittances? We believe it is possible to put forward the hypothesis of a relative saturation of the labor market, which together with the accompanying drop in wages could lead to a variable withdrawal of the supply.

Another important aspect that has not been dealt with in depth in research projects is a characteristics of remittances which, although known as a fact, has not been thought about sufficiently. Arroyo, De León and Valenzuela (*op. cit.*) point out that the remittances are: *unstable* and *cyclical* and therefore *insecure*.

These features have as much to do with the potential final benefits of remittances as with the series of family strategies that households should plan and execute.

It is true that these characteristics regarding the instability and insecurity of remittances occur, although we do not know exactly under what circumstances or to what extent.

In general terms the different studies show on the one hand, that there are workers who, probably because of past experiences, as well as because of their contacts through the networks and the more stable type of work they will carry out, manage to engage quickly and without obstacles in some form of employment. In such cases, the money they manage to save after deducting their expenses could be channeled in a more stable manner to their families. On the other hand, there are also the data of workers who did not manage to bring back or send any savings to their families, as well as information showing that the expenses incurred

by migrants in order to cross over to the other side and then maintain themselves, especially if they are undocumented, are high and perhaps higher than for those who are residents or those who already have papers. Furthermore, we also know that there are activities, particularly agricultural ones, that do not make it possible to have work continuously throughout the year. In fact this is a point on which further research should be carried out in order to grasp the nuances of the costs in this type of labor experience which is determined by the types of work demanded, and by the clandestine forms of arrival and labor integration which are so specific.

Remittances: Dependence or Development?

Another common concern with the subject of remittances has to do with their use. Therefore, in general the authors have made efforts to find out not only how much reaches families, but also how it is used and what effects it promotes.

In general, but especially at the state and local levels, the generally shared premise is that migrants' contributions to their regions of origin help to improve living conditions in said regions, even when the literature also tells of some counterproductive effects in the form of conspicuous consumption, inflation and effects of displays of consumption (see W. Cornelius, 1990, p. 98-9).

First of all, it has been found by researchers that the remittances are used mainly for consumption, both for subsistence and for the acquisition of diverse goods. Secondly, they are used to enlarge and embellish houses, as well as to improve them with electricity, water and drainage services. Different debts incurred are also paid for and the "northern" money is used to contribute to community fiestas or to give parties themselves, as well as to support communities' urban infrastructure works.

In general terms, it tends to be evident that communities with more migration look different, as described, for example, by Luis Rionda for Copándaro, Michoacán (1986), or by Gustavo López for Gómez Farías (*op. cit.*). It is common for there to be better houses in those places, as well as good urban services, or at least better than in other neighboring communities.

However, at times a certain frustration can be perceived in the researcher at not finding more productive investments in the communities (W. Cornelius, 1976 and 1990), as it would be wished that by taking advantage of migration, the people of the villages could make progress. There is also the hypothesis that migration could be an endless chain and only useful for consumption (Russell, 1992).

The High Cost of the Migratory Experience

As was mentioned earlier, it is more or less clear that there are some costs that do not allow better tapping of migrants' efforts. This is a point that for the time being darkens the outlook for migration. For example, in the surveys carried out by Papail and Arroyo it was seen that in the four medium-sized cities of Jalisco, the average income from migration was equivalent, in 1993, to the average income in those cities. In reading that information we would say that the comparison most commonly made with the wage gap between the two countries, which is normally estimated at 1 to 10, is actually unreal because the net amount that would be earned with the effort of migration would not exceed what is finally obtained here. Nevertheless, if we consider that in those same cities only 40% of the economically active population earns on average that income, this would give us a more approximate dimension of the real importance of remittances for those places, especially for those who emigrate from there (op. cit., p. 119). But from another point of view, that fact shows that the real possibilities for savings or productive investment are rather limited.

At any rate, having made these considerations, a review of the literature shows us contrasting situations. But first it is necessary to make an observation. With the exception of the research carried out by Papail and Arroyo (1996), Massey, D. et al. (1987), González de la Rocha and A. Escobar (1990), Verduzco (1992) and Durand (1994), all the projects that have some locality as a unit of analysis center on the rural sector and are oriented, when they do so, to a study of agricultural activities. Actually this is logical since, as we have seen, these migrations come mainly from the rural sector. Nevertheless, a limitation tends to persist in the works of researchers, and this is that owing to the complexities of the analysis, the community is viewed as a sort of special world (which it is for the researcher), where what counts is the community and its immediate surroundings and migration to the United States. At times the studies fail to observe that Mexican rural communities have been following the tenor of the changes in the country. These changes have signified, among other things, a sharp drop in the agricultural work force which has gone hand in hand with a drop in the economic importance of agricultural activity in comparison with the rest of economic activities. In an important sense for migrations it has implied that, since the late 1960s, the country's "rural" population, particularly *campesinos*, can no longer survive without the support of their own people working in Mexican cities or in the United States (Arizpe, 1980; Verduzco 1985; Arias 1992). In fact, if we analyze the extensive literature on regional development and urbanization in the country, we find that temporary and definitive migration to Mexican cities has predominated over migrations of diverse types to the United States, but the fact is that rural inhabitants have not lived from agriculture alone for several decades.

The above digression makes sense inasmuch as it has been common for some researchers to want to see productive investments in rural settings which no longer have the capacity for investments of that type.

But having stated these considerations, we can mention two types of communities in general that appear in the literature. In some there seem to be no productive changes, or if there are, they are perceived as being of minor local or regional importance and migration appears rather as a process that establishes a dependence on remittances and the exterior. This could be the case with places such as Huecorio (Dinerman, 1982), Jaripo (Fonseca and Moreno, 1984), Gómez Farías (López, 1986), Chamitlán (Massey et al., 1987) Las Animas (Goldring, 1990), Corralillos (Orozco, 1992), Tepusco and Colotlán (Arroyo, De León and Valenzuela, 1991).

On the other hand there are communities where remittances appear to have supported processes of change, or where because processes of productive change have taken place, remittances were viable as investments. Such a case is reported by Acheson (1974) in Cuanajo, Michoacán, where the *braceros'* remittances helped to start furniture workshops. In Ihuatzio, also in Michoacán, Dinerman (*op. cit.*) describes how with the support of remittances, crafts have provided a new alternative for some of the inhabitants, an activity that did not exist a few years earlier. In Chilchota, Michoacán, something similar occurred with the different crafts that emerged there (Ramírez, Luis, 1988).

In Copándaro, Michoacán, Rionda (1986) recounts how remittances have supported agricultural mechanization, as well as the development of lentil cultivation, of which Michoacán has now become the country's main producer. Furthermore, activities of breeding and fattening cattle and hogs have been developed. Nevertheless, although there have been a number of changes in the town and some groups that used to migrate no longer do so, there has now been an easement of migration by other sectors of the population.

In Jalisco, moreover, Orozco (*op. cit.*) reports that in the town of Los Dolores the productive changes and the improvement of living standards have been very noticeable as compared with the other two communities he studied. In Los Dolores remittances contributed to the changes and where in the past there was a pattern of intense migration, now there is very little.

Arroyo, De León and Valenzuela (*op. cit.*) point out in their study of Jalisco's rural "area of rejection" that of the different areas they studied, that of Tepatitlán is where there is the most productive investment from remittances. This goes particularly to agriculture and other types of business.

In another study, but of the urban sector, Papail and Arroyo (*op. cit.*) also report that the region of Tepatitlán, Jalisco, is where in comparative terms there has been the greatest productive investment from migration. There the remittances have been used to support poultry farming; but it should be noted that it is estimated

that that city and its area of influence produce around 30% of the country's eggs and chicken.

In the city of Zamora, Michoacán, which is a subregional city in the northwest part of the state, Verduzco (1992) studied the changes in the region's rural and urban sectors, as well as the characteristics of the diverse migratory flows, including international ones. The study suggests that owing to the intense agricultural development and the promotion of urban activities, migrations to the United States had probably diminished over time. It was also suggested that the reduced migrant sector of the present time was different from that of other periods.

Likewise, Papail and Arroyo suggest something similar for the medium-sized cities of Jalisco studied by them.

But apart from these instances that refer to diverse achievements of certain importance for communities and sometimes for regions, there are other accomplishments, perhaps more limited, but no less important.[12]

In the studies of Arandas (Taylor, Paul, 1932), Jaripo, Gómez Farías, Chavinda (Alarcón, R. 1984), Huecorio (Belshaw, 1967), Alvaro Obregón (Trigueros, 1994), Cherán (Beals, 1946) and a few others, it appears very clearly that during different periods, but especially in the 1940s, when it was evident that there were *ejido* lands together with a modernizing impetus but without capital or machinery, migrations, through the *bracero* contract, helped to support those processes in various ways. In this regard let us recall, as is stated repeatedly in the literature, that migration takes place with very specific objectives, and this was indeed the case during those years, since there were lands and conditions to cultivate them, but official bank credits did not yet exist, as was to happen later.

From another perspective with comparative purposes, recent works by E. Taylor (1996) and Yúnez (1997), based on building the social accountability matrixes of various communities, offer preliminary conclusions, but no less convincing, that emphasize the need to distinguish the effects, taking into account the differences between localities. For example, the micro-multisectoral study in rural localities with different characteristics, commissioned from Antonio Yúnez (1997), establishes the differentiated nature of the impacts of foreign-currency inflows, whether from remittances or from exports, depending on the importance of the foreign currency in the specific locality vis-a-vis other resources.[13] The extreme cases in his study illustrate the point: Napizaro (Mich.) is the locality that is most dependent, in relative terms, on remittances and therefore the one that maximizes the multiplying effects of a change in the inflow of foreign exchange (whether because of devaluation or increased hiring),[14] while Concordia (Coahuila) has a more balanced economy that depends to a lesser extent on remittances and that gathers more limited multiplying effects of a change in foreign currency (see tables 4a and 4b in Yúnez 1997). The implementation of this methodology presupposes a

good dose of technical sophistication together with high costs in gathering the information from each community, but it is undoubtedly a promising alternative in the search for more precise conclusions.

In general terms, these diverse effects and changes at the community level are also in harmony with findings reported in similar situations, together with migration, in other parts of the world (Taylor et al., 1995). The interpretation of many of these cases coincides with that of other authors who, for other national contexts view remittances as a vehicle for furthering the development of areas of migratory expulsion, as long as the channeling of the remittances goes hand in hand with other conditions. Unless there is better research on causality, as pointed out in those studies, a generally accepted condition is being able to concentrate other private and public resources, notably for infrastructure, in those same areas, otherwise the effects of the remittances will be used on basic consumption with fleeting distribution or multipliers (Massey, Arango, Hugo, Kouaouci, Pellegrino and Taylor, 1993; Díaz-Briquets, 1991).

The result of these proposals contains clear implications of trade-off for the public policy of both countries: it may be convenient for the United States for a greater intensity of remittances to be concentrated in few areas in Mexico in order to ensure the multiplying effects that would reduce dependence on said remittances in the future; for Mexico it involves concentrating in the same regions of origin, and mainly in those with the greatest development potential, to the detriment of other regions that are also poor, a greater proportion of the effort for investment in infrastructure.[15]

Migrations and Some Economic Improvements

Along with the data and interpretations on the use of remittances, researchers concur unanimously in reporting that migratory workers use part of their savings from working in the United States to improve their homes, whether by decorating them, extending them or introducing basic services such as electricity, water and drainage. Similarly, it is common to find that localities with migrants benefit from their contributions by receiving monetary support that helps them to improve diverse services, whether urban infrastructure, health, religious, educational or entertainment services. In towns with migrants it is common to find acknowledgments from the residents to their fellow townsmen for having helped them build a school or health clinic, or to introduce drinking water or build or improve the church, etc.

It also has been common for researchers to report a certain channeling of savings into productive activities, especially agricultural ones, mainly in aspects

related to the acquisition of agricultural machinery or implements, as well as other types of improvements or small technical innovations, etc.

Below we will try to analyze to what extent the situation as regards some of these services or technological innovations characterize the municipalities with the greatest migratory *intensity*, at least in the states that in relative terms have the greatest presence of the phenomenon of migration.

These states are the following: Chihuahua, Durango, San Luis Potosí, Zacatecas, Guanajuato, Jalisco, Michoacán, Guerrero and Oaxaca.

We proceeded to differentiate the municipalities according to the category of "migratory activity," into "low," "medium," "high," and "nonexistent" in the way this is presented initially in the first pages of this chapter. In accordance with these categories we applied the analysis of variance to ascertain whether the null hypothesis that there would be no differences between the four groups could or could not be rejected.

Overall for the series of municipalities in the 9 states, the following variables were statistically significant:

1) Percentage of housing with electric power;
2) Percentage of housing with piped water;
3) Percentage of housing with 2 to 5 rooms;
4) Percentage of livestock production units that use some kind of technology;
5) Percentage of rural production units that use some kind of technology.

Furthermore, a number of differences appeared at the level of the diverse states.

In Chihuahua, for instance, the percentage of housing with drainage and the percentage of housing with 2 to 4 bedrooms (size) were significant.

In Guanajuato, however, only the use of technology in agricultural units was significant.

In Guerrero, the variables concerned with housing (drainage, water and number of rooms and bedrooms), and the use of livestock technology were significant.

In Jalisco, water in housing units and the variables referring to the use of tractors and livestock technology appeared as significant.

In Michoacán the variables concerning housing (water, drainage, electricity and size), as well as those relative to the use of tractors and livestock technology were significant.

In Oaxaca, the same variables as those for Michoacán were significant.

In San Luis Potosí, only those concerning the size of housing units were significant.

Finally, in Zacatecas, the water in housing units, the use of tractors and the use of agricultural and livestock technology were significant.

We thus have an initial statistical confirmation of the possible impact of migration on the states with the highest level of migratory activity in the country. And furthermore, as we have seen, there are important variations between the different states, a situation that suggests that the purpose of migrations can also vary a great deal from one state to another, as was pointed out in the first few pages.

These are important clues that would be useful to take up in future research in order to avoid generalizations on the variable conditions of municipalities of origin, as well as of the impacts.

Another way, although limited, of observing the possible impact is to compare the situation of municipalities in each state in accordance with a certain series of characteristics, trying to differentiate between municipalities with *intense* migration and those with low migratory activity. Although this is a more descriptive form, it may nevertheless be illustrative and therefore, by way of example we will present only the case of the state of Michoacán, since it is the only one that fulfills various conditions that make it possible to make this observation by means of this technique.[16]

For housing conditions, a few "strata" have been made with series of municipalities that present some similar characteristics within each stratum, but that show differences between the "strata." It is therefore a group of municipalities within each state according to their similarities and differences with regard to a set of variables that have to do with housing conditions.[17] These "strata" were ranked from lowest to highest in order to be able to observe which municipalities make up each "stratum."

In the lowest "stratum" are the municipalities with the worst housing conditions, and in the highest stratum those that have the best.

In Michoacán, for example, of the 27 municipalities with *intense* migratory activity, 23 (85%) are in the top 2 strata of a total of 7 strata, despite the fact that, as will be recalled from earlier pages, the municipalities with *intense* migration are rural. Of all the municipalities with the best housing conditions in the state (56 municipalities), 41% are municipalities with *intense* migratory activity. (See map attached at the end and observe how almost all the municipalities in strata 6 and 7 are in the northwestern section of the state. That is the section of the state with the most migratory activity.)

In summary, the above information confirms, through the use of statistical techniques, some possible impacts of remittances in specific conditions that have to do with housing and agricultural productive activities. And, as was mentioned earlier, these findings are in general harmony with what has repeatedly been reported in community studies over time.

Migrations and the Selectivity of Migrants

The topic of the selectivity of migration has had special importance in studies on migration in general, because it allows us to situate the migrant population in comparison with the nonmigrant population.

Until a few years ago the shared common knowledge was that those who migrated to the United States were largely *campesinos* with low economic and educational levels, but higher than their nonmigrant fellow countrymen. This is a fact that was corroborated by different researchers over the years and also confirmed by the first major national survey on migration organized by CENIET in the late 1970s (Zazueta, César, 1982).

We must accept, however, that this is a topic in which more research is also needed, since what is known is rather general and not very detailed, and the information available is really limited. It would be of particular interest to know more about conditions of selectivity in more recent periods.

Massey et al. (1987) observed in four communities of Michoacán and Jalisco that migrants to the United States did indeed have more schooling than nonmigrants, but they saw that they had less than migrants to other parts of Mexico. Likewise they saw that more rural workers went "North" and that those who were engaged in nonrural activities tended more to go to Mexican cities.

The works of Arroyo, De León and Valenzuela point out that the selectivity of migrants varies in different areas. In Ocotlán, for instance, which is an industrial area, those who have less schooling cannot take part in those jobs and opt for working in the United States. On the other hand in Colotlán the well-known pattern of more schooling than nonmigrants is followed.

In Zamora (Verduzco, 1992), migrants are a negatively selected group compared to those who do not migrate, although they have more schooling than the rural migrants from the same region. Moreover, the "recurrent" migrants have even greater negative selectivity.

Papail and Arroyo (*op. cit.* p. 63) found in their sample of the four medium-sized cities of Jalisco that both current migrants and male ex-migrants had a slightly lower level of schooling than nonmigrants in all age groups.

In the data from the survey on migration in Zacatecas (1991), we see that the positive selectivity of migrants in terms of both schooling and occupation predominates. Let us recall that in that state migration from rural municipalities predominates and that *intense* migration is also important.

Finally, the Survey on Migration to the Northern Border (EMIF) points out that the population between 15 and 44 years of age has a lower level of schooling than the population of those same ages resident in Mexico (Corona, 1996).

Although more research is needed on such an important and delicate topic, there is room for the hypothesis that probably a significant portion of current migratory flows is composed of persons with a low level of schooling and even negatively selective in comparison with nonmigrants. It is also possible that the findings in the United States with regard to this point are consistent with what is observed from the Mexican side. If this tendency were true, it would be telling us of a very specific labor demand at present.

The Demographic Impact of Outmigration

It is estimated that between 3.5 million and 4.0 million Mexicans became United States residents between 1980 and 1995. The majority of that population (85%) is aged between 15 and 64 and only about 4% is older than 65.[18] Therefore a majority of that population is of working age and is penetrating the U.S. labor market.

Although overall the loss of this population may not be significant for Mexico (it reaches 4.2%), it accounts for around 10% of the population in the states with the highest levels of emigration. In this regard it should not be forgotten that the majority of this loss includes persons of working age, and therefore from that perspective the exodus of population is bound to have more of an impact on those places, particularly as regards the effects that may be expected in the future. Population projections for the year 2010 in those states indicate a net reduction in the population growth rate of between 0.8% and 1.0% a year. In those states the loss of population due to earlier emigrations, coupled with present ones, could reduce the expected population increase by up to 46% (Gómez de León and Tuirán, 1997).

The Costs of Migration

Despite the uncertainty in the tendencies of selectivity of migrants, it is a fact that migration involves considerable costs for Mexico, although rarely has an attempt been made to measure them. An estimate of the costs of migration may be attempted by addressing the components of investment in human capital and relative quality of migrants.

We consider three types of costs associated with migration from Mexico: labor opportunity costs; costs for selectivity and family and community costs. Thus far these have received very little or no attention at all in the literature on migrations, since, for example, labor opportunity costs have been estimated to be small by assuming an excess of redundant labor in the country of origin. For Mexico this assumption is questionable because of the condition of selectivity of its migrants, which implies considerable costs.

1) Labor Opportunity Costs: Costs of Education, Health and Social Infrastructure.

These are the costs incurred throughout the life of individuals to achieve an economically active person in good conditions of health and education.

The cost for Mexico is the opportunity cost represented by having invested in preparing that person and not retaining the added value of all his activity for the benefit of the country. The net returns of that person for the country are remittances or savings, which hardly exceed 10% of the wages earned in the United States. That wage is equivalent to the added value they contribute to the other economy.

There are relative costs or returns. By return we understand the quotient between what is obtained as a wage or added value and what is invested or spent in exchange for that product. For Mexico the return is small if we consider the quotient between the amount saved from the wage paid to migrants and the costs of education, health, etc. incurred by Mexico. The return on migrants is only in relation to the net amount in remittances or savings, as approximately 90% of what they receive in the United States is consumed in that country. In this regard, it is incorrect to associate the total U.S. wage with Mexican earnings. The literature points out that the net amount of remittances is, on average, equivalent to the amount provided by the average earnings in urban localities of origin in Jalisco (Papail and Arroyo, 1996). The approximation of costs incurred by Mexico is very high. This would include, for the education of Mexican workers resident in the United States alone, between US$40 and 50 billion.[19]

From the viewpoint of the country of destination, the return on what is paid to Mexican labor is very high, since there has been no need to incur costs of education, health and social infrastructure. While that denominator is small and sometimes close to zero for the host nation, we are talking about very high returns.

2) Comparative Costs for Migrants' Selectivity

Two stages or periods must be recognized in appreciating selectivity. The first is better known, when the population that migrates is compared with the population that remains, using numerical indicators (usually years of schooling). In this comparison the result tends to be positive selectivity in rural migration but negative in more recent migration of urban origin. The second stage in perceiving selectivity is by controlling the comparison for groups with the same schooling. In this case the hypothesis that still dominates is positive selectivity, reflecting enterprising qualities and the ability to face risks on the part of migrants. It is common for the young people with the most initiative to leave, with the result that communities lose their current and potential leaders, and their capacity for interaction with the exterior is also weakened.

3) Family and Community Costs

Migration is accompanied by significant changes in forms of family organization, such as a necessary additional effort by families to facilitate the migration of one or several of their members. Similarly, in the communities with the greatest migration, major changes occur in those communities' social and political organization (Zendejas, 1995), which frequently make themselves felt in diverse negative situations for their inhabitants. It is also common for migration to be accompanied by serious problems of family disintegration, as well as by the appearance of different psychological and social problems that were previously nonexistent in the communities of origin.

Although such social costs are difficult to estimate accurately, observers have realized their great importance in the communities of origin and it would be necessary to carry out systematic studies so as to be able also to plan the establishment of measures of support that could lessen their negative effects.

Migrations and the Social Organization of Communities

Along with the existence of intense migratory flows to the United States, some researchers, mainly anthropologists, have described types of behavior and specific situations that have influenced the life of localities.

Reichert, J. (1982) called it the "migration syndrome" and then Alarcón, R. (1988), broadening the view of the phenomenon, called it "northernization." In short, it is a question of the process that occurs particularly in communities with intense migrations and where, owing to the effect of the large volume of people involved in migration, important changes take place not only on a family but also on a community scale. It implies changes in the family, in labor and economic organization, in perceptions and culture, and in community and political participation.

Dinerman (1983) carefully describes how within families, the roles and economic functions of the different members have to be reassigned in accordance with migration and cultivation cycles, faced with the real possibilities and the expectations of migration. Besides, the relations of reciprocity that were previously frequent, especially in indigenous communities, are upset by the need to use wage-earning workers owing to the absence of male community members.

Recently, important changes have taken place with the increased presence of women migrants, as pointed out by Donato (1996).

At the family level, the departure of the husband and father also leads to friction and problems in the family that are not always easy to put right (Orozco, *op. cit.*).

Furthermore, Bohem, B. (1985) also mentions how because of migration, reciprocal commitments are established between the migrant and the extended family,

as well as between families when there are activities that should be covered in the absence of the migrants. Over the years these small influences end up by changing important aspects of communities' social organization.

Alarcón, R. (*op. cit.*) also mentions how because of the fact that the young people with the most initiative leave, the current and potential leaders in communities are lost. This leads to a weakening of communities in their relations with the exterior, especially with government agencies in negotiations for services. Community participation is also weakened.

López (1986) and Alarcón (1988) mention how because some communities are closely linked to international migration processes, there are perceptions and expectations of another kind that have little to do with local living conditions in the communities.

In summary, this type of migrations, because of specific characteristics as regards the prolonged absence of one or various members of families, especially when in addition there are many families in a community in this situation, produce problems and frictions of different kinds which, although little known to us, constitute a significant cost for families that find themselves in those circumstances.

It is a question, on the one hand, of emotional costs that weaken the different members of migrants' families, and on the other, of social and economic costs because of the need to cover adequately the functions that the migrant leaves vacant both in his own family and in the community.

Finally, this study has shown the limited knowledge we still have as regards some of the important impacts of migration: in the United States there are few studies on the benefits that Mexican labor migration contributes to the country, particularly in the sphere of economic production, whereas in Mexico, little is known about the multiplying effects of migration in terms of development. As regards costs, little is known in Mexico, especially in the sphere of social problems in the communities of origin. Furthermore, there is still the need for an overall view of the two countries in order to understand the logic of the social costs that migration implies for the United States, together with another on the cost for Mexico of preparing a labor force whose returns are in the United States.

Notes

1. We are grateful for the collaboration of Antonio Yúnez, Fernando Lozano, Christian D. Muñoz, Luz Consuelo Saldaña, Virginia Levín and Fernando Cortés in different activities that made the preparation of this paper possible.

2. Hall and Coerver (1990) notice that according to the U.S. Department of Labor in Washington between 1910 to 1920, only about 200,000 Mexicans intended to stay in the U.S. as legal migrants; the rest were considered as "temporary visitors" due both to the internal war in Mexico and to labor demands in the U.S.

3. The demographic loss to Mexico due to migration in recent years, from 1981-95, of 4.2% of total population, is now a little larger than what was in the 1920s.

4. "Migratory activity" is estimated from the data on the number of persons who returned to the households of those interviewed between 1987 and 1992 in the National Survey on Population Dynamics (ENADID), the sample size being 800,000 cases. Based on that information, Rodolfo Corona estimated the proportion of those persons in comparison with the municipal EAP (Economically Active Population), and it has been on the basis of that basic calculation that we have created three categories of "migratory activity": "low" (from 0.1% to 6.9% of the EAP); "medium" (from 7.0% to 24.9% of the EAP) and "high" (from 25% to 100% of the EAP). We believe that levels between 0.1 and 1.0 may be considered extremely low.

5. In the 1960s it was said that the second city with the most Yucatecans was Los Angeles, California. However, it would seem that those flows have diminished over the last few decades, probably as a result of the major economic dynamism experienced in the Yucatán Peninsula because of petroleum in Campeche, livestock-raising, especially in Quintana Roo, and tourism in Cancún and the Maya areas. The positive migratory net balances of the last few years indicate that that region has gone from being one of expulsion to become an area of attraction of population.

6. It should be recalled that Oaxacans participate in various important migratory circuits within the country, among the most prominent being agricultural seasonal day laborers. There are also significant contingents of Oaxacans in the Federal District, Tijuana, the San Quintín Valley, Baja California, Sinaloa, and in the oil-producing areas of Veracruz and Campeche.

7. Note that in different information sources, localities of more than 15,000 inhabitants are commonly established as being of "urban" category, and therefore perhaps, in order to avoid confusion in the scales of what is urban, it would be preferable to talk of the number of inhabitants of those places, since ultimately what we want is to have an approximate indicator of levels of socioeconomic differentiation in those places.

8. In four of these municipalities, studies have been carried out on one of their localities: in the community called La Yerbabuena in the municipality of Tlazazalca (Reichert, 1979); in Gómez Farías, in that of Tangancícuaro (López, Gustavo, 1986 and Goldring, 1990); in Chamitlán, the chief town of the municipality (Massey, D. et al., 1991); in "Jaripo" in the municipality of Villamar (Fonseca, O. and Lilia Moreno, 1984).

9. It should be recalled that the state of Oaxaca has 570 municipalities.

10. In fact this is an approximation, since although there is migration from those places, we do not know how many migrants come from the urban localities that may exist in the municipality.

11. This was a very extensive study which was representative of a "rural area of high rejection" of Jalisco. It comprised 26 municipalities, 69 localities, 576 families and 3,739 persons.

12. This study was based on statistically representative samples for the four medium-sized cities of Jalisco.

13. The perceptions of different authors tend to be contrasting. For some, the benefits stemming from the establishment of new small businesses are considerable. See, for example, the summary review of studies that record the capitalization of remittances into own businesses, in Taylor et al., 1996, p.402. Others do not consider them significant. An account

of the ambivalences may be seen in Cornelius 1990, p. 96-7. As obvious as it may seem, the opinion will depend largely on the moment or phase in the development of the community in which the observation is made.

14. These differences coincide with what has been reported by other authors on similar topics. Durand and Massey, for example, find major differences between communities as regards the percentages reached by productive expenditure as the purpose of migradollars (reported in Taylor et al., 1996, p. 402).

15. Although, as can clearly be seen in the work of Lozano (1997), two-thirds of remittances have come from Mexicans resident in the U.S., which leads one to suppose, given the trends observed, that these will gradually diminish in the future. This drop at the community level is also reported by Zendejas (1995) for the town of Erícuaro, Michoacán.

16. The dilemma is well expressed by Martin: "The neglect strategy makes emigration areas even more dependent on an external labor market (Mexico's central highlands); but the subsidize-the-remittances strategy increases regional inequalities within emigration nations." (ibid., p. 658.) Certain isolated evidence shows the federal government's indifference towards states with migration. For Zacatecas, for example, it is estimated that federal outlays are equivalent to less than one-third of the inflows from remittances (see Tamayo and Lozano, 1990, p. 20)

17. In addition to the fact that Michoacán is a state with a considerable proportion of municipalities with *intense* "migratory activity," the use of the technique of analysis of variance already confirmed also that in that state, various of the variables referring to housing were significant.

18. These variables were: Proportion of housing units with drainage; with piped water; with electricity; with one room; number of occupants per room; and proportion of housing units that use firewood or coal for cooking.

19. Data from the Current Population Survey, 1995.

20. But we must be cautious with these numbers since there is a great complexity in the estimation of these numbers. The amount provided in the text is a preliminary estimation of these type of costs.

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Responses to Migration Issues

*Sidney Weintraub, Francisco Alba, Rafael Fernández de Castro & Manuel García y Griego**

Introduction

This chapter provides detailed background to the material on responses to migration issues contained in the report *Binational Study: Migration between Mexico and the United States.*

The time frame of this discussion of responses to migration issues begins essentially with the termination of the Bracero Program in 1964 and goes to the present. The pre-*bracero* period obviously had considerable influence in shaping Mexican and U.S. responses to human movements, but brevity requires some point of departure. Most emphasis in this discussion will be on more recent responses.

The organization of what follows is divided into nine section. See also Volume 3, pages 1215 to 1250, for additional material, including four brief case studies illustrating the nature of the analytical model. These studies deal with the Bracero Program; the migration ripple effects of the 1982 economic crisis in Mexico; the effort to stimulate an economic-development response alongside the 1986 IRCA legislation; and the Mexican reaction to the incidents in Riverside, California, in 1996.

The nine sections in the body of this discussion are the following:

1. *Analytical model*. This is designed to set the framework from which decisions are made to respond to what are seen as migration-engendered problems.

2. *Differing perspectives*. It is not necessary to elaborate on why the authorities and public in Mexico, the sending country, view migration issues differently from these groups in the United States, which receives the immigrants. Yet is important to keep these differences in mind when seeking the kind of cooperation that this bilateral study implies. There is a predilection for Mexicans to see migration, undocumented or otherwise, as a relatively benign, really unavoidable, development given the situation in that country, and for Americans to be less sanguine about immigration in general and negative about illegal immigration. There really is no completely consensual attitude.

3. *Objectives of the two countries*. This section flows logically from the previous comment on the different perspectives of the sending and receiving countries.

4. *Societal attitudes*. This section will draw heavily on polls and focus groups. It also will examine the forces shaping these attitudes.

5. *Legislative and judicial responses*. The main U.S. responses take legislative and judicial form. They do to some extent in Mexico as well, but also are reflected in official statements and in reactions to U.S. responses.

6. *Other actions*. These relate either to non-legislative and non-judicial responses and to actions to enforce laws and judicial decisions.

7. *Responses and reactions thereto*. When one side acts, the other may respond. The reaction may deplore the initial response, or it can reinforce its intent. The typical sequence in the past was a one-sided response to a perceived problem, reaction to that response by the other side, and then possibly a counter-reaction by the original respondent. The one-sided nature of initial responses is increasingly giving way to dialogue before action is taken. This study, for example, grows out of a Mexican proposal for a binational examination of the migration issue and a positive response by the United States.

8. *The changing relationship.* U.S.-Mexico relations have been altered by the existence of NAFTA and the cooperation this demands on trade, investment, financial, and other economic issues. NAFTA has spawned considerable institutionalization of the economic relationship and the contacts being developed spill over to the migration field. NAFTA does not provide complete insulation against bilateral conflict, as the March 1997 U.S. debate over decertification of Mexico for insufficient cooperation to reduce drug trafficking illustrated. Mexico was eventually certified.

9. *Conclusions*. The basis for these are set in the main body of the discussion. The conclusions can also serve as the starting point for policy discussion.

The Analytical Model

The normal pattern is that pressure calling for a response to a perceived migration problem builds up in the United States, the receiving country in this bilateral relationship. This means that the United States generally takes the initiative. Mexican authorities and society at large may deplore the conditions that push migrants out of the country, but the corrective in the Mexican system cannot be to act independently to keep people from leaving. The solution to the emigration pressure is seen in Mexico as being long term in nature, to alter the national economy and societal conditions enough so that more Mexicans will stay at home voluntarily. This means that most Mexican responses will be reactive. As in many other facets of the bilateral relationship, there is an asymmetry in responses to migration matters.

The pressure that prompts a response can originate in either country, or in both simultaneously. The most usual progression is for a series of developments to build up over time and be brought to a head by a single event or series of events. The passage of Proposition 187 in California in November 1994 can be seen as a response to what was believed to be rising illegal immigration combined with an economic downturn in the state. This legislation, in turn, triggered an instinctive anti-California (anti-U.S.) reaction in Mexico. The high-speed chase and televised beating of illegal immigrants by Riverside County police triggered a strong outburst in Mexico, but this had been preceded by long-standing Mexican concern over the violation of the rights of its nationals in the United States.

One can cite any number of situations that led to significant responses. The shortage of manpower during World War II stimulated the Bracero Program. The sense that these Mexican workers were adversely affecting wages of a sensitive U.S. group of workers led to the termination of the program. IRCA came to fruition in the United States from a process of long study, including the use of commissions established either by the executive or the Congress; the first of these commissions was established earlier when the U.S. economy was performing poorly.

Recession and economic depression in the United States is often the underlying stimulus for a response of immigrant exclusion. This was true during the Great Depression, just as it was in California in the first half of the 1990s. An economic crisis in Mexico in 1982 added to the U.S. economic pressure leading to the IRCA legislation.

Budgetary concerns, both state and national, have been a key stimulant of recent U.S. responses to perceived immigration pressures. Proposition 187 was preceded by studies depicting (and often exaggerating) the high cost of providing public services to aliens illegally in California. The 1996 immigration legislation was substantially influenced by budgetary considerations. Those provisions of the welfare-reform legislation of 1996 restricting benefits to legal immigrants were prompted largely by federal budgetary considerations.

The model set forth here argues that significant responses in the migration field are not usually generated solely by immigration pressures, but only when these come in combination with other events and developments. If the combination is not present, the immigration pressures by themselves are unlikely to lead to meaningful responses. The U.S. Congress did not act to provide significant additional funding for the Border Patrol until the last few years, when the movement of undocumented workers over the border combined with the declining California economy and the increasing attention to the costs of providing services to these immigrants at a time of constrained budgets.

The most important U.S. responses have a protracted gestation period, years in the case of IRCA, decades really for providing adequate funding for the Immigration and Naturalization Service. Debate on immigration responses is usually emotional because immigration is central to the way Americans define themselves. Debate is generally fierce because there are many competing interests. These include important employers of immigrants, including those who are present illegally, who seek to limit effective control mechanisms or, failing this, to extract some exceptions for their needs. The Special Agricultural Worker provisions of IRCA and the ability to hire foreign mathematics professors and skilled computer technicians are examples of the latter. The "half-open door" so familiar to students of U.S. immigration practice, that immigration legislation either is riddled with loopholes or inadequately enforced, is the result of these differing views.[1]

Because of this internal conflict, immigration legislation contains many compromises. This is self-evident, but taken one step further, it means that some issues are resolved, while others are left pending for future debates. The ink is barely dry on the 1996 immigration bill, and debate has already begun on the desirability of new legislation to reduce the number of legal immigrants permitted to enter the United States. The fact that each bill is the result of compromises is hardly an earth-shaking observation, but what seems to be happening is that immigration debates are coming with greater frequency. It took 13 years for the McCarran-Walter Act to be amended substantially by the Immigration Act of 1965, 11 years for the Eilberg bill to extend country ceilings to the Western Hemisphere in 1976, four years to adopt the 1980 Refugee Act, and another six years until IRCA was passed in 1986. Then, more recently, the United States added the Immigration Act of 1990, then the most recent legislation in 1996, and a new debate is taking place for possible legislation on legal immigration. Since 1980, the United States has enacted significant new immigration legislation every few years, on average.

One final point needs to be added to this analytical model, namely, the extent to which Mexican interests are factored into the shaping of U.S. policy. In the past, this took place less through the openly stated opinions of the Mexican authorities because these opinions were rarely given. The Mexican interest was included

primarily through alliances, tacit or explicit, with U.S. interest groups seeking the same outcomes as the Mexican authorities. For example, the legalization provisions of IRCA favored Mexicans based largely on domestic U.S. concerns working in tandem with Mexican hopes.

In more recent years, roughly the last 10, discussion between Mexican and U.S. authorities on immigration matters has become quite common. Mexican viewpoints, to some extent, are thus factored directly into U.S. policy, such as commitments to protect the rights of Mexican nationals. Mexico, however, has not reached the point where it lobbies directly with the U.S. Congress on immigration legislation.

The steps in the analytical model, to recapitulate, are roughly the following:

- An underlying context conducive to some U.S. immigration response, one usually rooted in the U.S. economic situation;
- A triggering event or series of events, either in the United States or in Mexico;
- A period of U.S. debate and political compromise that resolves some differences but leaves other issues on the table;
- A Mexican reaction to the U.S. action, and perhaps a U.S. counter-reaction;
- A new context for the next series of triggering events;
- And a speeding up of the process of additional immigration reforms.

Differing Perspectives

The perspectives of a country sending migrants necessarily differ from those of the country receiving immigrants. The normal power relationship in this kind of twosome favors the receiving country which, in principle, has the ability to decide what immigrants it will accept and under what conditions. In reality, the U.S.-Mexico migration relationship is more complex than this simple model. The border between the two countries is extensive and porous, notwithstanding the increased resources now at the disposal of the U.S. Border Patrol. This gives individual Mexicans considerable leeway to affect migration decisions and outcomes.

During most of the past two decades, the Mexican authorities remained aloof from this decision-making contest. This is now undergoing a subtle transformation; the Mexican government is prepared to consult with U.S. authorities on migration issues. Nevertheless, the basic situation is largely unchanged in that the contest is between migrants themselves and U.S. authorities. In the past, the U.S. authorities refrained from entering this contest fully and a Swiss-cheese border

full of holes was allowed to prevail. Internally, the employer-penalty program was not vigorously enforced. It remains to be seen how far the change in the official U.S. behavior will go, how long it will last, and what its effects will be.

The different perspectives of the two countries are shaped not only by the inherent facts that dominate the supply push-demand pull reality, but also by a number of other considerations. Many of these have changed in recent years and others are in dynamic flux as this is written. In addition, the perceptions of the public and legislators in the two countries about the migration phenomenon, even when not completely in conformity with the facts, have great weight in national responses.

Historical Background

Four Migration Waves

Mass migration from Mexico to the United States is about a hundred years old. There have been four major waves of migration during this period: three north-bound to the United States and one south-bound to Mexico. Beginning in the late 1890s and lasting until about 1930, the first major wave consisted mostly of seasonal agricultural laborers, refugees from the Mexican Revolution, and family-settler migrants moving north to the United States. The Mexican-born population in the United States shot up from about 100,000 in 1900 to about a million in 1930—about two-thirds of these legal immigrants.[2]

The second major wave was a large flow of about 600,000 settlers who returned south to Mexico during the Great Depression of the 1930s. The south-bound net flow of migrants to Mexico during this decade was larger than the north-bound net flow had been to the United States during the peak Mexican immigration decade of the 1920s.[3]

The third major wave occurred in the context of the organized bilateral recruitment of agricultural laborers during the Bracero Program (1942-1964) and consisted of hundreds of thousands of Mexican workers who were employed under 4.6 million contracts in the United States, and an additional number—probably several hundred thousand workers—who entered illegally and worked without contracts. Some settler migration also occurred during this period, but a significant proportion of undocumented settlers was expelled during Operation Wetback (1954) and the number of legal immigrants admitted from Mexico was relatively small.

Within this third wave, there were two distinct periods of unauthorized migration. Although there are no reliable estimates of this population, the trend in the apprehension of unauthorized Mexican migrants is suggestive: an explosive growth from 64,000 in FY 1945 to 485,000 in FY 1950 and then to 1,075,000 in FY 1954; an abrupt drop thereafter to 243,000 in FY 1955, 72,000 in FY 1956, and eventually to 30,000 in FY 1960. (Some authors have suggested erroneously that the one million

apprehensions of 1954 correspond to Operation Wetback. Actually, Operation Wetback generated about 175,000 apprehensions and expulsions during a two-month period in the summer of 1954, most of which occurred during FY 1955.)

The fourth major wave began after the last *bracero* agreement expired in 1964 and has consisted of large flows of undocumented and legal immigrants, temporary and long-term residents in the United States. Again, the growth in the number of apprehensions is suggestive of the growing flow of undocumented migrants: Apprehensions rose from 44,000 during the last fiscal year of the Bracero Program to 277,000 in 1970, 680,000 in FY 1975, 817,000 in FY 1980 and a peak of 1.7 million in FY 1986. The 1970 population stock of Mexican-born persons residing in the United States regardless of immigration status was almost one million—almost at the peak number estimated for 1930. It has grown by an annual average of more than 160,000 since then, to about 5 million today.

Seven Junctures When Perspectives and Responses Changed

During the past 10 decades, there have been about seven periods which can be characterized as junctures when government responses and official perspectives toward Mexican migration underwent significant change. In only one of these instances were the responses of the two countries relatively harmonious (early World War II, see below), and at two other junctures (1954 and 1964, see below) the changes sought by the United States led to openly acknowledged policy differences. In the remaining four cases of change in perspective and responses, one finds situations where the circumstances are mixed and include areas both of common ground and significant conflict.

The first juncture occurred in 1917. Several independent events of that year combined in a new way to redefine the policy issues related to Mexican migration. The 1917 Mexican Constitution adopted provisions for the protection of Mexican emigrant workers and the regulation of labor recruiters offering employment abroad. The United States adopted a new set of stringent requirements for the admission of immigrants and then, after entering World War I, promptly suspended them for Mexican and Canadian temporary workers. The recruitment of workers under these exceptions has sometimes been referred to as the first Bracero Program. About 75,000 Mexican workers were admitted temporarily under the World War I exceptions; many of them were later admitted as legal immigrants.

It was the first time since the Civil War that U.S. immigration policy had shifted to the admission of temporary foreign workers. Large numbers of workers also were recruited illegally; these persons waded across the Rio Grande/Rio Bravo in order to avoid paying the head tax at the port of entry. The Mexican government

was too involved in the civil war to pay much attention to migration, but it did express opposition to this recruitment and complained that labor recruiters were evading Mexican laws and that migrants were not being protected.

The decade of the 1920s represents a second juncture with several major changes in policy and perspective. On the U.S. side, the Border Patrol was established in 1924 and it began to deport thousands of Mexican workers who crossed illegally and were mostly employed in agriculture. By 1929, legislation was adopted making entry without inspection a crime punishable by a fine and imprisonment, not just an administrative offense which could be remedied by deportation.

Also during the period, Mexican legal immigration grew substantially—averaging more than 50,000 immigrants a year during 1924-1929—large enough to generate national controversy and to spark a movement in Congress to eliminate the exemption of Mexicans from the quotas imposed in the 1924 Act. Other governments had criticized the national origins approach to restricting U.S. immigration, and the Mexican government also complained that the extension of this quota would discriminate against its nationals.

Mindful of the bilateral conflicts that had arisen with China and Japan when Congress enacted legislation to stop immigration from those countries, the State Department actively opposed the proposal to restrict Mexican immigration.[4] In order to accomplish the same end in a manner less objectionable to Mexico, the State Department, through its consulates, began to apply stringently the exclusion against many Mexican visa seekers on the grounds that they were "likely to become a public charge." The number of immigrants admitted declined sharply from 67,000 in FY 1927 to 39,000 in 1929. The administrative restriction of Mexican legal immigrants, and the subsequent decline to less than 3,000 immigrants admitted annually during the depression years, made congressional action unnecessary. Administrative restriction deflected the congressional thrust for an annual quota to be applied to Mexican immigrants. However, it also had the unintended effect of encouraging Mexicans who planned to obtain immigrant visas to enter the United States illegally, seek employment, and later apply for a visa from within the country in order to get around the public-charge exclusion.

On the Mexican side, the government's policy toward emigration also underwent significant change during the decade. The most significant unilateral effort to repatriate Mexican emigrants occurred in 1921, when the U.S. economy went into sharp recession and tens of thousands of Mexicans were thrown out of work. The Mexican government promoted an ambitious program which resulted in the repatriation of 150,000 Mexicans—about twice as many as the United States had admitted during the World War I first Bracero Program.

However, when the U.S. economy recovered smartly in 1922, many of the workers brought home at Mexican government expense again emigrated to the

United States. Mexican government policy gave less emphasis to repatriation thereafter and a new emphasis was brought to bear on the protection of human and labor rights of emigrants in the United States through the activities of the Mexican consulates. The developments of the 1920s served both to define the experience with consular protection in the United States and to accentuate the Mexican view that, to some extent, emigration was virtually inevitable, and that the most appropriate policy response would be U.S.-Mexican bilateral management of contract labor migration. The Mexican government proposed such an arrangement in 1929,[5] but the major U.S. concern at that time was not how to promote seasonal labor migration, but how to reduce drastically the admission of long-term Mexican immigrants.

A third juncture took place immediately after the onset of the Great Depression. In 1931-32, the Bureau of Immigration conducted a much-publicized drive in Los Angeles and elsewhere to locate foreigners who had entered illegally and to expel them. The rationale for this deportation scare was that by encouraging immigrants to leave, jobs would be opened up for unemployed U.S. citizens. In addition, local governments, such as the County of Los Angeles, encouraged Mexican immigrant families supported by local charities to leave by paying for their transportation to the border and arranging for the Mexican government to cover the rest of the transportation to points in the interior. The Mexican government at first encouraged this repatriation, but it later viewed this as a situation created by U.S. employers who had recruited Mexican workers during the 1920s boom and then refused to assume any responsibility for them during the 1930s depression. The Mexican government also criticized discriminatory actions taken against Mexicans by local governments during the depression era.

A fourth juncture occurred at the outset of World War II, when perceived labor shortages and the need for bilateral wartime cooperation led to a major shift in U.S. policy: the negotiation of wartime bilateral agreements for the temporary employment of Mexican workers in U.S. agriculture and railroads. The protections adopted in the agreements reflected the requirements established in previous Mexican legislation. The two governments assumed responsibility for negotiating the terms of the employer-worker agreements, their enforcement, and the administration of the program, including the selection and transportation of Mexican workers, known as *braceros*. The efforts to jointly determine the conditions of wartime *bracero* migration quickly led to efforts to focus on undocumented migration, with the Mexican government pressuring the United States to enforce its border controls and adopting its own modest efforts to discourage illegal emigration. The Bracero Program was continued after the war ended, and the bilateral agreement was renegotiated several times until the last agreement expired in December 1964.

A fifth juncture occurred in the middle of the Bracero Program. In 1954, the negotiations for a new *bracero* agreement broke down, with the U.S. government claiming that Mexican consulates had exercised their authority inappropriately to withhold workers from growers in order to enforce Mexican interpretations of the agreement. The U.S. government announced a program to recruit Mexican workers unilaterally, a decision which incensed Mexican public opinion and led to a disastrous decision by the Mexican government to use force to attempt to prevent the unauthorized departure of Mexican workers. These efforts by the Mexican government produced riots and confrontations between Mexican officers and workers at the northern Mexican border. In the meantime, the U.S. Comptroller General declared that the U.S. government had no authority to spend appropriated funds for unilateral recruitment, and both governments returned to the negotiating table and reached a new agreement much closer to the objectives of the United States.

Subsequently, the U.S. government organized "Operation Wetback," a deportation campaign which removed many families of unauthorized immigrants living in the United States and transported them with Mexican government cooperation to points in the interior of Mexico. The campaign was accompanied by efforts to facilitate the contracting of *braceros* to substitute for expelled workers. During this juncture, the U.S. government was successful in pushing the Mexican government about as far as it would go to accommodate growers' interests in a new design for a Bracero Program and also promoted the common objective of reducing sharply illegal entries across the border.

A sixth juncture occurred during the period leading to and in the aftermath of the termination of the Bracero Program. In the early 1960s, pressure against the Bracero Program by labor and civil rights organizations mounted and opposition grew within the U.S. administration. In 1963, the Mexican embassy in Washington, D.C. expressed its view in a diplomatic note that terminating the program would not by itself bring Mexican labor migration to an end: unauthorized migration would grow in its place. The adverse effects on domestic farm labor working conditions that opponents of the program attributed to it would, in the view of the embassy, be exacerbated rather than eliminated by halting *bracero* recruitment. The embassy's note was published in the Congressional Record and the ensuing debate led to a congressional vote to postpone the termination of the program to December, 1964.

Although these differences were compensated by close cooperation in other areas of the bilateral relationship, U.S. and Mexican government opinions about the advisability of a Bracero Program remained in conflict for a decade. The Mexican government gave up its unsuccessful attempts to put the negotiation of a new

temporary worker program on the bilateral agenda in 1974 when it appeared that migration and energy issues might be linked.

A seventh juncture occurred in 1986, with the passage of the Immigration Reform and Control Act (IRCA). For more than a decade, a debate had been conducted in the United States over what would be the best approach to reduce illegal immigration. IRCA adopted a variation of the grand compromise which had been advanced consistently since 1977: employer sanctions and mass legalization. Since the largest national group in the unauthorized immigrant population was from Mexico, both of these provisions were seen as having a major impact on Mexicans. The perspectives held by the U.S. public and officials regarding Mexican migration shaped, and in turn were shaped by, the implementation of employer sanctions and mass legalization.

The events leading to the passage of IRCA and then its aftermath point in two different directions. On the one hand, they serve to underscore national differences in perspective—especially when comparing the most prominent views in both countries. U.S. public opinion showed a strong consensus against illegal immigration even though the public was divided on how to respond. The consensus of Mexican public opinion was that migration in one form or another was virtually inevitable and that problems were created by U.S. measures to expel millions of migrants who could not be absorbed by a weak Mexican economy. The public debate in both countries in the decade prior to 1986 pulled them apart rather than brought them together.

On the other hand, IRCA produced a convergence in the efforts to expand the bilateral dialogue on migration. Mexican officials, in the aftermath of IRCA, questioned the wisdom of having refused to adopt a more open position regarding the U.S. immigration legislative initiatives. Also, U.S. officials became concerned that, because of migration and narcotics control issues, bilateral relations were in some disarray. The immediate aftermath of IRCA seems to have marked a turning point for both governments in their efforts to engage each other more substantively on bilateral migration issues.

Changing Policy Stances

The bilateral interaction on migration issues has altered in recent years, most notably from a lack of consultation to considerable discussion between the two governments. At the margin, this has led to some actions that were missing before, such as greater attention to the human rights of Mexicans illegally in the United States, but the inherent differences between the two countries on the migration issue remain.

Mexico

Important and influential Mexican actors view migration as an outgrowth of the social-economic situation that exists in the country. Consequently, the general approach to the issue has found expression at a highly abstract level. Three such expressions can be mentioned. The first is a straightforward supply-demand model, that as long as the demand for the migrants exists in the United States, there is little that the Mexican authorities can do about it. The second frames the issue in development terms and concludes that as long as income disparities remain large, migration will continue. The third is that because of Mexico's position as an exit country from which emigration is inevitable, anything the government does has a low probability of success.

These conceptions have had great influence on Mexican thinking about migration since the end of the Bracero Program in 1964. The perspective has been summarized as follows: because the constitution guarantees Mexicans the right to free transit within the country, it would therefore be wrong for the state to prevent emigration; the Mexican government could not succeed in preventing emigration even if it tried; Mexicans emigrate in response to U.S. demand, over which Mexico has no control; and there is no reason for Mexico to try to control emigration because, through their actions (though not necessarily their rhetoric), the U.S. government and key political actors support undocumented immigration as beneficial to the country.[6]

This way of thinking, in operational terms, translated into a policy to have no policy on undocumented migration to the United States. In shorthand, Mexico had a "no-policy" policy. Mexico, therefore, stayed aloof from the debate on changes in U.S. immigration policy, and this political stance undoubtedly was optimal for meeting Mexican interests over many years.[7]

The no-policy policy began to shift in the latter half of the 1980s when Mexico started to liberalize its economy and to play a more active role in world economic affairs (e.g., entry into the General Agreement on Tariffs and Trade) and closer engagement with the United States, which led in due course to the conclusion of NAFTA. The passage of IRCA in 1986 probably was the turning point in Mexico's position. The Commission for the Study of International Migration and Cooperative Economic Development—the Asencio Commission named after its chairman, Diego Asencio—that was mandated in the IRCA legislation called for bilateral dialogue on positive ways to deter undocumented migration by promoting economic development in Mexico and this led to extensive contacts and much binational research on migration issues. These discussions were relatively neutral, focused mainly on studying issues rather than changing policy—but there were consultations where before there had been none.

The grand bilateral policy of NAFTA which came later, even though it dealt with economic issues, had its migration elements. One of the assumptions behind NAFTA was that it would facilitate Mexican economic growth and thus indirectly deter Mexican emigration. In the years since, the search for bilateral cooperation on migration issues has focused on practical, small steps rather than grand policies.

United States

The U.S. counterpart of the no-policy policy of Mexico was to act unilaterally on migration matters. This suited the U.S. style, but had a practical logic if the Mexican authorities preferred not to be involved. IRCA's provisions setting up the Asencio Commission enabled the United States to engage Mexico on the related development-migration issues. Bilateral engagement has since become the norm, with occasional lapses.

The degree of consultation is considerable and takes place at various levels. The memorandum of understanding (MOU) of May 1996 dealing with the protection of the rights of Mexican nationals in the United States was agreed at the 13th meeting of the U.S.-Mexico Binational Commission, a cabinet-level body.[8] The decisions of the Working Group on Migration and Consular Affairs include, in addition to carrying out this Binational Study of Migration, supporting the participation of Mexican officials in the Citizen Advisory Committees along the U.S.-Mexican border, and taking measures to assure safer and more orderly repatriation of undocumented migrants.

During President Bill Clinton's visit to Mexico, he and President Ernesto Zedillo of Mexico issued a joint statement dated May 6, 1997, laying out measures to "ensure a proper and respectful management" of the complex migration phenomenon.

The Working Group on Migration and Consular Affairs of the Bilateral Commission is the single most important body for consultation on migration matters. The persons in charge of migration policy and their subordinates now meet regularly. These meetings are facilitated by the presence of a migration attaché at the Mexican embassy in Washington, something unthinkable during the no-policy policy period. While there are sometimes glitches, the Mexican authorities are generally notified of U.S. changes that the INS contemplates. Border Liaison Mechanisms now exist to bring together local, state, and federal officials to discuss and, sometimes, resolve border problems, including migration matters. A Citizens' Advisory Panel has been established for dealing with abuses at the border and Mexican officials are sometimes invited to participate in its meetings.

The unknown in the current pattern of increased dialogue is whether this will lead to harmony between the two countries on migration issues. At the

extremes, there is little give in the official position of either country on the question of illegal entry into the United States. The United States cannot overtly consent to this, and Mexico cannot fortify its border to prevent exit. But there is room to maneuver short of these polar positions, as discussed in the following section.

Potential Common Ground

Notwithstanding these partially differing perspectives, there is some common ground, perhaps not in the "grand perspectives" but in the small and practical tasks and operations, such as making the border a safer place and enacting and enforcing actions against trafficking and smuggling of migrants. The Mexican authorities, for example, could limit the gathering of persons whose evident purpose is to make a run across the border.

Both governments would prefer migration to be orderly. There is also basic agreement on some fundamental principles. Both governments recognize the sovereign right and legitimate interest of each country to safeguard its own borders and to enforce its own migration laws. Within this context, it is acceptable and profitable to move toward the establishment of mechanisms for consultation on migration issues at different levels of government, including law enforcement personnel and diplomatic and consular representatives, and procedures for the exchange of information, experiences, and resources in various aspects of migration management.

To sum up, both countries now confront some similar challenges with regard to migration flows; these would include instilling respect for the human rights of migrants and assuring simultaneous facilitation and control of entry.

Changing Political-Economic Relations

While the grand policy of NAFTA does not include a migration element (save for Chapter 16 on the temporary entry of business persons), the transformation of respective attitudes that the agreement represents affects all elements of the bilateral relationship.

From the Mexican side, NAFTA represented a shift from maintaining a distant relationship to seizing the economic opportunity that a rich neighbor represents. From the U.S. side, NAFTA represents a way to develop closer political and economic ties with its neighbor. About 80 percent of Mexico's merchandise exports go to the United States. The industrial co-production that exists as a result of substantial U.S. direct investment has been at the heart of Mexico's recovery from the economic debacle of 1995. From the U.S. side, the burgeoning market in Mexico, despite the economic setback in 1995, represents a long-term opportunity.

Two-way merchandise trade (using U.S. data) in 1996 amounted to $130 billion, an increase of 20 percent over 1995.

Negotiating NAFTA also required a shift in bilateral political relations. Mexico's earlier reflexive opposition to U.S. international initiatives had to give way to a more cooperative relationship. The United States had to give political relations with Mexico a higher profile. NAFTA led to the creation of scores of new institutions, mostly to deal with the technical aspects of the agreement (such as rules of origin, customs procedures, and industrial and sanitary standards), but others with considerable political content. These are the various dispute-settlement arrangements, trilateral commissions for labor and the environment, and border institutions for stimulating and financing infrastructure.

Economic-political contacts have been facilitated by embedding them in institutional arrangements. So, too, have migration consultations been institutionalized. The migration issue is sensitive. In a recent poll involving 35,100 ballots, the U.S. Foreign Policy Association found that 32 percent of respondents felt that illegal immigration was the most important issue of U.S.-Mexican relations, more than any other single matter.[9] From the Mexican viewpoint, it is now important that conflicts over migration issues not contaminate the growing bilateral economic integration.

Administrative Structures

While Mexico and the United States both have presidential systems and federal structures, their governance differs substantially. The separation of powers is a basic aspect of the U.S. political structure, whereas the Mexican executive has been all powerful. This may change now that opposition parties control the Chamber of Deputies while the Institutional Revolutionary Party (PRI) controls the presidency. From early in U.S. history, the Supreme Court has had the power to declare laws unconstitutional, which has not been the case in Mexico. The use of the *amparo* in Mexico protects individuals on an ad hoc basis against overdrawn laws. It is much easier to amend the Mexican than the U.S. constitution; and the Mexican constitution is far more detailed than its U.S. counterpart. The Mexican Congress for many years was subordinated to the executive branch, compared with the periodic shifts in dominance between the two branches in the United States. The Mexican processes of government are now changing: the electoral system has been made more transparent; the opposition power in the Congress has increased; and judicial power is increasing. But the differences are still considerable. Except for a few agencies (such as External Relations), there is no permanent civil service in Mexico except at junior, non-policy levels. The turnover of personnel every six years, coinciding with each new president, is substantially greater than in the United States

when a new president takes office. Consequently, there is little institutional memory at senior levels in almost all Mexican government departments. The fact that the same party, the PRI, has been in office for the last 67 years mitigates the effects of the personnel turnover, but does not completely eliminate them because senior people shift from agency to agency. Most decisions in Mexico are made at much more senior levels than in the United States, and the lack of continuity at these levels is therefore aggravated.

The power of the federal government in relation to that of states and localities is significantly greater in Mexico than in the United States. This power is epitomized by the lesser ability of states and localities in Mexico to raise revenue than in the United States. This, too, is changing, but the disparity with the United States remains great; the differences may grow as even more power is going to state and local levels in the United States.

Migration matters in both countries are under federal jurisdiction and it is at this level where the consultation is most intense. Most initiatives, as noted earlier, come from the United States. The most important of these take the form of legislation with attendant appropriations for such things as patrolling the border or verifying the immigration status of job seekers.

There is thus something of a disconnect in both countries in that most bilateral discussion takes place at the federal level, while most of the effects are at state and local levels. It may be desirable to bring local authorities into more of the bilateral give-and-take.

Because immigration issues are so conflictual, pitting interest groups against each other and making it difficult to reach political compromises, the United States has long relied on independent commissions to provide guidance to Congress in anticipation of legislation. The Immigration Commission of 1907-1909 was created to advise Congress on how to respond to the situation created by the "new immigration"—nearly a million newcomers each year, mostly from southern and eastern Europe. It commissioned studies and issued dozens of reports on the characteristics of the new immigrant population.

These reports led to the adoption of a literacy test in 1917 as a screening device intended to reduce the number of illiterate and less desirable immigrants coming to the United States from eastern and southern Europe. When the literacy test did not produce the desired result, Congress abandoned it in favor of straightforward national origins quota laws (1921 and 1924) which essentially barred nonwhite immigrants and provided few visas for immigrants from eastern and southern Europe. Western Hemisphere countries were exempted from the quota and this led to a large increase in Mexican legal immigration starting in 1924.

In 1950, Truman's Presidential Commission on Migratory Labor was established to study problems of migrant farm labor. The 1951 report was critical of the Bracero

Program, but it stopped short of recommending its abolition. The Commission also emphasized the adverse effects of illegal migration on domestic farm labor. It presented detailed recommendations for penalizing employers of unauthorized workers—something the Mexican government had advocated before. In 1952, Congress did adopt criminal penalties for the transportation and "harboring" of unauthorized immigrants. However, it explicitly exempted their employment from the penalty legislation. The congressional delegation from Texas was instrumental in securing the passage of this loophole favored by farmers from that state, and it thus came to be known as the "Texas Proviso." The exception which legally permitted the employment of unauthorized workers was not repealed until the passage of IRCA in 1986.

In 1952, Congress passed omnibus immigration legislation but ignored President Truman's urgings to repeal the quota restrictions which had been in place since the 1920s. Truman appointed another commission whose 1953 report was influential in leading to the eventual repeal of national origins quotas in 1965.

Starting in 1965, the Select Commission on Western Hemisphere Immigration focused on the implementation of the 1965 Act and on "green card commuter" migration, which had grown after the termination of the Bracero Program. Its work influenced the 1976 amendment which extended the annual country ceiling of 20,000 visas to Western Hemisphere countries. All legal immigrants admitted in addition to that number were "nonquota" immigrants, most of them immediate relatives of U.S. citizens.

In 1978-81, the Select Commission on Immigration and Refugee Policy (SCIRP) held hearings and commissioned studies to review immigration policy in light of the growing unauthorized immigration, especially from Mexico, and the changing patterns of refugee flows. Congress did not wait for its recommendations to adopt the Refugee Act of 1980. The recommendations of the 1981 report were influential, however, in defining the range of acceptable proposals to respond to illegal immigration. These proposals shaped the legislative initiatives presented by Senator Alan Simpson and Representatives Romano Mazzoli and Peter Rodino between 1982 and 1985, which eventually resulted in the Immigration Reform and Control Act of 1986. The combination of employer sanctions and other control measures, and legalization for both long-term residents and temporary farm workers, constituted the political compromise which made legislative success possible after a decade and a half of unsuccessful attempts. SCIRP had envisioned the outlines of that successful political compromise.

The current U.S. Commission on Immigration Reform (1993-1997) is the latest iteration of this pattern. This Commission is charged with all aspects of immigration reform.

In Mexico, the debate on the migration phenomenon also has been the object of open and public participation sponsored both by legislative bodies and by the

executive power. On the legislative side, on December 29, 1984, the Senate created a commission to carry out a public national consultation on the situation of migrant workers, including immigrants into Mexico as well as Mexican migrants into the United States. This consultation was carried out in 16 hearings in central, south, and northern Mexico during all of 1985. The commission's report was presented to the Senate in December 1985.[10] One conclusion of this consultation was the proposal for a Charter of Rights of Migrant Workers to be agreed between Mexico and the United States.

In November 1990, the Mexican Senate again convened a hearing specifically on human rights of migrant workers. This hearing, significantly enough, took place at Mexico's northern border, in Tijuana. There were 92 participants. One characteristic of that hearing was the concern expressed by most participants of rising anti-immigrant attitudes in the United States, the growing use of firearms by U.S. border "vigilantes," and the vulnerable situation of infants, women and Indian migrants. There was a call for more stringent penalties against persons trafficking migrants and for closer dialogue between authorities of the two countries.[11]

On the executive side, in the first half of 1995, there were public consultations, with numerous participants, on the migration phenomenon as part of the process to prepare the national development program. The consultations covered immigration and emigration issues and the opinions expressed were diverse.

Objectives of the Two Countries

This is a shifting target because objectives change with the times and the context. Objectives sometimes must be defined as they relate to specific countries; for example, Mexico's objective to limit illegal immigration from Guatemala is quite different from its desire not to rock the boat with respect to the movement of Mexican migrants to the United States. Mexico, like the United States, has its own structure of employer sanctions to deter the hire of illegal immigrants. For the United States, because entry without documentation is predominantly from Mexico, the U.S. Border Patrol is concentrated at that border.

U.S. immigration policy has placed priority on family reunification since 1965 and, in practice, this has benefited Mexico; but this priority is not immutable. What follows focuses on objectives as articulated or practiced today.

Mexico

Migrant-sending countries rarely have explicit emigration policies. Few countries deliberately encourage emigration on a permanent basis, although many do so for temporary periods. Mexico did facilitate temporary emigration under the

Bracero Program and occasionally supports the idea of new programs to regularize the current illegal immigration into the United States.

Migration is so prominent in Mexico's domestic and foreign affairs that a public stance is unavoidable. This need for going public has to be weighed against a long-standing tradition of noninterference in the domestic affairs of other countries. The way out of this dilemma has been to pursue certain objectives related to migration, but not to have a migration policy as such.

Three major objectives are being pursued by Mexico. The most salient and openly stated is to protect the rights of migrants. This has more to do with migrants than with migration. Because of the large numbers involved, the execution of this objective requires the use of many resources, both outside the country and at home. The protection of migrants' rights abroad involves traditional consular and diplomatic efforts and a continuous monitoring of violations of these rights and the circumstances under which they occur. This is accompanied by public denunciations from time to time. Much of Mexico's consular activity in the United States deals with migration issues.

There are important domestic and foreign implications of this emphasis on the protection of migrant rights. On the domestic front, a special force has been created—Grupo Beta—to prevent abuses against would-be migrants who concentrate near the border to gain access to U.S. territory. Another recent initiative is a change in the General Population Law and its regulatory apparatus to increase penalties against those who traffic in migrant movements.

Achieving foreign migration objectives has led to substantial engagement with U.S. authorities. In addition, Mexico has sponsored international efforts to adopt rules regarding the rights of migrants and their families, irrespective of their legal situation. Mexico was active in the efforts, first in the International Labor Organization and then in the U.N. General Assembly, to pass the 1990 U.N. International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families. Mexico took a leading role to develop a shared position on the migration phenomenon within the North and Central American regions, as was acknowledged in the Joint Communique of the Regional Conference on Migration held on March 13 and 14, 1996, in Puebla, Mexico. This conference was attended by the governments of 10 countries. Protection of the human rights of migrants and others was the paramount issue at this conference.

A second Mexican objective is less openly stated, but of considerable importance. This is to avoid abrupt changes in U.S. immigration policy and in the flow of migrants. Mexico wishes to maintain stability of migratory conditions as it considers changes in its migratory regime. One author has conceptualized this objective as wanting "to keep the U.S. door open."[12] Recently this objective has taken the form of wanting to regularize this flow. The current readiness to discuss some form

of a guest-worker agreement can be seen in this light—to achieve steadiness in migratory policy and stability in the flow. The most prevalent proposals since 1994, set forth by diverse social groups, are to conclude a *bracero*-type agreement.[13]

The third objective that emerges from recent declarations of senior Mexican officials is to get recognition of the contribution that Mexican migrants have made to the U.S. economy and society.[14] This objective can be seen as a reaction to the recent negative U.S. climate against immigrants, and Mexican immigrants in particular. (This objective might be expanded to include the contribution that the migrants have made to the Mexican economy and society.)

The Mexican government has developed two main activities in relation to its citizens who are emigrating or have emigrated to U.S. territory: consular protection and a program for supporting communities of resident Mexicans or Mexican-Americans. Consular protection can be considered an immediate response to the wide variety of problems arising from the large flow of Mexican migrants, undocumented and documented, to the United States. The Program for the Mexican Communities Living Abroad can be seen as a medium- and long-term strategy to improve the living conditions of Mexicans and Mexican-Americans north of the Rio Grande.

Consular Protection

The main objectives of consular protection are to provide general assistance to the individual traveling or working abroad to make his or her stay and management of affairs easier in the receiving country, and to assure that the migrant has access to a system of justice outside of the limits of jurisdiction of his native country. Consular protection implies a claim filed against the local or central authorities located within the consular jurisdiction.

Traditionally, consular protection of co-nationals living in the United States has been considered a priority activity of Mexican foreign policy. There are currently 41 consulates throughout the territory of the United States; 12 are consulates general. This represents the largest network of consulates of any country in the world. Since its inception, consular protection has assisted migrants in their repatriation, hospitalization, recovery of labor compensation, legal trials, and in officially protesting abuses against them.

Analysis of Mexican consular protection in the United States leads to five main comments about this practice:

1. Protection is a traditional activity undertaken by the Mexican government. Consular protection in the United States is more than a century old, dating back to the Treaty of Guadalupe-Hidalgo of 1848. While the United States has focused in Mexico on the protection of property, investments, and goods owned by its nationals, Mexico, by contrast, has focused mostly on the protection of its labor force.

2. Protection is often used as part of political rhetoric. Speeches on foreign policy, and especially those regarding relations with the United States, usually include a reference to these protective activities. This is clearly the case in the yearly presidential State of the Union Address (*Informe Presidencial*). A review of speeches since 1964 shows that most presidents have appealed to the strengthening of consular protection as the principal response to the perceived abuses and violations of the human rights of Mexican legal and undocumented immigrants in the United States.

3. Protection follows the same pattern of reactions and counter-reactions occurring in the rest of the migration issue. The observed sequence is that Mexico responds to a perceived problem, say the Riverside incident discussed elsewhere; then comes a reaction to that response by the United States, which Mexico then possibly follows with a counter-reaction.

4. Since the end of the Bracero Program, the Mexican government has periodically announced the strengthening of this system of protection. During the Zedillo administration, there have been efforts to modernize the system by means of three main activities: training and updating programs; harmonizing criteria of what constitutes a case of protection; and improving technical infrastructure, such as the development of databases.

5. During the 1990s, there has been a tendency to intensify the dialogue between the authorities of both nations, and to establish techniques of coordination or consultation, such as the Border Liaison Mechanism, the Working Group on Migration and Consular Affairs, the Consulting Mechanism for the Immigration and Naturalization Services Activities and Consular Protection, and Mexico's participation in the Citizens' Advisory Panel (CAP).

Program for the Mexican Communities Living Abroad (PMCLA)

The Program was created in response to frequent demands from Mexican Americans to the Mexican government for more support for their communities living in the United States. The establishment of the PMCLA represents the Mexican government's recognition of the potential of Mexican Americans as a source of political support within the United States, and also the potential of the community to develop closer economic ties with Mexico. President Salinas created the Program in 1990, the year in which the negotiation of NAFTA was launched.

The goals of the PMCLA can be summarized as follows:

- To strengthen the links with the Mexican community in the United States, to defend the civil rights of its members, and to enhance Mexican culture in the United States;

- To contribute to the strengthening of Mexican citizens´ capacity to respond to the anti-immigrant climate in various regions of the United States; to institutionalize the relationship with Mexicans living abroad and to increase their visibility in Mexico; and
- To promote business ties between Mexicans and Mexican Americans, and to foster the latter's participation in certain areas of U.S.-Mexico relations.

The administration of Carlos Salinas made the program a priority in the bilateral relationship. The yearly budget of the program has exceeded $1 million since its creation. This, in terms of allocation of expenditures, makes it more significant than the Consular Protection Program. The PMCLA has developed seven main activities: community organization, sports, education and culture, information and communication, health care, business, and fund raising. The main accomplishments are:

- It has strengthened and broadened Mexican ties with organizations of Mexican Americans;
- It has created a network of cultural institutes all over the United States; and
- It has established a Council for Business Promotion.

United States

The main official U.S. objective is to keep open the front door for legal immigration but to close the back door of illegal immigration. While this objective can be stated simply, it is complex in reality. The desire to limit illegal immigration has long been official policy rhetorically, but not completely in practice. The implicit policies have not always dovetailed with the explicit pronouncements. The immigration legislation of 1996 contained some compromises on how open the front door should be, but the issue was not really resolved. It is quite possible that the issue of numbers will be revisited by the Congress in the near future. The priority given to family reunification is established policy, but there is substantial sentiment for more skill-based selection.

Two articles in a recent issue of the *Atlantic Monthly* give a good synopsis of the debate on U.S. immigration objectives. David Kennedy argues that the United States can still afford to accept immigrants, largely because they augment the labor supply and thus lead to higher economic growth. His main caveat is that immigrant concentration in a few locations challenges the existing culture, a phenomenon not present during earlier waves of immigration in the 19th century. The policy

implications of this analysis are ambiguous, but seem to point in the direction of admitting fewer immigrants in that this may be the only way to limit concentration.[15]

George J. Borjas, following an analysis he has set forth frequently in recent years, argues that because new immigrants are less educated than in the past, their admission leads to a decline in the wages of less-skilled native and national U.S. workers. His article focuses on the distributional effects of new immigrants whose admission, he states, favors employers at the expense of national workers, with only a modest net gain for the economy as a whole. The key policy implication of this argument is to change the criteria for admission in favor of skills and away from family unification.[16]

An analysis by the U.S. Department of Labor on how well the immigrant population legalized under IRCA fared five years later tends to support the Borjas argument. Two findings of that study are that the legalized immigrants compete for low-wage jobs, and that a disproportionate number of them are below the poverty level.[17] These are relatively short-term findings, over five years, and may or may not hold over longer periods, say, a generation or more.

Another objective of the U.S. authorities is to seek greater cooperation from the Mexican government than in the past. The earlier Mexican no-policy policy meant that Mexico was a bystander as its nationals moved illegally across the border. The new policy of dialogue permits the United States to seek more official engagement from Mexico. The Mexican legislation of October 1996 providing for more severe punishment of Mexicans who engage in migrant trafficking is one response to this new bilateral engagement.

The central U.S. objective—to put out the welcome mat to immigrants who enter legally and reject those who enter without documents or illegally overstay visas—requires a combination of facilitation and control. The control elements involve fences at the border, more resources for the Border Patrol, stronger penalties against employers who knowingly hire illegal aliens, a better system to help employers determine who is illegal, and inspections that take place at work sites. Control activities require the cooperation of agencies other than the INS, such as the Labor Department for enforcement of work standards in activities that tend to hire illegal aliens, such as the garment and construction industries, and service establishments such as restaurants and hotels. Cooperation is also sought from local jurisdictions, such as sheriffs.

The facilitation aspect was evident in the INS role in the IRCA legalizations and the effort to speed up border crossings. While it became controversial in the 1996 presidential election campaign, the INS facilitated the naturalization of eligible legal immigrants seeking citizenship and is working methodically to reduce the backlog of eligible legal admissions. The 1996 immigration law contains a number of facilitation measures: more full-time INS and Customs officials at the

border to reduce delays at peak crossing hours; greater use of commuter lanes to facilitate legal entry; more pre-inspection at foreign airports; and pre-clearance authority for foreign officials.

The Bilateral Agenda

There is a bilateral agenda. These common interests include the following:

1. Making the border safer. This is manifested on the Mexican side by Grupo Beta, on the U.S. side by the various facilitation efforts noted above, and jointly by the Border Liaison Mechanism and Mexican participation in the Citizens' Advisory Panel.

2. Cooperative efforts to prevent smuggling of migrants.

3. Cross-border community programs to facilitate legal crossings.

The cooperation to achieve these and related objectives are the consequence of the increased dialogue of recent years. The nature of the agreed objectives was set forth in the joint statement of the two presidents of May 6, 1997.

At the same time, the porousness of the border in conjunction with U.S. efforts to reduce illegal crossings at the most convenient points (such as Tijuana-San Diego and Ciudad Juárez-El Paso) has resulted in some tragic consequences. Crossings have been deflected to less hospitable terrains and a recorded 126 deaths resulted in 1996, and the 1997 death toll is accumulating at a more rapid pace.

Societal Attitudes and How They are Shaped

The vast divide that exists in societal attitudes in the two countries on the migration phenomenon is amply demonstrated in public opinion surveys, focus group conclusions, treatment in the media, and positions of key actors. There is no way to fully bridge the divide because it is rooted in the underlying situations of a sending and a receiving country and, consequently, reflects national self-interest in the current context. The best that can be expected is deeper understanding on each side of the attitude of the other and why this outlook exists.

Public Opinion Polls and Focus Groups

These will be shown separately for the United States and Mexico.

United States

While there are variations in the percentages depending on the circumstances when polls are conducted, the dominant U.S. attitude has been for restriction of

immigration. The restrictionist viewpoint has grown in recent years, dominated largely by attitudes in California. The restrictionist sentiment there exemplified by the passage of Proposition 187 in November 1994 had reverberations throughout the nation, but other states did not necessarily have the same reaction. The Governor of Texas, another important immigrant-receiving state, in August 1995 publicly deplored the Mexico- and immigrant-bashing attitude that he felt was prevalent in California. A similar reaction came at roughly the same time from Rudolph Giuliani, the mayor of New York City.

The ups and downs in the intensity of anti-immigrant sentiment seem to depend significantly on the employment (unemployment) situation at the time a poll is taken. It is therefore unwise to generalize about the depth of feeling on the immigration issue other than as a reflection of attitudes at a given moment. The vote on Proposition 187 came before California had recovered from an economic downturn. The contrary declaration of Governor George Bush, Jr., came when Texas had recovered from its earlier recession. It is important to note, also, that Texas relies much more than California on exports to Mexico and Texas is the main truck route for U.S. trade with Mexico.[18]

Two aspects of the U.S. polling data merit emphasis:

1. The shifts in the proportion of the U.S. public that believes the level of immigration should be decreased track reasonably well with the state of the economy (i.e., there is a rise in restrictionist sentiment as the economy worsens). Using Gallup Poll data, the proportion of persons favoring a decrease in immigration was 33 percent in June 1965, 42 percent in March 1977, 65 percent in 1981, 49 percent in June 1986, 53 percent in 1988, and 65 percent in 1993, and roughly the same two thirds in the summer of 1995.[19] The economy was relatively healthy in 1965 (relatively low restrictionist sentiment), depressed in 1982 (rising restrictionist sentiment), and growing in 1986 (and restrictionist sentiment declined). The concordance between the state of the economy and restrictionist sentiment was less pronounced in 1988, 1993, and 1995.

2. There is no evident correlation between public opinion as reflected in the polls and legislation. The polls over the years show much support for penalizing employers for knowingly hiring illegal aliens, but it took many years, until 1986, to reflect this in federal legislation; and even then, the law was not rigorously enforced. According to a Gallup poll in 1984, a majority of the public supported the idea of an identification card, but this has been resisted by the U.S. Congress. Despite the public sentiment over the past few decades for fewer immigrants, this has not been reflected in legislation. The estimate of the number of legal immigrants who will be admitted in 1997 under the 1996 law is 850,000, about the same as the previous year, despite the recent increase shown in the polling data of the proportion of the public favoring a reduction.

There are a number of reasons for the disparity between public opinion as reflected in polls and congressional action. These include the lobbying of interest groups, the logrolling that takes place to simultaneously satisfy many interests, differences that exist between regions of the country, concern over civil liberties with respect to identity cards, and the fact that polling percentages may not reflect deeply held sentiments.

The best reflection of public opinion in California, at least in November 1994, was the vote on Proposition 187, which was supported by a margin of 59 to 41 percent. Polls in California tend to show substantial divergences between Anglo and Latino voters. Thus, in 1994, the California Opinion Index indicated that 56 percent of Anglos felt that the IRCA amnesty was a bad thing, while 68 percent of Latinos thought it was a good thing to do. Again in 1994, 55 percent of Anglos favored amending the Constitution to deny automatic citizenship to children of illegal aliens born in the United States, while 76 percent of Latinos were against such a constitutional amendment.

On some issues, however, positions were not what intuition would lead one to believe. For example, on the use of ID cards for all persons living in the United States, 55 percent of Anglos thought it was a bad idea, while 56 percent of Latinos favored this. On the issue of the number of immigrants who should be admitted for legal residence, 55 percent of Californians thought this should be reduced, which was about 10 percentage points less than the Gallup Poll showed for the nation as a whole.

Recent developments in California, such as Proposition 187 and the incidents in Riverside County affecting illegal immigrants, have stimulated the effort for empowerment among Latinos. A poll commissioned by *La Opinion*, the nation's leading Spanish-language daily newspaper, and KVEA television, both in Los Angeles, reported in May 1996 that 57 percent of Latinos felt the best response was through political empowerment.[20]

Mexico

Data on Mexican public opinion regarding migration are either unsystematic or nonexistent. Recent opinion polls, therefore, have to be treated with caution. With this in mind, the high concentration of some poll results leads to the easy interpretation that positions merely repeat "messages of the media." However, this is not always the case. For example, a poll of Mexico City residents taken immediately after the April 1996 Riverside incident found that three out of four respondents consider that restricting the entrance of *indocumentados* is not in the interest of the United States. Eighty-five percent of the same Mexico City respondents also believe that Mexicans do little or nothing to help their nationals abroad. Only 15 percent declare to know that there are institutions which defend them.[21]

The different perceptions that exist in the two countries on the migration phenomenon manifest themselves quite vividly when it is possible to compare the answers to identical questions in a Mexican and U.S. survey. Such a dual survey was carried out in August 1996. The Mexican survey showed that only 2 percent of the respondents believed that stricter border controls would be effective to diminish migration, compared with 19 percent who believed so in the U.S. survey. The perceptions on the effectiveness of employer sanctions work in the same direction: the Mexican survey showed that only 4 percent believed that employer sanctions would work, while 18 percent believed so in the U.S. survey.[22]

According to a January 1997 opinion poll by MORI de México, only one in seven Mexicans believed that the measures taken by the government to protect its nationals abroad are somewhat effective, and 42 percent believed governmental efforts lack effectiveness. This same poll showed that 85 percent of Mexicans consider that U.S. immigration policy is either unfair or racist.

When questioned about the costs and benefits of Mexicans working in the United States, the respondents thought that migration was positive for both countries: 40 percent thought that the Mexican economy benefits, whereas 58 percent believed the U.S. economy benefits.

In response to a question on the convenience of seeking a formal bilateral temporary worker agreement, 76 percent thought that the Mexican government should seek such a pact with the United States.[23]

A similar picture of Mexican perceptions emerges from another survey carried out at the end of 1996. The survey was commissioned by Mexico's National Population Council (CONAPO) to evaluate family planning program in nine states in Central and Southern Mexico. Respondents consider that although Mexico receives some benefits from its migrants (42.6%), the United States benefits much more (75.3%). Regarding perceptions of Mexican protection of migrants, the opinions are almost equally divided between those who consider these efforts acceptable (41.3%) and those who consider that deficient (46.2%). Finally, the proportion of those who would like to see some sort of "temporary worker program" is overwhelming (81.2%).[24]

Elites and Non-elites

There is little solid data on the views of elites and non-elites generally in the United States. There is evidence that the views of Latino elites differ from those of the rank and file. This statement may be more accurate if nuanced in the way Peter Skerry has done: "Indeed, by defining the agenda for a poorly organized and largely disenfranchised group, the leaders exert extraordinary influence over how it [the rank and file, presumably] views the world."[25] Some examples given by Skerry are

positions on immigration and abortion. De la Garza and De Sipio also stress the importance of citizenship, or its lack, in shaping Latino views.[26]

Espenshade and Hempstead find in their analysis of survey data that the higher the education and income of Latino respondents, the more favorable they generally are to greater immigration.[27] This is consistent with what the authors hypothesized. The attitudinal differences between elites (defined in this example as the more educated and wealthier) and non-elites reflect the disparities in their perceived self-interest as much or more than in their ethnicity.

The significance of citizenship and disenfranchisement in determining mass as opposed to leadership positions may be undergoing a transformation. The increase in Latino (and other) naturalizations stimulated by the removal of benefits from legal aliens in the immigration and welfare bills had considerable influence in elections across the United States in 1996, especially in places where many Latinos live.[28] The rank and file Latinos, many more now enfranchised, turned out in greater numbers than in the past and, for the most part, their votes reflected the positions of the leadership. One unintended consequence of Proposition 187 and other anti-immigrant measures elsewhere has been to weaken the Republican Party in this and other states, at least for now, by antagonizing the fastest growing major ethnic minority—Latinos—in the United States.[29]

In Mexico, similarly, there is little solid data on the differences, if any, between the views of elites and non-elites. An approximation, however, of the views of the former can be obtained by looking at the way many enlightened employers interpret the migration phenomenon. Employers generally take the view that labor mobility is beneficial and rational. For them, there is no direct, or easy, solution to stopping Mexican migration. The answer to migration is indirect—through a healthier and more dynamic economy. Economic elites believe that if one wants to stop the current exodus, it is important that Mexican families recoup their economic security.

Employers see the migration phenomenon from the framework of the regional asymmetries within North America, and its solution within this same regional framework. Employers put forward two possible avenues to deal with the "migration problem." One is to legalize the phenomenon. The other (not in opposition to the first) is to promote the idea that within the North American space, resources—including labor—have to be shared among the three member countries.[30]

Public Positions of Influential Actors

Influential players can have a substantial impact on the public perception about migration issues. The positions of these actors undoubtedly carry much weight because their prominence attracts considerable media attention to their views. The

resulting public perceptions, whether or not accurate, do have an effect on legislative outcomes and on U.S.-Mexican relations.

In the United States, Governor Pete Wilson of California, by his advocacy of Proposition 187, gave official sanction to the measure. Governor Wilson had earlier made the issue of illegal immigration into California an important feature of his re-election campaign. Pat Buchanan, when he was seeking the Republican nomination for president in 1996, surely influenced many voters to support his anti-immigrant, especially anti-Mexican-immigrant, stance. In the end, Bob Dole, the eventual Republican candidate, supported Proposition 187. The anti-Mexican-immigrant position was by no means limited to Republicans. Senator Diane Feinstein of California opposed NAFTA largely on anti-immigrant grounds, and she has continued to take this position to this day. Her fellow Democrat from California, Senator Barbara Boxer, took a similar position.

Other key actors took opposite positions. As noted elsewhere, Governor George Bush of Texas criticized the anti-Mexican tone of many of the key players in California. President Clinton, on the opposite side of the position taken by his Republican rival, carried California in the presidential election.

Immigration from Mexico, and assertions about its fiscal burden for individual states and its social consequences for the nation as a whole, raised the visibility of Mexican relations in the United States, and not always in the most felicitous manner.

In Mexico, public statements and declarations of principles of key actors are plentiful. The positions selected—only three—are considered particularly relevant in framing the domestic debate and shaping the main public and private responses to the migration phenomenon. In his *Informe Presidencial,* President José López Portillo (1976-1982) synthesized in one short sentence what would later be repeated often as the Mexican view on the migration reality: "Mexico wants to export goods, not people." For years, the bulwark of the Mexican migration policy position has been the emphasis on the protection of migrant rights. During the debate on Proposition 187, this emphasis led Andrés Rozental, Undersecretary of Foreign Relations, to go on record in California in August 1994, in a way that many consider aggressive, even impolite and undiplomatic, in defense of Mexican migrants abroad. Finally, Jorge Bustamante, a well known scholar of the migration phenomenon, for years has been advocating the consideration of "a border perspective" in dealing with migration. His argument is that realities and perceptions at the border are peculiar to that region.

Media

The media treatment of migration is well exemplified by the nature of the coverage Proposition 187 received in Mexico and by the sober coverage in the United States of immigration reform.

Mexico — Proposition 187

The media in Mexico appeared to provide an accurate representation of the positions of the executive branch of government, the political parties, firms, the Catholic church, and the intelligentsia and academics about Proposition 187:

1. Executive branch of government: Both the Salinas and Zedillo governments saw the initiative as a racist and xenophobic expression. The government concluded that Proposition 187 affects the relationship between Mexico and the United States and compels dealing with the migration issue from a holistic and not a partial perspective.

2. Legislative branch of government and political parties: Both rejected the initiative and rallied to defend the human rights of the migrants. Both groups feared that Governor Pete Wilson's "electoral demagogy" would spread to other places in the United States. Their reaction had three elements: rejection of Proposition 187; the need to defend the human rights of Mexican nationals; and improvement of conditions in Mexico to obviate the need to emigrate.

3. Academic and intellectual communities: These groups characterized the Mexican government's response as unenthusiastic and felt that the rights of Mexican migrants had been subordinated to NAFTA negotiations and then to Carlos Salinas de Gortari's ambition to lead the World Trade Organization. They argued that failure to include the free mobility of labor between the signatory countries of NAFTA led to the discriminatory treatment of illegal workers.

4. Catholic church: Demanded a prompt dialogue between authorities of both countries and proposed the creation of a "Free Labor Agreement." Church leaders insisted that the Mexican government had to create conditions to avoid forcing citizens to cross the border illegally.

5. Private sector: Considered immoral the use of the migration problem by the U.S. politicians as a political device in the search for votes. Yet, they accepted that there is a serious unemployment problem in Mexico. They favored a strong defense of the rights of illegal workers in the United States.[31]

United States — Immigration Reform

In the period analyzed—from October to December 1995 and April 1996—the American press published a series of articles on the migration problem, focusing on the illegality aspect of the issue. In most reports, the dilemma was treated as a fiscal, economic and social problem which had adverse effects on American workers. There was also much stress on U.S. sovereignty loss because of lack of control of the border. Most articles supported unilateral U.S. measures to control illegal immigration.

The U.S. media reporting also showed two other tendencies: that measures like Proposition 187 were not a complete solution to migration problems; and the need to respect the human rights of workers.[32]

Advocacy by Nongovernmental Organizations

The manner in which this is done differs in extent and intensity in the United States and Mexico.

United States

Public interest groups are common in the United States and, in a sense, all significant legislation is the outcome of contests between such groups with differing interests. It has ever been thus in the United States, even if not to the extent that exists today; and, as Toqueville observed in a different setting, this capacity for organization of the public at large is one of the strengths of U.S. democracy. The immigration field lends itself to legislative and information contests because the interests at stake touch simultaneously on family and kinship matters, the cultural development of society, and the exercise of sovereignty over entry into national territory. There are many U.S. NGOs whose work is devoted exclusively to immigration issues (e.g., Federation for Immigration Reform, Center for Immigration Studies, and Voice of Citizens Together in California), and many more for whom immigration is one facet of their activities (such as the League of United Latin American Citizens, Mexican American Legal Defense Fund, National Council of La Raza, and, where issues of civil rights are involved, the American Civil Liberties Union). Business and agricultural interests take public positions on elements of legislation. The relative influence of these groups is significant in framing the compromises that emerge in immigration legislation.

As one goes through the 1996 immigration and appropriation bills, the influence of NGOs—either direct or as a result of public-education efforts—on outcomes becomes abundantly clear. Provisions to provide more funds to the Border Patrol than the administration requested demonstrates the strength of the anti-illegal immigrant sentiment. So do the pilot programs for confirmation of employment eligibility; but the fact that they are voluntary pilot programs also demonstrates that opinions differ sharply on this issue. The facilitation of legal entry at the border is in large part the result of a public-information campaign by NGOs. The restriction of benefits to non-citizen legal immigrants in both the immigration and welfare bills is partly the result of budgetary stringency and of pressure by NGOs. The provision making mutilation of female genital organs a criminal offense is the consequence of a public information effort by NGOs.

The list could be extended to past legislation, such as the SAWs program of IRCA and, before that, the Texas Proviso of 1952. The half-open door practice reflected compromises between various NGO groups which led to formal opposition to illegal immigration but not excessively so in practice. The constitutional case brought against implementation of major segments of Proposition 187 was directed by the ACLU in California.

The removal of the Gallegly amendment, which would have denied public education to alien children illegally in the United States, was largely a consequence of an organized public campaign by a number of NGOs. This outcome was aided considerably by the opposition to the amendment by the two Republican senators from Texas, Phil Gramm and Kay Bailey Hutchison.[33]

Mexico

NGOs have helped Mexican migrants for years. With the influx of Central American refugees into Mexico in the late 1970s and early 1980s, new NGOs arose whose work was directed to these groups of immigrants. This division of labor on migrants into and out of Mexico continues to the present, although there are NGOs that deal with both groups. NGOs increasingly combine work on issues of emigration from Mexico and those dealing with immigration into Mexico.

Mexican NGOs are becoming increasingly active and visible in the public debate. A group of at least two dozen NGOs, in combination with NGOs of other countries, gathered in Puebla, Mexico just before the First Regional Migratory Conference (March 1996) and presented a combined resolution. NGOs seek recognition by the government as interlocutors of the civic society.

These NGOs act as a pressure group for the migrants. The following two issues seem to take priority in their agendas: to inform and sensitize the population at large on the realities of the migration phenomenon; and to attempt to limit the adverse effects of migration on individuals, families, and communities. Many NGOs publicly denounce abuses and violations suffered by migrants during their journey toward the North, be they Mexicans or other nationals.[34]

Although not an NGO, nor devoted particularly to migration issues, the Comisión Nacional de Derechos Humanos (CNDH) has been monitoring the compliance and violations of migrants' human rights and, in so doing, has contributed tremendously to the creation of a culture of respect for human rights, including those of the migrants whatever their legal status. The CNDH in 1996 published its Second Report on the violations of migrants human rights along the northern border.[35] In 1995, it had published a report on the violations of the migrants' rights along the southern border.[36]

Legislative and Judicial Responses

U.S. Federal Immigration Legislation

Nationality

The U.S. Constitution states that all persons born in the territory of the United States are U.S. citizens and that Congress is empowered to establish a "uniform rule of naturalization." The terms by which nationality and citizenship are defined, acquired, and lost are established by federal legislation and court decisions interpreting this broad Constitutional provision.

Birth in the United States confers citizenship regardless of the status of the parents. Birth abroad of U.S. citizen parents confers derivative citizenship, according to complex rules that have changed over time. Usually, naturalization is a process by which a legally admitted immigrant who has resided in the United States for at least five years submits a petition and passes an examination in English and civics.

Admission of Immigrants

The United States sees itself as a country of immigration, and sees immigrants as potential U.S. (naturalized) citizens. U.S. immigration legislation has often arisen as a response to a perceived immigration problem of the moment, but usually has not focused specifically on Mexican immigrants. Early examples of policies that in some way focused on Mexican immigrants include the suspension of certain requirements of the 1917 Immigration Act to allow the temporary admission of Mexican workers during World War I, the creation of the Border Patrol in 1924, and the administrative restriction in 1927 which resulted in a decline in legal immigration from Mexico in the absence of quotas fixed by statute. Another example of a policy focused on Mexico was the recruitment of railroad and agricultural workers during World War II and the institutionalization of the Bracero Program in 1951.

Family reunification emerged as an important feature of U.S. immigration policy when numerical restrictions were first introduced in 1921, and it was maintained when immigration law was reorganized into the Immigration and Nationality Act of 1952. In 1965 it became a central principle of U.S. immigration policy. Before and since then, immediate relatives—unmarried children, spouses, and parents—of U.S. citizens have been admitted without statutory limit. Immediate relatives of permanent resident aliens and other close relatives of U.S. citizens and resident aliens have been admitted according to a complex set of rules which changed between 1965 and 1990 within a worldwide annual numerical ceiling. Preference categories set aside about 80 percent of the numerically limited visas for family-sponsored immigrants; employment-sponsored immigrants comprised most of the remainder.

In fiscal year 1995, the United States admitted over 720,000 immigrants, 12.5 percent, or nearly 90,000 of them born in Mexico (Table 1). The vast majority of these were close relatives of U.S. citizens or legal permanent residents—460,000 or 64 percent of the total, 90 percent of the immigrants from Mexico. Mexican immigrants comprised 26 percent of the total immigrants admitted under family-sponsored preferences (first through fourth preferences), including the 2A preference category of which 75 percent are admitted exempt from the per-country limit. By contrast, they comprised only 2 percent of the employment-based immigrants admitted and 3 percent of the categories not subject to numerical cap, which includes refugees and asylees.

Because the vast majority of Mexican immigrants over the years have been family sponsored and more have applied under numerically limited categories than visas have become available, backlogs have developed as applicants have waited for an immigrant visa. This first became apparent in Mexico's case shortly after 1976, when all countries were assigned an annual numerical limit of 20,000 immigrant visas for applicants other than immediate relatives of U.S. citizens. By 1982 271,582 active applications from Mexico were pending; by 1989 this had grown to 403,523. The 1986 Immigration reform and Control Act increased pressure on the visa backlog system even as it allowed for the legalization of 2.3 million persons from Mexico. This has led to a further increase in applications for permanent immigration status outside the numerical limitations of those legalized under IRCA. Perhaps 800,000 visa applicants in the backlog for Mexico resulted from this second stage of immigrant visa applications.

The 1990 Immigration Act increased the per-country annual limit for Mexico and other countries to approximately 28,000.[37] It also allowed for 55,000 extra visas for each year during 1992-94 minus the amount by which immediate relative immigrants exceeded 239,000 in the previous year for spouses and children of aliens legalized under IRCA. This helped reduce the backlogs and, for a brief period, nearly equalized the visa waiting period for applicants from all countries. By January 1995, however, the immigrant waiting list had grown to a total of 3.7 million applications, one million, i.e., 28 percent, from Mexico (Table 2).

Mexican applications are oversubscribed in all of the family preference categories—the shortest wait (first preference) is now about $4\frac{1}{2}$ years. In March 1997, visas were available for Mexican 2A applicants (spouses, children and unmarried sons and daughters of permanent resident aliens) who had a priority date before June 8, 1992. Third-preference applicants (married sons and daughters of U.S. citizens) and fourth-preference (siblings of adult citizens) have waited for about a decade for a visa. In March 1997, these applicants had February 1, 1988 and October 1, 1985 priority dates, respectively. It is not possible to predict how long it will take any given set of applicants to obtain a visa since they may later

Table 1
Immigrants Admitted to the United States from All Countries and Born in Mexico, by Legal Category, FY 1995

Immigrants Admitted	All Countries	Mexico	%
1. All immigrants admitted (1)=(2)+(22)	**720,461**	**89,932**	**12.5**
2. Subject to numerical cap	**593,234**	**86,079**	**14.5**
3. Family-sponsored preferences	**238,122**	**61,877**	**26.0**
4. Unmarried adult children of U.S. citizens	15,182	1,979	13.0
5. Spouses and unmarried children of alien residents, including exempt from limit	144,535	52,167	36.1
6. Married adult children of U.S. citizens	20,876	2,031	9.7
7. Siblings of U.S. citizens	57,529	5,700	9.9
8. Immediate relatives of U.S. citizens	**220,360**	**22,016**	**10.0**
9. Spouses	123,238	13,824	11.2
10. Parents	48,382	3,844	7.9
11. Children	48,740	4,348	8.9
12. Other family-sponsored subject to cap	**2,171**	**454**	**20.9**
13. Children born abroad to alien residents	1,894	369	19.5
14. Legalization dependents	277	85	30.7
15. Employments-Based immigrants	**85,336**	**1,708**	**2.0**
16. Priority workers	17,339	193	1.1
17. Professionals with advanced degrees of exceptional ability	10,475	56	0.5
18. Skilled, professionals, unskilled	50,245	1,086	2.2
19. Special immigrants	6,737	372	5.5
20. Investors	540	1	0.2
21. Diversity Programs	**47,245**	**24**	**0.1**
22. Not subject to numerical cap	**127,227**	**3,853**	**3.0**
23. Refugees and asylees	114,664	37	0.0
24. Parolees	3,086	0	0.0
25. Suspension of deportation	3,168	581	18.3
26. IRCA legalization	4,267	2,972	69.7
27. Other*	2,042	263	12.9

Source: 1995 Statistical Yearbook of the Immigration and Naturalization Service (Washington, D.C.: GPO, 1997), tables 4, 5, 6,7, and 8, and unpublished data from Statistics Division, INS. "From Mexico" refers to country of birth.

*This category consolidates a number of small admission categories listed in table 4. The equivalent tabulations for Mexico are not published. The number listed (263) is inferred from the 3,853 Mexicans admitted not subject to numerical cap.

Table 2
Immigrant Applicants Waiting for a Visa
January 1995*

Preference	Chargeable to Mexico	All Countries
All preferences	1,039,706	3,692,506
All family preferences	1,032,695	3,554,986
1st Unmarried adult children of U.S. citizens	4,021	69,540
2A Spouses & unmarried minor children of permanent residents	770,281	1,138,544
2B Unmarried adult children of permanent residents	106,797	494,064
3rd Married children of U.S. citizens	29,770	260,414
4th Siblings of adult U.S. citizens	121,826	1,592,424
All employment preferences	7,011	137,520
1st Priority workers	129	9,361
2nd Members of professions	35	9,097
3rd Skilled workers, professionals and others	6,351	111,506
4th Certain special immigrants	494	7,393
5th Investors, other than targeted emp. areas	0	84
5th Investors, targeted emp. areas	2	79

Source: United States Department of State, Bureau of Consular Affairs, Report of the Visa Office, 1995.

*Active immigrant visa applicants registered at consular offices in January, 1995.

submit applications under a more advantageous category, a close relative may naturalize and petition for their admission outside of the annual numerical ceiling, or Congress may amend the law again.

Control of Unauthorized Immigration

IRCA contained important legislative changes in policy regarding the deterrence of unauthorized immigration. Its principal provisions were (1) the adoption of penalties for employers who knowingly hired unauthorized immigrants and who did not review the documentation of all new hires; (2) the legalization of millions of unauthorized migrants; and (3) additional resources for the apprehension and removal of illegal entrants at the border with Mexico. The legalization provisions

allowed migrants who had resided illegally in the United States since January 1982 and met other requirements, or who had been employed in perishable agriculture for at least 90 days during the twelve months ending in May 1986 (Special Agricultural Workers, SAWs) and met other requirements to obtain temporary and later permanent resident status.

IRCA was the end product of a 15 year debate over how to respond to illegal immigration, especially from Mexico, which had been marked by legislative proposals considered but not enacted by Congress in 1971 and 1972, the Carter immigration plan of 1977, the recommendations of the Select Commission on Immigration and Refugee Policy (SCIRP) in 1981, the Reagan immigration plan of 1981, and successive bills introduced by Senator Alan Simpson and Representatives Romano Mazzoli and Peter Rodino.

There is considerable debate regarding the consequences of employer sanctions enforcement and the reasons for their perceived failure. As a policy response to unauthorized immigration, especially from Mexico, four general observations can be made. First, the response itself is a recognition that access to the labor market accounts for much of the unauthorized immigration to the United States. Second, 10 years of experience with the implementation of employer sanctions underscores the difficulties involved in imposing a new employment standard and in shifting to employers part of the burden of regulating immigrants in the labor market. Third, employer sanction legislation has had some unintended but foreseeable effects, such as the growth of an industry in fraudulent documents and the expansion of the role of subcontractors and labor market middlemen who shield employers from the penalties of the law. Finally, though it may be possible to argue that unauthorized migration would have been higher in the absence of employer sanctions, it is clear that these penalties in combination with other circumstances since 1987 have not reduced the population of migrants illegally in the United States or even reduced the rate of growth of this population.

There is much less debate over the immediate consequences of legalization under IRCA. A total of 1.6 million pre-1982 residents and 1.1 million Special Agricultural Workers from all countries legalized their status and eventually were admitted as permanent resident aliens outside of the numerical limitations. Mexican nationals comprised 70 percent of the pre-1982 population and 81 percent of the SAWs legalized under IRCA. Legalization made it possible for many of these persons to stay and work in the United States without fear of deportation, travel freely in and out of the country, to apply for immigrant visas for close relatives, and to apply for naturalization, which many did, starting in the mid 1990s.

The increase in resources dedicated to border enforcement under IRCA was further expanded and a new enforcement approach was adopted in 1993 with Operation Hold-the-Line in El Paso and later with Operation Gatekeeper in San

Diego. The new strategy combines a large growth in the number of Border Patrol officers, an expansion in the kinds of devices and technology employed to detect bordercrossers, and a forward and visible deployment of officers near the boundary. In combination with an extensive metal fence constructed at the border, this approach emphasizes deterring illegal entry whereas previous strategies emphasized apprehension and removal after illegal entry.

Though it is early to evaluate the effect of this heightened border enforcement effort on the size of the unauthorized immigrant population in the United States, it has had the effect of changing the strategies employed by border crossing persons: there is an increase in the number of illegal crossing attempts using fraudulent documents at the ports of entry, of smugglers, and a growth in the flow through difficult desert and mountainous terrain.

1996 Immigration Legislation

The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) goes beyond IRCA and constitutes an even more radical overhaul of immigration law as regards the control of unauthorized immigration. IIRIRA authorizes increased levels of appropriations for new resources and personnel related to immigration enforcement. Depending on annual appropriations in each case, it increases the number of Border Patrol agents by 1,000 per year and support personnel by 300 per year between FY 1997 and FY 2001 (sec. 101). It authorizes an increase in the number of INS investigators and support personnel assigned to investigate employer sanctions violations and document fraud (sec. 131). It authorizes an increase of 300 new full-time investigators assigned to visa overstay cases (sec 132). It mandates the Attorney General to increase detention space to 9,000 beds by the end of FY 1997 (sec. 386). It authorizes $150 million for costs associated with the removal of aliens, including investigations and detention (sec. 385). It increases the number of asylum officers by 600 in FY 97 (sec. 605). It increases the number of Assistant U.S. Attorneys by at least 25 to assist in the prosecution of crimes relating to immigration and alien smuggling (sec. 204).

IIRIRA makes significant modifications designed to strengthen the effectiveness of existing employer sanctions provisions. It removes the liability for technical violations of paperwork requirements where employers demonstrate good faith (sec. 411). It reduces the number of acceptable employment verification documents and requires the federal government to comply with the same paperwork requirements (412). It requires the Social Security Administration to develop a prototype of a counterfeit- resistant Social Security card (sec. 657). It provides for three types of pilot programs designed to test the strengths and weaknesses and costs of various approaches to verifying work authorization (sec. 401-403). Participation is voluntary

for private employers (although certain employers who have violated immigration laws may be required to participate) and mandatory for job applicants.

In addition to increasing substantially the number of Border Patrol personnel, the IIRIRA mandates the construction of triple fencing along the San Diego border (sec. 102) and calls for reports and studies to evaluate the deterrent effects of INS border management (sec. 107). It also provides funds and establishes new procedures to tighten the inspection of nonimmigrants (sec. 123, 124, 125, 110). At the border it also provides for an improved border crossing card and an increase in the number of border inspectors in order to reduce border crossing delays at peak hours (121).

IIRIRA abolishes the doctrine of "entry," and replaces it with the concept of "admission," eliminates the previous exclusion and deportation proceedings and replaces them with a single hearing to effect removal (sec. 301, 304). The expedited removal of inadmissible arriving aliens is authorized. Section 302 introduces an important new condition for aliens which took effect on April 1, 1997: the exclusion without a hearing for individuals with fraudulent documents or no documents at all, unless the alien declares an intention to apply for asylum or state a "credible fear of persecution." If the alien cannot establish continuous physical presence for the two years before notice or detention, the INS has the discretion to deny a hearing to any alien who was not admitted or paroled—e.g., one who entered without inspection. The Attorney General has sole discretion and this is unreviewable.

The authority of the INS to detain persons, moreover, is no longer subject to judicial review. Nor may a court set aside a decision to detain or release an alien, or to grant or deny bond or parole (sec. 303). Congress anticipated that there may not be sufficient detention space for the INS to hold everyone under this section and therefore authorized a transition period to delay its implementation if there is insufficient space and personnel. Otherwise, this section became effective on April 1, 1997.

Section 301 introduces a set of new conditions which took effect on April 1, 1997, and which bar permanently or for several years the subsequent legal admission of persons who remain unlawfully in the United States. An alien unlawfully present in the United States for more than 180 days and less than one year, and who leaves the United States voluntarily before removal proceedings, is inadmissible for three years. An alien unlawfully present for one year or more and leaves voluntarily before removal proceedings is inadmissible for 10 years. Certain aliens ordered removed at the end of removal proceedings initiated at the time of arrival will be inadmissible for five years. Otherwise, an alien who is ordered removed or who has departed after a removal order was issued, is inadmissible for 10 years—20 years if subsequently removed, permanently if the alien committed an aggravated felony. Aliens unlawfully present for an aggregate period of more than one year or

who have been ordered removed and who subsequently enter or attempt to enter the United States without lawful admission are barred permanently from admission. The Attorney General is given discretion to give prior consent for reapplication only after 10 years have lapsed.

Two previous forms of relief from deportation have been modified significantly. The period of continuous presence required for "suspension of deportation" is extended from seven years to 10, and the applicant must demonstrate that removal would result in "exceptional and extremely unusual hardship" to the alien's U.S. citizen or permanent resident alien spouse, parent or child (sec. 304). Previously the applicant, a deportable alien, could demonstrate extreme hardship to himself or herself.

The second form of relief from deportation—voluntary departure—is still available to many unlawful migrants. If sought before completion of removal proceedings, it must be undertaken within 120 days of notice to appear. If sought at the conclusion of removal proceedings, several specific conditions must be met: the alien must have been physically present in the United States for at least one year before the notice to appear, can demonstrate good moral character for five years before application, is not deportable because of an aggravated felony or other serious grounds, and has established convincingly that he intends to depart. Failure to depart in a timely fashion will result in civil fines between $1,000 and $5,000 (sec. 304). Other penalties include fines not to exceed $500 per day for aliens who willfully fail or refuse to depart after final orders of removal (sec. 380). The Attorney General is given authority to limit eligibility for voluntary departure for any class of aliens, and this authority is not subject to review by the courts (sec. 304).

The INS is required to detain any alien who is inadmissible on criminal-related grounds or criminal grounds of deportation. The discretion is not subject to judicial review (303).

IIRIRA seeks to facilitate the cooperation and communication between the INS and state and local government agencies and the transfer of alien prisoners to foreign countries. Section 133 authorizes the Attorney General to enter into agreements with state and local authorities in order to authorize state and local law enforcement officers to perform immigration enforcement functions, including investigation, apprehension and detention. The IIRIRA prohibits federal, state, and local officials from prohibiting any government entity from sending or receiving information from the INS regarding the citizenship or immigration status of any individual, or of maintaining such information (sec. 642). It also requires federal regulations to tighten the design of birth certificates issued by the states, and to consult with state agencies for this purpose (sec. 656). Section 330 recommends the negotiation of additional prisoner transfer treaties which would allow for transfers without the prisoner's consent.

Finally, IIRIRA levies new costs and criminal penalties on unlawful immigrants. It precludes the payment of Social Security benefits to aliens not lawfully present (sec. 503). It requires states to not provide in-state tuition and other college benefits to an alien not lawfully present unless the state would also provide the same benefit to citizens residing in another state (sec. 505). It increases either civil or criminal penalties, or both, for individuals who are unlawfully in the country, who smuggle or transport them, or who provide or utilize false documents. Section 105 provides for civil penalties for illegal entry; sec. 108 for criminal penalties for high-speed flights from immigration checkpoints. Certain criminal violations of the Immigration and Nationality Act may be prosecuted as racketeering offenses (sec. 202). The criminal penalties for alien smuggling are increased to 10 years' imprisonment; 15 years for a third or subsequent offense (sec. 203). Section 211 allows for increased criminal penalties for document fraud and sec. 215 for false claims to citizenship.

The family-sponsored immigration preferences were amended to require that sponsors providing affidavits of support be able to support both the sponsor's and the immigrant families at 125 percent of the federal poverty guideline. This obligation does not end until the sponsored immigrant becomes a U.S. citizen or is employed for 40 quarters (i.e., accumulates ten years of employment). This is a stringent new provision.

Many provisions of IIRIRA and its companion welfare reform legislation are based on the assumption that unauthorized foreigners have abused the adjudicative process and that immigrants take advantage of the welfare system. These two laws, and the anti-terrorist act adopted in 1996, are mutually reinforcing. The hundreds of pages of regulations required to carry out the IIRIRA that were issued by the Justice Department in early 1997 reflect the extraordinarily detailed statute which broadens the authority of the INS over aliens and reduces considerably the legal means available to aliens to challenge administrative decisions which, if applied to citizens, would be quashed by the courts. IIRIRA eliminated many of the procedural due-process safeguards, including in many instances the right to a hearing and the judicial review of administrative decisions. These provisions sharpen differences between citizens and authorized aliens, and declare that unauthorized immigrants cannot call on outside the protection of many of the safeguards available to citizens under the Constitution.

U.S. Supreme Court Decisions and Immigration Law Enforcement

The authority of the law enforcement agents at an external border of the United States or its equivalent (such as at an international port of entry) to conduct searches and seizures and to detain is considerably broader than the authority of police officers

in their normal conduct of criminal law enforcement within the country. The courts have ruled that warrantless searches without probable cause at an external border do not violate the Fourth Amendment prohibition of unreasonable searches and seizures. The authority of immigration officers to stop vehicles, question persons, and conduct searches and seizures at places other than the external border or its equivalent, is broader than that of the police enforcing criminal law, but less broad than at the external border.

Over the past three decades, the Supreme Court has defined different standards of constitutionally permissible searches and seizures depending on whether the law enforcement activity was conducted by a roving patrol near the border, at a traffic checkpoint, and in workplaces, whether the basis for the warrantless search was individualized or not. In the early and mid 1970s, the Court tended to restrict the search and seizure authority of the INS. Since then the trend has been toward the expansion of that authority. This particular area of judicial review raises important questions about the balance between the goals of immigration law enforcement and protecting the privacy of individuals who face the possibility of warrantless searches, questioning, and detention by immigration officers.

Three Supreme Court cases—Almeida Sánchez v. U.S. (1973), U.S. v. Ortiz (1975) and U.S. v. Brignoni Ponce (1975)—defined the initial standard by which the courts sought to balance the strong governmental interest in controlling unauthorized immigration and the constitutional right of individuals against unreasonable searches and seizures. In its opinion in Brignoni, the Court acknowledged the friction between the Fourth Amendment and the broad statutory authority granted to the INS by section 287 of the Immigration and Nationality Act to effect searches without a warrant.[38] (Table 3 summarizes the cases discussed in this section. A more extensive summary of Fourth Amendment cases appears in Volume 3, pages 1241 to 1247.)

At issue in Brignoni was whether a roving patrol may stop a vehicle near the border and question its occupants relying solely on the apparent Mexican ancestry of those occupants. The Court held that a roving patrol need not base a stop on probable cause if the officers are "aware of specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion" that the vehicle was carrying unauthorized migrants, and that apparent Mexican ancestry did constitute one of several factors that could be employed to determine whether reasonable suspicion existed. However, the Court concluded that the apparent Mexican ancestry of the occupants, alone and unsupported by other facts, was not sufficient to believe the occupants were aliens and to justify a stop. An officer may stop a car briefly and investigate the circumstances that provoke suspicion when his or her observations lead him reasonably to suspect that a particular vehicle may contain aliens who are illegally in the country.

Table 3
Summary of selected Fourth Amendment Supreme Court cases, 1973-1990 (U.S. Supreme Court unless otherwise indicated)

Case	Holding/significance
Almeida-Sánchez v. U.S. (1973)	Limited the power of INS roving patrols to stop and search vehicles not at border.
U.S. v. Ortiz (1975)	Court applied probable cause standard to traffic checkpoint searches.
U.S. v. Brignoni-Ponce (1975)	Apparent Mexican ancestry of occupants of vehicle near the Mexican border not sufficient under Fourth Amendment to stop and question re: citizenship and immigration status.
U.S. v. Martínez-Fuerte (1976)	At a fixed checkpoint, individualized suspicion is not necessary to stop a vehicle. Profile of individuals, such as apparent Mexican ancestry, is sufficient. Exception made for fixed checkpoints.
U.S. v. Cortez (1981)	Objective facts and circumstantial evidence based on profile of individual are a legitimate basis for suspicion of a particular person and justifies investigative stop of vehicle. Dilutes Brignoni-Ponce.
ILGWU v. Sureck (1982)	Ninth Circuit held that the workforce in a building during a factory sweep by INS was seized for the duration of the survey. Fourth Amendment requires individual could be questioned only on basis of reasonable suspicion that the individual was an unauthorized alien.
INS v. Delgado (1984)	Overturned ILGWU v. Sureck. INS practice of closing factory exits not a detention but interrogation device; systematic questioning not based on individualized suspicion meets Fourth Amendment standard.
INS v. López-Mendoza (1984)	Exclusionary rule does not apply to deportation hearings.
U.S. v. Verdugo-Urquidez (1990)	Fourth Amendment extends only to individuals with substantial connections with U.S. and may not extend to all unauthorized aliens present in the United States.

In Almeida-Sánchez and Ortiz, the Court held that a search of an auto away from the border or at a traffic checkpoint requires a warrant or probable cause to meet the reasonable searches and seizures standards of the Fourth Amendment.

In two subsequent decisions—U.S. v. Martínez-Fuerte (1976) and U.S. v. Cortez (1981)—the Supreme Court backed away somewhat from the standards previously enunciated. In Cortez, it diluted the holding in Brignoni by allowing for a stop based solely on the profile of an individual. The Supreme Court found, examining "the whole picture," that the detaining officers had met the Brignoni-Ponce requirement of founded suspicion. In Martínez, the Court carved out an important exception for stopping vehicles at reasonably located traffic checkpoints. It held that at such checkpoints, INS agents needed no individualized suspicion to stop a vehicle and question its occupants.

The lower court decision in Martínez had followed Almeida, Ortiz, and Brignoni. In reversing Martínez, the Supreme Court distinguished this case from previous holdings by finding that traffic checkpoints conducted by the Border Patrol present a minimal intrusion on the privacy of motorists and that the purpose of the stops was legitimate and in the public interest. The Court also weighed in on the side of practical considerations of law enforcement to justify the finding that traffic checkpoints do not have to meet traditional Fourth Amendment standards. The opinion observed that the need for this enforcement technique was demonstrated by the records in the cases before the Court, and that on major routes the traffic is too heavy to allow for a particularized study of vehicles.

The exception enunciated in Martínez applies only to traffic checkpoint stops. Any intrusion beyond the original stop must be based on consent or probable cause. Even so, in his dissent, Justice Brennan argued that in the instance of checkpoint stops, the majority opinion had rendered the Brignoni requirement of minimum reasonable suspicion meaningless. The exception created by Martínez-Fuerte, Brennan argued, would "inescapably discriminate against citizens of Mexican ancestry and Mexican aliens lawfully in this country for no other reason than that they unavoidably possess the same 'suspicious' physical and grooming characteristics of illegal Mexican aliens."

Martínez-Fuerte marked the beginning of a series of exceptions and a shift away from the requirement of individualized suspicion and traditional interpretations of the Fourth Amendment in the enforcement of immigration law at places away from an external border.

In 1982 the Ninth Circuit Court of Appeals issued a ruling in the case of International Ladies' Garment Workers' Union v. Sureck which was consistent with the earlier requirements. This case concerned a factory worksite survey in which INS agents moved through the factory floor and inquired as to the citizenship and immigration status of the workers while other agents were stationed at the

exits. The Court admitted that section 287 of the INA authorized the INS to question any alien or person believed to be an alien as to her right to be or remain in the United States, pursuant to the Fourth Amendment. Accordingly, the appeals court found that an individual could be questioned only on the basis of a reasonable suspicion or probable cause that that particular employee was an unauthorized alien. In ILGWU v. Sureck the court found that the work force at the plant was seized for the duration of the survey and that the agents had created a detentive environment by their verbal authority, badges, use of the element of surprise, the sustained disruption of the working environment, and the questioning of selected individuals based upon their clothing, facial appearance, hair color and styling, demeanor, language and accent.

In INS v. Delgado (1984), the Supreme Court overturned the Ninth Circuit ruling. The majority opinion stated that the factory survey did not result in a seizure of the entire work force, and that the individual questioning of the employees did not amount to a detention or seizure under the Fourth Amendment. A concurring opinion by Justice Powell reasoned that the surveys were permissible by applying the analogy of a permanent checkpoint away from the border. He found that workers have no more expectation of privacy in a workplace than people in automobiles, and therefore the constitutional standard was met since both circumstances posed minimal intrusiveness and maximum government interest. While federal courts continue to refuse racial or national-origin appearance to justify warrantless stops, the Supreme Court is apparently satisfied with the constitutionality of the systematic questioning (as opposed to questioning based on individualized suspicion) that occurs during INS factory surveys.[39]

Another area where INS authority has been interpreted broadly involves the exclusion of evidence obtained unlawfully. The issue in INS v. López-Mendoza (1984) was whether an admission of unlawful presence in the United States made after an allegedly unlawful arrest must be excluded as evidence in a deportation hearing. The Court applied a balancing test which weighed the social benefits of excluding unlawfully seized evidence against the likely costs. On the benefit side was the goal of deterring future unlawful police conduct. On the cost side was the loss of evidence and all of the secondary costs flowing from the less accurate or more cumbersome adjudication that occurs as a result. The Court considered that the costs did not justify the benefits. It also noted that deportation hearings require fewer protections for the individual than do criminal proceedings.[40] It concluded that persons threatened with deportation could not exclude evidence obtained in violation of the Fourth Amendment at civil deportation hearings.

In a later case not specifically about unauthorized aliens but that had important implications for their rights, U.S. v. Verdugo-Urquidez (1990), the Supreme Court suggested that unauthorized aliens have no Fourth Amendment rights at all. Before

Verdugo reached the Supreme Court, the Ninth Circuit considered the question whether the Fourth Amendment applied to searches and seizures by U.S. agents of property located in a foreign country and owned by a non-resident alien. The Ninth Circuit reasoned that in its previous ruling in López-Mendoza, the Supreme Court had recognized that unauthorized immigrants have Fourth Amendment rights and therefore, that in Verdugo it was "difficult to conclude that Verdugo-Urquidez lack[ed] these same protections" since Verdugo was legally present in the United States.

In its review of Verdugo, the Supreme Court disagreed. Justice Rehnquist stated that the issue in López-Mendoza had been a narrow one—whether the exclusionary rule applied in civil deportation hearings—and "did not encompass whether the protections of the Fourth Amendment extend to [unauthorized immigrants] in this country."[41] The Court noted that the Fourth Amendment extends only to "the people," which "refers to a class of persons who are part of a national community or who have otherwise developed sufficient connection with this country to be considered part of that community." The Court reasoned that if the framers of the Constitution had intended the Fourth Amendment to be more universal in its application, they would have used the term "persons" as they did in the Fifth and Sixth Amendments.[42] The Court seemed to have concluded that Fourth Amendment protections extend only to those "people" who have "substantial connections" with the United States.[43]

Between the Almeida-Sánchez, Ortiz, and Brignoni-Ponce at one end, and Delgado and Verdugo-Urquidez at the other, the U.S. Supreme Court has shifted away from the initial presumption that immigration officers are bound by traditional Fourth Amendment requirements. In so doing, it has made distinctions among various classes of persons to determine whether the Fourth Amendment applies to them. The Court has given considerable latitude to immigration law enforcement officers, even as it has refused to abandon explicitly the requirement that searches and seizures must be individualized under some circumstances.

Immigration Aspects of Other U.S. Legislation

Two important U.S. laws enacted in 1996, other than IIRIRA have significant provisions relating to immigrants. The first of these is the welfare law (the Personal Responsibility and Work Opportunity Reconciliation Act of 1996), and the second the Anti-terrorism and Effective Death Penalty Act of 1996 (AEDPA). In addition, the appropriations process has an important influence on immigration matters. Most immigration matters are within the purview of the two judiciary committees in the House of Representatives and the Senate, but the budget and appropriation committees of the two houses have great influence. Related legislation, even if it contains immigration provisions, comes under the primary purview

of the relevant committee for that subject, such as the House Ways and Means Committee for welfare matters.

Under the welfare bill, illegal immigrants are ineligible for most public benefits. For the most part, this was the case before the legislation. Illegal aliens remain eligible for emergency Medicaid, school breakfast and lunch programs, soup kitchens, public health assistance for immunizations, disaster relief, and certain housing benefits if receiving them on the date of enactment of the legislation.

More to the point, therefore, because the prohibitions are new, are those directed against legal immigrants. They are barred from receiving Supplemental Security Income (SSI), food stamps, and Medicaid until citizenship or until the immigrant has worked 40 qualifying quarters and did not receive any Federal means-tested program during any such quarter. There is an exception for refugees, asylees, and individuals granted withholding of deportation during their first five years in the country and for veterans and active duty service personnel. States have authority to determine eligibility for Aid to Families with Dependent Children and state welfare programs. The immigration legislation amended the welfare law to permit battered women to receive public benefits under certain circumstances.

Legal immigrants will be subject to deeming rules in determining eligibility for federal programs until citizenship or until the immigrant has worked 40 qualifying quarters and did not receive any Federal means-tested program during any such quarter. This means that affidavits of support signed by those who sponsor immigrants for admission are legally enforceable. States have the authority to limit eligibility or to deem sponsor income and assets, with similar exceptions.

Governor Wilson, who had been prevented by the courts from implementing many of the provisions of Proposition 187, used the provisions of the welfare legislation to accomplish many of the same objectives. Less than a week after the welfare bill became law, he issued an executive order to state agencies and state-supported universities to cut off benefits to illegal aliens.

When he signed the welfare legislation, President Clinton stated he would try subsequently to soften the impact on noncitizen legal residents. The Republican chairman of the House Ways and Means Committee, Bill Archer of Texas, was quoted as saying that if the president wants to undermine and weaken the bill by allowing noncitizens to receive welfare payments, "I will fight to protect the taxpayer."[44] Nevertheless, some restitution of benefits was included in the 1997 legislation to reduce taxes and balance the federal budget by the year 2002. Restoring full benefits to noncitizen legal residents would require finding an estimated $20 billion elsewhere in the budget, either by reducing other programs or raising new revenue, and this is therefore unlikely.

The AEDPA of 1996 was enacted to take effect in April 1997 and it provides the basis for expedited deportation of persons considered criminal aliens. It

prohibits the Attorney General from releasing from custody any criminal alien deportable for having been convicted of either two crimes involving moral turpitude within five years of entry, a firearms offense, a drug offense, and aggravated felony, or a security-related crime. In earlier legislation, the Board of Immigration Appeals could suspend forced removal of an alien who has become acclimated to the United States on the grounds that this would inflict great hardship, but under the AEDPA hardship will no longer be a criterion for suspending forced removal. The definition of aggravated felony was expanded in the AEDPA to include, among other offenses, theft or receipt of stolen property for which the term of imprisonment is five years; and forgery, counterfeiting, mutilating, or altering a passport in violation of the Immigration and Nationality fraud provisions for which an 18-month sentence is imposed.

Like the IIRIRA discussed previously, AEDPA precludes judicial review of administrative decisions, such as final orders of deportation of most criminal aliens and places strict limits on issues to be considered in a *habeas corpus* review. This removes many critical legal safeguards available to citizens.

When provisions on immigration and treatment of immigrants, those in the United States legally and illegally, and on refugees and asylees, are scattered in many bills, inconsistencies and anomalies are sure to arise. This is particularly true when compromises on complex legislation are reached at the 11th hour, as was the case for the immigration and welfare laws. This is why a bill to deal with technical corrections was necessary in the new Congress. The more widely spread across many laws are provisions dealing with immigration, the more complex it becomes to make changes. The technical bill was vetted across the government in the Departments of Agriculture, Education, Health and Human Services, Labor, Justice, and the Social Security Administration. Such legislation often goes beyond technicalities.

Interplay between Federal and State Actions in the United States

Control of borders is a federal responsibility, a fact that contributed to the delay in implementing the legislation that grew out of Proposition 187. However, once in the United States, the bulk of the impact of immigration falls on those places where the immigrants live, the states and localities. Most public services that are provided are done at the expense of the states and localities. Because the impacts differ among the states, there is no single view on such issues as welfare, education, health care, or even on attitudes toward welcoming or resisting immigrants. The differences among the states may become even more sharp in the future now that many welfare decisions are being decentralized.

The proposed Gallegly amendment on education brought out these differences quite vividly. Representative Gallegly, a Republican, is from California and his proposal to deny education to illegal alien children probably represented the majority view in that state. Senators Gramm and Hutchison, both Republicans from Texas, represented a different viewpoint, one shared by that state's governor, George W. Bush, also a Republican. The speaker of the House of Representatives, Republican Newt Gingrich supported Gallegly. He phrased his position as follows: "California decided by statewide referendum not to pay for these benefits; this should be its right. Texas, on the other hand, has chosen to pay for these benefits; this also should be its right."[45] The Texas position was not always thus, of course. The leading U.S. Supreme Court decision requiring the education of illegal alien children, *Plyler v. Doe*, grew out of a case brought against a Texas law of 1975 denying such education.

A number of states have brought suit to recover costs they must bear for providing services to illegal aliens, all unsuccessful thus far. In their letter of opposition to the Gallegly amendment, Senators Gramm and Hutchison stated their support for federal funding of these education costs. A disproportionate share of these education costs fall on seven states: California, New York, Florida, Illinois, Texas, New Jersey and Arizona.

The Republican Mayor of New York City, Rudolph Giuliani, has argued against welfare cuts for most legal aliens. He cited data showing that recent legal immigrants use public assistance less than native New Yorkers (11.2 versus 13.8 percent), which is the reverse of the data cited by California. A proposal to deny public services to illegal immigrants was killed in Florida in April 1995 based on opposition from Cuban-American legislators. Instead, a commission was established to study the issue.[46]

When Proposition 187 passed in California, there were predictions that the sentiment embodied in this referendum would sweep across the country. There were echoes of support in other states and at the federal level, but there also were manifestations of opposition to this approach. The variety of state and locality responses is a reflection of many distinct circumstances across the nation. Some of these disparities are different economic situations among states and localities, unique ethnic mixes, varying power relationships between Latinos and others, and non-uniform perceptions of self-interest.

Nationals and Foreigners in Mexico

Immigration issues and immigration legislation have a radically different significance in Mexico than they do in the United States. Mexico does not view itself as a country of immigration. Immigrants in 20th century Mexico have been

few in number and of marginal demographic significance. On a few occasions, however, Mexico opened its doors to immigrants. This took place at the time of the Spanish Civil War, before and during World War II, and in the 1970s and 1980s for South and Central Americans. The 1990 census showed that less than 0.5 percent of the national population is foreign-born, compared to 9 percent in the United States (in 1995). Though few in number, foreigners traditionally have come with capital and skills to Mexico, and therefore have had a salutory impact on the country's economy disproportionate to their number.

The Mexican Revolution of 1910 was in part a negative reaction to the enormous concentration of land, industry and wealth in Mexico in the hands of a small number of persons, many of them foreigners. The Constitution of 1917 and the legislation adopted in later years reflected these concerns. The new legislation curbed the property rights of foreigners. Mexico's foreign policy at that time began to promote the idea of noninterference in the domestic affairs of states and the doctrine that foreigners, as part of the condition of their admission, would have to renounce the right to appeal to their home governments for support beyond the rights already established under Mexican law.

Mexican legislation significantly curbed the right of foreigners to own real property, especially along the coasts and near international boundaries; made it difficult to naturalize; and established in the Constitution the right to deport foreigners for violations of Mexican law. Post-Revolution governments reversed the pre-1910 policy of encouraging foreign immigration. These governments also were disturbed by the growing emigration to the United States and the lack of population of certain parts of Mexico and began to encourage the repatriation of Mexican emigrants. The experiences of the late 19th and early 20th century turned Mexico away from the promotion of immigration and toward coping with the growing flow of nationals departing the country to the north.

Because Mexico is essentially a country of emigration of nationals rather than of immigration of foreigners, much of what is important in migration laws and policies relate to how nationality is defined and what are the rights of Mexican nationals while traveling and in the border regions.

Under Mexico's laws, all residents have freedom of movement within the territory. Like many other countries, Mexico has formal requirements for the entrance and departure of nationals and foreigners. (The United States, by contrast, does not have formal departure requirements.) However, in practice, many of these formal requirements are often ignored and are probably not enforceable, especially when departures take place away from designated exit points. In any case, the constitutional right to free transit has been interpreted to mean the right to leave the country, regardless of compliance with formal requirements. This interpretation has not been tested in the Mexican courts. This interpretation was modified during the

Bracero Program when the Mexican government made modest efforts to patrol its side of the border to prevent unauthorized departures and again when it briefly used armed force to prevent the unilateral recruitment of *braceros* by the United States. The Mexican national consensus since the modest efforts during the Bracero Program has been that the Constitution prevents the government from stopping the departure of nationals from its territory.

In December 1996, Congress passed constitutional amendments often referred to as "dual nationality," whereby Mexicans who take another nationality at the time of foreign naturalization do not automatically lose their Mexican nationality and citizenship. As a result, once the amendments become effective, Mexican-born persons naturalized as citizens of another country will no longer be treated as foreigners upon their return to Mexico and their property rights and other rights will not suffer. (See Volume 3, pages 1249 to 1250, on the unrenouncability of the Mexican nationality).

Immigration Law in Mexico

Mexico's immigration law traditionally has been enacted within the framework of what is termed "population law," which includes policies designed to influence population dynamics, the promotion of settlement of sparsely populated areas, and the distribution of Mexico's resident population. Immigration is thus an aspect of population policy and this approach underscores the view that Mexico is more concerned with population growth and distribution than with the admission of foreigners.

The current population law in Mexico dates from 1974, but this law has been amended on several occasions, most recently in 1990, 1992 and 1996, to liberalize the entry of certain categories of foreigners and to strengthen the penalties against those who traffic in migrants.

A feature of Mexican immigration policy is that it gives priority to foreign applicants who have needed skills from the standpoint of Mexico's economic development. Mexico is a country with a shortage of certain kinds of skilled workers, and although immigration policy has not encouraged the *recruitment* of such workers, it has given priority to their admission. In many instances, skilled immigrant workers are required to certify that they will participate in the training of domestic workers who wish to acquire these skills.

Another feature of Mexican immigration policy, and perhaps the most important, is that the legislation indicates goals and priorities without specifying the number or proportion of immigrants to be admitted under each category. Indeed, Mexican immigration law gives great administrative discretion to the executive branch to decide on a case-by-case basis whether particular decisions are consistent with the overall policy goals.

Like the United States, Mexico assigns a high priority to the admission of the immediate relatives of Mexican nationals and resident immigrants. It appears that the majority of the relatively small number of immigrants (*inmigrantes e inmigrados*) admitted each year are essentially based on family reasons.

Immigration policy and practice has undergone subtle but important changes since about 1980. The impetus for change came with the mass movement of Central Americans into Mexico, especially near the southern border. Suddenly, Mexico seemed to be not just a country of mass emigration, but also of substantial immigration—at least of asylum seekers. Moreover, Mexico experienced the new situation of many foreigners entering illegally in order to proceed to the United States. Mexico, therefore, modified its legislation and administrative procedures to deal with these new circumstances by creating the category (*calidad*) of refugee (1990) and increasing penalties for illegal trafficking in migrants in and out the country (1990 and 1996).

Another event which provided stimulus for modifying immigration legislation was the need to accommodate to the mobility of an open economy (and of NAFTA), the influx of investment, and the provision of services. Mexican law was modified (1992) to facilitate the entry of business visitors, investors, technicians, professionals, and others to conduct business in Mexico. Special facilities are given to American and Canadian businesspersons to enter Mexico. In the year April 1994 to April 1995, the number of U.S. and Canadian businesspersons entering the country on a temporary basis (FMN) was a little more than 47,000, more than 95 percent U.S. citizens.

Professionalization of Immigration Administration in Mexico

The new circumstances of the past decade and a half, and the parallel decision of the Mexican government to engage the United States more actively in migration matters, have contributed to the increasing professionalization of the administration of Mexican immigration policy. In 1993, the National Institute of Migration was created. One of the main objectives of current migration policy is to improve the services required by immigrants by simplifying regulations and procedures, upgrading the quality of personnel, and strengthening the administration, and the fostering a culture of service and probity.[47] Thus, the Secretaría de Gobernación, together with the National Commission for Human Rights, has issued a brochure designed to prevent the violation of human rights of migrants (*Cartilla. Guía de Derechos Humanos para Migrantes)*. Indeed, it is safe to assume that in shaping migratory behavior, Mexican authorities have in

mind the probability of comparisons between what Mexico demands for its citizens and the way Mexico treats its immigrants, be they authorized or unauthorized.

Other Actions to Encourage or Discourage Migration

Mexico

Discourage Migration: An Elusive Ambition

As a matter of principle, Mexico has not taken any action to encourage migration. On the contrary, a traditional position is that emigration of nationals is a loss to the country. Therefore, through the years, some actions can be listed that had the purpose of discouraging migration. (Usually this is not the only, nor the most important, purpose.) Most of these actions relate to the promotion of economic development. It is commonly accepted that development is the best, and only, long-term deterrent of mass emigration. All developmental actions are obviously not related to migration. What it means is that since 1965 there have been developmental measures whose goals included keeping would-be emigrants within the national territory. This migratory consideration usually is a minor or indirect one. Migration might play the role of safety valve, but not by design.

The Border Industrialization Program

This program, also known as the *maquiladora* program, encourages the establishment of in-bond plants to assemble imported components from the United States to be then exported back. The program was established in 1965 precisely after the termination of the Bracero Program with the intent of absorbing would-be migrants. At the start, this program probably absorbed some local population. The role of this program regarding the dynamics of Mexican migration to the United States is a question that continues to be matter of debate. In any event, the *maquiladora* program employed around three quarters of a million workers at the end of 1996.

Economic Development in Origin Regions

After Mexico stopped seeking a renewal of a Bracero Program in the mid-1970s, influential Mexican analysts proposed the establishment of special economic development programs precisely in regions of origin of the migrants. The purpose of these proposals was to keep people in their places of origin.[48] The hope was to obtain additional or special resources (from the outside) to be channeled to

the emigration regions. These proposals never prospered. However, they show a continuity in the Mexican attempts to discourage emigration.

NAFTA

One major action undertaken to discourage migration is NAFTA. Of course, migration was not an overriding consideration to negotiate NAFTA. However, the argument can be made that migratory considerations played a role in strengthening the case for NAFTA. NAFTA is a development strategy that has a built-in, indirect migratory effect—that price (wage) equalization would, eventually, discourage emigration. This potential migratory effect—even if long term—was useful in "selling" NAFTA.[49] NAFTA has provisions (chapter 16) to facilitate the mobility of technical and business persons, but they are based on a different perspective. This mobility is seen as associated or attached to the increased mobility of capital, services and technology transfers.

United States

Worksite Verifications

The 1996 immigration legislation establishes three separate pilot programs to confirm employment eligibility. Each has a duration of four years and is to be conducted within a year of enactment of the law in at least five of the seven states with the largest undocumented immigrant populations. Each program is voluntary for most private employers (but not for the executive and legislative branches of the federal government), but mandatory for job applicants.

The first, the basic pilot program, requires new employees to provide their Social Security numbers and, for non-U.S. citizens, INS identifying information. Employers are required within three days of hire to use a toll-free confirmation system to identify the employee's work eligibility. The second, called the citizen attestation pilot program, is permitted only in states where driver's licenses and identification cards have enhanced security features. This program is limited to 1,000 employers to be chosen by the Attorney General. The third, the machine readable document pilot program, is similar to the basic program except that the new employee presents a machine-readable Social Security number and the employer's inquiry is made through a confirmation system using the machine-readable feature of the document. Noncitizens must also provide their INS-issued numbers.

The ease with which documents could be forged was the Achilles' heel of the employer-penalty program under IRCA. The electronic verification pilots (or EVPs) could be significant ultimately in deterring employment of illegal aliens, but not in the short term. The new pilot programs are seen as an interim measure and depend

on self-certification by the alien. Thus, an alien with a valid Social Security number who claims to be a U.S. citizen will not be detected. The joint electronic verification pilot (JEVP) with the Social Security Administration was put on hold in the final immigration compromise.

The EVP is voluntary and, as of the end of February 1997, some 1,200 businesses were participating. They include meat packing in the midwest, poultry in the Delaware-Maryland-Virginia area and Georgia, and about 75 hotels in South Florida and San Diego. An interesting example among the volunteers is the Northwest Reforestation Contractors Association. Members of the Association claim that many reforestation contractors working for either private timber companies or the U.S. Forest Service and the Bureau of Land Management typically hire aliens illegally in the United States to perform the work, permitting them to underbid those contractors who do not, with no real danger of penalty even after IRCA. The group stated that it tried to work out something with the U.S. government, including the INS, in the years since IRCA, but with no concrete result. The problem was brought to the attention of the Commission on Immigration Reform, and from there to the INS, and the pilot program will include screening for unauthorized aliens on federal intensive-management contracts.

Nonimmigrant Visa Overstayers

The most recent INS estimate of the foreign population illegally in the United States (released February 7, 1997) was five million as of October 1996, and growing by 275,000 people per year. Of the five million, the INS estimate was that 2.9 plus million (59 percent) entered the United States without inspection, and 2.1 million (41 percent) overstayed. The INS estimate was that 2.7 million of the five million were Mexicans.

The INS response to reducing the population illegally in the United States must thus have two separate components, prevention of entry at or near the border and detection of people already in the United States either because they successfully evaded border deterrents or entered with valid visas and then abused the terms of their permission. Extensive investigation to locate the latter is not considered cost effective.

The INS makes a number of assumptions with respect to nonimmigrant visa overstayers. Its February 1997 report states that of the 25 million persons admitted as nonimmigrants in FY 1996, an estimated 98.5 percent will return home. The INS believes that many of those who do not when the term of the visa expires have a pattern of overstaying, returning home after a few years, and then repeating the process. Many, the INS believes, return to work in particular activities in specific locations, and increased inspections are to be conducted at these worksites.

More important, under new procedures, a part of the I-94 form that nonimmigrants must complete at entry will be stapled into the passport for surrender to the airline on departure. Depending on airline cooperation, this is intended to facilitate discovery of overstayers. By means of an on-line system with U.S. consulates, this information will be accessible when the person seeks a new visa. About 60 percent of countries now have machine-readable passports that can be checked at consulates. Armed with this information, the consular officer can than take appropriate action, from a warning, to a fine, to visa refusal. This, as of now, is the thinking about dealing with the visa overstayer problem.

The INS concern is not about overstays of a few days or a week, but rather a pattern of overstaying for a year or more. The system of notifying the INS of overstays using the returned portion of the I-94 form will be tested at five busy airports, with the cooperation of the airlines. This authority already exists in legislation. Depending on the results, the program can be expanded later.

Labor Department

The Wage and Hour Division of the U.S. Department of Labor has responsibility for enforcing a number of laws which establish standards for wages and working conditions designed to protect low-wage workers. All these laws deal indirectly with immigrant labor, and a number do so directly.

The Division's major task is to insure compliance with the Fair Labor Standards Act and this has implications for immigrant as well as national workers. The Migrant and Seasonal Agricultural Worker Protection Act provides for registration of farm labor contractors, proper maintenance and insurance for vehicles used to transport migrant and seasonal farm workers, maintenance of healthful housing and facilities for these workers, and prior disclosure to workers of employment conditions and agreements. Under IRCA, the Wage and Hour Division was charged with reviewing employer compliance with employment eligibility verification. The Division has authority to inspect employer compliance with worker protections under H-2A (temporary nonimmigrant agricultural workers), F-1 (foreign students), H-1B (foreign specialty workers), and D (foreign crew members doing longshore work) visa programs.

The Wage and Hour Division is working with the INS to coordinate enforcement activities, including inspections, in specific industries that have been found to violate immigration and labor laws (such as garment manufacture, janitorial services and agriculture) in seven targeted deterrence zones (in California, Texas, Arizona, New Jersey, New York, Florida and Illinois).

There are thus two lines of protection against hiring and/or exploiting workers illegally in the United States, the employer-penalty program initiated by IRCA,

and the enforcement efforts of the Labor Department which can uncover violations of wage-and-hour laws that affect immigrants as well as nationals. The two can work in tandem, as is now the practice in the targeted deterrence zones; but each program has its limitations. Those of the worker-penalty program under the aegis of the INS are discussed above.

The Wage and Hour Division is thinly staffed to carry out the tasks assigned to it. Its budget authority permitted a staff of 1,289 full-time equivalents in FY 1996, which is lower than in any year of the last five. Enforcement actions completed were lower in FY 1996 than in any of the last 10 years. This means that the Division cannot effectively carry out its responsibilities without substantial voluntary compliance. This need for voluntary compliance exists as well for the INS in its enforcement of the employer-penalty program, including the new electronic verification system pilot programs.

Reactions and Counter-Reactions

Cooperative Activities

The increased institutionalization of relations between Mexico and the United States in the last few years has facilitated cooperation on migration matters. The cooperation has dealt mainly with safety at the border, repatriation and education of immigration officials.

Cooperation dealing with safety at the border consists mostly of sharing information between various police and law enforcement agencies of the two countries, strengthening the links between Mexican consular officers in the United States, and prosecution of traffickers in migrants. The initiatives seek to achieve a safer border and a more ordered repatriation process, including procedures to forewarn authorities of the place and time of repatriation of undocumented immigrants at the border and to carry out an internal repatriation program. The education activities include the participation of Mexican officials in the Citizens Advisory Committees, mutual visits between INS and INM personnel, including the teaching of courses on Mexican culture by Mexican instructors to INS personnel and vice-versa.

Reactions to Unilateral Initiatives

Reactions to new initiatives can be quite important.

Increase in Naturalizations

A number of U.S. actions stimulated legal resident aliens from Mexico (and other countries) to naturalize. These actions already have been discussed. They include

Proposition 187, concern over what was seen as growing anti-immigrant sentiment in the United States, and the removal of many benefits to noncitizens under the welfare legislation. These measures led also to the conviction that the best way to combat future actions of this nature was through empowerment at the ballot box, and a necessary first step for this is U.S. citizenship. This reaction of Mexican Americans and other Latinos had considerable impact on the 1996 elections and can have even more profound implications for the direction of U.S. politics in the years to come.

More Mexicans were admitted as legal immigrants in the years 1970 through 1994 than any other nationality but, according to the INS, only 19 percent had naturalized. This was one of the lowest percentages of naturalizations of any country. In U.S. fiscal year 1993, which antedates the passage of Proposition 187, the number of Mexicans naturalized totaled 23,630. This figure jumped to 39,294 in FY 1994, then to 67,277 in FY 1995, and a verified minimum of 232,702 in FY 1996. The impulse to naturalize has not been confined to Mexicans; the total number of application in FY 1995 was under one-half million, which jumped to 1.3 million in FY 1996, and is projected to exceed 1.8 million in FY 1997. The earlier annual average was 300,000.[50]

INS Commissioner Doris Meissner has said she wished to activate the "N" in the Immigration and Naturalization Service. The INS, consequently, set up a procedure to reduce the time to no more than six months from application to naturalization. This goal has since slipped to nine months or more. In any event, the INS has been criticized for rushing naturalizations to influence the 1996 elections, a charge vehemently denied.

English Language Usage

The use of Spanish in the United States grew as Latin Americans constituted increasing proportions of legal immigration. During the 1980s, they represented almost half the legal immigrants, followed in numbers by Asians. Affirmative action programs, particularly under the stimulus of the Great Society in the 1960s, led to bilingual education programs. The U.S. Supreme Court, in *Lau v. Nichols*, ruled in 1974 that providing instruction only in English denied equal educational access to children who do not speak English well.

There has been a reaction to this on two grounds—fear that the preeminence of English in the United States would be diminished; and an opposite concern, that the children themselves would be disadvantaged by an inadequate ability to speak, read, and write English. Measures to designate English as the official language have been passed in 23 states, and may arise at the federal level.[51]

On December 4, 1996, the U.S. Supreme Court heard a case that arose from a constitutional amendment passed in Arizona in 1988 designating English as the official

state language and requiring government workers to conduct state business only in English. This was challenged by a state worker who often used Spanish in her job as an insurance claims manager. As the case proceeded, the amendment was struck down in the courts. Subsequently, the state employee who initiated the challenge left her job and state officials decided not to defend the measure. However, the group that had campaigned originally for the amendment, Arizonans for Official English, stepped in to defend it. At the Supreme Court hearing, several justices raised questions as to whether the case was moot, and in any event whether Arizonans for Official English had any standing. Justice Anthony Kennedy told the attorney for the Arizona group: "The voters didn't give any authority to you." The Supreme Court on March 3, 1997, unanimously threw out earlier judgments on the grounds that the case was moot when the employee left her job. The court also questioned whether Arizonans for Official English could act as agents for people of Arizona.

Mexican Constitutional Change Permitting Dual Nationality

As noted earlier, in December 1996, the Mexican Congress passed constitutional changes that would allow Mexicans to keep their Mexican nationality even though they opt for acquiring another. These changes took the form of making Mexican nationality unrenounceable, except in specified circumstances. This Mexican reaction complements earlier steps to provide information (although not encouragement) about the U.S. naturalization process.

The details of how dual nationality would work are still unclear. The key stated motive was to permit Mexicans who naturalize in the United States to retain property rights in Mexico. (See earlier discussion on the limits imposed on foreigners to own property in Mexico under the 1917 Constitution.) It is unclear whether the dual nationality would permit voting in Mexican elections. In practice, the decision on retaining Mexican nationality even as one naturalizes in another country is for Mexico to make. Mexico is not unique among countries that do not require, or do not recognize, renunciation of nationality; Great Britain, for example, does not recognize the giving up of allegiance by its nationals.

The Federation for American Immigration Reform (FAIR) criticized the Mexican action on the grounds that it would stimulate divided loyalties and undermine assimilation of Mexican immigrants. FAIR said it would seek legislation to annul U.S. citizenship of any person who exercises foreign citizenship.

Mexican Absentee Voting

The suggestion that Mexicans living outside the country be permitted to participate in Mexican elections via absentee voting raises less emotional issues than

those surrounding citizenship, but can lead to a negative reaction. The United States cannot object in principle to absentee voting since it is practiced in U.S. states. However, the sensitivity relates to the rallies and other campaign events at which the Mexican flag is shown prominently. An issue was made of this type of display by the group favoring Proposition 187 in California and this fact may have had some influence in the final outcome.

Yet, it is hard to argue that Mexican nationals living in the United States should be disenfranchised. The nub of this issue would seem to be the way absentee voting is handled, at least at the outset of the practice.

Mexican Use of Diplomatic Notes

In cases of incidents or specific actions, such as "Operation Hold the Line," a common Mexican reaction is the use of diplomatic notes, public protests or calls for consultation. In many instances this is the end of the affair, without a reversal of the triggering action. But in other instances, a process with cooperative ingredients follows.

The Changing Relationship

Relations between the Mexican and U.S. governments underwent a watershed during the 1989-1993 period. This relationship evolved from a non-engagement approach to a cooperative problem-solving problem attitude. For the first time in the history of the bilateral relationship, both federal governments began to foster and facilitate economic integration instead of repressing it. For Mexico, this represented a departure from the traditional defensive attitude, and the recognition of economic interdependence; and for the United States it represented a less confrontational stance with its southern neighbor.

During the administrations of Carlos Salinas and George Bush, the two governments devoted an extraordinary amount of attention to each other and sought to institutionalize their inter-governmental affairs. The process of institutionalization involved an increase in governmental contacts, the development of new rules governing U.S.-Mexico bilateral relations, and the creation of more effective consultative mechanisms. The empirical evidence that demonstrates this process of institutionalization is indeed impressive. The number of officials involved in the bilateral relationship increased dramatically. Almost every executive agency was drawn into the relationship. The linkages between U.S. and Mexican governmental agencies grew stronger and more direct; and contact between the agencies was increasingly conducted independently of the State Department and the Foreign Affairs Ministry in Mexico. Numerous cooperative and inter-institutional agreements were signed, creating various official working groups and bilateral commissions, which were

developed to support increased consultation. NAFTA alone has led to the creation of 22 committees and working groups.

This formalization of the bilateral dialogue and consultation has also permeated the migration agenda. During the last five years, there has been an upsurge of mechanisms for dealing with the complicated immigration flow coming from Mexico. The Working Group on Migration and Consular Affairs of the Binational Commission exemplifies this tendency to formalize consultation. The Group was created in 1987 as part of the Binational Commission. In 1992, it began to meet independently of the Commission, and during the past two years has met eight times. The highest level officials dealing with migration affairs participate in the Group: the INS Commissioner, the Assistant Secretary for Inter-American Affairs at the State Department, and the Mexican Undersecretaries of Migration at the Interior Ministry, and Bilateral Affairs at the Foreign Ministry, as well as more than 20 officials from the two countries. The Group has become a useful mechanism for bilateral dialogue and for coordinated efforts between the officials of both countries. The proposal for this Binational Study was formalized at the first meeting of the Working Group on Migration and Consular Affairs in Zacatecas, Mexico, in February 1995.

Other examples of this trend toward the formalization of bilateral consultation are the Border Liaison Mechanisms which, during the last three years, have included Mexican participation in the Citizen's Advisory Panel, and the Mechanism of Consultation on the Activities of the INS and Consular Protection, created in 1996. In May, 1996, Secretary of Foreign Affairs José Angel Gurría, and Secretary of State Warren Christopher signed a Memorandum of Understanding dealing with the protection of the rights of Mexican nationals in the United States. The MOU states seven principles and goals: First, to permanently include in the agenda of the Bilateral Working Group on Migration and Consular Affairs of the Binational Commission issues dealing with consular protection and human rights. Second, to notify any individual detained by migration authorities of his/her rights and legal alternatives, including the right to establish contact with his/her consular representative. Third, to facilitate communication between consular representatives and detained individuals. Fourth, to facilitate the presence of consular officials in judicial proceedings. Fifth, to bring to the attention of the Working Group on Migration and Consular Affairs reports on human rights written by the Border Liaison Mechanism, and the Mechanism of Consultation on the Activities of the INS and Consular Protection. Sixth, to promote transcultural understanding. Seventh, to promote high-level cooperation to facilitate the investigation of violent incidents related to consular protection.

Mexico has experienced profound changes in its economic and political structure during the past 15 years and these have affected relations with the United States.

These attitudinal changes in Mexico had a significant impact on U.S. thinking as well, drawing the United States closer to Mexico in its policies. These changes are also visible in the Joint Statement on Immigration signed by the two Presidents in May 1997. All is not sweetness and light, as the March 1997 drug certification conflict demonstrated, but even there a compromise acceptable to both nations was worked out.

NAFTA and Institutional Building

The changes in the Mexico-U.S. relationship during the past decade and a half have been breathtaking. The most important change is the entry into force of NAFTA on January 1, 1994. Regardless of one's opinion on the desirability of NAFTA, it is clearly an important agreement, probably the most important between the two countries in this century. Its significance transcends economic integration as such, as important as this is, because it forces greater cooperation than had existed earlier on other matters as well.

Mexico and the United States, as the title of Alan Riding's book put it, were "distant neighbors" for many years.[52] Mexican foreign policy emphasized independence from the United States. This showed up in secondary ways, such as opposing U.S. initiatives in international organizations; Mexico voted consistently in opposition to the United States in the United Nations General Assembly. On more profound matters, such as limiting foreign direct investment, Mexican policy was designed primarily to favor nationals over foreigners, but also to limit U.S. influence. The goods and services excluded under Mexico's import-substitution policy, to the extent that imports were less than they might otherwise have been, were primarily from the United States.[53] This also meant that Mexico exported less of its goods to the United States than it later did under a policy that emphasized more competitive industry.

Mexico, before the unilateral tariff reductions made prior to NAFTA, exported few manufactured goods. Today, manufactures dominate Mexico's exports. Mexico looked within the country for its economic growth before the changes that began in the 1980s. The domestic market is still more important than the export market, but not as overwhelmingly as before. Mexico's macroeconomic economic recovery in 1996 was largely export-led. About 80 percent of Mexico's exports now go to the United States. Merchandise exports are now equal to about 30 percent of GDP, which means that exports to the United States now represent some 25 percent of GDP.

The majority of manufactured exports are intra-industry in nature, and much of this is intra-firm. Increasing amounts of total trade are in intermediate products which serve as inputs for further production in the other country. The intra-firm

trade is evidence of much co-production, of parts produced in one country for assembly or further processing in the other.

NAFTA represented a conscious policy by Mexico to take advantage of the large U.S. market next door. It was predicated also on the desire to attract foreign direct investment, and traditionally two-thirds of this came from the United States. The cooperative economic relationship could not succeed unless the political relationship also became closer, and this has occurred. This does not mean that all differences have been eliminated, but rather that differences are not sought out for their own sake.

These changes in economic relations and political interactions are likely to become more solid with the passage of time and the entrenchment of vested interests in production and trade in the two countries. Durability depends also on the construction of institutions and these have flourished since NAFTA. As noted above, the once formal intergovernmental relations have become more flexible. The Mexican authorities now lobby in the United States, which they did not prior to the NAFTA negotiating process. The Mexican government no longer operates solely via its Secretariat for Foreign Relations (SRE) communicating with the State Department, but rather across the spectrum of U.S. public and private agencies and the Congress. On migration, it is worth noting the participation of the Secretariat for Government Affairs (Gobernación). Counterparts from the two countries communicate directly by telephone, fax, and e-mail, when earlier everything went through the SRE.

This greater intimacy permits easier communication on most subjects, from drug trafficking to labor and environmental relations. Increased dialogue on immigration matters also stems from a combination of this new institutional flourishing and the Mexican concern over the anti-immigrant sentiment reflected in Proposition 187, and the expectation that the United States was becoming more serious in preventing entry over the border without documents. The principal fruits of this dialogue have been greater attention on protecting the rights of Mexicans, legal and otherwise in the United States.

The increased closeness of the economic relationship and its salience for Mexican economic recovery and growth also meant that it became important to handle other problems in a way that avoids prejudice to economic cooperation. This was one basis of the shift from political distancing to greater dialogue. It has also meant that when migration incidents flare up, as they did in Riverside County in 1996, the Mexican authorities prefer to handle these calmly. The Mexican media reacted—overreacted—harshly to the two incidents in Riverside County, but the government sought correctives. The language used domestically to calm the political furor was stronger than the action taken bilaterally with the United States, which was designed to find satisfactory solutions looking to the future.

The greater intimacy has not eliminated all conflict. Trade disputes still arise—as one would expect from increased trade. The contentious issue of certifying Mexico for cooperating with the United States to combat drug trafficking which President Clinton did as of March 1, 1997, brought out long simmering differences and this issue has the potential of limiting cooperation between the two countries on other issues as well. There is still considerable opposition to NAFTA in both countries, and this could lead to serious misunderstandings. History has not been erased by recent bilateral interactions, but a cooperative layer has been superimposed on old mistrusts.

Immigration Provisions of NAFTA

Immigration is not dealt with in NAFTA except for temporary business visitors, but the relationships spawned by the agreement have their effects on the bilateral immigration relationship. This binational report would not have been possible in the pre-NAFTA period, but it is not remarkable today. The immigration relationship is not a rose garden—the asymmetry makes this impossible for now—but the dialogue is civilized.

Chapter 16 of NAFTA permits the entry into each of the three member countries of business persons and technicians from the other two. For the United States, this temporary entry extends to a number of categories of business visitors (B-1); traders (E-1); investors (E-2); intracompany transferees (L-1); and professionals (TN). The TN category (Trade NAFTA) is available only for citizens of Canada and Mexico who meet certain educational and experience requirements. A TN visa is issued for one year and there are no limits on the number of allowable extensions.

A transitional annual limit of 5,500 was established for Mexican professionals who can enter the United States under the TN category. There is no limit on Canadian TN professionals. The limit can be increased by mutual agreement between Mexico and the United States and will expire in 2003, unless the two countries agree to eliminate it earlier. Canadian TN professionals remain exempt from the TN visa requirement (that is, they can show up for admission and be admitted), whereas Mexicans must first obtain a visa. The reason for the disparate treatment of Mexicans and Canadians apparently was based on lesser experience with Mexican TN professionals and the desire to let the number build up on a gradual basis. If need be, Mexican professionals can still enter under the H-1B category, for which there is a worldwide limit of 65,000, if this limit has not been breached. Mexico has tried, without success thus far, to get a freer regime, including permits for those accompanying the business persons admitted to the United States under NAFTA chapter 16.

Tension between Free Trade and Immigration Restrictions

The current situation is that goods and services can pass more or less freely across the Mexican-U.S. border, as can capital, but not labor. The reminder is needed that NAFTA is a free-trade area and not a common market within which all factors can move freely. Mexico, in the buildup to the NAFTA negotiations, raised the issue of labor inclusion more broadly than in chapter 16, but this was rejected by the United States on the grounds that this would not be accepted by the Congress.

Does the disparate treatment of goods, services, and capital, as distinct from labor, augment the tension that exists in any event on the immigration issue? The argument that it does is made on the theoretical ground that if one factor (capital) can move freely, then the other (labor) should be able to do so as well. This, however, may be more of a debating point than a solid argument. People are different from capital, even if one can partially substitute for the other. Trade can also be a partial substitute for the movement of people.

The argument that the tension on immigration is not heightened by NAFTA is that free movement of goods, services, and capital can ease the pressure on labor migration, at least over time.

In any event, the idea of completely free movement of people between the two countries is moot, certainly for now. There are proposals from time to time for a guest-worker program with Mexico for the admission of less-skilled workers; a modest one exists between Canada and Mexico. Such proposals are motivated not by the theoretical argument for equal treatment of all factors, but rather the inability of Mexico to control emigration and of the United States to completely seal the border.

Conclusions

The basis for each conclusion is contained in the previous discussion.

Episodic Nature of U.S. Responses

Responses to curtail unauthorized immigration are episodic, most intense when the U.S. economy, or the economy of California because of its importance as an immigrant-receiving state, or the economy of Mexico, falters. Historically, the intensity of the anti-immigrant effort has diminished as economic conditions improved. This suggests that changes in immigration practices may be more feasible when the two economies are prospering and tensions are minimal.

Official Action and Effectiveness of Immigration-Restriction in Practice

In the past, official U.S. responses to deal with the inflow of unauthorized immigrants were consciously riddled with loopholes or not carried out with vigor. The Texas Proviso was the classic example of this. More recently, the employer-penalty provisions of IRCA were compromised at the outset by failure to have an effective way to identify persons entitled to work in the United States, and then further weakened by lax enforcement. It remains to be seen whether the current efforts to deter illegal immigration will be more durable than in the past and if they will be pursued more vigorously.

Mexican Engagement

One new element for dealing with the illegal-immigrant inflow into the United States is the shift in the Mexican position from a "no-policy" policy, or deliberate non-engagement, to a stance of increasing engagement with U.S. counterparts. The ultimate effect of this engagement is hard to forecast because the Mexican priority is to protect the rights of its nationals in the United States, while that of the United States is for the Mexican authorities to actively deter the unauthorized movement of persons. Each side has responded to some extent to the priorities of the other. The U.S.-Mexico Memorandum of Understanding of May 1996 provides improved assurance of humane treatment of Mexican migrants in the United States; and Mexican legislation to more severely punish nationals who traffic in unauthorized migrant movement has a direct deterrent motive. However, these actions, as useful as they are symbolically, are unlikely to have much effect on unauthorized migrant movement over the border.

Greater Role for State and Local Authorities

Because immigration is a federal responsibility in both countries, most bilateral discussion takes place at this level. However, the impacts of migration are felt primarily at state and local levels. In addition, many of the issues affected by migration, such as welfare in the United States and education in Mexico, are being devolved increasingly to state and local levels. State border governors from the two countries meet regularly. These considerations lead to the conclusion that it may be useful to bring state and local authorities more actively into bilateral immigration discussions.

The Role of Nongovernmental Organizations

These groups have increased their activity. Proposition 187 was stimulated by an NGO initiative, although it obviously received considerable official stimulus from the support of Pete Wilson, the governor of California. The constitutional case against Proposition 187 was led by the American Civil Liberties Union. Many U.S. NGOs were involved in the debate on welfare and immigration legislation. Mexican NGOs pressed their government to be more vigorous in protecting human rights of Mexican nationals in the United States.

Interplay between Economic Integration/ Political Cooperation and Immigration Control

The negotiations for and then the entry into effect of NAFTA changed the context of Mexican-U.S. relations. What earlier had been a distant relationship, with few institutionalized links, was transformed into a bilateral partnership replete with public and private institutional contacts. NAFTA also forced a more cooperative political relationship in order to avoid contamination of the increased economic interaction by political disputes.

The recent trend towards the institutionalization of relations between the Mexican and the U.S. governments has also permeated the migration issue area. In the last five years, there has been an upsurge of initiatives to formalize the bilateral dialogue and consultation on migration between Mexican and U.S. officials. It is still early to assess the effectiveness of this bilateralism for preventing or solving migration disputes. It is noteworthy, nevertheless, that this trend occurred in a period of intense immigration debate in the United States, and when the mood of the nation has apparently become less receptive to immigrants.

While the bilateral engagement on migration issues began before NAFTA went into effect, cooperation on this issue also picked up after NAFTA. Mexico's decision to engage in dialogue on migration matters is likely to increase the pressure on its government to become more active in the day-to-day administration of these issues.

Border Opening for Commerce and Investment But Not People

Because of NAFTA, the importance of the U.S.-Mexican border is diminishing for the flow of goods, services, and capital. In addition, measures have been taken by the United States to facilitate legal human flows across the border. By contrast, the United States simultaneously is increasing its efforts to control unauthorized

entry across the border. This has the potential for increasing binational tensions, as highly publicized incidents of the effects of this greater surveillance occur, such as those in Riverside County, California, in 1996. This tension between opening for commerce and investment and closing for unauthorized border crossing is unlikely to disappear in the near future and the policy task is to minimize the inherent friction.

Human Rights Protection

The Mexican government continues to emphasize a traditional preoccupation with violations of the human rights of its nationals in the United States, particularly when instances of violence associated with the activities of U.S. law enforcement bodies come to light. Successive Mexican administrations have strengthened the network of consulates in the United States and have made these the forward arm of policy to protect the human rights of Mexican nationals. At the federal level, the U.S. government has been more sensitive to the Mexican demands for human rights protection. Much of the increased binational dialogue on migration issues deals with this theme.

Sensitivity Training

Violations of the human rights of Mexicans in the United States are likely to receive much media attention in Mexico and damage the bilateral relationship. Sensitivity training of U.S. immigration and police officials to minimize such incidents is thus a good investment.

Immigrant Access to Social Services

Recent political trends in the United States have been running in the direction of excluding immigrants, authorized or not, from receiving tax-supported social services. Examples of this tendency include Proposition 187 and provisions of both the welfare and immigration legislation of 1996. Proposition 187, because it was seen in Mexico as being directed against Mexican nationals, led to considerable tension between federal officials in Mexico and state officials in California. Internally, in the United States, what were seen as anti-immigrant actions and curtailment of benefits to legal, noncitizen residents have led to increased naturalizations and political organizing among legal residents, Mexican and otherwise.

Unintended Consequences

Unintended consequences of legislation and other actions on immigration are legion. Perhaps the best example of this was the 1965 immigration act, whose

main purpose was to abolish the national-origins quotas and the Asia-Pacific Triangle, but not to radically alter immigration volumes and patterns. The law, in fact, did bring about a fundamental shift in immigration patterns in favor of family unification, led to the dominance of Latin Americans and Asians in U.S. legal immigration, and, because of the generous subsequent response to the post-1965 refugee crisis, resulted in a substantial increase in immigrant numbers.[54]

Termination of the Bracero Program in 1964 stimulated Mexico's border industrialization program and, over time, attracted many people to Mexico's northern border and, presumably, increased the ability to emigrate to the United States. The legalization provisions of IRCA have led to many immigrant applications for family reunification and have complicated dealing with the backlog of legal immigrant cases. Termination of many welfare benefits to legal immigrants stimulated the pace of naturalizations and voter registrations, which altered the outcomes of a number of political contests in 1996 in favor of Democratic candidates and may determine the political alignment of many Mexican Americans in the future. Making undocumented border crossing more difficult could lead many who succeed in making it across to stay put in the United States rather than return to Mexico after they complete seasonal jobs.

Notes

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1. Wade Graham, "Masters of the Game," *Harper's*, July 1996, pp. 35-50, makes this point quite forcefully. His point is that "illegal immigration is only epiphenomenally a law-enforcement issue; it is at root a labor-market event."

2. An examination of the data on the number immigrants admitted from Mexico and their departure from the U.S. suggests that about 650,000 legal immigrants from Mexico resided in the United States at that time. The 1930 census count of Mexican-origin population seems to have misclassified many Mexican-born as U.S.-born of Mexican origin, and that the total resident immigrant population may have been about one million.

3. The return flow was as high as 600,000 if the peak Mexican- born resident population was one million in 1930; the 1940 U.S. census reported slightly more than 400,000 persons born in Mexico. The net return flow to Mexico during the 1930s was greater than the net immigration to the United States in the 1920s if the census undercount of the Mexican-born in 1940 was not greater than the undercount of the 1920s, in that the Mexican- born population recorded in 1920 exceeded the 1940 count by several tens of thousands.

4. The Chinese Exclusion Act, adopted in 1882 for ten years, extended in 1892 and made permanent in 1902, was interpreted by the Chinese government as a badge of inferiority and created significant bilateral problems in U.S.-Chinese relations. The Act was repealed in 1943 at the express request of the Chinese government at a time when it was a wartime ally. Japanese immigration became controversial in the U.S. at about the turn of the century and in 1908 a "Gentlemen's Agreement" was negotiated under which the Empire of Japan agreed to not issue passports to those nationals who indicated their intention to migrate to the United States. The United States also adopted legislation making the Japanese ineligible for naturalization. The Gentlemen's Agreement failed to prevent Japanese immigration. In 1924 Congress extended the exclusion to those nationals ineligible for citizenship—a transparent decision to bar Japanese immigrants, and an action which created far more tension in U.S.-Japanese relations than had been expected.

5. Lawrence Cardoso, *Mexican Emigration to the United States*, 117.

6. Rodolfo de la Garza and Gabriel Szekely, "Policy, Politics and Emigration: Reexamining the Mexican Experience," in Frank Bean, et. al., *At the Crossroads: Mexico and U.S. Immigration Policy,* (Lanham, MD: Rowman and Littlefield, 1997).

7. Manuel García y Griego, "Hacia una nueva visión del problema de los indocumentados en Estados Unidos" in Manuel García y Griego and Mónica Verea Campos, *México y Estados Unidos frente a la migración de indocumentados* (México: UNAM-Porrúa, 1988) 123-152.

8. The Bilateral Commission meets once a year to discuss issues at the most senior levels. Seventeen cabinet members from the two countries participated in 1996.

9. Foreign Policy Association, National Opinion Ballot Report 1996. The other most important issue concerns were NAFTA and trade relations 26 percent, drug trafficking 22 percent, and political reform 17 percent.

10. Senado de la República, *Diario de los Debates*, Año I, Período Ordinario, LIII Legislatura, Tomo I, Núm. 28, December 4, 1985, pp. 4-15.

11. Senado de la República, LIV Legislatura, *Audiencia informativa sobre derechos humanos de los trabajadores migratorios mexicanos*, Senado de la República, México, 1991.

12. Carlos Rico, "Migration and U.S.-Mexican Relations 1966-1986" in Christopher Mitchell, *Western Hemisphere Immigration and United States Foreign Policy* (University Park, PA: Pennsylvania State University Press, 1992) 221-283.

13. A review of the Mexican press around 1994-1995 notes that the idea of exploring and establishing a *bracero*-type agreement has gained a wide consensus (amplio grado de consenso), Mónica Verea Campos, *La Propuesta 187: el debate en México*, CISAN, UNAM, January 22, 1997, p. 90 [Commissioned Paper].

14. In line with this objective, the Instituto Nacional de Migración, the Consejo Nacional de Población (both within the Secretaría de Gobernación), and the Instituto Matías Romero de Estudios Diplomáticos (SRE) organized a seminar on "Las contribuciones de la inmigración

mexicana a la sociedad de Estados Unidos," which took place on January 24, 1997. Angel Gurría, Secretary of SRE, on the occasion of the Curso de Administración Militar para la Seguridad y Defensa Nacionales, Colegio de la Defensa Nacional, Mexico City, February 7, 1995, referred to the contribution that Mexican workers make to the U.S. economy: He asked that "Estados Unidos reconozca que su mercado continúa demandando la mano de obra mexicana. Debe también reconocer la importante contribución económica que realizan nuestros nacionales...," "Principios, objetivos y estrategias de la política exterior de México en los años noventa," *Discursos del Secretario de Relaciones Exteriores, Angel Gurría,* January- February 1995, p. 15.

15. David M. Kennedy, "Can We Still Afford to be a Nation of Immigrants?" *Atlantic Monthly*, vol. 278, no. 5 (November 1996), 51-68.

16. George J. Borjas, "The New Economics of Immigration, *Atlantic Monthly*, vol. 278, no. 5 (November 1996), 72-80.

17. U.S. Department of Labor, Bureau of International Labor Affairs, *Characteristics and Labor Market Behavior of the Legalized Population Five Years Following Legalization*, May 1996.

18. According to calculations made by the Massachusetts Institute for Social Development, drawing on U.S. Census Bureau data, merchandise exports to Mexico originating in Texas were about $22 billion in 1995 and those from California around $7 billion. According to the Texas Comptroller of Public Accounts, as published in "Fiscal Notes" for October 1995, about 80 percent of the value of U.S. exports to Mexico and about 70 percent of imports pass through Texas land ports. Trucks are the dominant mode of transport, carrying 90 percent of the value of U.S. exports to Mexico and 83 percent of the value of imports.

19. The Gallup 1993 proportion favoring a decrease in immigration (65 percent) conforms with the percentage in a *New York Times*-CBS poll in June 1993. See study by Thomas J. Espenshade and Katherine Hempstead, "Contemporary American Attitudes Toward U.S. Immigration," *International Migration Review*, vol. 30 (Summer 1996), p. 546. The 1995 Gallup Poll figure comes from Espenshade and Maryann Belanger, "U.S. Public Perceptions and Reactions to Mexican Migration," in Frank Bean and others, *At the Crossroads: Mexico and U.S. Immigration Policy* (Lanham, MD: Rowman & Littlefield, 1997).

20. The poll results were released by *La Opinion* on May 21, 1996. The sample was 500 of which 14 percent said in strict confidentiality that they were undocumented aliens, 29 percent U.S. citizens, and 55 percent legal residents.

21. Opinion poll reported by *Este País*, no. 70, January 1997, p. 33. The full executive report of the survey notes that 75 percent of respondents believe that U.S. electoral politics had some influence on the way *indocumentados* are received and treated by Americans. The poll also finds that 80 percent of the respondents consider that the United States has the right to stop the entry of indocumentados. Alduncin y Asociados, "Migración y trato a indocumentados," El Universal/Alduncin y Asociados, 12-16 April, 1996, mimeo.

22. The Mexican survey was carried out in August 1996, by *Reforma* and *El Norte* and consisted of 1500 interviews in the country. The U.S. survey also was carried out in August 1996, by the *Los Angeles Times* and consisted of 1572 interviews with national representation. *Reforma,* September 13, 1996, 6A.

23. Opinion poll by MORI de Mexico, January 1997. Sample size 1150 persons; with national representation.

24. CONAPO, ENCOPLAF 96. The survey size was 3,711 individuals in nine states in Central and Southern Mexico, and was taken in November-December, 1996.

25. Peter Skerry, *Mexican Americans: The Ambivalent Minority* (New York: The Free Press, 1993), 312.

26. Rodolfo O. de la Garza and Louis De Sipio, eds., *Ethnic Ironies: Latino Politics in the 1992 Elections* (Boulder, CO: Westview Press, 1996), 5.

27 Espenshade and Hempstead, "Contemporary American Attitudes Toward U.S. Immigration," pp. 547 and 555.

28. Perhaps the best example was in Orange County, California, where the Mexican-American population showed its power in the defeat of Robert Dornan by a Latina newcomer to politics, Loretta Sanchez. On broader statewide levels, a number of surveys concluded that the Latino vote in California rose from 10 percent of the total in 1992 to between 11 and 13 percent in 1996, from 10 to 16 percent in Florida, and 11 to 12 percent in Texas. See *Washington Post,* November 24, 1996, p. A12.

29. This is the theme of an op-ed column by Paul Gigot, a conservative, Republican-leaning columnist and television commentator, in the *Wall Street Journal*, November 22, 1996, p. A14. One sentence that exemplified the main point of the column is the following: "If Republicans want a reason to worry, they can anticipate the fast-growing Hispanic population voting Democratic the way blacks do now, by more than 80%." William J. Bennett and Jack Kemp made the same point in an earlier op-ed column in the *Wall Street Journal* of October 21, 1994: "The anti-immigration boomerang, if it is hurled, will come back to hurt the GOP."

30. Focus group of entrepreneurs. Alduncin y Asociados, Mexico, D.F., November 12, 1996.

31. This analysis is based on notes and commentary articles published mostly in the second half of 1994 in Mexican newspapers of wide national circulation (See Commissioned Paper: "La Propuesta 187: Debate En Mexico" by Mónica Verea Campos).

32. U.S. press clippings published from October 1995 to April 1996.

33. In their quarrel on this issue, Governor Pete Wilson and Senator Phil Gramm used constitutional arguments. Wilson said his position was justified by the 10th amendment's guarantee of states' rights and Gramm replied that the governor should read further to the 14th amendment which prohibits the denial of equal access to education for any child.

34. Focus Group of NGOs. Alduncin y Asociados, Mexico D.F., November 7, 1996

35. Comisión Nacional de Derechos Humanos, *Segundo informe sobre las violaciones a los derechos humanos de los trabajadores migratorios mexicanos en su tránsito hacia la frontera norte, al cruzarla y al internarse en la franja fronteriza sur norteamericana*, México, 1996. The First Report was published in 1991.

36. Comisión Nacional de Derechos Humanos, *Informe sobre violaciones a los derechos humanos de los inmigrantes. Frontera Sur,* México, 1995.

37. The annual per-country limit for preference visas is 7 percent of the annual total. This annual total of visas available for all preference categories is based on usage during the preceding year, and within a minimum of 366,000. In 1995 the annual total was 400,224, and no more than 28,016 visas could be issued to persons born in any independent country. This number does not include (1) immediate relatives of U.S. citizens (22,016 admitted

from Mexico in FY 95) and (2) 2A preference admissions exempt from the per-country limit (approximately 39,000 from Mexico in FY 95).

38. Section 287 (a)(1) of the INA, 8 U.S.C. sec. 1357 (a)(1) authorizes any officer or employee of the INS without a warrant, "to interrogate any alien or person believed to be an alien as to his right to remain in the United States." Section 287(a)(3) of the Act, 8 U.S.C. sec 1357 (a)(3) authorizes agents, without a warrant "within a reasonable distance from any external boundary of the United States, to board and search for aliens any vessel within the territorial waters of the United States and any railway car, aircraft, conveyance, or vehicle."

39. South Texas Law Journal 26,2 (Summer 1985): 347-356.

40. Unlike criminal proceedings, deportation hearings may proceed in the respondent's absence, and the INS is required only to prove its case using "clear, unequivocal and convincing evidence" rather than satisfying the "beyond a reasonable doubt" standard.

41. 494 U.S. 259, 272 (1990).

42. Id. at 265-266

43. Southern California Law Review 65 (1992), 1008.

44. *Washington Post*, November 23, 1996, p. A4, under the headline: "Republicans Steadfast on Welfare Overhaul."

45. Letter of July 3, 1996, to Senators Gramm and Hutchison, in response to a letter from them to Senator Orrin Hatch, chairman of the Senate Judiciary Committee, dated July 2.

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53. A convincing case can be made that Mexico's import-substitution policy did not limit imports, but rather changed the composition of imports from consumer goods to intermediate products and capital equipment.

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Migration between Mexico and the United States

Migration between Mexico and the United States

Binational Study

Volume 2
Research Reports and Background Materials

Mexico-United States Binational Migration Study

Mexican Ministry of Foreign Affairs
Mexico City

U.S. Commission on Immigration Reform
Washington, D.C.

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structure was created to optimize the independence of the research teams and to make the final summary report immediately available to institutions interested in the critical role of migration in the bilateral relationship. The Mexican Ministry of Foreign Affairs funded the Study and, with the Ministry of Interior, supported the work of this Study. The U.S. Congress appropriated funds coordinated by the U.S. Commission on Immigration Reform, and both the U.S. Immigration and Naturalization Service and the Department of State made contributions. We also acknowledge funding received from the Consejo Nacional de Ciencia y Tecnología and the United States Information Service in Mexico. Private sector funders were very interested in the project. The Fundación Muguel Alemán in Mexico contributed and the Ford and the Hewlett Foundations in the United States also supported the entire project.

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QUANTIFICATION OF MIGRATION

Estimating Unauthorized Mexican Migration to the United States: Issues and Results

Jennifer Van Hook & Frank D. Bean

Issues in Estimating Unauthorized Migration to the United States

Estimates of the size and the growth of the unauthorized migrant population in the United Status have important and far-reaching public policy implications. Such estimates influence assessments of the impact of unauthorized migrants on local labor markets, public welfare resources, school enrollments, and demand for health services. The size of this clandestine population also affects evaluations of U.S. immigration laws, border enforcement policies and the future impact of U.S. immigration and naturalization law. For instance, reliable estimates made during the early 1980s of the unauthorized population helped to predict the likely number of persons seeking legalization under the provisions of the Immigration Reform and Control Act (IRCA) (GAO, 1993; Passel and Woodrow, 1987). Nevertheless, the unauthorized migrant population is difficult to measure directly. Data obtained from survey items about legal status may be highly questionable if not worthless because unauthorized migrants wishing to escape

detection may be unlikely to reveal their status in interviews and/or questionnaires. However, indirect demographic methods for estimating the unauthorized migrant population have been developed and refined over the past twenty years. These efforts have, for the most part, yielded increasingly reliable estimates.

Our purpose is to provide an overview of the best analytical approaches and estimates of the stock and flow of the unauthorized Mexican migrant population from the late 1970s to the present. In doing so, we describe the prevailing methods used for estimating the unauthorized migrant population, including the unauthorized Mexican migrant population, during the late 1970s, 1980s, and 1990s. We thus show how the methodology and data used for making estimates of the stock and flow of the unauthorized migrant population in the United States in general and the unauthorized Mexican migrant population in particular have changed over the past two decades. We highlight how these changes have led to improvements and, in some cases, to increased inaccuracy associated with estimates of particular components of the unauthorized population. We do not review every individual estimate of the unauthorized Mexican migrant population because many studies have already been summarized and evaluated competently in other reviews (Keely, 1977; Briggs, 1984; Siegel, et al., 1980; Hill, 1985; Bean, King, and Passel, 1986; Bean, Telles, and Lowell, 1987; Edmonston, Passel, and Bean, 1990; Passel, Bean, and Edmonston, 1990; Durand and Massey, 1992; GAO, 1993; Clark, et al., 1994). Rather, we summarize and assess the conclusions of these reviews and describe individual studies where appropriate.

This report is divided into five sections. First, we introduce concepts and define the terms that influence both the selection of approaches to estimation and the interpretation of results that have emerged from various estimating procedures. Second, in order to assess their methodologies and results, we review the approaches to estimation of the stock of unauthorized Mexican migrants that have been used since the late 1970s. Third, we conduct a similar assessment for estimates of flows. Fourth, we introduce and discuss several issues whose lack of satisfactory resolution has plagued the conclusiveness and interpretation of the results of almost all estimation approaches. Fifth, given the information and considerations introduced, we briefly summarize the results of the estimates and present, based on the most recent data available, what we think the most satisfactory figures are for the size of the unauthorized Mexican population as of mid-1996.

Concepts and Definitions

An unauthorized migrant is a person who resides in the United States but is not a U.S. citizen or permanent resident alien or authorized visitor. Various terms have been used for identifying unauthorized migrants, including undocumented,

illegal, or unauthorized immigrant, alien, or migrant, each of which has a slightly different meaning and connotation. We use the term "unauthorized migrant" because it is most inclusive of the population we here attempt to describe. Not all unauthorized migrants are undocumented; some arrive in the U.S. with legal documents but later either stay beyond the expiration date of their visa or otherwise fail to comply with the terms of their entry (such as persons who legally cross the border with border crossing cards but do so to work, which violates the terms of the card). Also, not all unauthorized migrants are immigrants; many are temporary migrants who intend to and do in fact return to their countries of origin within reasonably short periods of time.

The types of data available and the methodology used to obtain estimates of the unauthorized migrant population sometimes depend on the route through which unauthorized status was attained. There are several ways to become an unauthorized migrant. These include entering without inspection, using fraudulent documentation, or violating the terms of border crossing cards. All violators of these types end up in a category the Immigration and Naturalization Service (INS) calls entrants without inspection (EWIs). Another way involves entering legally as a nonimmigrant but subsequently violating the terms of the entrance visa or other terms of entry (usually through failing to leave the U.S. by the time the visa expires). These are often called "visa overstayers." Still another way involves entering as a legal resident alien but subsequently violating the terms of entry (e.g., through committing a criminal act or using a fraudulent marriage as a basis for entry). Most studies that attempt to estimate unauthorized migrants separately by type of entry focus on the two largest of these groups, EWIs and visa overstayers.

The data and methodology used to estimate the unauthorized Mexican migrant population also depend on whether the estimate refers to the stock of the population or the flow of the migratory stream. Stock refers to the size of the population at a particular point in time. Flow refers to the number of *entrances* into (in-flow) and *exits* from (out-flow) the population during a given time period. Most estimates of the volume of the migratory flow have focused on in-flow. In-flow in turn may be subdivided into *gross* in-flow and *net* in-flow. Gross in-flow is the total number of entrances made during a given time period whereas net in-flow is the number of persons entering during a given time period. Because an individual may enter the country as an unauthorized migrant more than once in a single time period, net in-flow is almost by definition smaller than gross in-flow. In contrast to in-flow, relatively little attention has been paid to the size and components of the out-flow of unauthorized migrants. Persons may exit unauthorized status through death, emigration, deportation, or legalization. Out-flow is a critical component because the majority of entrances are offset by exits, as indicated by estimates of net flow. Observers who fail to account for out-flow risk highly exaggerated estimates of the

rate of growth of the unauthorized migrant population. More attention has been paid to estimating net flow (in-flow minus out-flow). Net flow has typically been estimated as the change in stock as it is estimated at two or more points in time (Passel and Woodrow, 1987; Woodrow, Passel, and Warren, 1987).

Another conceptualization which is related to the idea of stocks and flows but is analytically distinct is the notion of temporary or permanent migrants, or sojourners and settlers, to use the more sociological distinction (Bean, Vernez, and Keely, 1989; Chavez, 1988). Here the reference is to the duration of stay in the destination country, but especially to the migrant's *intended* duration of stay (Roberts, 1995). Such intentions have consequences because the kinds of immigration and settlement policies that might be invoked in the cases of temporary and permanent migrants are not necessarily the same (e.g., see Passel, 1986). Further complicating the situation is that many temporary migrants undergo a transition to permanent migrants over time. Apart from their sociological and policy significance, temporary and permanent migrants may be thought to differ only in duration of stay. At any point in time, estimates of the "stock" of Mexican migrants will include both permanent and temporary migrants, the latter of whom we would expect disproportionately to return to Mexico within short periods of time. From a strictly temporal point of view, of course, the only distinction between these kinds of migrants is their length of stay in the United States. One of the challenges facing the estimation of stocks and flows of migrants, as we note below, is to develop more complete information on the duration of stay distribution of migrants, especially by sex, age at migration, and mode of entry. If such information were available, it would be relatively straightforward to develop estimates of stocks and flows of migrants. Of course, the sociological differences (and their attendant policy implications) between migrants who intend short or long durations of stay would nonetheless remain significant.

Based on the distinctions of mode-of-entry (EWI vs. overstayer) and of intended duration of stay, we may construct a four-fold classification of unauthorized entrants (see Figure 1). The groups represented by the boxes (bottom row) in this classification are important because they have implications for policy. Much of the historical and current debate in the United States about unauthorized migration derives from differences in perceptions about which of these categories dominates the flow of migrants, thus affecting growth in the stock of unauthorized migrants. During the 1970s, for example, many observers confused the concepts of stock and flow, mistaking evidence about large numbers of entrances for a sizable stock of migrants. In effect, their error was to assume that permanent EWIs substantially predominated over temporary EWIs, when at that point in time just the opposite was true. Now immigration analysts debate the relative importance of the EWI versus the overstayer flow, a debate that is not likely to

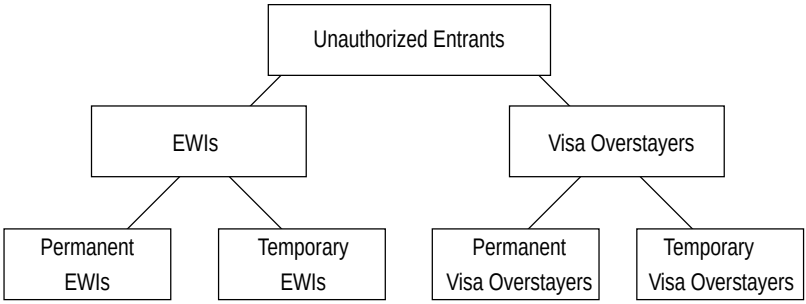

Figure 1. Analytic Typology of Kinds of Unauthorized Entrants Based on Mode of Entry and Intended Duration of Stay

be resolved until we can ascertain the relative size of the temporary versus permanent (or short-term versus long-term) component of *each* flow. Thus, if virtually all visa overstayers were found to return to their countries of origin within a couple of years of violating the terms of their visa, estimates of the stock of overstayers would consist primarily of temporary migrants, however numerous such persons might be at a given moment in time. This scenario would have different policy implications than one in which visa overstayers were generating large numbers of permanent migrants.

Approaches to the Estimation of the Stock

Speculative Estimates

Early efforts to determine the size of the total unauthorized migrant population produced results that were highly speculative, ranged widely, and were usually much higher than analytic estimates (Keely, 1977; Siegel, et al., 1980). Based on a series of "educated guesses" in relation to the number of INS apprehensions of unauthorized migrants, INS Commissioner Farrell (1972) testified that the total unauthorized population exceeded one million in 1972. Three years later, INS Commissioner Chapman (1975) raised Farrell's estimate to 4 to 12 million largely in an effort to create a public issue about unauthorized migrants and to increase federal funding for the INS (Keely, 1977). Subsequent speculative estimates put the unauthorized population at 8.2 million (Lesko Associates, 1975), 6 million (Chapman, 1976), and 3 to 6 million (Castillo, 1978). Despite improvements in methodology, which produced lower and increasingly reliable appraisals of the size of the unauthorized population, speculative estimates continued to drive the debate about unauthorized immigration as it was played out in the media as well as in Congressional hearings during the 1980s (Bean, Telles, and Lowell, 1987). As

recently as the mid-1980s, Corwin (1982) asserted, based primarily on conjecture, that the Mexican unauthorized migrant population was as large as 8 to 10 million, and Huddle, et al. (1985) selected the middle of Corwin's range as their best estimate.

Early Analytic Estimates

Despite methodological difficulties and persistently large ranges, early analytic studies produced estimates of stock that failed to support the speculative assertions that there were more than 6 million unauthorized migrants in the country. One salient characteristic about the analytic studies of the size of the unauthorized population conducted during the 1970s is that they developed a wide variety of estimation techniques and often made creative use of available data. We list these studies in Table 1. Early analytic estimates of the total unauthorized migrant population were based on a variety of U.S. data sources. For example, Korns (1977) compared CPS employment data with the Labor Department's payroll survey measure of employment. By assuming that unauthorized migrants are not included in the CPS data but are present in the payroll data, he concluded that the number of unauthorized workers grew by 2 million between 1965 and 1969, but did not increase substantially during the 1970s.

Using a more statistically sophisticated approach, Lancaster and Scheuren (1977) matched CPS, IRS, and Social Security records of persons age 18-44 in 1973, and, using a log-linear technique, estimated the number of persons not represented in any of the three data sources. Finally, they compared the sum of the those estimated to be both in and out of the three data sources with the total estimated from the 1970 Census. On the assumption that no unauthorized migrants were enumerated in the 1970 Census—an assumption that has been supported by Census Bureau researchers (Fay, Passel, and Robinson, 1988)—they interpreted the differential as the number of resident unauthorized migrants age 18 to 44. Due to uncertainties associated with the data and the log-linear estimation technique, their estimate ranged from 2.9 to 5.7 million. Robinson (1980) used U.S. death statistics to estimate the male unauthorized population age 20-44 in 1975. Robinson assumed that most deaths to unauthorized migrants are registered in U.S. vital statistics, but that few or no unauthorized migrants are included in the 1970 census. Then, in areas where large unauthorized migrant populations were assumed to concentrate, death rates that were higher than other parts of the country were interpreted as due to "excess deaths" to unauthorized migrants. Robinson's "composite" estimates ranged between 2.6 and 3.2 million, but his more conservative estimates, which allowed for a broader range of underlying assumptions, ranged widely from 0.6 to 4.7 million. The validity of estimates produced by this method was severely weakened because death rates and patterns in cause of death among the

Table 1
Studies with Implications for Underenumeration

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Goldberg (1974)	1960-1970	Net unauthorized immigration from Mexico	Projection of 1960 Mexican Census population to 1970	1.6 million
Korns, Alexander (1977)	1960-1970 (?)	Non-ag. unauthorized workers	Comparison of CPS employment and Department of Labor payroll data	Increase between 1965 & 1969 = 2,000,000; no substantial increase in the 1970s
Lancaster and Scheuren (1977)	April, 1973	unauthorized migrants	Comparison of matched CPS, IRS, and Social Security files with 1970 Census population	2.9 to 5.7 million age 18-44 for all ages added 10%
CENIET—Garcia y Griego (1979)	1977	unauthorized Mexican migrant workers	Border interviews w/ unauthorized migrants INS apprehended and returned to Mexico	0.5 to 1.2 million
CENIET—Zazueta and Corona (1979)	1979, and 1974-1979	Legal and unauthorized Mexican migrants workers	Data: National Survey of Emigration. Asked if household member age 15+ currently in the U.S.	519,300 Mex. workers, Jan. 1979; 91% undoc.; 85% male; implies 472,700 undocs.
CENIET—Garcia y Griego (1980)	1978	unauthorized Mexican migrant workers	Data: INS apprehensions; migration histories of 822 Mexican males, 1973, prior to entry	1978: 482,000 - 1,224,000; 1972: 234,000 - 436,000.
Robinson (1980)	1960-1970 and 1970-1975	Male unauthorized migrants age 20-44 in NY, NJ, IL, MI, FL, TX, CO, NM, AZ, and CA	Trends in age-specific death rates. 1975: 577,000 - 4,673,000	1970: 177,000 - 1,930,000 assumptions.
CIENIET: Zazueta (1982)	April, 1978	unauthorized Mexican migrant workers	see Zazueta and Corona, 1979	405,467 Mexican workers age 15+ (346,406 males, 81% age 15-39)
Diez Canedo (1984)	1975	Mexicans in the United States	Total remittances from U.S. to Mexico divided by the average remittance	481,000

unauthorized population were and remain unknown. Also, Robinson's estimates lacked precision because death records contained no information on place of birth until 1983 (GAO, 1993).

Early estimates of the Mexican unauthorized population relied on Mexican census or survey data. Goldberg (1974), using 1960 and 1970 Mexican census data, projected forward the Mexican 1960 population to 1970 by adding births and subtracting deaths and known legal emigration from Mexico to the United States. The difference between the 1970 census population and the projected population—about 1.6 million—was taken as an estimate of the size of the U.S. resident Mexican unauthorized population in 1970. One problem with Goldberg's estimate is that its underlying assumption—that the coverage of the Mexican Census remained the same from 1960 to 1970—cannot be substantiated. This is important because small differences in coverage can lead to large differences in the final estimate (Siegel, et al., 1980).

Another set of estimates were based on Mexican survey data collected by the Mexican Government (CENIET). These surveys were more successful at describing the sojourner than the settler population among Mexican emigrants to the United States. Garcia y Griego (1979; 1980) used migration histories collected from a small sample of Mexican male migrants to estimate that 0.5 to 1.2 million unauthorized Mexican workers resided in the United States in 1977 and 1978. Zazueta and Corona (1979) and Zazueta (1982) relied on data obtained from Mexico's National Survey of Emigration, which asked households about members age 15 and older who were either working or looking for work in the United Status. They estimated that 400,000-500,000 Mexican workers lived in the U.S. around 1978 and 1979, 90 percent of whom were unauthorized. This estimate has been criticized as being too low, not because it is implausible for the population it describes (Durand and Massey, 1992), but because it does not include children, adult dependents, or those who do not have household members living in Mexico (Siegel, et al., 1980). Finally, Diez Canedo (1984) estimated that 481,000 Mexican workers were living in the United States in 1975. This estimate was made by calculating the total remittances sent from the U.S. to Mexico and dividing by the estimated average remittance made by migrant workers to their households in Mexico. This estimate is similar to that produced by Zazueta and Corona (1979) and Zazueta (1982), most likely because it describes a similar population, namely Mexican workers in the United States who maintain linkages to households in Mexico.

Stock Estimates Based on Residual Methods

Estimates of the size and growth of the unauthorized migrant population in the late 1980s and 1990s attempted to address some of the shortcomings of previous

work. During the 1980s, the majority of these new studies employed a residual method of one form or another. Residual methods provide an estimate and description of the "enumerated" unauthorized migrant population, that is, the part of the unauthorized population that is enumerated in the Census or represented in a sample such as the Current Population Survey (CPS) (the unenumerated portion of the population must be estimated by other means, as we discuss below). The enumerated unauthorized population is estimated as the difference between the non-citizen population enumerated in the Census or the CPS and the legally resident alien population (enumerated non-citizens—legally resident aliens = enumerated unauthorized resident migrants). This computation may be done separately by national origin, period of entry, age, sex, and, depending on the level of detail available in estimates of the legal population, by state and metropolitan area. Hence, a substantial amount of information about the enumerated unauthorized migrant population may be produced by residual methods. Studies that use a residual method are listed in Table 2. Most of these studies were conducted by the Bureau of the Census. Except in the case of Heer (1979) and Warren (1982), residual methods were generally not employed with data collected prior to the 1980s because the 1980 Census was the first decennial census in which a sizable *enumerated* unauthorized migrant population could be detected through demographic analysis (Fay, Passel, and Robinson, 1988).

Residual estimates of the enumerated unauthorized population are highly sensitive to estimates of their two components, the enumerated non-citizen and the legally resident alien populations. In the series of residual estimates made by Census Bureau researchers, the enumerated non-citizen component was routinely adjusted for errors associated with respondents not reporting country of birth, misreporting citizenship status, and misreporting nativity. The task of approximating the number of legally resident non-citizens presented greater difficulties. Because respondents are not asked about legal status in the Census or the CPS, estimates of the legally resident alien population must be obtained from external sources. Due to changes in the external data sources available and changes in the legal population brought about by the IRCA amnesty program, three different methods have been developed to estimate the size and composition of the legal immigrant population. We discuss each of these below.

The first relies on data obtained from the Alien Registration Program (form I-53) by the INS. We refer to residual methods that uses the I-53 data as *Residual Method 1*. Until 1981, the INS annually collected data on residence and other items from legally resident non-citizens. Because of the discontinuation of the Alien Registration Program after 1981, the only studies that have used Residual Method 1 include an analysis of the 1980 Census (Passel and Woodrow, 1984; Warren and Passel, 1984, 1987; Passel, 1985b) or CPS data pertaining to a year prior to 1980

Table 2

Residual and Other Estimates of the Stock of the Unauthorized Migrant Population in the United States

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Heer (1979)	1970 - 1975	Net flow of unauthorized migrants (EWIs) from Mexico	Residual Method 1	82,300 - 232,000 per year; Author's favorite: 116,000 per yr.
Warren (1982)	1979	Unauthorized migrants in 1979 November CPS	Residual Method 1	Total: 1,250,000 Mexican: 734,000
Passel and Woodrow (1984)	1980	Unenumerated unauthorized migrants in the 1980 Census, by state	Residual Method 1	Total: 2,060,000 (CA = 49.8%) Mexican: 1,131,000 (CA = 67.5%)
Warren and Passel (1984)	1980	Unauthorized migrants in 1980 Census	Residual Method 1	931,000 Mexicans
Passel (1985b)	1980	Estimates for SMSAs of unauthorized residents in 1980 Census	Residual Method 1	Sum is consistent with national estimates
Passel and Woodrow (1987)	Nov., 1979 April, 1983	Unauthorized Migrants, total and Mexican, age 14+	Residual Methods 1and 2	1979: 1,273,000 (Mex.: 917,000) 1983: 2,093,000 (Mex.: 1,422,000)
Warren and Passel (1987)	1980	Unauthorized migrants in 1980 Census	Residual Method 1	Total: 2,057,000 Mexican: 1,131,000
Woodrow, Passel and Warren (1987)	June, 1986	Unauthorized migrants in CPS	Residual Method 2	Total: 3,158,000 Mexico: 2,200,000
Woodrow and Passel (1990)	June, 1988	Unauthorized migrants in CPS	Residual Method 3	Total: 1,906,000

Table 2 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Woodrow (1991a)	Nov., 1989 April, 1990	Total and enumerated unauthorized migrant populations	Residual Method 3, and various assumptions about undercount	Total: 3.3 million (1.7 to 5.5 million) 1989 CPS: 2.05 million (1.1 to 2.0 million if SAWs included), 1990 Census: 2.4 million (1.8 to 3.2 million)
Woodrow (1992)	1990	Published version of Woodrow (1991a)		
Clark, et. al. (1994)	1990	Unauthorized migrants in the 1990 Census	Residual Method 3 with different assumptions (include half of SAWs in legal population)	1,975,000
Bean, King, and Passel (1983)	1980	Mexican unauthorized migrants	Sex-ratio, age distribution assumptions Data: Mexican Census	1.5 - 3.8 million (no more than 4 million)
Warren (1995)	1990 and Oct., 1992	Total and Mexican-born unauthorized migrants	Constructive Method based on CPS residual estimates, Visa overstayers, and IRCA non-applicants	1990: Total: 2,600,000 Mexican: 1,009,000 Oct., 1992: Total: 3,400,000 Mexican: 1,321,000
INS (1997)	Oct. 1996	Total and Mexican-born unauthorized migrants	Constructive Method based on CPS residual estimates, Visa overstayers, and IRCA non-applicants	Total: 5 million Mexican: 2.7 million

(Heer, 1979; Warren, 1982). These studies found that about 2.057 million unauthorized migrants and 1.131 million unauthorized Mexican migrants were enumerated in the 1980 Census. The unauthorized population in the Census included more women and children than indicated in apprehensions and Mexican migrant history data. Because residual methods probably identify settlers better than sojourners and commuters, this suggests that the settled part of the unauthorized population includes a greater proportion of families and children than does the commuter and sojourner portions of the unauthorized population (Warren and Passel, 1987, see also Muller and Espenshade, 1985).

One problem associated with Residual Method 1 is that about 11 percent of legal immigrants were found to be missing from the I-53 data. Therefore, estimates of the legal alien population had to be carefully adjusted for undercoverage (Warren and Passel, 1984; 1987). Another difficulty associated with Residual Method 1 is that it makes the assumption that all legal non-citizens are enumerated in the census or CPS (Woodrow-Lafield, 1995; Woodrow, Passel, and Warren, 1987). If legal non-citizen migrants had a undercount rate as high as five percent, for instance, then the number of legal non-citizens enumerated in the 1980 Census would be overstated by about 300,000, and the number of unauthorized migrants would be underestimated by the same amount. Warren and Passel's (1987) estimate of 2.057 million enumerated unauthorized migrants would then have to adjusted upward to about 2.357 million.

The limitations associated with Residual Method 1 are small in comparison to its advantages. The availability of Alien Registration data permitted researchers to estimate directly the legally resident population rather than having to construct it from INS immigration records and estimates of mortality and emigration. Also, Alien Registration data allowed researchers to determine at the state and metropolitan levels the size of local legal migrant populations. This level of geographic detail thus permitted the generation of estimates of the unauthorized population by state (Passel and Woodrow, 1984) and metropolitan area (Bean, Lowell and Taylor, 1988; Passel, 1985b). Such studies showed that unauthorized migrants concentrate in areas that have large legal immigrant populations, namely metropolitan areas in California, New York, Texas, Illinois, and Florida. The results also indicated that among all states in 1980, California contained the largest share of unauthorized immigrants, accommodating 49.8 percent of all unauthorized migrants and 67.5 percent of unauthorized migrants originating in Mexico.

After 1981, the Alien Registration Program was discontinued. As a result, estimates of the legal alien population had to be constructed by projecting forward the 1980 adjusted Alien Registration population to the appropriate year. For each year of projection, numbers of new legal immigrants, refugees and other long-term legal nonimmigrants were added and numbers of emigrants and deaths due to the

legally resident foreign born were subtracted. Residual methods that use this procedure are here referred to as *Residual Method 2*. The Census Bureau used Residual Method 2 to estimate the unauthorized population enumerated in the CPS during the 1980s up until the enactment of the IRCA legalization programs in 1988. These studies include analyses of the April 1983 (Passel and Woodrow, 1987) and the June 1986 CPSs (Woodrow, Passel, and Warren, 1987), which were the only CPS data collected before 1988 that included information about nativity. These studies concluded that by June 1986, about 3.158 unauthorized migrants, 2.196 million of whom were born in Mexico, were detected by the CPS. More importantly, by this time the Census Bureau had compiled consistent estimates of the unauthorized population enumerated in the CPS from 1979 to 1986. Assuming that the rate of undercoverage was consistent across the CPS samples, reliable estimates of net growth of the unauthorized population could be made. The studies indicate that the unauthorized migrant population grew during the early 1980s by about 218,000 per year, and the Mexican-origin unauthorized population by about 115,000 per year. Due to uncertainties associated with assumptions about emigration and disproportionate undercoverage, however, the authors conceded that the annual net growth of the unauthorized population could have been in the range of 100,000 to 300,000, with about half of the growth due to growth in the Mexican-origin unauthorized population.

Most of the error associated with estimates that use Residual Method 2 is due to uncertainties associated with emigration rather than immigration or mortality. The INS keeps accurate records of the number and types of legal immigrants. Also, the component due to mortality is small in comparison to the other two components of change, so the proportion of total error due to error in the number of deaths is small (Himes and Clogg, 1992). However, the INS has not collected data about emigrants since 1957. During the 1980s, the Census Bureau routinely used a mid-range estimate of 133,000 foreign-born emigrants per year. This approximation was based on the results of research pertaining to the 1960s (Warren and Peck, 1980) and the 1970s (Warren and Passel, 1987). During the 1980s, attempts were made to update estimates of the emigration component by analyzing special items included in the CPS during the late 1980s that asked respondents about relatives who emigrated (Woodrow-Lafield, 1996). Although the results of this work do not contradict the estimate of 133,000, it also indicates that other estimates of the annual number of emigrants ranging from about 110,000 to 200,000 would be plausible. To the extent that the actual annual number of emigrants during the 1980s were consistently higher than 133,000, the legal migrant population would have been overstated and the enumerated unauthorized migrant population would have been set too low. The opposite would be the case if the actual annual number of emigrants had consistently been lower than 133,000. Because annual

estimates of emigration are subtracted from the legal alien population for each year the population is carried forward, the error associated with emigration increases with each additional year. In other words, the longer the time data sources on the legal migrant population or emigration are not available, the greater the uncertainty associated with residual estimates.

Another source of error in estimates produced by Residual Method 2 relates to assumptions about undercoverage of the legal immigrant population. As does Residual Method 1, Method 2 assumes that all the legal non-citizens are enumerated. In addition, Residual Method 2 assumes that all immigrants who arrived since 1980—regardless of citizenship status—are represented in the CPS. The bias associated with this additional assumption most likely increases over time as the proportion of the immigrant population who arrived after 1980 grows. The error due to this bias is increased even more for the above cited studies because they analyzed CPS rather than census data and the CPS has higher levels of undercoverage than the census (Woodrow, 1991). That is, residual estimates of the enumerated unauthorized population are understated the most when undercount rates of the legal population are the highest. Of course, if the error associated with emigration leads to an overestimate of the unauthorized population, then part or all of the underestimation due to assumptions about undercount of the legal population may be canceled out.

Starting in 1987, about 1.7 million long-term unauthorized migrants and an additional 1.3 million unauthorized special agricultural workers (SAWs) applied for legalization under the amnesty provisions of the 1986 Immigration Reform and Control Act (IRCA). As a result, post-1987 residual estimates of the unauthorized migrant population have to be adjusted to account for this increase in the legal population. In this variation of the residual method, which we refer to as *Residual Method 3*, the legal population is constructed in the same way as in Residual Method 2, only the number of IRCA legalized migrants are added to the estimate of the legally resident foreign-born population. Studies that used this method include analyses of the June 1988 (Woodrow and Passel, 1990) and the November 1989 CPS files (Woodrow, 1990, 1991, 1992), and the 1990 Census (Woodrow, 1991; GAO, 1993; Clark, et al., 1994). The results of these studies show that about 2.3 million (ranging between 1.8 to 3.2 million) unauthorized migrants were enumerated in the 1990 Census, about 80 percent of whom were born in Mexico. This research also indicates that had IRCA not taken effect, the unauthorized population would have grown by roughly 200,000 annually between 1986 and 1990, reaching a size 70 percent larger in 1990 than was observed. Most of this difference was due to the large numbers of Mexicans who legalized under IRCA; Mexicans comprised more than 70 percent of the IRCA legalized population (Woodrow and Passel, 1990).

The limitations associated with Residual Method 3 are the same as those associated with Residual Method 2. In addition, estimates produced by Method 3 may be inaccurate because it is unclear what fraction of the SAW legalized population remained resident in the United States after legalization. Many SAW applicants presumably were seasonal migrant workers who spent a portion of each year in Mexico. Whether to include the SAW population in estimates of the legally resident population is important because each addition to the legal population results in a one-to-one decrease in the estimated unauthorized population. Even though researchers tend to focus on the number of SAWs who were resident in the United States at the time of the Census, it is more important to focus on the number of SAWs who were actually enumerated in the Census. The Census Bureau assumes that an insignificant number of SAWs were enumerated in the Census or CPS. Hence, they do not include the 1.3 million SAWs in estimates of the enumerated legally resident alien population (although they do provide ranges of estimates that result from varying assumptions about coverage of the SAW population).

Clark, et al. (1994) attempt to make estimates based on more plausible assumptions. They assume that in the SAW legalized population, all pre-1984 entrants, all non-Mexicans, and about half of the remaining post-1984 entrants were resident in the United States at the time of the 1990 Census. This amounts to 728,000 or about half of the SAW population. Clark, et al. (1994) include all 728,000 in estimates of the legally resident population, resulting in an estimate of only 1.975 million enumerated unauthorized migrants in 1990 (in comparison, the Census Bureau made a "preferred" estimate of 2.390 million)[1]. Although it does seem implausible that no SAWs were resident nor enumerated in 1990, the Clark, et al., estimate of 728,000 could be too high. Even if half of the SAW population were *resident* in the United States in 1990, it is doubtful that more than 40 to 50 percent of this group were *enumerated*. Migrant agricultural workers have the highest rates of undercount among all groups, reaching 60 to 70 percent (Gabbard, Kissam, and Martin, 1993). However, there is evidence that a large number of SAW applicants were not really farm workers, plus there is no guarantee that farm workers in 1988 continued to be farm workers in 1990. Hence, more SAWs may have been resident in the United States in 1990 than many analysts have thought, and since many of the SAWs may have been working outside agriculture, they may have had higher coverage rates than has previously been assumed. We introduce below new evidence about the residency patterns of the SAW population in the early 1990s.

In sum, residual methods provide reliable, consistent estimates of the size and growth as well as detailed descriptions of the resident unauthorized migrant population. In comparison with earlier analytic studies, the studies that used residual methods during the 1980s and early 1990s were more successful at describing, quantifying, and reducing the range of error associated with their estimates.

Unfortunately, the range of error is likely to grow over time as information about emigration and the size and geographical residence of the legal immigrant population become increasingly out-of-date, and as other changes occur in the legal population, such as those brought about by IRCA. Unless other methods for obtaining accurate information about emigration or the legal immigrant population are developed, residual methods will probably dominate the literature to a lesser extent in the future than they did during 1980s. Another important limitation of residual estimates is that they describe a selective part of the unauthorized population, namely the portion that is probably least mobile and most permanently established. As we describe in a separate technical appendix, other methods must be used to estimate the total and unenumerated portions of the stock of the unauthorized migrant population.

Other Approaches to Estimating Stocks

Other approaches to estimating the stock of unauthorized migrants used during the 1980s and 1990s include a sex-ratio based method and a constructed components method. Bean, King, and Passel (1983) developed a range of estimates by examining sex ratios from the 1980 Mexican census. Given that Mexican emigration is age- and sex-selective, and that it occurs almost exclusively to the United States, this research was able to estimate the number of persons "missing" from the age and sex structure of the 1980 Mexican population expected in the absence of emigration. Assumptions were made about differential census coverage by gender, the proportion male among all emigrants aged 15-39, and the proportion of all emigrants aged 15-39. After estimating numbers of Mexican emigrants for various combinations of assumptions, estimates of unauthorized migrants were developed by subtracting the number of I-53 reporting Mexican legal immigrants in the United States, adjusted for underreporting. A major criticism is that the results obtained are highly sensitive to the assumptions used, but a benefit is that the approach does provide estimates of the total size of the unauthorized Mexican population, not just the enumerated part of the population. The figures obtained ranged from 1.5 to 3.8 million, establishing an upper-bound estimate for 1980.

The most widely known and cited set of recent estimates of the stock of unauthorized migrants has been constructed by the U.S. Immigration and Naturalization Service (1997). Estimates are developed for each of the states in the United States and for each of 99 countries of origin. The approach seeks to take advantage of information obtained after IRCA about the numbers and characteristics of unauthorized migrants legalizing their residence in the United States under the provisions of IRCA. The INS estimate is not predominantly a residual estimate, but rather involves starting with a 1982 estimate and then adding and subtracting

components of change to bring the figure forward to October 1996. The approach combines information about IRCA's legalization applicants with results obtained from using both the residual method to estimate net EWIs and the overstay method (see below) to estimate overstayers. Applying these procedures to construct the components of the unauthorized population results in an estimate of five million unauthorized migrants resident in the United States by October 1996, of whom 2.7 million were estimated to be from Mexico and another 660,000 from El Salvador, Guatemala, Honduras, and Nicaragua. Fifty-nine percent of the total was estimated to have "entered without inspection" and 41 percent to be "visa overstays." Most of the Mexicans were estimated to have entered the country as EWIs.

Approaches to the Estimation of Flows

Speculative and Early Estimates

In comparison of estimates to stock, few speculative estimates have been made about the rate of growth of the unauthorized population. Chapman (1976) guessed that the population grew by 500,000 per year, and Reubens (1980) estimated an annual growth of 600,000 during the 1970s. Despite analytical evidence that the annual growth of the unauthorized population was considerably less than the speculative estimate of 500,000, the media and others continued to cite the number. As Passel (1985: 6) chided, "The figure of 500,000 per year is widely used even though there is no strong empirical support for selecting this figure over any other. It seems to be popular because it is a nice 'round' figure that is easy for the public to accept."

Analytic estimates of the volume of in-flow and net flow of the unauthorized population tended to refer to different parts of the unauthorized population and ranged widely. These studies are listed in Table 3. Garcia y Griego (1980), using Mexican survey data on migration histories, estimated that the annual in-flow from Mexico of unauthorized migrants in 1975 ranged from 75,000 to 284,000. Others used INS apprehensions data as a proxy for general patterns in the level of flow of EWIs from Mexico (e.g., North, 1975; Frisbie, 1975). The difficulties associated with using apprehensions data as a proxy for the flow of EWIs are (1) that apprehensions data do not include those who succeed in evading detection, and (2) that apprehensions data count arrests, not individuals; arrest data are potentially misleading because they include multiple arrests by the same person. The INS (1976) attempted to estimate the component of fraudulent successful entries by conducting field studies at 15 Mexican border entry points and 10 major international airports. Two teams of immigration inspectors were stationed at each entry point and carried out careful inspections of entrants for fraudulent documents and intent

Table 3

Analytic Estimates of the Flows of the Unauthorized Migrant Population to the United States

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
North (1975)	1960s-1970s	Flow of unauthorized migrants	Apprehensions	Rise in flow during the 1960s, but not in the 1970s.
Chapman (1976)	1974-1976	Non-immigrant Visa-overstays	Matched Visa entrance and departure records of non-immigrants	740,000 failed to leave on time since 1974; over 1,000,000 from before 1974.
U.S. Department of Justice, INS (1976)	1975	Unauthorized migrants entering with fraudulent documents or intents to violate Visa terms	Thorough INS inspections at border points and at 10 major airports, Sept. 1975-Feb. 1976	500,000 successful fraudulent entries
Heer (1979)	1970-1975	Net flow of unauthorized migrants (EWIs) from Mexico	Residual Method 1, CPS data	82,300-232,000 per year; Author's favorite: 116,000 per yr.
CENIET-Garcia y Griego (1980)	1978	Unauthorized Mexican migrant workers	INS apprehensions; migration histories of 822 Mexican males, 1973, prior to entry	Net inflow 1975-1976: 75,000-284,000 problems
Passel and Woodrow (1987)	April, 1980-April, 1983	Annual net flow of unauthorized migrants, age 14+	Residual Methods 1 and 2	100,000 to 300,000 per year
Woodrow, Passel and Warren (1987)	1979-1986 and 1980-1986	Net flow of unauthorized migrants	Residual Methods 1 and 2	1980-86: Total 176,000 per year Mexican 170,000 per year 1979-86: Total 218,000 per year Mexican 115,000 per year

Table 12 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Bean, Espenshade, White, and Dymowski (1990)	Nov., 1986-Sept., 1989	Net flow of EWIs (Southern border)	Data: INS apprehensions, controlled for population in Mexico at risk of migration (age 15-34), number of SAWs, and wage and employment ratios	Apprehensions have seasonal pattern, have dropped post-IRCA, and have increased among women and children
Espenshade (1990)	Nov., 1986-Sept., 1988	Gross flow of unauthorized Mexican EWIs (Southern border)	Repeated trials model	Per month: 175,000 unauthorized entries Total: 4,000,000 from 1986-1988
Warren (1990)	1985-1988	Non-immigrant Visa-overstays by country of origin	INS matched arrival and departure records	Annual number: 217,000 to 255,000 (fluctuated by year). Primary country of origin is Mexico
Espenshade (1995a)	1977-1988	Gross flow of EWIs (Southern border)	Repeated trials model	Correlation between apprehensions and flow = 0.9; Flow = 2.2 * apps.

to violate visa terms. Based on this work the INS concluded that there were 500,000 fraudulent entries into the United States in 1975, although these estimates have been severely criticized because of small sample sizes and variable rates of detection depending on the day of the week, the immigration inspector, and point of entry (Keely, 1977).

Chapman (1976) attempted to measure the visa overstay component of the in-flow of unauthorized migrants by matching INS records of nonimmigrant visa entries and departures. He estimated that from 1974 to 1976, 740,000 nonimmigrants (about 250,000 annually) failed to leave the United States on time. These estimates were almost certainly too high because they included nonimmigrants who left the country but whose departure forms were never filed, were lost, or otherwise never successfully matched with an arrival form. The size of this error was probably large. At the time, the INS collected about six million entrance forms from nonimmigrants per year, and departure forms were linked with arrival forms by matching the name of the nonimmigrant (Siegel, et al., 1980).

Summed together, the estimates of in-flow of EWIs and visa overstayers easily matched and even exceeded the speculative estimate that the unauthorized population grew at a rate of 500,000 per year. However, analytic estimates of net flow showed that the out-flow component of the unauthorized migrant migration stream offset much of the in-flow component. Based on an analysis of CPS data, Heer (1979) estimated that the unauthorized Mexican population grew by about 116,000 annually from 1970 to 1975. Although Siegel, et al. (1980) criticized the estimate because of its large sampling error, they concluded on the basis of the study and other evidence that much of the unauthorized migration to the United States appeared to be circular and was offset by return migration to Mexico.

Studies of flow conducted during the 1990s have exploited the availability of new data and new estimation techniques. The INS has long matched arrivals with departures (NIIS), terming arrivals that do not match with departures apparent overstays. The latest research using this data goes one step further by attempting to eliminate system error in the data (Warren, 1990). System error refers to false overstays. INS data for 12 countries which are assumed to have no overstays are used to determine the extent of system error (Belgium, Netherlands Antilles, Norway, Sweden, Kuwait, Saudi Arabia, Switzerland, Australia, New Zealand, Surinam, Singapore and Finland). System error is computed separately by class of admission. First, overstays are estimated for each country using the Nonimmigrant Information System (NIIS). Next, system error is subtracted from the rate of apparent overstay. The remainder is multiplied by the number of expected departures to equal the estimated number of overstays. For estimation by state of destination and age, a calculation was made for each category by state or age. The rate of system error was adjusted to match those of the countries.

Nonimmigrant arrivals increased from 9.4 million in 1985 to about 14.3 million in 1988. The annual number of overstays has fluctuated around 217,000-255,000 (increasing by 12% in 1986 and dropping 7% in 1987 (following IRCA) and increasing 13% in 1988). The level of system error has dropped continually (10.3% in 1985 to 8.1% in 1988). North America has been the primary region of origin for overstayers (with the most growth occurring among those from Mexico). The top five countries of origin (Mexico, Haiti, the Philippines, Poland and India) were also among the leading countries for application for legal residence under IRCA. Looking at the geographic distribution of those overstaying their visa time limits, those states with the largest foreign-born population also attracted the most overstays. Finally, Warren finds that most overstays were between ages 15 and 44.

Two primary assumptions are associated with this estimation procedure: (1) that there are few actual overstays from the 12 benchmark countries selected so all apparent overstays from these countries are assumed to represent system error and (2) that a single point estimate of system error applies to every country within a category of admission. In addition, the estimates exclude immigrant students who overstay and all those who enter the United States without inspection (EWIs). In a modification of the procedure undertaken as a result of a GAO (1995) scrutiny of the approach, system error was re-estimated on a airline-by-airline instead of country basis. While the revision resulted in somewhat higher or lower figures for a few countries, the overall result was nearly identical to the figures obtained using the previous method.

Another way to estimate the flow of unauthorized immigrants to the United States is to use apprehensions data from the U.S. southern border. Apprehensions data have been used as a proxy for unauthorized migration flows (Frisbie, 1975; Jenkins, 1977; Fogel, 1982; Davila, 1986 and Borjas, Freeman and Lang, 1987). Recent studies concentrating on apprehensions data from the Immigration and Naturalization Service (Bean, et al., 1990 and Espenshade, 1990 and 1995a as well as another study by Crane, et al., 1990) avoid many of the problems of previous efforts by converting apprehensions into border crossings by assessing the probability of getting caught and the population at risk of getting caught, thereby controlling for multiple apprehensions in the data (Passel, Bean and Edmonston, 1990). In order to gauge the influence of factors that affect flows across the border, these estimates rely on models with sets of demographic, economic, and behavioral variables (the size of young adult population in Mexico (15-34); the number of legalized SAWs; relative wage and unemployment ratios; dummy variables for months to capture seasonality; the number of officer hours and other measures of enforcement on the border for apprehensions) (Bean, et al., 1990).

Apprehensions data are limited because many unauthorized migrants are never apprehended, others may be apprehended many times, and the volume of

apprehensions depends on the amount of effort expended by INS to apprehend. Researchers compensate by using some measure of the amount of border patrol effort (Bean, et al., 1990; Jenkins, 1977; Fogel, 1982; and Borjas, et al., 1987) and include measures of the population at risk for apprehension (Bean, et al., 1990). Espenshade (1990, 1995a) takes the analysis one step further by using a repeated trials model that "captures the phenomenon that, once arrested by the U.S. Border Patrol and taken back across the Mexican border, most unauthorized migrants are likely to keep trying to enter the United States until they succeed" (Espenshade, 1990:175). Making use of INS data on the number of repeaters to estimate the probability of apprehension, and then using this to convert apprehensions measures to estimates of numbers of crossers, Espenshade constructs a time series on the monthly flow of unauthorized migrants. He arrives at an estimate for the period November 1986 to September 1988 of 175,000 per month, or a total of 4 million unauthorized migrants. In another repeated trials study, Massey and Singer (1995) utilize INS apprehensions data combined with data from a survey of migrants in Mexico. They arrive at an estimate of the net flow by 1989 of 5.2 million.

There are several assumptions that must be made to use apprehensions data in these models. The largest of these is that all individuals, even those apprehended and sent back across the border, will succeed by the end of the month. If some individuals do not attempt to cross again, this assumption will overstate the flow. In addition they rely upon the assumption that the probability of being caught is about 30 percent. A small change in this figure would change the size of the estimated flow. These studies assume that data on previous apprehensions is accurate and they assume that the probability of apprehension does not vary across groups (Passel, Bean and Edmonston, 1990). The model on repeated trials also relies largely on data on repeat crossers which depend on the facial recognition of the border crosser by border patrol agents, a process highly subject to error.

Issues Affecting Estimates

Lack of sufficient data in a number of areas makes difficult the interpretation of results of studies of the size and change of the unauthorized migrant population. These include: (1) insufficient evidence about the extent of underenumeration in official census and survey data of the unauthorized migrant population; (2) insufficient data to develop more accurate estimates of the size of the legally resident population to use in residual estimation approaches; (3) insufficient information and data about duration of stay in the United States among unauthorized migrants; (4) insufficient data to estimate emigration in the case of the legally resident immigrant population; and (5) insufficient evidence on the residency patterns of the SAWs population. In this section, we discuss the third of these issues and

introduce new evidence on the fifth. The first is discussed in a separate accompanying technical appendix entitled "Estimating Underenumeration among Unauthorized Mexican Migrants to the United States: Applications of Mortality Analyses," and the second and fourth are discussed in a separate accompanying technical appendix entitled "Issues in Estimating Legal Immigration."

Duration of Stay Issues

The distribution of the length of duration of stay in the United States among unauthorized migrants by mode of entry and the change in this distribution over time are crucial factors in understanding the significance of various estimates of the size of the unauthorized migrant population. If almost all EWIs were circular migrants staying only a short time, and if almost all visa overstayers returned to their countries of origin within a couple of years or so, the policy significance of unauthorized migration would be greatly different than if either EWIs or visa overstayers, or both, contained substantial fractions of long-duration migrants. Similarly, long-duration migrants (say those who stay 10 to 20 years or more) but who then return to their countries of origin are different yet again in their implications for policy from migrants who stay permanently.

At present, very little is known about the distribution of duration of stay of EWIs and visa overstayers (although data on this variable are now available for the subgroup of EWIs who have returned to Mexico from the studies conducted by Massey and his colleagues). Also, information on the duration of stay of visa overstayers has reportedly been calculated but not released by the INS. One of the reasons duration information is important is because different duration migrants exert different demands on public benefits. At the extremes, if the flow of EWIs and visa overstayers were each very large, the stock of unauthorized migrants in the United States at any one point in time would be sizable even if all durations of stay were relatively short (i.e., even if all migrants were temporary). If EWIs were to exhibit typically longer durations than visa overstayers, they would contribute more to the stock of unauthorized migrants on that count alone.

What does the available evidence suggest about the comparative distributions of duration of stay among EWIs and visa overstayers? In the case of EWIs, almost all of whom are from Mexico, several pieces of evidence point to increasing durations of stay over the past 15 to 20 years: (1) increasing proportions of entire families, including women and children in the Mexican flow (Bean, et al., 1990; Woodrow and Passel, 1990; Cornelius, 1992); (2) apparently decreasing rates of underenumeration of the unauthorized Mexican-born population in official U.S. Censuses and surveys, as noted above, a trend that could result from increasing proportions of migrants with long durations of stay, especially given that census

undercount rates in general have not been declining over the same period (Robinson, et al., 1993); and (3) ethnographic studies whose results indicate that Mexican migrants now embarking for the United States show longer intended durations of stay than prior migrants (Cornelius, 1992). Unless a comparable shift has occurred in the duration distribution among overstayers, this would have the effect of raising the proportion of the unauthorized stock attributable to EWIs. In the case of visa overstayers, the only relevant evidence to our knowledge is Warren's (1995) finding that when overstayers were traced for a year or two longer than the one year that is typically examined for purposes of defining an overstay, about 46 percent had either converted their status or returned to their country of origin. This suggests that if they were followed a bit longer, the vast majority would be found to have converted their status or returned.

Even though durations of stay may be increasing among EWIs, many may eventually return to Mexico (a pattern we might term long-term circular migration). Evidence of this pattern would also have significant policy implications. Tables 4 to 6 present information on the extent of cohort succession among Mexican-born persons based on results from the 1970, 1980, and 1990 U.S. Censuses and the 1994/95 CPSs. Does the evidence in these tables indicate that Mexican migrants tend to return to Mexico after having spent time in the United States, a phenomenon we would expect to be more likely among unauthorized migrants? Because there were hardly any unauthorized migrants enumerated in the 1970 Census, we would not anticipate evidence of cohort attrition beyond what we would expect based on mortality in the 1980 data, and this is in fact what we observe. In the cases of 1990 and 1994/95 data, however, evidence of substantial cohort attrition emerges. Since there is no known reason to think this occurs because of migration to some country other than the United States, it is reasonable to think it stems at least in part from return migrations to Mexico among persons in their late forties and fifties. This phenomenon, of course, would reduce the stock of Mexican EWIs compared to the case where long-term circular migration did not occur and most migrants were permanent.

SAWs Residency Patterns

The number of SAWs resident in the United States or Mexico is a crucial element in developing residual estimates, as noted above. To develop a rough estimate of the number of SAWs living in Mexico at any single point in time during the early 1990s, we used data from the Mexican Migration Project (1996) that collected interviews on households in 39 communities in Mexico with a smaller sample of households in the United States. The households in the Mexican sample were drawn from simple random samples of households in the 39 communities. The households

Table 4
Components of Change from 1970 to 1980 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

	Population			Components of Change 1970 to 1980		
Sex, Age in 1980	1970 (1)	1980 (2)	Change 1980-1970 (3) = (2)-(1)	Increase Due To Immig'n (4)	Decrease Due To Mortality (5)	Other (6) = (3)-(4)-(5)
Both Sexes, Total	759,711	2,199,221	1,439,510	1,270,246	-90572	259,836
0-4	–	55,325	55,325	55,325	0	0
5-9	–	119,309	119,309	119,309	0	0
10-14	15,084	148,775	133,691	124,540	-62	9,213
15-19	31,459	214,195	182,736	162,857	-149	20,028
20-24	41,926	312,309	270,383	243,658	-376	27,101
25-34	116,503	547,228	430,725	350,977	-1,374	81,122
35-44	138,300	315,402	177,102	127,323	-2,142	51,921
45-54	118,238	191,476	73,238	50,734	-4,393	26,897
55-64	94,431	128,407	33,976	22,159	-8,582	20,399
65+	203,770	166,795	-36,975	13,364	-73,495	23,156
Males, Total	371,463	1,158,765	787,302	695,567	-53,626	145,361
0-4	–	28,513	28,513	28,513	0	0
5-9	–	61,963	61,963	61,963	0	0
10-14	7,749	75,678	67,929	63,201	-37	4,765
15-19	15,962	117,785	101,823	90,773	-101	11,151
20-24	20,878	177,796	156,918	142,505	-275	14,688
25-34	57,458	300,934	243,476	199,159	-998	45,315
35-44	64,532	162,660	98,128	70,031	-1,340	29,437
45-54	57,683	93,961	36,278	24,478	-2,790	14,590
55-64	48,949	65,546	16,597	9,949	-5,768	12,416
65+	98,252	73,929	-24,323	4,995	-42,316	12,998
Females, Total	388,248	1,040,456	652,208	574,679	-36,946	114,475
0-4	–	26,812	26,812	26,812	0	0
5-9	–	57,346	57,346	57,346	0	0
10-14	7,335	73,097	65,762	61,339	-25	4,448
15-19	15,497	96,410	80,913	72,084	-48	8,877
20-24	21,048	134,513	113,465	101,153	-100	12,412
25-34	59,045	246,294	187,249	151,818	-376	35,807
35-44	73,768	152,742	78,974	57,292	-802	22,484
45-54	60,555	97,515	36,960	26,256	-1,602	12,306
55-64	45,482	62,861	17,379	12,210	-2,814	7,983
65+	105,518	92,866	-12,652	8,369	-31,179	10,158

Table 5
Components of Change from 1980 to 1990 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

Sex, Age in 1990	Population 1980 (1)	Population 1990 (2)	Change 1990-1980 (3) = (2)-(1)	Components of Change 1980 to 1990: Increase Due To Immig'n (4)	Components of Change 1980 to 1990: Decrease Due To Mortality (5)	Components of Change 1980 to 1990: Other (6) = (3)-(4)-(5)
Both Sexes, Total	2,199,221	4,298,014	2,098,793	2,144,919	-146,551	100,425
0-4	–	102,388	102,388	102,388	0	0
5-9	–	155,561	155,561	155,561	0	0
10-14	55,325	203,705	148,380	155,913	-158	-7,375
15-19	119,309	381,253	261,944	255,960	-441	6,425
20-24	148,775	650,539	501,764	495,186	-1,097	7,675
25-34	214,195	1,239,616	1,025,421	657,455	-5,688	373,654
35-44	312,309	749,645	437,336	189,441	-7,594	255,489
45-54	547,228	393,338	-153,890	78,033	-9,267	-222,656
55-64	315,402	209,278	-106,124	33,412	-14,280	-125,256
65+	486,678	212,691	-273,987	21,570	-108,027	-187,530
Males, Total	1,158,765	2,369,514	1,210,749	1,233,235	-83,211	60,725
0-4	–	52,447	52,447	52,447	0	0
5-9	–	78,906	78,906	78,906	0	0
10-14	28,513	105,632	77,119	81,144	-93	-3,932
15-19	61,963	216,179	154,216	151,736	-297	27,767
20-24	75,678	396,386	320,708	314,872	-796	6,632
25-34	117,785	720,819	603,034	387,207	-4,476	220,303
35-44	177,796	405,138	227,342	103,226	-5,548	129,664
45-54	300,934	200,583	-100,351	40,369	-6,109	-134,611
55-64	162,660	99,858	-62,802	14,804	-9,074	-68,532
65+	233,436	93,566	-139,870	8,524	-56,818	-91,576
Females, Total	1,040,456	1,928,500	888,044	911,684	-63,340	39,700
0-4	–	49,941	49,941	49,941	0	0
5-9	–	76,655	76,655	76,655	0	0
10-14	26,812	98,073	71,261	74,769	-65	-3,443
15-19	57,346	165,074	107,728	104,224	-144	3,648
20-24	73,097	254,153	181,056	180,314	-301	10,423
25-34	96,410	518,797	422,387	270,248	-1,211	153,350
35-44	134,513	344,507	209,994	86,215	-2,046	125,825
45-54	246,294	192,755	-53,539	37,664	-3,158	-88,045
55-64	152,742	109,420	-43,322	18,608	-5,206	-56,724
65+	253,242	119,125	-134,117	13,046	-51,209	-95,954

Table 6
Components of Change from 1990 to 1995 in the Mexican-born Population Due to Immigration, Mortality, and Other Causes

	Population			Components of Change 1990 to 1995		
Sex, Age in 1995	1990 (1)	1995 (2)	Change 1995-1990 (3) = (2)-(1)	Increase Due To Immig'n (4)	Decrease Due To Mortality (5)	Other (6) = (3)-(4)-(5)
Both Sexes, Total	4,766,014	6,669,468	1,903,454	1,707,618	-99,031	294,867
0-4	–	112,349	112,349	112,349	0	0
5-9	113,537	296,585	183,048	198,907	-151	-15,708
10-14	172,500	302,377	129,877	124,975	-129	5,031
15-19	225,886	447,095	221,209	219,920	-480	1,769
20-24	422,767	895,238	472,471	404,402	-1,676	69,745
25-34	1,463,595	2,022,661	559,067	411,641	-7,525	154,951
35-44	1,119,252	1,285,707	166,454	1,436,578	-8,693	31,490
45-54	600,093	655,699	55,606	552,367	-8,935	9,304
55-64	313,748	336,475	22,727	253,423	-11,354	8,739
65+	334,637	315,282	-19,355	11,187	-60,089	29,547
Males, Total	2,627,524	3,720,895	1,093,371	9,721,378	-58,249	179,482
0-4	–	68,095	68,095	68,095	0	0
5-9	58,158	166,829	108,671	116,356	-88	-7,597
10-14	87,498	163,080	75,582	72,411	-76	3,247
15-19	117,134	259,654	142,520	134,184	-336	8,672
20-24	239,718	530,888	291,169	238,671	-1,313	53,811
25-34	879,166	1,164,056	284,890	210,175	-6,146	80,861
35-44	623,849	715,896	92,047	97,404	-6,581	1,224
45-54	318,102	346,287	28,186	18,442	-6,082	15,826
55-64	154,746	156,329	1,583	8,252	-7,122	453
65+	149,154	149,781	627	8,148	-3,050	22,984
Females, Total	2,138,490	2,948,573	810,083	735,480	-40,782	115,385
0-4	–	44,254	44,254	44,254	0	0
5-9	55,379	129,756	74,377	82,551	-62	-8,112
10-14	85,002	139,297	5,425	52,564	-53	1,783
15-19	108,752	187,441	78,689	85,736	-144	-6,903
20-24	183,049	364,350	181,302	165,731	-363	15,934
25-34	584,428	858,605	274,177	201,466	-1,379	74,090
35-44	495,404	569,811	74,407	46,253	-2,112	30,266
45-54	281,991	309,412	27,421	36,795	-2,853	-6,521
55-64	159,002	180,146	21,144	17,091	-4,232	8,286
65+	185,483	165,501	-19,983	3,039	-29,584	6,562

in the United States were drawn from a non-random sample of 10-20 out-migrants from the Mexican communities (none of the U.S. data was used for estimating SAWs). We selected only those migrants in Mexico who reported that they came to the United States under the Agricultural Workers Program (SAWs). The interviews with this subsample of respondents were conducted between 1987 and 1995. Of the 236 SAWs in the data, 191 were interviewed in Mexico. These 191 cases were then classified by state of residence in Mexico. The number of households sampled in the state and the number of household in the state from the 1990 Mexican census (INEGI, 1990) were used to calculate the proportion of households in each state that were included in the sample. The number of SAWs by state was divided by this sampling fraction and summed across states to arrive at the total number of SAWs living in the Mexican states. Finally, three estimates of the number of SAWs living in Mexico were developed assuming different proportions of migrants from Mexico coming from the seven sampled states. These estimates assume that 25%, 33% or 40% of all migrants from Mexico to the United States come from these seven sending states. The results are presented in Table 7 and indicate that about 240,000 to 380,000 SAWs were resident in Mexico at a single point in time during this time interval. Since 1,050,000 of the SAWs were from Mexico, 670,000 to 810,000 of the SAWs are estimated to have been resident in the United States at any single point in time during the early 1990s.

Summary of Results from Estimating Procedures

As of 1980, stock and flow estimates of the unauthorized migrant population tended to be unreliable due in part to lack of methodologies for correcting for biases in the available data sources. For instance, better methods had to be developed in order to make more valid estimates of in-flow on the basis of INS apprehensions and nonimmigrant entrance/exit forms. Also, early analytic estimates tended to be inconsistent in their assumptions, methodologies, and, consequently, in the populations they described. Hence, the various estimates were difficult to compare and evaluate (Bos, 1984). Finally, reviewers (Siegel, et al., 1980; Hill, 1985) found that most early analytic estimates of stock and flow were highly sensitive to their underlying assumptions. More complete data about the foreign-born and the unauthorized migrant population had to be obtained in order to better support underlying assumptions, such as those made about undercount (Goldberg, 1974; Heer, 1979) and death rates (Robinson, 1980). As a result of these and other problems, Siegel and his co-authors concluded in 1980 that “there are currently no reliable estimates of the number of unauthorized residents in the country or of the net volume of unauthorized immigration to the United States in any past recent period”

Table 7
Estimated Number of SAWs Living in Mexico

Mexican State	Number of Hogares	Hogares in Sample	% of Hogares in Sample	Number of SAWs in Sample	Estimated Total SAWs
Jalisco	1,038,000	901	0.087	18	20,736
Guanajuato	703,000	800	0.114	17	14,938
Michoacan	668,000	1,250	0.187	59	31,529
San Luis Potosi	383,000	402	0.105	3	2,858
Zacatecas	241,000	940	0.390	86	22,048
Nayarit	169,000	400	0.237	7	2,957
Colima	88,000	200	0.227	1	440
Total				191	95,509

Estimated Number of SAWs Living in All of Mexico
If 25% of migrants come from above states 382,040
If 33% of migrants come from above states 286,530
If 40% of migrants come from above states 238,775

Sources: 1990 Mexican Census; Mexican Migration Project (1996).

(1980). Nevertheless, they conceded that the analytic studies supported the view that by the end of the 1970s, 2.5 to 5 million unauthorized migrants and 1.5 to 2.5 million unauthorized Mexican migrants resided in the United States.

The residual studies conducted during the 1980s (see Table 8) obtained results at the beginning of the 1980s that tended toward the lower end of this range, subject of course to considerable uncertainty about the fraction of the unauthorized Mexican migrant population not enumerated in the official U.S. Censuses and surveys on which they were based. The results of these studies also showed the effects of IRCA's legalization programs, which removed substantial numbers of unauthorized migrants from the estimates of stock. They also revealed that the unauthorized migrant population (both overall and from Mexico) continued to grow annually during the 1980s, diminished in total numbers only by the legalization programs of IRCA. By 1992, the INS reported that 3.4 million unauthorized migrants overall

Table 8
Residual Estimates of the Enumerated Legal and Unauthorized Foreign-born Population, 1979-1990

(Populations in Thousands)

	Total Foreign-born			Mexican Foreign-born		
	Total Enumerated (1)	Legally Resident (2)	Unauthorized (Residual) (1) - (2)	Total Enumerated (1)	Legally Resident (2)	Unauthorized (Residual) (1) - (2)
Nov. 1979 CPS	13,198	11,474	1,724	2,823	1387	1436
April 1980 Census	14,141	12084	2,057	2,531	1400	1131
April 1983 CPS, age 14+	13,633	11,540	2,093	2,850	1428	1422
April 1983 CPS, all ages	15,808[a]	13,394[a]	2414[a]	3318[a]	1,577[a]	1,741[a]
June 1986 CPS	16,936	13,778	3,158	3,852	1656	2196
June 1988 CPS	17,835	15,929	1,906	4,085	2985	1100
Nov. 1989 CPS	18,508	16,441	2,067	4,642	2999	1643
April 1990 Census (projected)	19,090	16,690	2,400	na	na	na

Sources: Warren and Passel, 1987; Passel and Woodrow, 1987; Woodrow, Passel and Warren, 1987; Woodrow and Passel, 1990; Woodrow, 1991; Woodrow-Lafield, 1995, 1996.

[a]1983 estimate for those age 14 and older adjusted to include all ages.

na = Estimate not available.

and 1.3 million from Mexico resided in the country, totals that have subsequently been updated to 5.0 million and 2.7 million by October 1996 (U.S. Immigration and Naturalization Service, 1997.

Two broad classes of considerations affect the significance of these (and in fact any) estimates. One, of course, is their accuracy. To what degree can we be confident that the figures reflect the sizes of the populations they are intended to represent? While uncertainties remain (as noted in discussions above), there is no question that the results of research on the magnitude of stocks and flows during the 1980s has narrowed considerably the range of plausible estimates. However, because of data gaps (e.g., the deletion of I-53 registration system, inadequate information on emigration, and the other issues noted above), estimates during the

1990s that rely on residual approaches may be subject to increasing uncertainty, and thus perhaps are increasingly likely to generate broad ranges of estimates (Woodrow-Lafield, 1996).

A second factor that affects the significance of estimates is the context in which they occur. Estimates are most appropriately viewed not in isolation, but in relation to other kinds of changes, including population changes. We discussed above the policy significance of possibly shifting proportions of EWIs and visa overstayers. More broadly, it is of interest to examine how the estimates of unauthorized Mexican migration compare to population size generally in both the United States and Mexico. The estimated enumerated unauthorized Mexican population (1.131 million) in 1980 represented about 51 percent of the total Mexican-born population in the United States, 8.0 percent of the U.S. foreign-born population, 12.9 percent of the total Mexican-origin population, 0.4 percent of the total U.S. population, and 1.7 percent of the total Mexican population (see Table 9).

What evidence is there about the size of the unauthorized Mexican migrant population during the 1990s? Estimates of Mexican unauthorized migrants should readily square with evidence about (1) the overall size of the Mexican-born population in the United States, (2) estimated rates of underenumeration in the legal unauthorized populations, and (3) estimates of the size of the legal Mexican-born

Table 9
Relative Size of the Unauthorized Mexican Migrant Population Expressed as a Percentage of the Mexican and the United States Foreign-born, Mexican-origin, and Mexican-born Populations, 1980–1996

Size of Unauthorized Mexican Migrant Population As a Percentage of:	1980	1990	1996
U.S. Population	0.5	0.5	1.1
Mexican Foreign-born	51.4	30.7	49.9
Foreign-born	8.0	6.7	13.4
Mexican Origin	12.9	9.9	15.3
Mexican Population	1.7	1.6	3.1

Notes: Estimates of enumerated authorized Mexican migrant population are: 1980, 1,131,000 (Warren and Passel, 1987); 1990, 1,321,000 (Warren, 1995); 1996, 3,100,000 (constructed by the authors).

population. A figure for unauthorized Mexican migrant stock may be constructed by starting with the overall size of the enumerated Mexican-born population from the March 1996 CPS of 6.68 million. Following the evidence from Hogan and Robinson (1993) and Van Hook and Bean (1997), we set plausible underenumeration rates for the legal and unauthorized Mexican populations at 4.0 and 12.0 percent respectively. Consistent with the evidence that about 700,000 SAWs were in the United States in the 1990s, we also adopt a mid-range estimate of 4.8 million legal Mexican immigrants (Woodrow-Lafield, 1997). Given these values, the *enumerated* number of legal immigrants is estimated as 4.608 million (4.8 x 0.96 = 4.608) and the number of unauthorized immigrants as 2.35 million (6.679 – [4.8 x 0.96]/ 0.88 = the number of unauthorized migrants = 2.35). Placing a 90 percent confidence interval around the overall total of 7.15 million (obtained by adjusting for undercount) adds and subtracts about 150,000 from each side of this value, giving an estimated range of 7.0 to 7.3 million total Mexican-born persons in the United States. In 1996, then, the figure of 2.35 million unauthorized Mexican-born migrants represents 37.8 percent of the U.S. Mexican-born population, 10.2 percent of the U.S. foreign-born population, 11.6 percent of the Mexican-origin population, 0.8 percent of the total U.S. population, and 2.3 percent of the Mexican population (see Table 9).

Note

1. The Census Bureau estimate is not 0.728 million larger than the Clark, et al., estimate, but only 0.415 million larger because of differences in assumptions other than those related to the residence of the SAW population.

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QUANTIFICATION OF MIGRATION

Estimating Underenumeration among Unauthorized Mexican Migrants to the United States: Applications of Mortality Analyses

Jennifer Van Hook & Frank D. Bean

Because residual techniques generate estimates of the *enumerated* portion of the unauthorized Mexican population, they underestimate the true size of the unauthorized population at any point in time by an amount equal to the size of the unenumerated portion of the population. In order to develop estimates of the total size and growth of the unauthorized Mexican population, it is thus important that methods be developed for assessing the size and growth of the *unenumerated* portion of the population. A number of researchers have made and continue to make assumptions about the underenumeration rate for the unauthorized migrant population that are not substantially empirically based. For instance, some have argued that the undercount rate for unauthorized migrants must be at least as high as the highest rate among native-born groups. On the basis of this logic, some analysts argue that undercoverage must be as high as 20 percent, the rate exhibited by native-born African-American males (e.g., Passel, Siegel, and

Robinson, 1982). Others have argued that the undercount rate in the 1990 Census may be at least as high as it was in the 1980 Census (Woodrow, 1991). However, if the unauthorized migrant population were more settled and less concentrated in agricultural occupations in 1990 than in 1980, then the undercount rate in 1990 might be lower than it was in 1980.

Evidence about the size of the unenumerated portion of the unauthorized population for the census years 1980 and 1990 has been obtained by employing one of two different approaches. The first involves direct attempts to estimate first the undercount rate through comparisons of U.S. Census results with external data about small or localized populations, such as school enrollment records, in-depth survey results, and the findings from ethnographic field research. Estimates of the rate of undercount are then applied to the estimates of the size of the unauthorized population enumerated in the Census in order to approximate the size of the entire unauthorized population. The second approach entails first making independent assessments of the entire unauthorized migrant population or national origin groups within the population based on data sources and methods that are thought to be less sensitive to undercount, and then comparing these estimates with the enumerated population in order to estimate the rate of undercount. The results of both of these approaches are reviewed below, first with respect to the 1980 Census enumeration and then the 1990 Census enumeration.

Direct examinations of the level of undercount indicate that between 20 and 50 percent of the stock of unauthorized residents appeared to be missing from the 1980 Census enumeration. One study compared Los Angeles public school enrollments with estimates of families with school-aged children in the 1980 Census (Muller and Espenshade, 1985) (see Table 1). The results indicated that nearly all families in Los Angeles were enumerated, including families of unauthorized migrants. These results are consistent with the observation that the census is better at enumerating settled populations such as unauthorized migrant families than single migrants. The results of the study also suggested that the undercount rate of the entire unauthorized population was probably no greater than 50 percent. This view was substantiated by the results of a survey of Mexican adults living in Los Angles County (Heer and Passel, 1985, 1987). Foreign-born respondents were asked whether they were legal residents and if so, to show the interviewer their “Green Card” or equivalent evidence of legal status. Foreign-born respondents who indicated they were undocumented or failed to show evidence of legal status were enumerated as unauthorized migrants. Comparisons of the results of the survey with the number of unauthorized Mexican migrants enumerated in the 1980 Census (Passel, 1985) suggested that the undercount rate among Mexican unauthorized migrants was probably no greater than about 44 percent (Passel, 1985; Passel and Robinson, 1988) (See Table 2).

Table 1
Studies with Implications for Underenumeration

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Bean, King, and Passel (1983)	1980	Mexican unauthorized migrants	Sex-ratio, age distribution assumptions Data: Mexican Census	1.5 - 3.8 million (no more than 4 million)
Keely (1983)	1980	Undercount rate in 1980 Census for the unauthorized population	Expert opinion	33% - 50% undercount
Heer and Passel (1985)	1980	Adult Mexican unauthorized migrants in Los Angeles County, Males: 18-44; Females: 18-39	Survey on legal status in Los Angeles	44% undercount
Muller and Espenshade (1985)	1980	Families in Los Angeles	Compared Los Angeles school enrollment data with Census estimates in Los Angeles	1980 Census enumerated most families in Los Angeles
Passel (1985a)	1980	Mexican unauthorized migrants	Revision of Bean, et. al. (1983)	1.9 million
Bean, King, and Passel (1986)	1980	Mexican unauthorized migrants	Revision of Bean, et. al. (1983)	1.5 - 2.8 million
Passel (1986)	1980	Undercount rate in 1980 Census for the unauthorized population	Expert opinion	no more than 50% undercount
Heer and Passel (1987)	1980	See Heer and Passel (1985)		

Table 1 (Continued)

Author(s), Date of Publication or Release	Estimation Date	Type or Description	Method	Estimate
Passel and Robinson (1988)	1980	Total unauthorized migrant population	Revision of Bean, et. al. (1983)	Total: 2.5 to 3.5 million Mexican: 1.9 million
Borjas, Freeman, and Lang (1991)	1980	Total Mexican unauthorized migrant population	Analysis of deaths to Mexican-bornpersons	1.9 million
Woodrow (1991)	1990	Total unauthorized migrant population	Projection from 1980 Estimate to 1990	3.3 million (point estimate)
GAO (1993)	1990	Total Mexican unauthorized migrant population	Projection of 1980 Mexican Census population to 1990	2.7 million
GAO (1993)	1990	Undercount rate in 1980 Census for the unauthorized population	Review of ethnographic studies	25% undercount, most estimates fell between 5% and 28%

Table 2
Direct and Indirect Estimates of the Undercount for the Unauthorized Migrant Population in 1980 and 1990 U.S. Censuses

	Estimated Unauthorized Pop'n (in millions)		Undercount Percentage	
	Total	Mexican-born	Total	Mexican-born
1980 Census				
Direct Estimates of Undercount				
Heer and Passel (1985, 1987); Passel (1985); Passel and Robinson (1988)	3.4-3.7[a]	2.0[a]	40-45%	44%
Indirect Estimates of Undercount				
Bean, et. al. (1983)	na	1.5-3.8	na	25-70%[b]
Revisions of Bean, et. al. (1983)				
Passel (1985)	na	1.9	na	40%[b]
Bean, et. al. (1986)	na	1.5-2.8	na	25-60%[b]
Passel and Robinson (1991)	2.5-3.5	1.9	18-42%	40%[b]
Borjas, Freeman and Lang (1991)	na	1.9	na	40%[b]
1990 Census				
Direct Estimates of Undercount				
GAO (1993)	3.2[a]	2.6[a]	25%	25%
Indirect Estimates of Undercount				
GAO (1993)	3.4	2.7	29%[b]	30%[b]
Woodrow (1991)	3.3		27%[b]	
Warren (1995)	1.0	2.6	-92%[b]	8%[b]

na: estimate not available.

[a]Implied population based on estimate of undercount (see note below).

[b]Implied undercount rate based on estimate of population (see note below).

Note: The implied population and undercount rates are based on the assumption that 2.1 million unauthorized migrants (1.1 million unauthorized Mexicans) were enumerated in the 1980 Census, and that 2.4 million (1.9 million Mexicans) were enumerated in the 1990 Census.

Indirect evidence of undercoverage suggests a narrower range of undercount for the unauthorized population, falling roughly between 30 and 40 percent. As noted above, Bean, King, and Passel (1983) attempted to estimate the number of Mexicans who had emigrated to the United States by analyzing the age and sex composition of the population enumerated in the 1980 Mexican Census. Due to uncertainties about the patterns of undercount in the Mexican Census and the age-sex composition of the emigrant population, Bean, et al. (1983) concluded

that the number of unauthorized Mexicans living in the United States could be as low as 1.5 and as high as 3.8 million. Comparing this range with the number enumerated in the 1980 U.S. Census—1.131 million (Warren and Passel, 1987)—the Bean, et al. (1983) estimate implies an undercount between 25 and 70 percent. However, residual estimates of the Mexican unauthorized population enabled researchers to narrow the range of assumptions used in this analysis (Bean, King, and Passel, 1986; Passel, 1985; Passel and Robinson, 1988). The results of these revisions indicated that there were probably as few as 1.5 to 1.9 million unauthorized Mexicans migrants in 1980. Assuming that Mexicans comprise about 60 percent of the unauthorized population, this suggests that between 2.5 and 3.2 million unauthorized migrants were living in the U.S. in 1980. A comparison of these estimates with the approximation of the enumerated unauthorized population suggests an undercount rate of 25 to 40 percent among Mexicans and 18 to 36 percent among all unauthorized migrants.

Using a different approach, Borjas, Freeman, and Lang (1991) analyzed vital statistics data to determine the number of unauthorized immigrants missed in the 1980 Census. The method they used is similar to that used by Robinson (1980), except that it yields more precise results because it employs data on the number of deaths to Mexican-born persons residing in the United States (such data became available in 1984 when vital statistics began to record place of birth on death certificates). The methodology used by Borjas, Freeman, and Lang rests on the assumption that (1) all deaths to unauthorized and legally resident Mexican-born persons that take place in the United States are recorded in the U.S. vital statistics and (2), that the Mexican-born population experiences age specific death rates that are quite similar to those experienced by the U.S. native-born population. If these assumptions hold, then the total Mexican-born population living in the United States may be approximated by dividing the number of deaths to Mexican-born persons by the death rate. By comparing this estimate with the number of Mexican-born persons enumerated in the 1980 Census, the number of unenumerated Mexican-born persons can then be estimated. Borjas, Freeman, and Lang's results indicate that the number of unenumerated unauthorized Mexicans in 1990 was about 800,000. They add this to Warren and Passel's estimate to yield a total of 1.9 million unauthorized migrants from Mexico, which implies a 40 percent undercount rate. The results of this method tend to be highly sensitive to the underlying assumptions. Nevertheless, if the effects of its limitations could be minimized, the method has potential because it is empirically based, it can provide national level results, and it can be used to obtain annual estimates of the unauthorized population by age, sex, and country-of-origin, as we demonstrate below in an application to the 1990 Census enumeration of unauthorized Mexican-born male and female migrants.

To summarize, the results of undercount studies as well as comparisons of external estimates with estimates of the enumerated unauthorized population suggest that at least 60 percent of unauthorized residents were enumerated in the 1980 Census. This implies that there were at most about 3.4 million unauthorized migrants and 1.9 million unauthorized Mexican migrants living in the United States in 1980.

In the case of the 1990 Census enumeration, both direct and indirect evidence suggest that the undercount rate for the unauthorized migrant population was lower than it was in 1980. The direct evidence comes from a series of ethnographic studies conducted by researchers working with the Census Bureau. The main purpose for conducting these studies was to gain qualitative information about the causes of undercount, although the results of the research can also be used to shed light on undercoverage rates among various populations. The ethnographic evaluations were conducted in 29 different neighborhoods across the United States and Puerto Rico, each of which contained about 100 households. These 29 neighborhoods were selected because they were thought to contain large concentrations of difficult-to-enumerate populations. Experienced ethnographers made an effort to become familiar with the households and household members who lived within the sample area by accessing informal networks and gaining information about the actual residences of people. Their assessments of the numbers of residents were compared with the official Census counts for the sample areas. The results of the comparisons showed that, among those living in areas containing large concentrations of unauthorized migrants,[1] the undercount rate was *at most* 25 to 30 percent. One area, Long Island, had an undercount rate as high as 72 percent, but this result was not typical. The other areas showed undercount rates as low as or lower than 28 percent, and five areas had undercount rates less than 18 percent (U.S. GAO, 1993; de la Puenta, 1993).

Indirect evidence of the undercoverage of the unauthorized population in 1990 comes from only a few studies. Although Warren (1995) produces estimates of the entire unauthorized population in 1990, his estimates appear too low and cannot be relied upon. For instance, he puts the total Mexican-born unauthorized population at 1.0 million, which is 92 percent *lower* than the residual estimate for 1990 (U.S. GAO, 1993). Woodrow (1991) makes a "point estimate" of the unauthorized population in 1990 of about 3.3 million. Woodrow (1991) constructs this estimate by projecting forward the estimated 1980 unauthorized population to 1990, adjusting for net growth during the 1980s and legalizations due to the amnesty provisions of IRCA.

Another study showing indirect evidence of the undercount rate in 1990 was conducted by U.S. GAO (1993) in consultation with Corona Vasquez (1991). By comparing the Mexican population enumerated in the Mexican Census in 1980

with those enumerated in the 1990 Mexican Census, Corona Vasquez (1991) estimated that 1.5 to 3 million Mexicans emigrated during the decade. By adjusting this estimate for differential undercount and legal migration to the United States, GAO (1993) concluded that about that about 2.7 million unauthorized Mexicans were present in the United States in 1990. Assuming that Mexicans comprise about 80 percent of the total unauthorized migrant population (based on the 1989 CPS residual estimates), GAO puts the total unauthorized migrant population at 3.4 million. Like the results obtained from the ethnographic studies, the Woodrow (1991) and GAO (1993) estimates imply an undercount rate of about 30 percent. This level of undercoverage implies an unauthorized population of about 3.4 million (2.7 million Mexican unauthorized migrants) in 1990.

In what follows, we apply the "death registration" method used by Borjas, Freeman, and Lang (1991) to obtain another estimate of the total unauthorized Mexican population and the underenumeration rate for 1990. One of the drawbacks of the death registration method is that it is sensitive to its underlying assumptions. Nevertheless, if the data used to produce the final estimates were more carefully selected so that confidence in the underlying assumptions was greater, then the method could be used to obtain annual estimates of the total size of the unenumerated unauthorized population by country of origin. In the section below, we describe the method in greater detail and evaluate its underlying assumptions. Then, using a range of plausible initial assumptions, we estimate likely ranges for the undercount rate for the 1990 unauthorized Mexican migrant population.

Methodology

On the assumption that all deaths to Mexican-born persons living in the United States are recorded as such in the U.S. vital statistics and that an appropriate and supportable assumption about the death rate experienced by the Mexican-born population can be made, then the number of Mexican-born persons living in the United States by age and sex (L_x) can be estimated by dividing the number of deaths to Mexican-born persons living in the United States (d_x) by the death rate experienced by the population (m_x):

$$L_x = d_x/m_x$$

where x indexes age and sex groupings (Borjas et al., 1991). The population estimate L_x is an estimate of the person-years lived during the year and only approximates the population at the time of the census enumeration. By subtracting the number of Mexican-born persons enumerated in the census (C_x) from the estimated population (L_x), we can then estimate the size of the unenumerated portion of the Mexican-born population (U_x):

$$U_x = L_x - C_x$$

If most legally resident Mexican-born persons are enumerated in the Census, then it can be assumed that most of the unenumerated population, U_x, consists of unauthorized persons. Thus, the total unauthorized population, T, can be estimated as the sum of the unenumerated population, U (that is, U_x summed across all x's), and the estimated enumerated unauthorized population, I; and the undercount rate can be estimated as U/T.

Underlying Assumptions

Number of Deaths (d_x)

First, the quality of the estimates depend on the extent to which deaths to Mexican-born persons that take place in the United States are recorded in U.S. vital statistics, and further, that the U.S. vital statistics correctly identify place of birth. It is reasonable to assume that the vast majority of deaths to foreign-born persons are recorded in U.S. death records. As others have argued, it would be very difficult, and there would be little motivation, to "hide" the death of a foreign-born person living in the United States (Borjas et al., 1991). Even among infants whose mothers had illegally crossed the border to give birth, very few infant deaths would go unrecorded because the vast majority of births to unauthorized migrants take place in hospitals (Forbes and Frisbie, 1991).

However, even if all deaths to foreign-born persons are recorded in the U.S. vital statistics, place of birth of some foreign-born persons may be misrecorded as U.S.-born on their death certificates. Unfortunately, little is known about the quality of data about place of birth on death certificates. However, some evidence suggests that Hispanic ethnicity is inaccurately recorded on about 20 percent of infant (Hahn, Mulinare and Teutsch, 1992) and seven percent of adult death certificates (Sorlie and Johnson, 1992). Place of birth is likely to be more accurately recorded than ethnicity because place of birth is easier to define, is not complicated by mixed parentage, and does not depend on perceptions of self-identity (for a discussion on the difficulties in measuring race/ethnicity in death data, see Hahn and Stroup, 1994). Borjas, Freeman and Lang (1991: 81) similarly argue that the error associated with misreporting place of birth is likely to be small: "While there may be some tendency for friends and relatives of unauthorized aliens to disguise country of origin, the head of Registration of Methods of the Public Health Service informed us that in his opinion these records are no less accurate for unauthorized aliens than for other groups, leading us to discount this potential source of error."

In making estimates of the unenumerated Mexican-born population, we assume the error associated with inaccurate reporting of place of birth to be no

greater than five percent. Hence, we employ two alternative sets of estimates of the number of deaths of Mexican-born persons. The first, labeled "D1" in Table 3, is the number of deaths to Mexican-born U.S. residents recorded in the U.S. vital statistics. The second, labeled "D2," is the recorded number of deaths inflated by five percent.

Mortality Schedule (m_x)

The validity of the estimate also depends on the extent to which the age- and sex-specific death rates used in making the estimate (m_x) conform to the actual mortality schedule experienced by the Mexican-born population. Unfortunately, there is a great deal of uncertainty about the mortality schedule of this population because of uncertainty in estimates of the population at risk of dying. Borjas, Freeman and Lang (1991) assume that the Mexican-born population experience the same or higher age-specific death rates as the entire U.S. population, and therefore use its mortality schedule for making their estimates. However, evidence exists that there are significant differences between the mortality schedules of the total U.S. (dominated by non-Hispanic whites) and Hispanic origin populations. Estimates made in the United States and Healthy People 2000 Review (U.S. Department of Health and Human Services, 1992) indicate that Hispanic males aged 15 to 44 have age-specific death rates that range from 15 to 24 percent higher than non-Hispanic whites, and Hispanic females and Hispanic males older than 44 have rates that range from 9 to 32 percent lower. These estimates are unlikely to be strongly biased due to uncertainty in the size of the population at risk of dying because they closely correspond with other estimates that are not affected by this type of error. In an analysis of data obtained from the National Longitudinal Mortality study, in which approximately 115,000 men and women age 15 to 24 were interviewed and then followed up five years later, Singh and Yu (1996) found that Hispanic men and women age 15 to 24 experience mortality levels that are nearly identical to (about 96 percent of) those reported by the United States and Healthy People 2000 Review.

One potential source of error in the estimates made in the United States and Healthy People 2000 Review is that the number of deaths to persons of Hispanic origin could be underestimated due to inaccurate recording of ethnicity on death certificates. As discussed above, this error has been found to be as large as seven percent. We use three different mortality schedules in making alternative estimates of the number of unenumerated Mexican-born persons living in the United States in 1990. The first mortality schedule, labeled "M1" in Table 3, is that experienced by the white population. The second, labeled "M2," is the mortality schedule of Hispanics as it is reported in the United States and Healthy People 2000 Review.

Table 3
Underlying Assumptions Used in Estimates of the Mexican-born Unenumerated Population, 1990

		Deaths to Mex. Born		Death Rate, 1990			Enumerated Mex. Born	
		(D1)	(D2)	(M1)	(M2)	(M3)	(C1)	(C2)
	Age	Observed	Adj. +5%	White	Hispanic	Hisp. +7%	Observed	Adjusted
Males	0-4	77	81	.0021	.0021	.0022	52,447.	89,336
	5-9	40	42	.0002	.0002	.0003	78,906	165,818
	10-14	43	45	.0003	.0003	.0003	105,632	163,248
	15-19	417	438	.0011	.0013	.0014	216,179	254,156
	20-24	949	996	.0015	.0017	.0018	396,386	400,525
	25-34	1,539	1,616	.0018	.0022	.0023	720,819	720,819
	35-44	954	1002	.0027	.0033	.0036	405,138	416,813
	45-54	803	843	.0056	.0044	.0047	200,583	207,819
	55-64	911	957	.0146	.0114	.0122	99,858	99,858
	65-74	1,275	1,339	.0345	.0242	.0258	55,017	112,505
	75-84	1,917	2,013	.0800	.0557	.0596	28,657	28,657
	85+	1,537	1,6134	.1922	.1306	.1397	9,892	9,892
	SUM	10,462	10,985				2,369,514	2,669,446
Females	0-4	93	98	.0016	.0017	.0018	49,941	59,301
	5-9	38	40	.0002	.0002	.0002	76,655	138,957
	10-14	22	23	.0002	.0002	.0002	98,073	127,960
	15-19	66	69	.0005	.0004	.0004	165,074	178,244
	20-24	107	112	.0005	.0004	.0004	254,153	254,153
	25-34	234	246	.0006	.0006	.0006	518,797	518,797
	35-44	293	308	.0012	.0011	.0012	344,507	369,850
	45-54	419	440	.0032	.0023	.0024	192,755	211,313
	55-64	674	708	.0082	.0059	.0063	109,420	127,744
	65-74	1,122	1,178	.0195	.0146	.0156	63,470	144,398
	75-84	1,951	2,049	.0494	.0352	.0376	40,698	52,452
	85+	2,098	2,203	.1554	.1082	.1158	14,957	15,623
	SUM	7,117	7,473				1,928,500	2,198,792

Note: Deaths include deaths to Mexican-born U.S. residents only

Finally, the third mortality schedule, labeled "B3," is the Hispanic schedule in which each of the age- and sex-specific death rates are inflated by seven percent in order to account for possible underreporting of Hispanic deaths.

Enumerated Mexican-born Population (C_x)

The estimates of the unenumerated population also depend on the extent to which Mexican-born persons who are enumerated in the 1990 U.S. Census correctly identify their place of birth. Warren and Passel (1987) calculate that

215,000 Mexican-born people misreported themselves as U.S. born in the 1980 Census. Woodrow (1991) estimates that by November, 1989, about 636,000 Mexican-born persons inaccurately reported as U.S. born in the CPS. To obtain this figure, Woodrow (1991) first estimated the total U.S.-born Mexican-origin population as 8,493,000 persons (a figure reached by projecting forward the estimate from 1980), and then she subtracted this figure from the number enumerated in the 1989 CPS.

In making our estimates, we employ two approximations of the total enumerated Mexican-born population. The first, labeled "C1" in Table 3, is the Mexican-born population as it is observed in the 1990 Census. The second, "C2," is the observed population adjusted upward for inaccurate reporting of place of birth. The "C2" population was arrived at by adding to the observed Mexican-born population an estimate of the number of people who reported themselves as U.S. born but who are actually Mexican born. The number of misreporters, in turn, was estimated as the difference between an independent estimate of the Mexican U.S.-born population (Woodrow's (1991) estimate projected forward from November, 1989 to April, 1990) and that observed in the U.S. Census.

Unenumerated Mexican-born Population (U)

Another assumption made by Borjas, Freeman, and Lang (1991) is that their estimate of the unenumerated Mexican-born population, U, consists entirely of unauthorized migrants. However, the legal Mexican-born population is likely to have age- and sex-specific underenumeration rates that are at least as high as those among non-Hispanic whites. Therefore, the unenumerated portion of the population would consist of both legal and unauthorized Mexican-born persons. Accordingly, we subtract from our estimate of U (i.e., the sum of U_x) the approximate number of unenumerated *legal* Mexican-born persons.

We approximate the unenumerated legal population in the following way. Several researchers have put the 1990 enumerated unauthorized population at about 2.4 million (Woodrow, 1991; GAO, 1993; Clark, et al., 1994). We approximate the Mexican component of the 1990 unauthorized population as proportional to the relative sizes of the Mexican-born and total unauthorized population enumerated in the 1989 CPS, such that the Mexican-born unauthorized population in 1990 is estimated at 1.908 million. The remaining enumerated Mexican-born population (including those who misreported as U.S.-born), numbering 2.960 million, is classified as legally resident. We then allocate the legal and unauthorized Mexican-born populations into age- and sex-categories by assuming that the unauthorized population has the same age and sex composition as Mexican-born, non-citizen, post 1982 arrivals. Finally, we apply the age- and sex-specific

undercount rates of the white population (Robinson et al., 1993) to our approximation of the legal population. As a result of this procedure, we estimate that about 34,160 legal Mexican-born males (2.1 percent) and 5,249 females (0.4 percent) are missing from the 1990 Census. Accordingly, we subtract 34,160 from our estimates of the unenumerated male population, and 5,249 from the unenumerated female population.

Correspondence Between Person-years (L_x) and the Number Eligible to be Enumerated

In estimating the number of unenumerated Mexican unauthorized migrants, the death registration method compares an estimate of the person-years lived in the United States by Mexican-born persons (L_x) with the number of such persons enumerated in the census (C_x). This procedure relies on the assumption that L_x closely approximates the number of Mexican-born persons who were eligible to be enumerated in the census (that is, they were living in the United States on April 1, 1990). For this assumption to hold, all Mexican-born persons living in the United States on April 1, 1990 who subsequently die in 1990, must have died in the United States. If a significant number were to leave the United States after April 1, then their deaths would not be recorded in the U.S. vital statistics, and the estimates of L_x and U_x would be too low. U_x could even be negative if more people were counted in the census than were estimated based on the number of deaths. We expect that this would be most evident among older people because they are more likely to return to Mexico mid-year because of an illness or retirement. To minimize this type of error, we exclude estimates of U_x for the age-sex groups in which the estimate of U_x is negative from the sum total of the unenumerated population estimates. That is, when summing across all U_x's, only the positively valued estimates are included in the sum.

In addition, for the above assumption to hold, all deaths that take place in the United States to Mexican-born persons must be due to those who were living in the United States on April 1. If a significant number were to migrate to the United States after April 1 and subsequently die, then L_x and U_x would be overestimated. We expect that this would occur more often among those who work seasonally in the United States, such as working-aged men. Unlike the first type of error described above, which can be detected in part by negatively-signed estimates of U_x, this type of error is difficult to identify. Hence, we do not attempt to adjust our estimates to take into account this kind of discrepancy. Rather, we simply note that this type of phenomenon is likely to lead to overestimates of the number of unenumerated Mexican-born persons living in the United States at the time of the U.S. Census.

1990 Estimates

We produce a series of estimates of the number of unenumerated unauthorized Mexican-born persons living in the United States in 1990. An estimate is made for each combination of the assumptions regarding the numbers of deaths, different mortality schedules, and sizes of the enumerated Mexican-born population. Since we employ two alternative estimates of the number of deaths, three alternative mortality schedules, and two alternative enumerated populations, we make a total of twelve estimates (2 x 2 x 3 = 12).

Table 4 illustrates how one such estimate is constructed. In this example, the unadjusted number of deaths to Mexican-born persons (D1), the mortality schedule experienced by white men and women (M1), and the unadjusted enumerated Mexican-born population (C1) are used to construct the approximation. The first and second columns show the number of deaths (d_x) and the age- and sex-specific death rates (m_x), respectively. Dividing the number of deaths by the death rate, we obtain the third column, an estimate of the total Mexican-born population in 1990. The fourth column displays the enumerated Mexican-born population (C_x), and the final column shows the difference between the total and enumerated population estimates, that is, the unenumerated Mexican-born population (U_x). As expected, the estimates of U_x tend to be negative at the older ages, particularly among males. Summing across the positive values, we obtain an approximation of 686,952 unenumerated males and 173,068 unenumerated females. When we subtract the estimated number of unenumerated legal migrants from these figures, we obtain estimates of approximately 653,000 unenumerated unauthorized males and 168,000 unenumerated unauthorized females. If we assume an enumerated unauthorized migrant population of 1.9 million (1.1 million males, 0.8 million females), then these estimates imply an underenumeration rate of about 37 percent among males, 17 percent among females, and 30 percent among both sexes combined.

Table 5 presents estimates of the unenumerated unauthorized Mexican-born population, the total unauthorized population, and the implied undercount rate for each of the twelve combinations of underlying assumptions. The estimates of the total unauthorized Mexican migrant population range 2.1 to 2.9 million, with the interquartile range spanning 2.2 to 2.6 million. The undercount rates corresponding with the interquartile range of estimates ranges from only 14 to 26 percent. Even the highest estimate of 2.9 million unauthorized migrants implies an undercount rate of only 34 percent. The estimates of the underenumeration rate are higher for males, among whom as many as 40 percent may not have been enumerated. Finally, we note that of the three underlying assumptions, those pertaining to the mortality schedule and the enumerated population tend to exert the greatest influence on the estimates.

Table 4
Example of an Estimate of the Unenumerated Mexican-born Population, 1990
(Using Underlying Assumptions D1, M1, and C1)

	Age	Deaths (D1)	Death Rate (M1)	Total Pop'n (Person-Years) (L) = D1/M1	Enumerated Population (C1)	Unenum. Population (U) = L - C1
Males	0-4	77	.0021	36,858	52,447	-15,589
	5-9	40	.0002	169,062	78,906	90,156
	10-14	43	.0003	148,541	105,632	42,909
	15-19	417	.0011	363,310	216,179	147,131
	20-24	949	.0015	649,864	396,386	253,478
	25-34	1,539	.0018	874,096	720,819	153,278
	35-44	954	.0027	351,932	405,138	-53,206
	45-54	803	.0056	143,729	200,583	-56,854
	55-64	911	.0146	62,512	99,858	-37,346
	65-74	1,275	.0345	37,005	55,017	-18,012
	75-84	1,917	.0800	23,952	28,657	-4,705
	85+	1,537	.1922	7,999	9,892	-1,893
SUM (of Positive Values)				2,868,861	2,369,514	686,952
Females	0-4	93	.0016	57,642	49,941	7,701
	5-9	38	.0002	221,636	76,655	144,981
	10-14	22	.0002	118,459	98,073	20,386
	15-19	66	.0005	145,726	165,074	-19,348
	20-24	107	.0005	230,551	254,153	-23,602
	25-34	234	.0006	380,792	518,797	-138,005
	35-44	293	.0012	245,964	344,507	-98,543
	45-54	419	.0032	132,979	192,755	-59,776
	55-64	674	.0082	82,647	109,420	-26,773
	65-74	1,122	.0195	57,580	63,470	-5,890
	75-84	1,951	.0494	39,527	40,698	-1,171
	85+	2,098	.1554	13,504	14,957	-1,453
SUM (of Positive Values)				1,727,006	1,928,500	173,068

Table 5

Various Estimates of the Unenumerated Unauthorized Mexican-born Population and Percentage Undercount

Assumptions About: D. Number of Deaths M. Mortality Schedule C.Enumerated Pop'n	Unenumerated Unauthorized Population Est. (in 1,000s)			Total Unauthorized Population Estimate (in 1,000s)			Percentage Undercount		
	Males	Females	Total	Males	Females	Total	Males	Females	Total
1. D1, M1, C1	653	168	821	1,752	977	2,728	37.3	17.2	30.1
2. D1, M1, C2	481	77	558	1,580	886	2,466	30.4	8.7	22.6
3. D1, M2, C1	371	227	598	1,470	1,036	2,506	25.2	21.9	23.9
4. D1, M2, C2	199	101	300	1,298	909	2,208	15.3	11.1	13.6
5. D1, M3, C1	290	158	447	1,389	967	2,355	20.9	16.3	19.0
6. D1, M3, C2	136	64	200	1,235	873	2,108	11.0	7.3	9.5
7. D2, M1, C1	719	180	899	1,818	988	2,806	39.5	18.2	32.0
8. D2, M1, C2	543	84	627	1,642	893	2,534	33.1	9.4	24.7
9. D2, M2, C1	416	260	677	1,515	1,069	2,584	27.5	24.3	26.2
10. D2, M2, C2	240	120	361	1,339	929	2,268	17.9	12.9	15.9
11. D2, M3, C1	324	186	510	1,423	994	2,418	22.8	18.7	21.1
12. D2, M3, C2	162	79	241	1,261	888	2,149	12.8	8.9	11.2
Minimum	136	64	200	1,235	873	2,108	11.0	7.3	9.5
Maximum	719	260	979	1,818	1,069	2,887	39.5	24.3	33.9
25th Percentile	230	83	313	1,329	892	2,221	17.3	9.3	14.1
50th Percentile (Median)	348	139	487	1,447	948	2,394	24.0	14.6	20.3
75th Percentile	496	181	67	1,595	990	2,585	31.1	18.3	26.2

See Table 3 on page 561 for various estimates of the number of deaths, mortality schedules, and the enumerated population.

In conclusion, the death registration method produces estimates of the underenumeration rate that correspond with other evidence about undercount. Namely, the underenumeration rate for unauthorized Mexican migrants in 1990 appears not to be as high as it was in 1980, most likely is no greater than 35 percent and may even be as low as 15 to 25 percent. In addition, the results corroborate other evidence that the female unauthorized migrant population is better represented in the U.S. Census enumeration than the corresponding male population. Nevertheless, the results also show that the death registration method produces estimates that are highly sensitive to their underlying assumptions. Although the method has a great deal of potential for use in the future, the quality of the estimates could be greatly improved if better information about the mortality rates experienced by the foreign-born population and the enumerated population were available.

Note

1. These were nine areas located in Long Island, rural Marion County, Oregon, Houston, Bronx, San Diego, San Francisco, Miami, rural Santa Barbara County, and New Orleans.

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Quantification of Migration

The Mexican-origin Population of the United States in the Twentieth Century

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The Mexican-origin population in the United States has grown substantially over the last century. It consists of several different components and the contribution of the Mexican-origin population to the size of the United States population has increased and continues to increase as a result of growth in each of these components. One part of this population consists of those individuals born in the United States who can trace their ancestry to Mexico. Another component consists of those individuals born in Mexico who have subsequently moved to the United States. The latter group (the Mexican-born population in the United States) can be broken down into three groups: naturalized citizens, legal immigrants and unauthorized migrants from Mexico. Our goal is to provide a general picture of both the past and present size, growth and distribution of the Mexican-origin population within the United States. The following focuses on changes in each group within this population. We begin by examining changes in the way this group has been measured over time. Since the United States Census is the primary source of this information, we focus on changes in these data. Next, we discuss the patterns of growth in the Mexican-origin population over the past century. Finally, we turn

to the potential for future growth and the geographic distribution of the Mexican-origin population in the United States.

Measurement of the Mexican-origin Population

"Ethnicity denotes a social identity deriving from group membership based on common race, religion, language, national origin, or some combination of these factors (Bean and Tienda, 1987: 38)." In part because ethnicity is a multidimensional concept, the way in which the Mexican-origin population has been defined by the United States Census Bureau has changed over the years, during which time Mexican ethnicity has been identified by a number of different indicators (see Table 1). Prior to 1970, Mexican ethnicity could be identified through the use of various objective markers, including place of birth, parents' place of birth, mother tongue, and Spanish surname. While serving well to identify Mexican-origin persons who were either foreign born or whose parents were born in Mexico, these identifiers failed to adequately identify third or higher generation Mexican-origin persons, especially those who no longer speak Spanish at home or who no longer have a Spanish surname due to intermarriage. These limitations are especially problematic for identifying the Mexican-origin population given the group's long history in the United States.

Table 1
Identifiers Available in the United States Census or Current Population Survey for the Hispanic Population, 1950–1996

Year	Birth-place	Foreign Parentage	Mother Tongue	Home Language Other than English	Spanish[1] Surname	Spanish Origin or Descent	Ancestry
1994-96	yes	yes	no	no	no	yes	no
1990	yes	no	no	yes	no	yes	yes
1980	yes	no	no	yes	yes	yes	yes
1970	yes	yes	yes	no	yes	yes	no
1960	yes	yes	yes [2]	no	yes	no	no
1950	yes	yes	no	no	yes	no	no

Source (1950–1980) Bean and Tienda, 1987; (1990 Census and 1994-96 CPS) Constructed by the authors.

[1] Only available for five southwestern states.

[2] Available for 25% of the foreign-born population

In response to these concerns, a new measure of ethnicity was added to the 1970 Census in which Mexican ethnicity could be identified through the use of a subjective item, ethnic origin. The census measure of ethnic origin allowed respondents of any generation to identify themselves as having Mexican ethnicity. This measure was included in the 1980 and 1990 Censuses as well. Thus, measures of the size and distribution of the Mexican-origin population since 1970 depend on the ethnic self identification of individuals whereas measures in previous years rely upon the researchers' ethnic classification based on several indicators.

Size of the Mexican-origin Population: 1900–Present

Despite the many changes in the measurement of the ethnic composition of the United States, it is clear that the Mexican-origin population has grown steadily from 385,000 in 1910 to over 18 million in 1996, as demonstrated in Table 2. This

Table 2
Total Mexican-origin Population in the United States: 1900–1996

Year	Total Mexican-origin Population (in Thousands)	Percent of Total U.S. Population
1996	18,039 [1]	6.8
1990	13,393	5.4
1980	8,740	3.9
1970	4,532	2.2
1960	1,736 [2]	1.0
1950	1,346	0.9
1940	1,077	0.8
1930	1,423	1.2
1920	740	0.7
1910	385	0.4

Source: U.S. Immigration and Naturalization Service. *Historical Statistics of the United States, Part 1* (1975), U..S. Bureau of the Census, 1980 and 1990, and March Current Population Survey, 1995 and 1996.

[1] These figures are based on CPS data that are adjusted for undercount and thus are not comparable to census figures.

[2] Mexican-origin population calculated as a sum of the Mexican-born population and natives of Mexican parentage.

population nearly doubled in size in every decade except for the period from 1930 to 1960. Some of this growth in the Mexican-origin population can be attributed to natural increase of the U.S.-born population. Mexican American fertility rates are approximately 35 to 40 percent higher than those of Anglos (Bean and Tienda, 1987), while each of these groups appear to experience comparable mortality rates. Thus, even in the absence of migration, the Mexican-origin population would be expected to increase relative to the Anglo population.

Despite its relatively high rate of natural increase, the present day size of the Mexican-origin population in the United States is mostly attributable to immigration from Mexico during the twentieth century. Edmonston and Passel (1994) estimate that the Mexican-origin population would only have been 14% of its current size had there been no immigration from Mexico in the last 95 years. Moreover, the number of immigrants from Mexico living in the United States has been increasingly large both in terms of absolute numbers and in comparison to other immigrant groups. Table 3 presents the size of the Mexican-born population in the United States since 1900. The flow of immigrants from Mexico has fluctuated throughout the twentieth century but it is clear that this population has become an increasingly large component of the total foreign-born population in the United States. By 1996, 27.2 percent of immigrants living in the U.S. originated from Mexico.

Accompanying the growth in the stock of the Mexican foreign-born population in this century, is growth in the flow of immigrants arriving from Mexico. While the flow of immigrants has varied throughout the century, Mexican immigrants have become an increasingly large proportion of the total immigrant stream. Table 4 presents the number of Mexican immigrants arriving in the United States in each decade since 1900. Although the border between Mexico and the United States obtained its modern definition in 1848, records on the Mexican immigration to the United States were not kept until 1908. The accuracy of such data is dubious, moreover, because the border region at that time was largely unsupervised and the nature of immigration from Mexico at the very beginning of the twentieth century is unknown. Two of the border states (Arizona and New Mexico) were only territories under U.S. supervision until 1912.

Nevertheless, it can be seen that fluctuation in the growth of the Mexican-born population in the United States has been due to the political climate in the United States as well as economic demands for labor north of the border. The first large-scale increase in immigration from Mexico onto U.S. territory can be seen occurring between 1911 and 1920, during which time over 200,000 immigrants arrived from Mexico. Increased demands for labor brought about by the exclusion of Chinese workers in 1882, Japanese workers in 1907 and a shortage of European immigrants during World War I encouraged Mexican migration. Numbers of

Table 3
Total Mexican-born Population in the United States: 1900–1996

Year	Mexican-born Population (in Thousands)	Percent of the Total Foreign-born	Percent of the Total Mexican-origin Population
1996	6,679[1]	27.2	37.0
1990	4,298	21.7	32.1
1980	2,199	15.6	25.2
1970	759	7.9	16.7
1960	576[2]	5.9	33.2
1950	454	4.4	33.7
1940	377	3.2	35.0
1930	617	4.3	43.4
1920	486	3.5	65.7
1910	222	1.6	57.7
1900	103	1.0	

Source: U.S. Immigration and Naturalization Service. *Historical Statistics of the United States, Part 1* 1975), U.S. Bureau of the Census. 1980 and 1990, and March Current Population Survey, 1995 and 1996.

[1] These figures are based on CPS data that are adjusted for undercount and thus are not comparable to census figures.

[2] Mexican-origin population calculated as a sum of the Mexican-born population and natives of Mexican parentage.

Mexican immigrants continued to increase as the federal government exempted the Western Hemisphere from the national quota laws of the 1920s and early 1930s in the name of Pan Americanism which was also encouraged by many in the southwest who looked towards Mexico for cheap labor (Reimers, 1992). During the 1920s, over 450,000 Mexican immigrants entered the United States, comprising 11.2 percent of the total immigrant in-flow. However, when the demand for jobs increased during the Great Depression of the 1930s, the United States repatriated many Mexican-origin individuals and the once high levels of Mexican immigration were greatly reduced.

Levels of immigration from Mexico once again increased to pre-1930s levels with the introduction of the Bracero Program from 1943-1964. Starting in World War II, non-Mexican farm workers in California sought higher paying jobs in the defense industry, reducing the available labor supply for farmers. This prompted growers to place pressure on Congress to admit temporary workers, or *braceros*,

Table 4
Immigration from Mexico to the United States: 1900–1995

Years	Number Arriving from Mexico in the Decade	Percent of All Immigrants Arriving in the Decade
A. Published Totals		
1991-1995	1,490,040	28.5
1981-1990	1,655,843	22.6
1971-1980	640,294	14.2
1961-1970	453,937	13.7
1951-1960	299,811	11.9
1941-1950	60,589	5.9
1931-1940	22,319	4.2
1921-1930	459,287	11.2
1911-1920	219,004	3.8
1901-1910	49,642	0.6
B. Numbers of Mexican Arrivals Excluding IRCA legalizations[1]		
1991-1995	440,662	11.3
1981-1990	693,213	11.6

Source: U.S. Immigration and Naturalization Service, *1995 Statistical Yearbook of the Immigration and Naturalization Service*. U.S. Government Printing Office, Washington, D.C., 1997.

[1] Numbers of those legalizing their immigration status from the *Statistical Yearbook of the Immigration and Naturalization Service* (1989–1995).

from Mexico. During the peak of the program in 1956, 445,197 workers were recruited (Reimers, 1992). Although these workers were expected to be temporary residents in the United States, many stayed along with their family members. While growers fought to retain the supply of cheap Mexican labor, Congress refused to extend the program beyond 1964.

Despite the end of the Bracero Program, both unauthorized and legal migration from Mexico has continued to grow during the past three decades. In particular, the numbers of Mexican immigrants admitted to the United States have recently increased dramatically, reaching 1.7 million or 22.6 percent of the flow in the 1980s and 1.5 million or 28.5 percent of the flow in just the first half of the 1990s. The size of the legal population increased dramatically during the late

1980s and early 1990s due to the amnesty provisions of the 1986 Immigration Reform and Control Act (IRCA). Under IRCA those unauthorized migrants who had lived in the United States since 1982 or who had been working in the United States in agriculture for at least six months were offered the opportunity to legalize their migration status. Numbers of those entering the United States are inflated because those legalizing their status under the IRCA provisions are included in these counts. Between 1989 and 1994, IRCA offered legal status to approximately 2 million unauthorized Mexican agricultural workers and other migrants who had been living illegally in the United States since 1982. Panel B of Table 4 illustrates the effect of the legalizations under IRCA on the size of the flow of immigrants from Mexico. When those legalizing their status under the amnesty provisions are removed from the official numbers of immigrants arriving in the decade, the size of the Mexican immigrant population entering between 1981 and 1995 is greatly reduced and is more comparable to the size of the flow during the 1970s.

The component of the Mexican-born population in the United States that receives the most popular attention is the unauthorized migrant population. While this segment of the Mexican-origin population in the United States is most visible in the media, its size is often debated because it is difficult to accurately evaluate. Table 5 presents the estimated size of the unauthorized Mexican migrant population from 1980 to 1996. The methods used to arrive at these estimates are presented in

Table 5
Examples of Various Estimates of the Unauthorized Mexican Migrant Population

Year	Est. Number of Unauthorized Mexican Migrants	Unauthorized Mexican Migrant Population as a Percentage of:			
		Total Foreign-born Pop'n	Mexican Foreign-born Pop'n	Mexican-origin Population	Total U.S. Population
1996	2,700	11.0	40.4	15.0	1.0
1990	1,321[1]	6.7	30.7	9.9	0.5
1980	1,131[1]	8.0	51.4	12.9	0.5

Source: Estimates of enumerated unauthorized Mexican migrant Population from (1980) Warren and Passel, 1987; (1990) Warren, 1995; Estimates of the total unauthorized Mexican migrant popultion (1996) INS (1997).

[1] Estimate includes only the enumerated portion of the Mexican unauthorized population.

the separate appendix, "Issues in Estimating Unauthorized Migration to the United States." The estimated enumerated unauthorized Mexican population in 1980 was about 8 percent of the U.S. foreign-born population, 51 percent of the total Mexican-born population in the United States and about 13 percent of the total Mexican-origin population in the United States. By 1996, the unauthorized Mexican population had increased to represent nearly 11 percent of the foreign-born population in the United States, but was only 36 percent of the Mexican foreign-born population. Although unauthorized migration from Mexico continues, legal immigrants constitute by far the largest component of the Mexican-born population in the United States despite the attention given to unauthorized migrants.

The last component of the Mexican-born population in the United States are those immigrants who have become citizens of the United States. Table 6 presents the numbers of Mexicans who naturalized for selected years going back to 1960. Compared to other immigrant groups in the United States, Mexican immigrants have been slow to naturalize (Grebler, 1966; Bean and Tienda, 1987). There may be several factors influencing this comparatively low rate of naturalization but English language ability is frequently cited as the largest barrier to citizenship among Mexican immigrants (Reimers, 1992). It is clear from Table 6 that the proportion of Mexicans who are becoming citizens is increasing over time. Immigrants must reside in the United States for five years before becoming citizens of the United States. The number of immigrants becoming citizens is likely to increase substantially in the near future as those legalizing their status under IRCA become eligible for naturalization (Immigration and Naturalization Service, 1992).

Table 6
Number of Naturalizations among Mexican-born Persons in the United States: 1950–1996

Year	Number of Naturalizations Among Mexicans	Number per 10,000 Mexican-born Persons In the United States
1995	67,238	110.9
1990	17,564	40.9
1980	9,341	4.2
1970	6,195	0.8
1960	5,913	1.0

Source: U.S. Immigration and Naturalization Service (1996).

Projected Growth of the Mexican-origin Population

As the preceding discussion has illustrated, the Mexican-origin population in the United States has grown substantially over the last century and this group continues to make up an ever increasing proportion of the United States population. The growth of the Mexican-origin population is expected continue into the next century as well due to both natural increase and increased net immigration. According to the population projections made by the Census Bureau, the Hispanic-origin population will grow more in the next sixty years than all of the other racial and ethnic groups combined (Day, 1995). Table 7 presents the projections of the size of the Hispanic-origin population based on the U.S. Census projection from 1995. This projection assumes that the Hispanic population will have the highest annual number of immigrants entering the country than any other racial/ethnic group (350,000 annually). The Census Bureau projections are based on the assumption

Table 7
Projected Size of the Mexican-origin Population in the United States: 1995–2040

	Projected Size (in Thousands) for the:		
Year	Hispanic Population	Mexican Population (Estimate 1)[1]	Mexican Population (Estimate 2)[2]
1995	26,936	16,135	16,337
2000	31,366	18,788	19259
2010	41,139	24,642	25,876
2020	52,652	31,539	33,908
2030	65,570	39,276	43,211
2040	80,164	48,018	54,031

Source: Projection of the Hispanic Population from Day, Jennifer Cheeseman, *Population Projections of the United States by Age, Sex, Race and Hispanic Origin: 1995 to 2050*. U.S. Bureau of the Census, Current Population Reports, pp. 25-1130, U.S. Government Printing Office, Washington, D.C., 1996.

Projection of the Mexican-origin population constructed by the authors.

[1] Assuming that the proportion of the Hispanic population that is of Mexican origin remains the same as observed in 1990 (59.9%).

[2] Assuming the Mexican-origin population will continue to increase as a proportion of the total Hispanic population by 1.5 percentage points per decade.

that the Hispanic-origin population will continue to have higher fertility rates than other racial/ethnic groups. Fertility among Hispanics is currently matched only by Asians in the United States.

These projections indicate that the Hispanic-origin population will reach a size of 80.1 million by 2040, or nearly one quarter of the total U.S. population (Day, 1995). The last two columns of Table 7 present the population projection for the Mexican-origin population alone. Unfortunately, the Census Bureau does not make population projections for the Mexican-origin population separately from the entire Hispanic-origin population. Therefore, we adjust the Census Bureau projection for the entire Hispanic-origin population to approximate the projections for the Mexican-origin population. We make our projections by adjusting the Census projections based on the proportion of the Hispanic-origin population that is of Mexican origin. Two projections are presented each of which is based on slightly different assumptions. The first projection assumes that the proportion of the Hispanic populations that is Mexican origin will stay the same. The Mexican-origin population represented roughly sixty percent of the Hispanic-origin population in 1990. Our first projection for the Mexican-origin population, therefore, is made by simply taking sixty percent of the estimate for the entire Hispanic-origin population made by the Census Bureau. The second projection for the Mexican-origin population presented in Table 7 assumes that the Mexican-origin population will continue to increase as a proportion of the Hispanic-origin population over the next several decades.[1] Specifically, we assume that the Mexican-origin population will increase from 60 percent of the total Hispanic-origin population in the United States in 1990 to 67.4 percent of the Hispanic population in 2040. Based on either set of assumptions, the Mexican-origin population in the United States will more than double in size over the next sixty years. In fact, these projections indicate that the Mexican-origin population alone will be larger than the projected size of the Black population by the year 2040.

The projections presented in Table 7 make it clear that the Mexican-origin population in the United States will continue to increase for some time. However, there are other factors beyond natural increase that could alter the amount of growth of the Mexican-origin population. Changes in immigration or ethnic identity could affect future growth. For example, as those who legalized under IRCA become eligible for citizenship in the United States, they will also be eligible to petition to bring family members to this country (Immigration and Naturalization Service, 1992). Mexican immigrants have the largest pool of relatives who could become migrants to the United States under the family reunification provisions than any other foreign-born group in the United States (Schulte and Wolf, 1994). This factor would result in an even more rapid growth of the Mexican-origin population than was projected in Table 7.

Another source of change that could affect the projected size of the Mexican-origin population is changing rates of intermarriage and/or changing self identification among the children of mixed-ethnicity parents. The projections in Table 7 do not account for the possibility of changes in the patterns of exogamy. Intermarriage between racial/ethnic groups may alter the way future generations identify themselves given the present categories of race and ethnicity. Therefore, differential patterns of exogamy may alter the projected size of these groups (Bean et al., 1997). By 1990, 20.8 percent of Mexican-origin wives were married to non Mexican-origin husbands (Bean et al., 1997).

Edmonston, Lee and Passel (1994) have presented population projections adjusted for differential exogamy rates among Hispanics and other racial/ethnic groups. Increases in exogamy are built into their projections. Their estimates, presented in Table 8, show that the Hispanic-origin population in the United States could vary from between 50.9 million and 77.4 million people by 2040 depending on actual rates of exogamy. Table 8 also presents projections for the Mexican-origin population based on the same patterns of exogamy built into the Edmonston, Lee and Passel projections for the entire Hispanic-origin population. These projections demonstrate that, if the Mexican-origin population remains approximately 60% of the total Hispanic-origin population, individuals of Mexican origin will number

Table 8
Projected Size of the Mexican-origin Population in the United States Adjusted for Potential Exogamy: 1995–2040

	Hispanic-origin Pop'n (in millions)		Mexican-origin Pop'n (in millions)	
	Single Ancestry Only[1]	Single and Mixed Ancestry[2]	Single Ancestry Only[3]	Single and Mixed Ancestry[4]
1990	22.4	22.4	13.4	13.4
2000	28.6	31.9	17.1	19.1
2010	35.0	42.1	21.0	25.2
2020	41.1	53.0	24.6	31.7
2030	46.5	65.0	27.9	38.9
2040	50.9	77.5	30.5	46.4

Source: Bean, Cushing, Haynes and Van Hook (1997), Edmonston, Lee and Passel (1994).

Notes: [1] Both parents are of Hispanic origin.
[2] At least one parent is of Hispanic origin.
[3] Both parents are of Mexican origin.
[4] At least one parent is of Mexican origin.

between 30 and 46 million by the year 2040 depending upon their rates of exogamy. These projections for the Mexican-origin population range as low as 63 percent of those Census Bureau projections that do not consider the affect of exogamy on the size of the Hispanic-origin population. Thus, these adjusted projections indicate that the Mexican-origin population may not grow as quickly as suggested by those projections that are not adjusted for differential rates of exogamy.

The Geographic Distribution of the Mexican-origin Population

In addition to its changing size and changing sources of growth, the Mexican-origin population has also experienced changes in its geographic distribution within the United States. Historically, the Mexican-origin population has been concentrated in the southwestern part of the country. Five states, Arizona, California, Colorado, New Mexico and Texas, contain the majority of the Mexican-origin population. The proximity of these states to Mexico made them a likely point of destination for immigrants. Mexican immigrants have been more geographically concentrated than their U.S.-born counterparts although both groups are more likely to be found in the Western or Southern States than other Hispanic groups. Whereas Mexican immigration prior to World War II was largely to rural southwestern areas where jobs in agriculture, mining and the railroads were found, more recent migrants have become increasingly urban although still concentrated in the southwest (Bean and Tienda, 1987).

Table 9 presents the geographic distribution of the Mexican-origin population from 1950 to 1990. By 1960 two states, California and Texas, contained the majority of the Mexican-origin population. However, the distribution of the Mexican-origin population within these states has changed significantly over time. For example, in 1960, Texas and California each contained around 31 percent of the Mexican-origin population. By 1990, California had 45 percent of this population while Texas had less than 30 percent. Given that the size of the Mexican-origin population was so similar in both states in 1960, the large increase in California suggests that it has become an increasingly attractive destination for migrants. In addition to a shifting a distribution of Mexican-origin individuals within the five southwestern states, there has been a decrease in the proportion of this population found only in these five states. In 1970, 87 percent of the Mexican-origin population lived in one of the five southwestern states. By 1990, 84 percent of this population did so. Other states such as Illinois, Michigan and Washington have attracted increasingly large Mexican-origin populations as well (Bean and Tienda, 1987). The decreasing geographic concentration of this group is likely to continue as the Mexican-origin population continues to grow in the next century.

Table 9
Mexican-origin Population in the Five Southwestern States: 1950 to 1990

State	1950		1960		1970		1980		1990	
	Number (in 000s)	% of All Mex.-origin	Number (in 000s)	% of All Mex.-origin	Number (in 000s)	% of All Mex.-origin	Number (in 000s)	% of All Mex.-origin	Number (in 000s)	% of All Mex.-origin
Arizona	126	5.5	207	5.9	240	5.3	396	4.5	619	4.6
California	758	33.2	1,456	41.4	1,857	41.0	3,637	41.6	6,071	45.3
Colorado	119	5.2	152	4.3	104	2.3	207	2.4	279	2.1
New Mexico	249	10.9	276	7.9	119	2.6	234	2.7	329	2.5
Texas	1,027	45.0	1,423	40.5	1,619	35.7	2,752	31.5	3,900	29.1
Other States		–		–	593	13.1	1,514	17.3	2,195	16.4
Total	2,282	100.0	3,514	100.0	4,532	100.0	8,740	100.0	13,393	100.0
Percent in the five Southwestern States						86.9		82.7		83.6

Source: U.S. Bureau of the Census: 1970, Persons of Spanish Origin, *Subject Reports* PC(2)-1 C; 1980, Persons of Spanish Origin by State: 1980, *Supplementary Report* PC80-S1-7; General Social and Economic Characteristics, *United States Summary* PC80-1-C1; 1990, General Social and Economic Characteristics, *United States Summary*.

Conclusion

While persons of Mexican ancestry have been part of the population of this country since its beginnings, they have become an increasingly large component of the population over the course of the twentieth century. This growth is a result of both natural increase and immigration from Mexico with legal migration contributing the most to the overall growth. The flow of migrants from Mexico to the United States has fluctuated with changes in the political and economic climates of both countries but has increased overall. The proportion of the Mexican-origin population in the United States made up of immigrants had been decreasing throughout the beginning of the century but has increased since 1960. Because the recent flow of immigrants from Mexico has been so large, the proportion of the Mexican-origin population that is foreign born will continue to be high and may, in fact, be larger than that of other ethnic groups in the United States.

The Mexican-origin population has and will continue to have an impact on the ethnic makeup of the United States. Not only will the proportion of the Mexican-origin population that is foreign born continue to be large but the Mexican-origin population in the United States will become an increasingly important component of the overall population, as the projections presented above indicate, probably becoming the largest minority group early in the next century. This growth has implications for the future social, economic and political conditions of the United States. Its young age structure relative to non-Hispanic whites, for example, means that the Mexican-origin population will contribute more to the working-age population, will have a greater stake in the educational system and may, as a result, become more politically active. In addition, since the Mexican-origin population in the United States will continue to be made up of many foreign-born individuals, both immigration policy in the United States and relations with Mexico will have an increasing impact on this portion of the U.S. population.

Note

1. According to the results from the Current Population Surveys (March, 1986 and 1996), the Mexican-origin population has increased from 62 percent of the Hispanic-origin population in 1986 to 63.4 percent in 1996.

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QUANTIFICATION OF MIGRATION

Emigration: Implications for U.S. Immigration Policy Research

Ellen Percy Kraly

Introduction

Discussions of U.S. immigration trends and policy often rest on an implicit assumption that international migration to the United States is permanent. Research has revealed otherwise. Social demographic studies have shown that immigration has been related to significant levels of emigration of aliens and the foreign born throughout this century and continuing through the contemporary era. Between 1900 and 1980 approximately 30 million immigrants came to the United States, of which nearly 10 million returned or moved on to another country (Warren and Kraly 1985). The U.S. Bureau of the Census estimates that 195,000 foreign born residents emigrate from the United States each year. Moreover, the significance of emigration of immigrants appears to be characteristic of contemporary immigrant receiving nations. Among every 100 immigrants to Canada, 30 to 45 are estimated to eventually emigrate (Beaujot and Rappak 1986); of the settlers arriving in Australia since the second world war, perhaps one quarter have permanently departed (Lukomskyj and Richards 1986).

While emigration is increasingly identified by social scientists as an important analytic issue in the study of immigration, the implications of emigration for the formulation and implementation of U.S. immigration policy and programs remain

remarkably unarticulated. This paper considers emigration as an immigration policy issue for the United States. The general argument is that national immigration policy would be more effectively conceptualized, crafted and implemented with a better understanding of the dynamics of emigration among international migrants coming to the United States.

To be sure, our statistical image of immigration to the United States is shaped by a relatively small number of statutory and administrative concepts including admission of permanent resident aliens and nonimmigrants, refugee migration and asylum, and undocumented alien migration. Complementing trends in immigration with information about subsequent out-migration of aliens is likely to result in shifting conclusions about both the demography of immigration as well as the nature of social, economic and geographic effects. The statistical lens should be widened even further, moreover, to consider all sources of international migration to and from the United States including native born and naturalized U.S. citizens. Accordingly, a comprehensive appreciation of the dynamics of international migration will embed U.S. immigration trends, policy and issues within the broader context of international population movements emerging regionally and globally. Throughout the world international population movements are increasingly diverse embodying a widening range of geographic origins and destinations, reasons for migration, and social demographic characteristics (see Russell 1996; Martin 1994; Castles and Miller 1993). The emphasis on movements *to* rather than *from* the country blinds U.S. policy discussions to the connections between national policy issues and wider regional and global processes.

The paper seeks to adjust the lens of U.S. immigration policy analysis by considering issues concerning population movements out of the United States.
The analysis addresses four interrelated topics. First, I consider concepts of emigration and temporary international migration, raising issues in analysis and interpretation along the way. Second, I briefly and selectively review research on emigration for the United States. Third, I reflect upon the need for better information on emigration from United States for the design and implementation of U.S. immigration policy. Fourth, recommendations are offered concerning priorities for the collection of data and for research on international migration to and from the United States. Strategies for the study of emigration and temporary international migration encompass regional and bilateral perspectives on migration processes.

Two further comments concerning the approach taken here should be added. In several ways, this analysis builds upon a study prepared several years previously for the U.S. Immigration and Naturalization Service, Office of Plans and Analysis. That report, "Balancing the Equation: Federal Statistical Resources for the Measurement of Alien Emigration from the United States," represented an inventory and assessment of federal data relevant for the measurement of emigration

and offered recommendations for specific activities that might be pursued by the Immigration and Naturalization Service (INS) to this end. Several of the findings and recommendations of that study will be revisited for this analysis.

Second, discussions of the state of the art of emigration research often begin with calling attention to both the dearth of statistical information on the departures of immigrants from the United States and the consequent limitations of research and analysis on the subject. While this concern is well justified for the United States (hence, the current report!) it diverts our attention from what can be learned from methodologies underlying currently available estimates and from survey research concerning migration and immigrants, as well as from studies of emigration, return migration, and short-term migratory flows for other countries and regions of the world. Perhaps we in the United States have not taken sufficient advantage of perspectives on international migration and national policy concerns that have expressed in regions beyond the North American shores. Many countries in the developing world which have traditionally been regions of origin for international migrants now find themselves experiencing both return migration as well as other immigration and circular migration. These emerging trends are often understood as national and regional policy concerns regarding both migration as well as social and economic integration among countries. In her discussion of international migration data needs in Latin America, Maguid states,

> The changes which have occurred in the international migratory movements in Latin America and in the social, political and economic context in which they occur, both international and regional, stress the urgency of having adequate, reliable, up-to-date and continuous information for making or modifying migration policy (Maguid 1994, 39).

It is thus useful to consider approaches being pursued by other countries for generating information on international migration which is appropriate to process of national and regional policy formation.

Concepts of Emigration and Temporary International Migration

A variety of concepts concerning population movement from a country appear in the literature. Accordingly, emigration, return migration and circulation are special cases of international mobility (see Willekens 1994, 7-9; Gmelch 1980). Emigration is generally considered as the permanent migration from one country to another. The emigration of former international migrants includes return migration to the country of origin, and re-migration to a third country or region. For refugees,

return migration might considered repatriation. Obviously, nationals of a country can also emigrate, a process sometimes called expatriation.

Certainly the largest numbers of moves out of a country are of temporary duration in the form of travel for business or pleasure. Beyond travel and tourism, moreover, temporary or short-term departures for work or training are increasingly significant in population movements worldwide. The increasing diversity of forms of international mobility is reflected in the long list of concepts seeking to capture specific reasons for the moves: circulation, seasonal labor migration, border crossers or commuters travelling daily or weekly to work in a different country, travel for training and education, migration of professional transients. Each of these concepts implies moves into and out of countries. Critically, the concept of international circulation has been developed to refer to short-term labor mobility or migration that recurs at varying times and connects workers and perhaps their households to two or more places of work and residence (see Chapman and Prothero 1985; Conway 1988). Circulation may be considered an important dimension of economic and social integration between and among countries (see Bailey and Ellis 1993).

It is difficult to discuss these concepts without reference to specific national contexts, policies and statistical practices. To be sure, the challenge to specifying international migration concepts and terms reflects not so much demographic or sociological issues but more the constraints imposed by national migration control policies and statistical programs for measuring what are by definition bi- and multilateral processes. Progress toward standard concepts and definitions of international migration has involved international efforts throughout this century (see Kraly and Gnanasekaran 1987); implementation of international statistical concepts in national practices, however, has been uneven (see Simmons 1987; Kraly 1995).

Given our goal to connect emigration and circular migration patterns to U.S. immigration policy it is important to identify population groups whose departures are of interest. From a strictly demographic perspective, all residents of the United States are "at risk" of emigrating. For immigration policy analysis, it is the emigration of alien and foreign born residents of the country that is relevant. Alien residents include a diverse of group of people depending on how residence is conceived: aliens resident in the United States may be defined on the basis of legal status such as legal permanent resident alien; or the resident alien population may be considered as those non-U.S. citizens who fulfill residency rules of U.S. Census Bureau operations, such as permanent resident aliens, foreign students and undocumented migrants. By including naturalized U.S. citizens, the population of foreign born residents represents an even broader demographic concept of lifetime migrants to the United States and permits the analysis of relevant immigration policy issues. For example, cross-classification of the foreign born population by

citizenship status reveals the effect of naturalization on emigration behavior of former immigrants.

Most often, however, it is the available data source that dictates the boundaries of emigration analysis. Thus, census-based estimates of emigration refer to the foreign-born population and thus include both aliens and naturalized U.S. citizens enumerated in the decennial census. Bratsberg and Terrell's recent analysis of 'Americans living abroad' (1996) uses U.S. Department of State data on U.S. citizens registering with consular posts in foreign countries. The population abroad thus includes both native-born and naturalized U.S. citizens and as a result captures emigration, return migration and perhaps re-migration. Temporary migration and circulation are processes very difficult to study using official data sources and are more often considered in surveys and ethnographies investigating specific migrant streams and ethnic communities.

The emphasis here is on what is known and needed to be known about emigration and short-term and circular migration of international migrants to the United States. To best serve immigration policy analysis, moreover, the population of international migrants should be broadly conceptualized to capture existing and emerging trends in emigration and international mobility (see McNicoll 1992, 14). We should thus consider groups of aliens migrating to the United States both within and around U.S. immigration policies, specifically persons admitted for permanent resident status (including refugees), nonimmigrants who reside in the United States for significant periods of time such as students, workers and exchange visitors, and resident undocumented migrants. Patterns of emigration and circulation among the naturalized citizen population is also of interest given the connection of this group to policies governing immigrant and refugee admissions and settlement in the United States.

Research on Emigration from the United States

Suffice it to say that the emigration and temporary migration patterns of each of the groups just identified have not been fully covered in the research literature. Data for the study of emigration from the United States are limited. Federal statistical resources must be used creatively to produce estimates of emigration; surveys and field research on particular immigrant groups have provided information about short-term departures and patterns of circulation. Accordingly, this discussion of what is known about emigration begins with a summary discussion of U.S. data available for the study of emigration and population movements from the United States. I will then consider several studies of emigration and short-term mobility among immigrants with specific attention to recent estimates prepared by the Population Division of the U.S. Bureau of the Census. The review

by Karen Woodrow-Lafield (1997) provides a more comprehensive analysis of the state of the art of emigration studies for the United States and should be considered in tandem to this report.

U.S. Data on Emigration and Short-term Mobility

The need for federal data on emigration has been recognized for sometime (see Keely and Kraly 1979; Levine, Hill and Warren 1985; Warren and Kraly 1985). As a result, federal statistical resources concerning emigration have been documented and assessed in some detail (see for example, Kraly 1991; Woodrow-Lafield 1994, 1996b; Borjas and Bratsberg 1996). The first observation that is usually made concerning U.S. emigration data is that no comprehensive source of statistical information on emigration exists for the United States (see U.S. General Accounting Office 1998, 4). Data on the permanent departure of aliens and U.S. citizens were collected between 1908 and 1957 but the statistical program was discontinued because of uncertainty about the quality of the data. Since that time, alien emigration from the United States has been estimated using census data, administrative data sources collected by several federal agencies, and results of surveys and other field studies.

In 1991 I identified four federal agencies that collected data most relevant for the study of emigration among aliens and the foreign born population in the United States: U.S. Immigration and Naturalization Service (INS), U.S. Bureau of the Census, U.S. Social Security Administration and the U.S. Travel and Tourism Administration. Half a decade later the list remains essentially the same,[1] although some of these programs have been enhanced for purposes of emigration analysis. For example, while INS no longer collects data it defines as emigration data, the agency does in fact operate a program of statistical departure control for aliens with nonimmigrant visas. The Nonimmigrant Information System (NIIS) records the arrival and subsequent departure of nonimmigrants (excluding most Canadians and Mexicans entering for business or pleasure). The system is the basis for information on the legal entry of nonimmigrants and for the estimation of rates of visa overstay among groups of nonimmigrant aliens. The system has been used to measure length of stay among groups of nonimmigrants. Kraly and Warren (1991, 1992) used these data to estimate the number and characteristics of nonimmigrants who remained (hence resided) in the United States for more than one year and thus should be considered long-term immigrants according to United Nations standard definitions. The INS Statistics Division now publishes a regular report on nonimmigrant departures and patterns of length of stay among detailed visa categories.

Potentially, the NIIS program could be used to study international migration

and mobility behavior and correspondingly circulation patterns among selected groups of aliens by tracking the arrival-departure records of individuals over time. The volume of information processed in this information system is, of course, immense. INS has been encouraged in the past to consider sampling arrival-departure record as a strategy for promoting more detailed research on trends and characteristics of short-term international migration and mobility. Similarly, the existence of departure control for nonimmigrant aliens travelling by air raises the possibility or opportunity for collecting data (for statistical purposes) from permanent resident aliens departing the country as a means to study emigration and short-term mobility among immigrants.

During the past two decades, demographers at the U.S. Bureau of Census have made significant contributions to the study of emigration from the United States primarily through efforts to estimate intercensal levels of emigration among the foreign born. Warren and Peck's (1980) analysis of foreign born emigration for the 1960-70 decade laid the foundation for the use of residual techniques applied to international migration research. Warren and Passel (1987) produced estimates of emigration that were a by-product of their method to construct the legally resident alien population of the United States and ultimately the size of the undocumented population enumerated in the 1980 census. Ahmed and Robinson (1994), whose recent study will be discussed in some detail below, have used variations on this analytic theme to produce estimates of emigration among foreign born residents for the 1980-90 decade.

The Current Population Survey (CPS) has been explored as a basis for estimating emigration using a multiplicity research design. The Census Bureau initiated the collection of data on numbers and characteristics of relatives of U.S. residents living abroad in 1987 and continued data collection again in 1988 and 1989. Briefly, the approach relies on identifying for U.S. residents those 'consanquineal' immediate relatives (parents, siblings and children) who are nonresidents of the United States, and then determining whether any of these individuals are former U.S. residents and are living abroad temporarily or permanently (longer-term). The number of emigrants identified by this approach is biased by two broad sources of error. First, emigration is underestimated to the degree that emigrants did not leave relatives in the United States to report them; second, the number of emigrants will be overstated by the number of immediate relatives eligible to report the relative. According, the survey must weight the emigrant according to the probability of his or her relative being in the sample, i.e., the "multiplicity" associated with the emigration (see Woodrow 1996; Zaba 1987).

Two federal programs that continue to hold potential for the study of emigration are the U.S. Social Security Administration (SSA) and the U.S. Travel and Tourism Administration (USTTA). Each of these programs are considered in relative detail

in the 1991 report and will only briefly discussed here. SSA collects direct, if not comprehensive, data on the emigration of former U.S. immigrants as a by-product of its records on earnings and benefits. For example, records on social security beneficiaries residing abroad are maintained by SSA from which the number and some characteristics of persons who had previously lived in the United States (both foreign and native born) can be gleaned (see Kraly 1982).

The Continuous Work History Sample is a second social security data file with a capacity to generate information on emigration. This microdata file is maintained for research purposes, although with strict constraints on public and federal access, and permits the longitudinal analysis of changes in employment, earnings, benefits, disability, and geographic location of employment. Country of birth is also included in the data record. It may be feasible to estimate emigration among foreign born workers given information about changes in earnings and benefits claims. Finally, the USTTA has conducted air passenger surveys since 1983 for purposes of monitoring trends in international tourism and markets. The survey might be explored as an instrument for collecting data from different groups of aliens on intentions about reasons for departure and length of stay abroad.

Selected Studies of Emigration from the United States

Research on emigration from the United States is indeed limited, largely because of data sources. We can look to studies of historical patterns of emigration from the United States (for example, Axelrod 1972; Piore 1979; Warren and Kraly 1985) which have relied on historical emigration statistics to trace patterns of emigration, presumably return migration, among groups of immigrants to the United States. Contemporary studies of emigration of U.S. immigrants have relied in large part on census and administrative data sources to estimate levels and characteristics of emigration. For example, Jasso and Rosenzweig (1982) matched individual data records for immigrant admissions, naturalizations, and responses to the Alien Address Report Program (which ceased operating in 1981) to yield estimates of the proportion of the 1971 cohort of permanent resident aliens who had emigrated by 1979.

Recent research by Borjas and Bratsberg has combined several administrative and research data sources to estimate out-migration rates for the foreign born population resident in the United States in 1980. Also using a residual estimation approach Borjas and Bratsberg compare the enumerated foreign population with a constructed estimate of the foreign population for 1980. In developing this expected population, Borjas and Bratsberg wrestle with differences among statistical concepts of U.S. international migration. For example, they must adjust the census data on the foreign born for those international migrants which fulfill census residency

rules but are not included in INS data on 'immigrant',' that is, permanent resident alien, admissions. These groups include undocumented resident migrants enumerated in the census, and nonimmigrants such as many foreign students, temporary workers and trainees, exchange visitors, etc. who have a *de facto* residence in the country. In adjusting for these differences in data sources, the authors explore in the process the sensitivity of estimates to alternative assumptions. Research findings reveal out-migration rates which average 22 percent for the 1970-74 international migrant cohort and 18 percent for the 1975-79 cohort. These out-migration rates vary widely by region and country of origin. The out-migration rate for the 1975-80 cohort of immigrants from Mexico is nearly double the overall level, 42 percent, and for the Canadian cohort is much lower, 11 percent. The estimated rates provide a basis to test models of the determinants of out-migration rates among legal international migrants and patterns of selection of out-migrants among original immigrant cohorts (Borjas and Bratsberg 1994).

Estimates of emigration have also been derived from survey research. As described above, data on relatives living abroad of U.S. residents have been collected in several rounds of the Current Population Survey (CPS). Karen Woodrow-Lafield (1990, 1994) has analyzed these data to estimate numbers of surviving emigrants under a range of assumptions about emigrants without immediate relatives in the United States. Her findings have implications for both evidence about emigration levels as well as analytic issues in predicting future trends:

> The implied level of emigration in the 1980s appears similar to previous levels based on intercensal research for 1960-1970 and analyses of legally registered alien populations for 1965-80. ...Overall emigration levels are likely to be influenced by changing heterogeneity of the foreign-born population on country of origin, familial ties in the United States, and reasons for leaving their native country. Characteristic of legal immigrant cohorts since 1965 are increasing proportions from Latin American and Asia, from family preference categories and exempt family reunification provisions, and from refugee status. All of these characteristics would probably be associated with lower probability of return in the short-run (1994, 27-28).

The use of multiplicity techniques for the estimation of emigration holds clear potential for adding to our understanding of both levels of emigration as well as relationships between international migration and family structure of foreign born and native born persons in the United States. The approach thus deserves further consideration within the context of federal statistical resources.

Census-based estimates of emigration among the foreign-born population provide important information of levels and characteristics of emigrations for recent decades. As mentioned above, the first effort to estimate emigration for an intercensal

period was that of Warren and Peck (1980). Demographers at the U.S. Census Bureau, Population Division have continued to develop estimates of emigration among the foreign-born using residual estimation techniques most recently represented in the work of Bashir Ahmed and Gregory Robinson (1994). It is useful to consider closely the contribution of this analysis to research on emigration for at least three reasons. First, the study provides measures of foreign born emigration for the most current intercensal decade, 1980-90. Second, given the striking absence of empirically situated, comprehensive studies of emigration, the Ahmed-Robinson estimates emerge as a significant contribution to both scientific and policy discussions of the implications of U.S. emigration. Third, Ahmed and Robinson emphasize the importance of modelling emigration in the form of emigration rates rather than aggregate levels, and implicitly urge an appropriate break with the Census Bureau tradition of modelling international migration.

Because of noteworthy contributions of the Ahmed-Robinson research, as well as the prominence being given these estimates in current discussions, it is important to appreciate several important analytic issues that should be considered in interpreting the results of the analysis. An exploration of both the study's strengths and limitations will contribute to strengthening the argument for continued research on emigration from the United States.

Ahmed and Robinson use a combination of approaches to produce detailed estimates of emigration among the foreign born for the 1980-90 decade. A brief summary of their data and methodology is warranted. Data collected in the 1980 and 1990 decennial censuses is basis for estimation. This contrasts to complementary census-based research on international migration which combines census data with INS data on the admission of aliens who would likely be enumerated in the census, i.e,. permanent resident aliens, refugees, students, etc. (cf. Warren and Peck 1980; Warren and Passel 1987; Borjas and Bratsberg 1994). The Ahmed-Robinson analysis proceeds in two stages. First, the authors estimate the level and characteristics of emigrants among the foreign born population enumerated in the 1980 census, that is, the 1980 foreign born stock. A residual technique is used to compute the proportions of the foreign born population, by age, sex, year of entry and country of birth, who emigrated between 1980 and 1990. Survival rates were derived from comparison of life tables for different races developed by the Census Bureau (Ahmed and Robinson 1994, 4-5).

The second stage of analysis is devoted to the estimation of emigration among foreign born international migrants who entered the United States during the 1980-90 decade and were enumerated in the 1990 census. Cohorts of these international migrations are identified using the census question on year of entry. The rates of emigration computed for the 1980 foreign born population for migration cohorts prior to 1980 are applied to the 1980-90 international migration cohorts

to produce estimates of levels of emigration and a profile of the composition of emigration streams. The use of emigration rates results in a larger absolute annual level of emigration for the recent decade, 195,000, in comparison to the level of annual emigration assumed in national population estimates and projections (133,000). This higher level of emigration reflects the higher levels of immigration during the decade.

The Ahmed-Robinson analysis is an important contribution to what unfortunately is a relatively meager body of literature on overall levels and patterns of emigration from the United States. This research provides estimates of emigration for the recent stock and flow of lifetime international migrants and thus indicates the degree of permanence of settlement and length of stay among foreign born migrants to the United States. Second, these estimates seek to mine available U.S. census data to yield not only the level of emigration for the most recent intercensal decade but also characteristics of emigration streams among the foreign born. The paper provides geographic and social demographic detail for foreign born emigrants that is both provocative and relevant for the design of subsequent studies of emigration from the United States. Third, the results for both levels and patterns of emigration derive from the application of emigration rates applied to the foreign both stock in 1980 and international migrants arriving during the decade, disaggregated by age, sex, year of arrival and country of birth. The estimates are a function of a model or models of (e)migration behavior applied to shifting population composition. Thus, to a certain extent, the analysis shifts attention away from levels estimated by residual analysis to the study of migration propensity and behavior.

The limitations of the study are also addressed by the authors. Issues raised include assumptions about the level of population coverage in the successive censuses, choice of life tables, and analysis and interpretation of results for countries in which the estimation technique produced inconsistent levels of emigration. These issues in data and method should be considered somewhat more closely. Moreover, additional issues in theory and population modelling, and data quality and evaluation need to be critically entertained for an appropriate interpretation and use of the findings. I would suggest that five general analytic issues should be addressed in evaluating the Ahmed-Robinson estimates, all of which are interrelated: (1) the validity of their model of population change; (2) the assumptions about the relationship between types or categories of international migrants and migration behavior; (3) the relationship between model assumptions and migration theory and research; (4) issues concerning the quality and consistency of the data; and (5) the need for more extensive exploratory and sensitivity analysis.

Of these five areas of concern I believe the first, the appropriateness of the inherent model of population change for the foreign born population, is the most important for evaluating the merits of the Ahmed-Robinson estimates of emigration.

Estimation of levels and ultimately social demographic composition of emigration among recent international migrants (1980-90) derives from the application of rates of emigration computed for the foreign population who immigrated between 1970 and 1979 and were resident in the United States for the 1980 census enumeration. In fact, rates of emigration for the 1980-90 cohort of international migrants are not computed in this analysis, but current levels are computed on the basis of migration behaviors from the 1970-80 decade, converted to annual emigration rates and weighted by average length of stay estimated for the 1980-89 migrants.

Fundamentally, this model represents a conceptualization of population dynamics for recent international migrants that embodies a continuation or maintenance of emigration behaviors of earlier international migrants. Because of the shifting mix of legal/administrative categories of international migrants these emigration rates may not be appropriate for the migrant cohorts of the 1980s (this issue will also be considered below). The analytic approach and ultimately the results deriving from this model of population change implies, it appears to me, that we have access to more information about emigration behavior than in fact we do. In short, there is no new information about emigration behavior, that is, age-sex-country specific rates of emigration, for the international migration cohorts of the 1980s. Ahmed and Robinson have estimated levels of recent emigration based on a persistence of emigration rates estimated for the immigrants who entered during the 1970s.

This line of argument can also be extended to the model's assumptions about the other components of population change. That is, one might contend with the choice of the survival rates applied to the racial groupings of the foreign born population as well as the essentially linear approach to estimating average age at migration and average length of stay among international migration cohorts.

A second general issue, mentioned briefly above, concerns assumptions in the analysis and discussion about the relationship between types or categories of international migrants and migration behavior. Within the discussion, the authors recognize changing composition of international migration with regard to legal and administrative categories such as permanent resident aliens, refugees, students, and undocumented migrants (Ahmed and Robinson 1994, 10-11). They also suggest in reasonable fashion that different categories of aliens coming to the United States are likely to have different propensities to emigrate, either by returning to the country of origin or emigrating to another country. The basis for assumptions about rates of emigration for 'nonselected' countries, for example, relies in large part on hypotheses concerning the likely emigration behavior of aliens legalized under IRCA and refugees. In spite of this line of reasoning, however, the analysis does not model or incorporate alternative or diverse emigration behaviors but, as emphasized above, adopts a model of migration that derives

from an earlier decade and from what is certainly a different mix of categories even within country of birth. There is thus a missed opportunity in the paper's discussion to underscore the need for basic research on patterns of return migration, re-migration, and international mobility and circulation among various legal and administrative categories of international migrants to the United States as well as among nationalities.

A third area of concern is the relationship between model assumptions and existing migration theory and research. Again, this issue in connected to the previous concerns about the underlying population model and the relationship between immigration categories and migration behaviors. Several components of the model assume static conditions. For example, it is assumed that persons admitted as refugees are less likely to return to their country of origin. A more dynamic perspective on refugee migration and international migration generally might at least entertain the possibility that conditions in both the sending and receiving countries may change; thus migration behaviors may vary not only over the life course and by length of stay but also in relation to the context of migration. Similarly, the model assumes proportional levels of census coverage error that do not change for migrant populations between 1980 and 1990. One might predict on the basis of the sociology of immigrant settlement, however, that rates of population coverage would be greater at the second census date rather than the earlier date, not necessarily because of differences in census administration but because of greater knowledge among earlier, more settled immigrant populations about civic participation and the U.S. government in comparison to more recent immigrants. Moreover, the basis for establishing the assumed level of emigration among "unselected countries" should be better grounded in theory and research on international migration pertaining to the countries concerned. This is particularly necessary given that the basic model of population change implies levels of emigration very much at odds with the assumption that emigration rates for these countries are "50 percent of the rates for selected countries" (Ahmed and Robinson 1994, 11).

A fourth set of issues concerns the quality and consistency of census data. The Ahmed-Robinson estimates derive from both explicit and implicit assumptions about the validity of several key census items. Evaluation of data on age and nativity among the foreign born is necessary. Moreover, recent research by Ellis and Wright (1996) cast doubt on the quality of data on length of stay in the United States by estimating that perhaps one third of the foreign born population who indicated they 'came to stay in' the United States between 1985 and 1990 had actually entered before 1985. The heavy reliance on both year of entry and age to measure average age at entry further necessitates the critical evaluation of these census items. Finally and relatedly, there is a need in the analysis for more extensive exploratory and sensitivity analysis. As mentioned above, the results of varying assumptions about

changes in census coverage among immigrant populations should be presented. Similarly, the sensitivity of emigration estimates to varying assumptions about emigration rates for nonselected countries should be explored. In general, the analysis does not lead one to be fully confident that the implications of either model assumptions or data quality have been fully examined.

Both the strengths and limitations of the Ahmed and Robinson study serve to fuel the argument for increased research on emigration. The findings point to the demographic significant of emigration. The lack of adequate data to model the propensity among former immigrants to emigrate for recent years reveals the weaknesses of the federal systems of international migration statistics.

These selected studies which have sought to develop comprehensive estimates of levels of emigration from the United States often interpret their findings in relationship to dimensions of return migration of international migrants, in spite of the fact that no information is available on the destination of the out-migrants, reasons for departure, or intentions about permanence or length of stay of the move. Moreover, given the estimation methodology and data sources, these approaches are not able to address either length of absence or short-term moves out of the United States among groups of international migrants. Referring to the situation of Canada, Beaujot and Rappak (nd) reflect on the problems in interpreting the results of emigration studies which apply residual estimation techniques to a combination of administrative data sources:

> This discussion of definitions, data and methods makes it clear that immigration and emigration are somewhat "fluid" terms whose statistical capture is far from simple. For instance, some "landed immigrants" (permanent, by definition) may have a very limited stay in Canada while other temporary workers may eventually stay for a long time. Some persons are defined as emigrants just because they happened to be resident abroad on a census day, while other leave for long periods between censuses and come back without being noticed (Beaujot and Rappak nd, 26).

These issues are equally pertinent to the interpretation of emigration estimates for the U.S. foreign born population.

As mentioned above, among official data sources, the Nonimmigrant Information System (NIIS) holds some potential for the analysis of international mobility, short-term migration, and circular migration among legal aliens in the United States, specifically among nonimmigrants. Kraly and Warren (1991, 1992) have used these data for identifying those (departing) nonimmigrants whose length of stay was greater than one year. The information system could also be used to monitor temporal and geographic patterns of international mobility among categories of nonimmigrants and by the few social demographic characteristics

available on the arrival-departure record (I-94 form). Moreover, the administration of arrival-departure control might be modified ('for statistical purposes') to document the international mobility of permanent resident aliens. In Australia, Lukomskyj and Richards (1986) used this approach to study emigration among 'visaed settlers' who immigrated in 1980. Their analysis of records in the Movement Data Base permitted not only the measurement of rate of out-migration (about 9 percent) among this immigrant cohort, but also of the characteristics of emigrants relative to immigrants.

Not captured in the Nonimmigrant Information System is the vast majority of moves of aliens across the Mexican and Canadian borders of the United States. For the most part, information on short-term international mobility and circular migration among U.S. international migrants has been generated through survey and field studies of specific migrant streams and communities. The list of relevant scholarship is broad and draws from a long history in social science. Certainly the ethnosurvey research conducted by Massey and his colleagues (see Massey, et al., 1987) has been central in both revealing the dynamics and circularity of migration of Mexicans between communities in Mexico and the United States as well as demonstrating the value of longitudinal survey and ethnographic research for the study of international migration. The Philippines Migration Study similarly reveals the relevance of surveys to reveal international mobility processes among specific migrant streams (Fawcett and Arnold 1987). Research by Weiser (1988) and Bailey and Ellis (1993) on return migration among Puerto Rican women illustrates the use of specialized surveys, in this case, the Puerto Rican Fertility and Family Planning Assessment, to yield insight into the behavioral dynamics of circular migration.

Fawcett and Arnold make the most eloquent case for the use of surveys for the study of international migration processes and emphasizing conceptual issues highlighted earlier:

> "International migration" is not a unitary concept; rather, it is a broad category encompassing population movements that differ in their timing, frequency, purposes, and locational boundaries. Substantive and theoretical issues are greatly influenced by how spatial mobility is conceptualized and measured. The advantage of surveys in this respect is mainly in the amount of information collected. A migration history can show frequency of moves, information about dates and places can be obtained for long-term and short-term movements, and reasons for moves and other motivational data can be collected. With such data in hand, the researcher can devise different typologies and measures of movement, thus ensuring that the key dependent or independent variable is measured in a way that is congruent with the conceptual posture of the study (1529).

The Need for Information on Emigration from the United States

An early report of the U.S. General Accounting Office succinctly states the policy rationale for the study of emigration of international migrants coming to the United States: "[e]migration is a factor that underlies all immigrant impacts because the magnitude of those impacts depends upon the length of time that immigrants reside in the United States" (GAO 1989, 47; see also GAO 1988). Moreover, the size and composition of the international migrant populations resident population which generates policy relevant impacts reflect the dynamics of change in those populations.

For many countries, the argument that emigration and return migration is a significant dimension of international migration policy analysis has already been made. In Canada, the MacDonald Commission urged the consideration of the long-term impacts of immigration on population change and economic growth (Beaujot and Rappak nd, 3; see also Michalowski 1991). In Australia, official reports have acknowledged the significance of return migration following the admission of permanent settlers (Lukomskyj and Richard 1986, 603). The need for continuous and reliable information on mobility and migration among countries in Latin America has been considered in discussions of national migration policies and also economic integration within the region (see Maquid 1993).

There is a statutory rationale for considering emigration in light of U.S. immigration policy concerns. The Triennial Report to Congress mandated by the 1986 Immigration Reform and Control Act is to include an assessment of the impacts of immigration on U.S. society, economic and population. Furthermore, the 1990 amendments to the Immigration and Nationality Act require that the "social, demographic and natural resources impact of immigration..." be determined (see Sec.141(c)(1)(C)). To restate the obvious, the 'impacts' of immigration can only be examined with evidence about the international migrant populations in the United States and how those populations are changing in size, characteristics and behaviors.

But the argument for better data on emigration and international mobility must derive from more fundamental principles of public policy analysis than solely the reporting requirements of the current law. If U.S. immigration policy is to serve national and international interests, the policy should undergo ongoing critical analysis informed by knowledge about patterns of change in causes, consequences and characteristics of international migration to the United States. From this premise, at least four general arguments can be offered for the necessity of improving national statistical resources for the study of emigration and the international mobility of U.S. immigrants. These include the benefits of information on U.S. population dynamics, economic and human resource issues, social demographic accounting

and the planning process, and issues of social and economic integration of the United States with other countries and regions of the world.

Interpreting National Population Dynamics and Regional Change

U.S. immigration policy does not exist to serve demographic ends. Concern about the volume of immigration to the United States, however, is reflected in annual ceilings, 'pierceable' or not, that are constructed to limit annual levels of immigration for permanent residence. It is important that the image of immigration trends is connected to real migration processes. The reality is that while many immigrants come to the United States intending to remain and do so permanently, some aliens with permanent resident visas emigrate permanently and others depart the country for temporary periods of time. Demographic research for the United States, as well as other immigrant receiving countries, suggests that proportions of immigrants emigrating are range upwards to 30 percent if not higher. Similarly, aliens arriving on nonimmigrant visas may remain in the country permanently by adjusting to permanent resident status. Kraly and Warren (1991) have shown that perhaps 100,000 nonimmigrants will depart after lengthy stays; many of these are likely to move into and out of the country on a recurring basis.

Policy makers and program managers are most certainly interested in the numbers, characteristics, and needs of international migrants, particularly permanent resident aliens and undocumented migrants, in their constituencies and communities of operation at any point in time as well as changes over time. The picture of international migrant populations painted through admissions and arrivals data is incomplete without corresponding information on departures; the snapshots of immigrant communities from census data are miss the dynamics of change in the national population and local communities. Thus, if the public and policy makers are to appreciate the relationship between international migration trends and immigration policy proposals, the evidence must be complete. When an annual level of immigration is reported, for example, "...in 1994, 804,416 immigrants were admitted to the United States... (U.S. Department of Justice 1996)" we should all be enlightened enough to implicitly add, "...of which about one quarter or one third are likely to emigrate...."

Without comprehensive data on emigration among groups of international migrants, we are not able to effectively understand current demographic change or project population growth in the near future. The lack of complete information on components of population change is particularly problematic for analysis of the impacts of international migration below the national level—for regions, states, metropolitan areas, and local communities in the United States (see Greenwood and Ragland

1991; Kraly 1995, 52-53) where migration is usually the most significant component of population change. Furthermore, demographic analyses, for example, those taking the form of population models and projections, require information on emigration in order to construct realistic trends international migration under alternative policy scenarios. (Kraly 1995, 1997; see also Michalowksi 1991).

Economic Consequences of Immigration and Human Resource Issues

Debates about U.S. immigration continue to address issues concerning the economic implications of immigration levels and composition. Changes in the structure of the visa preference system introduced in the 1990 amendments underscored the heightened interest in Congress considering immigration as a route to enhance job creation and economic growth. Increasingly, there is public concern about the implications of U.S. immigration for social policy and entitlement programs. To some observers, the Immigration Control and Financial Responsibility Act of 1996 represented a move to restrict legal immigration through reduced access to public programs including health services, welfare programs and public education.

Information about return and re-migration of U.S. immigrants is fundamental to the analysis of issues concerning immigration and economic growth in the United States, labor force growth, and human resource needs. Oded Stark states that determining why and which international migrants return to countries of origin is the "frontier of international migration research." If the skill composition of migration flows can be shown to be responsive to concrete policies, real-world concerns are well served by the provision of clear answers to these questions. And real world-concerns, in this context, are real indeed because the numbers of those who return are, generally speaking, anything but trivial (Stark 1995: 55-56). Again, in the case of both Canada and Australia there has been policy research devoted to the implications of return migration for the stock of landed immigrants and for the loss on returns to investment in the settlement and adjustment process of immigrants. Lukomskyj and Richards comment on the significance of return migration for Australia because both

> ...the loss of skills and capital... and settler arrivals represent an initial cost to Australia in terms of operating the migration programs and providing post-arrival services and assistance. There is less return for the initial 'investment' in those migrants who later depart... (1986, 604).

Borjas has consistently raised the issue of emigration in relationship the analysis of the economic impacts of U.S. immigration and the skills and education levels of immigrant workers (see Borjas 1987, 1990). Recent research by Borjas and Bratsberg

(1994, 1996) considers how the human capital characteristics of groups of immigrants are related to the process of return migration and concludes that

> ...return migration intensifies the type of selection that generated the immigrant flow in the first place... if the immigrant flow is positively selected, so that immigrants have above average skills, the return migrants will be the least skilled immigrants... if the immigrant flow is negatively selected, the return migrants will be the most skilled immigrants (1994, 25).

Information on migration intentions among immigrants, such those data collected in the Legalized Alien Population Surveys may enhance the study of emigration decision-making and emigrant selectivity (see Woodrow-Lafield 1996; cf. Dustmann 1994).

Demographic Accounting and Public Policy and Planning

As implied above, if national statistical accounts are to serve the process of planning and analysis of public policy then the statistical systems must be able both capture reality as well as anticipate emerging trends and phenomena. Philip Martin emphasizes the importance for national migration policies of appreciating the basic "facts" of international migration (Martin 1994, 102). National statistical systems should facilitate the production of those facts and thus should not embody only administrative or legal concepts deriving from policies and laws in currently in place, but should also be conceptually flexible to permit the gazing at trends through a different policy lens. Reflecting on patterns of migration between Australia and New Zealand McNicoll wryly observes, "[a] demographic accounting system is an arbitrary construct, usually chosen to overlay a distinct polity (14)."

U.S. international migration statistics are generated as products of the administration of laws and programs concerning the admission and status of aliens in the United States, hence the absence of emigration data. Furthermore, there is a fundamental mismatch between official statistical concepts, which tend to divide the international entry of aliens into three categories—permanent, temporary and illegal, and the recurring patterns of international migration and mobility experienced by large numbers of aliens entering the United States from Mexico and regions in the Caribbean, in particular (Massey 1987; National Heritage Institute 1995, 7). Improved information on current and evolving patterns of emigration and international mobility would serve not only to evaluate current U.S. immigration policy but also to *anticipate* the need for shifts in policy and redesign of programs. Furthermore, flexibility in measuring both immigration and emigration within statistical systems would enhance the capacity of demographic accounts to contribute

to the broad enterprise of international migration policy analysis (Zlotnik 1987; Fawcett and Arnold 1987).

Immigration Policy, International Relations and Regional Integration

Morokvasic and De Tinguy have observed that since 1989 Central Europe has experienced new forms of inter- and intra-regional population movements and note that "[p]eople seem to go West in order to eventually remain in the East—where they reside" (1993, 261). International population movements throughout the world are embedded in widening economic and demographic regional differences as well as in increasingly extensive social and economic linkages between and among countries and communities (Russell 1996; Martin 1994). Efforts to control or manage international migration to the United States will depend in large part on the recognition of the place of the United States in the global and regional economy and the significance of social relations in shrinking the distance between sending and receiving communities across seemingly wide geographic space (see Papademetriou 1984, 267). Comprehensive study of current and emerging migration patterns is critically needed for analysis of regional economic integration of Mexico and the United States, as well as for the United States and other regions in Latin America and the Caribbean.

These ideas are not new and have been articulated clearly through the research program of the U.S. Commission for the Study of International Migration and Cooperative Economic Development (see also Teitelbaum and Weiner 1995). Emigration, particularly circulation, moreover, is a critical dimension of the interdependence between and among countries. The study of emigration and international mobility among international migrants to the United States provides evidence about trends in international relations and connections and the flows of human and perhaps other forms of capital and investment, and thus can enhance national understanding of the role of the United States in global change. This statement is dramatic and presumptuous. Given the entrenched view that alien immigration to the United States is permanent, however, some provocation would seem warranted.

Priorities for Emigration Research for the United States

The general conclusions of the previous (1991) report on emigration data noted first, no comprehensive, ongoing source of statistical information on emigration exists for the United States; second, in the near term, the analysis of emigration

among U.S. immigrants would rely heavily on estimates of migration patterns among the foreign born population and selected groups of aliens; and third, federal statistical resources that have the potential for the measurement of emigration are relatively inaccessible for research by analysts both in and outside the government (Kraly 1991, 25-26). These conclusions remain essentially intact.

Several of the report's specific recommendations to INS concerning emigration research, however, have been implemented. For example, INS has taken an active role in the launching of a longitudinal survey of immigrants in the United States which should yield indirect evidence about emigration among permanent resident aliens. Analysis of data on length of stay among departing nonimmigrants has been continued. There have been interagency discussions concerning the analysis of administrative data sets, both SSA files and the USTTA air passenger survey, for purposes of studying emigration and other dimensions of international migration to and from the United States.

It will be important to continue build upon these initiatives. Specifically, three broad research strategies concerning emigration and international mobility of U.S. immigrants should be given priority in order to support national immigration policy analysis. First, coordination and collaboration should be encouraged among policy analysts and statisticians within those federal agencies which participate in immigration policy analysis. Continued exploration of administrative data files for the analysis and estimation of emigration and international mobility should be pursued. For example, the mission and scope of the Nonimmigrant Information System should be expanded to include the study of international movements of both nonimmigrant and permanent resident aliens. Analysts at INS and the Census Bureau's Population Division should continue to work together to estimate emigration of the foreign born using residual estimation techniques and to take more complete advantage of emigration data (generated through multiplicity survey design) and information on the foreign born population collected in previous and future Curre¡nt Population Surveys. Further consideration of SSA data for the study of both emigration and immigration should occur. It will be useful, moreover, for federal analysts to consider strategies for generating data on emigration and international mobility used by statistical offices of other countries notably Canada and Australia, throughout Europe (see Willekens 1994), and Latin America (Maguid 1993).

Second, survey approaches to studying emigration, return and re-migration as well as circular migration among international migrants should be pursued. Particularly critical is collaboration among agencies to revisit the use of multiplicity research design in the Current Population Survey to generate direct estimates of emigration and length of stay among immigrants to the United States. Support for longitudinal survey research on U.S. immigrants, such as the New Immigrant Survey currently underway, should continue. Analysis of the results of

the Legalized Alien Population Surveys should be supported for purposes of emigration research (see Woodrow-Lafield 1996). Again, the use of surveys by other countries, for example, the Air Passenger Survey used in the United Kingdom and the German Socioeconomic Panel Survey (Dustmann 1994), and the range of strategies pursued in many developing countries (see, for example, Altaf 1992; Apraku 1991; ESCWA Secretariat 1993) should provide valuable perspective on the use of survey research for the estimation of emigration and international mobility using both direct and indirect techniques (see Zaba 1987; Larsen and Sullivan 1987). Particular attention should be given to the development of sampling methodology for surveys of alien departures from the United States at both air and land border ports.

Third, the policy importance of information on emigration and international mobility should be reflected in greater use of ethnosurveys for the longitudinal study of specific immigrant streams between communities within countries of origin and the United States. A record of scholarship exists demonstrating the value of combining sample survey methodology with ethnographic approaches for generating comprehensive information on the dynamics of international migration and mobility for particular migration communities and locales in the United States. Commitment to longitudinal research programs of this type would serve to provide data tapping emerging patterns and forms of international population movement in diverse regional contexts.

These three areas of research activity do not represent remarkably new ideas for research on emigration and mobility among U.S. immigrants. At present, most researchers interested in U.S. immigration and emigration have relatively clear visions of both what might feasibly be accomplished within the current structure of the federal statistical system, as well as what new research initiatives would be most useful for increasing our reservoir of information about out-migration of U.S. immigrants. What might be added to these visions, however, is attention to process. The endeavor of U.S. immigration policy analysis would benefit from a structure of human and statistical resources that results in focussed and coordinated attention to issues concerning international migration as a dynamic process to and from the United States. In an important paper, Frans Willekens (1994) considers both approaches to "...bridging the gap between available data on international migration flows and the information for policy making and research" (1994,1) in Europe. While the construction of a coordinated data base among European countries is emphasized, Willekens also notes the importance of 'expert judgement' in shaping migration models and in interpreting results. This perspective is usefully considered for the United States in the form a consortium of researchers focussing specifically on issues of emigration, international mobility among groups of international migrants to the United States.

It may be worthwhile to ponder the creation of a "Program of Research on Immigration, Emigration and Circulation among International Migrants to the United States." Such a program could provide a structure for coordinated efforts to measure, estimate and monitor emigration and international mobility. Through meetings and publications, an ongoing mechanism could be established for encouraging collaboration and exchange between and among analysts in the United States as well as with researchers conducting relevant work in other countries. Such an organizational framework would also have symbolic significance as formal recognition that international migration both to and from the United States is a dynamic and complex process which should be appropriately reflected in U.S. immigration policy.

Note

1. The U.S. Department of State, Bureau of Consular Affairs, U.S. Internal Revenue Service and the U.S. Department of Defense were also identified as potential sources of statistical information on U.S. residents living abroad. While the scope and accessibility for research of these statistical programs limits their usefulness for the study of alien emigration, it may be useful to reconsider these programs for purposes of migration modelling and estimation.

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Quantification of Migration

Estimating Authorized Immigration

Karen A. Woodrow-Lafield

Introduction

The linguistic tools of the demographer studying international migration describe discrete events as biological events of birth and death. This is not so because someone who has migrated may easily return to the place of origin, negating the migration event. Migration demographers must incorporate the complexities of place and time. With a heightened awareness of the fluidity of population movements, especially those across the southern border, there has also emerged an awareness of the confluence of international population factors, world systems, social networks, and modern technology for creating a continuum of transnational migration.

The initial Immigration and Nationality Act of 1952 retained several provisions from earlier legislation and introduced important changes, continuing the use of quotas (based on the 1920 population), restricting Eastern Hemisphere to about 150,000 immigrants without any restriction on the Western Hemisphere, and establishing a preference system based on family relationships and labor skills. Subsequently, in 1965, the Immigration and Nationality Act Amendments discontinued the use of quotas, changed the limit and distribution for immigration visas for the Eastern Hemisphere, and established an annual ceiling of 120,000

for the Western Hemisphere, otherwise without restriction. Per-country limits were made applicable to the Western Hemisphere in 1976 and, two years later, a combined ceiling of 290,000 with a single seven-category preference system was established for both hemispheres. (See Levine, Hill, and Warren 1985 or U.S. Immigration and Naturalization Service 1991.) This preference system remains in effect with incremental changes over the decades and greater changes implemented through the Immigration Act of 1990 (IA90). Considering recent levels, Congress established a piercable cap on legal immigration. Apart from authorized immigration, social scientists do not enthusiastically agree upon a feasible role of policy in controlling illegal immigration (Cornelius, Martin, and Hollifield 1994; Massey 1996).

This study takes the following course. First, a conceptual framework for analyzing migration by legal status is set forth, followed by an operational framework with review of data on legal migration, statistical data systems, and official statistics. The next section explicates the discontinuities in measuring legal migration to the United States. These gaps derive in part from the fragmentation of statistical functions within the federal government. After explicitly referring to the criteria for measuring legal migration, prior estimates of legal migration are reviewed and discussed as to methodological strength. At that point, an assessment of legal migration from all countries and from Mexico is made based on existing data, alternative assumptions, and carefully explained logic. Two major concerns about establishing consensus about unauthorized or undocumented migration levels are accuracy in demographic accounting for the legally resident foreign-born and Mexico-born populations and completeness, both absolutely and relative to the legally resident populations, of total foreign-born and Mexican-born population statistics for the United States. I have addressed the latter elsewhere (Woodrow-Lafield 1991a, 1995a, Robinson et al. 1993). Finally, I address research priorities for the U.S. and Mexican governments on the measurement of migration between the two countries by legal status.

Conceptual Framework

For a substantial portion of the history of immigration in U.S. immigration statistics reported since 1820, all migration was legal because there was no legislation to prohibit entry of aliens until 1875 (Act of March 3, 1875, 18 Stat. 477). At that time, the policy of direct federal regulation of immigration was established with prohibitions for the first time on entry of undesirable migrants. The responsibility of reporting immigration statistics was given to the Bureau of Immigration of the U.S. Department of Labor in 1892, the forerunner of the U.S. Immigration and Naturalization Service (INS). Throughout the 20th century, apprehensions of illegal

aliens have illustrated that migration to the United States consists of unauthorized or undocumented as well as legal migrants.

For population and immigration policy making, certain other criteria emerge as relevant, such as social capital, nature of consanguineal or affinal ties with legally resident individuals, especially U.S. citizens, and human capital, as influencing opportunities to immigrate legally on the basis of skills. At first glance, these might seem exogenous to an effort to quantify contemporary authorized immigration, but these criteria should be considered as endogenous. Migration between Mexico and the United States is multi-dimensional, to say the least, and always has been very complex.

The indexing criteria for conceptualizing migration are historical time, place, intention, legal status, and duration. Historical time must be specified as a referent with remaining criteria. Place criteria refer to geographical location with reference to national boundaries. These are usually well established, especially for the United States, but there may be international disputes about boundaries or fluctuations over time. When an individual has changed places with respect to crossing from the nation of origin into another, then a migration event has occurred in historical time.

Two further criteria, intention with respect to length of stay and actual duration or length of stay, based on historical time based measures, characterize the migration event as to whether long-term or short-term. Intentions may or may not correspond with actual behavior, that is, there may be inconsistencies as individuals' actual behavior deviates from intentions of long-term or short-term migration. The differences between temporary and permanent migrations can appear at the time of initial entry into the United States or may evolve during a migrant's period of presence. A migrant has intentions to either stay temporarily or settle for long durations or a lifetime. Among those who intend to permanently migrate, some will reverse their intentions and return migrate, re-migrate, emigrate or initiate a series of intermittent residences. Among those who intend to be in the United States for a few months or up to one year, this intention may evolve into an intention to stay permanently. There will be varying intensities and successes of activities to seek opportunities for settling in the United States.

Type of legal status at entry into the United States can signal whether the migration is temporary or permanent, but the event may ultimately prove to be the reverse of its initial appearance because the underlying intentions may differ from the outset or may change. The presumption is that those entering with lawful permanent residence are likely to live here unless they choose to emigrate, but there is anecdotal evidence of dual residence lifestyles. Similarly, the general presumption is that those entering with permission to stay for limited duration are not lifetime migrants. If such a movement conforms to the legal structure in the

new nation of residence, then the migration is authorized. Those entitled to remain for their lifetimes are known as immigrants, or lawful permanent residents. Otherwise, the migration would be described as illegal, undocumented, or unauthorized. In addition, some authorized migrations are subject to temporal constraints in that the legality of admission is conditional and may expire or be revoked. Some individuals who entered legally may thus become unauthorized or undocumented or of uncertain status. The reverse may also happen; i.e., some that entered illegally may subsequently acquire legal status. Historical time and duration are thus critical referents in regard to legal status.

Combining these indexing criteria, a set of mutually exclusive categories is obtained for application to the migration events, into the United States as of a specific date. These are:

- Lawfully permanent resident from date of arrival;
- Lawful entrant who remained in a temporarily lawful status for a short-term stay;
- Lawful entrant who remained in a temporarily lawful status for a long-term stay;
- Lawful entrant who subsequently became undocumented or unauthorized for a short-term stay;
- Lawful entrant who subsequently became undocumented or unauthorized for a long-term stay;
- Lawful entrant who subsequently became lawfully permanent resident;
- Unauthorized or undocumented entrant who subsequently became temporarily lawful for a short-term stay;
- Unauthorized or undocumented entrant who subsequently became temporarily lawful for a long-term stay;
- Unauthorized or undocumented entrant who subsequently became lawfully permanent resident;
- Unauthorized or undocumented entrant who remained in that status.

The conceptual framework seeks to blend the dynamics of migration events with the demographics of population composition by legal status and inter-regional geography. The research problem merits adoption of multi-regional and multi-status modeling as devised for demographic behaviors of status transitions. Such models make rigorous data demands as to scope and detail, which are obviously improbable with respect to clandestine transitions.

Operational Framework

Time-reference

A corresponding analytical or operational framework seeks to translate these concepts to data realities. It is useful to consider the fundamental types of temporal treatment by which migration and, specifically, authorized migration might be studied.

Cross-Sectional or Historical

Cross-sectional studies generally use questions on place of birth, citizenship, and period of entry or immigration and measure net immigration as of the survey or census date. The decennial census in the United States is meant to encompass the *de facto* population, according to criteria of "usual residence." Migrants whose stays are so temporary as to consist of only days or weeks would not be enumerated if their stays occurred around the April 1 date. Self-identification "usual resident" would lead to inclusion of some migrants without permission to stay permanently, even ones of unauthorized or undocumented status.

Because there is not usually a question about migration or residence status in national surveys and the universe is the *de facto* population, the measure includes authorized and unauthorized or undocumented migrants and this practice has been upheld judicially (Passel and Woodrow 1984a).

Data for the more recent entrants are tainted with inclusion of temporary, especially unauthorized or undocumented, migrants so that cross-sectional data for earlier entrants are more representative of the settler population. Curiously, when there are both questions on period of entry and retrospective residence history, there can be a lack of correspondence (Ellis and Wright 1996). If there were a question about legal status, there might seem to be a higher incidence of unauthorized or undocumented status and temporary residence among more recent entrants than among earlier entrants.

Longitudinal

The simplest longitudinal approach, *longitudinal studies with cross-sectional data,* would present detail about the foreign-born population, or a subgroup such as unauthorized or authorized residents, at two or more dates. An example is demographic comparison of data for legally resident aliens in the United States according to an annual, administrative database to discern loss or departures (Levine, Hill, and Warren 1985; Warren and Passel 1987a, b; Jasso and Rosenzweig 1990). Another example, for more general migration, is comparison of the foreign-born

population in two or more censuses, that is, net immigration as of two or more dates, with indexing on period of entry or immigration so that an entry cohort may be followed over time. Such longitudinally-oriented analyses might endeavor to address demographic aspects of cohort change (Warren and Peck 1980) or cohort change as to earnings assimilation, public assistance utilization, residential overcrowding, and completion of naturalization (Borjas 1988; Myers and Lee 1996; Smith 1992; Jensen 1988; Woodrow-Lafield 1996d). Ideally, the indexing criteria would be sufficient to control for sources of heterogeneity, but dilution of the cohort through return migration is a source of unobserved or uncontrolled heterogeneity.

An ideal study is to follow migrants' experience over time to learn about their transitions among immigration statuses and their socioeconomic experiences. A pilot study is underway that follows immigrants and nonimmigrants over several years. An alternative is a retrospective orientation, such as gathering life histories within an ethnosurvey design such as for the Mexican Migration Project (Massey 1987). Building legal status histories is invasive, but these could be acquired more easily with ethnographic methods than with official government surveys.

Two approaches blend cross-sectional and longitudinal orientations. First, an example of *cross-sectional analyses of longitudinal data* is estimation of nonimmigrant overstays or nonimmigrants becoming unauthorized based on ongoing data collection of nonimmigrant arrival records and departure records (Warren 1986, 1990). Another example is presentation of net unauthorized or undocumented immigration based on apprehensions modeling derived from migration trip histories (Massey and Singer 1995). Each of these approaches could be extended to the incidence of authorized stays.

The units of analysis might involve individuals, families, households, family networks, or cohorts, e.g., birth years. The individual level of analysis is the most prevalent across substantive analyses, simply because it is most convenient for data collection, but migration is based in family networks (Boyd 1989). A single data collection effort can be flexible across multiple units of analysis, as the Legalized Population Surveys (LPS and LPS2) (U.S. Immigration and Naturalization Service 1992a; U.S. Department of Labor 1996) acquired individual-level data on legalized immigrants, current residence status for household members, and reported migration intentions for non-U.S. resident family members (Woodrow-Lafield 1994a, 1995b, 1996b). These studies showed that families and households of legalized immigrants are mixed as to residence status, including some unauthorized residents. In addition, U.S. born children appear as do lawful permanent residents and naturalized citizens.

One line of research on quantifying authorized migration seeks to cumulate subsequent immigration within a family network with respect to the initial legal immigrant, that is, the goal is to quantify the multiplier effect or the number of

legal immigrants gaining admission subsequently through their family relationship to an original immigrant (Jasso and Rosenzweig 1986, 1990). The magnitude of this legal chain migration would depend not only on individuals' interest, motivation, and behavior but also on the opportunity structure for legally immigrating to the United States. The present report does not explicitly address multiplier effects or chain migration except in addressing the possible magnitude of compositional shifts by authorization status in the near term as a consequence of the amnesty programs in the late 1980s with new analyses pursuant to Woodrow-Lafield (1995b). The major unit of analysis in this study is individuals, although amnesty-related family effects are indirectly noted.

Event Categories

Previous work has reviewed administrative data sources, statistical systems, and census and survey sources relevant for measuring or describing migration generally or authorized immigration in particular for the U.S. context (Levine, Hill, and Warren 1985; Kraly 1986; Jasso and Rosenzweig 1987). The discussion here cannot be exhaustive and is intended as a cohesive presentation of data and statistics for measuring and describing authorized immigration to the United States as to either gross or net magnitude. Although seemingly superfluous after previous sections on conceptualization and operationalization, explicitness as to terminology or nomenclature is necessary due to the character of administrative data systems or structures from which these statistics are derived.

First, individuals who have been lawfully accorded the privilege of residing permanently in the United States, and are presumed as settling, are known as *immigrants* in INS terminology. They may have been issued immigrant visas by the Department of State overseas and appear in official statistics as arrivals. Alternatively, they may already have legally entered the United States, usually on a nonimmigrant visa, and have their status adjusted to permanent resident status by the INS, filing an I-485 form. These individuals have experienced a status transition without having experienced a migration event. The descriptive "legal" is often used because the regular definition of "immigrant" does not prescribe legal status.

Effective as of fiscal year 1995, Congress added Section 245(i) to the Immigration and Nationality Act, which allows aliens who are living in the United States without authorization, but who have become eligible to acquire immigrant status, to apply directly with the INS rather than to return to the U.S. consulate abroad through which their visa application had been filed. The largest impact of this shift in application process may occur in the categories exempt from numerical limitation, such as immediate relatives of U.S. citizens (U.S. Immigration and

Naturalization Service 1996a; U.S. General Accounting Office, 1995a). This policy will be short-lived, however.

Second, the category of temporary, authorized migrants is found in INS statistics for *nonimmigrants, aliens who seek temporary entry to the United States for a specific purpose*. To receive such entry, nonimmigrants must have a permanent residence abroad and be approved formally for a nonimmigrant classification such as foreign government official, visitor for business or for pleasure, alien in transit throughout the United States, treaty trader or investor, student, international representative, temporary worker or trainee, representative of foreign information media, exchange visitor, fiancé(e) of U.S. citizen, intracompany transferee, or NATO official. Purposes for nonimmigrants' entries are usually related to work, business, education, or recreation and their visits are accordingly authorized for limited durations, usually with an explicitly stated deadline for departure.

Third, there are special categories of temporary and legally resident individuals given the nomenclature of nonimmigrant for which statistics are handled separately from the official nonimmigrant statistical structure. These are refugees, asylees, parolees, withdrawals, stowaways, and crewmen, of which refugees number the largest. *Refugee status* is granted to "any person who is outside his or her country of nationality who is unable or unwilling to return to that country because of persecution or a well-founded fear of persecution, based on the alien's race, religion, nationality, membership in a particular social group, or political opinion." Their case is special in that refugees are permitted to adjust to permanent residence after one year of continuous presence in the United States. *Asylee* refers to "an alien in the United States or at a port of entry unable or unwilling to return to his or her country of nationality, or to seek the protection of that country because of persecution or a well-founded fear of persecution." The bases are similar to those for refugee status and asylees are also able to adjust status after one year subject to numeric limitation (now 10,000 annually). *Parolees* have not been admitted formally to the United States and may be required to leave when the emergency (humanitarian) conditions supporting their parole into the United States cease to exist.

Similarly, generally *legalized aliens* are a unique, historical group who hold or held a temporary status before progressing to permanent residency (most in 1988-1990. These individuals were certain aliens who had been unauthorized or undocumented workers or were here as unauthorized or undocumented residents and were eligible to apply under the legalization provisions of the Immigration Reform and Control Act of 1986 (IRCA). To be eligible under the general amnesty provisions (filing I-687 application forms), aliens must have entered the United States before January 1, 1982 either (1) illegally or (2) as temporary visitors with

their authorized stay expiring, or with the Government's knowledge of their unlawful status, before that date, must have continuously resided in the United States in an unlawful status since before January 1, 1982, and must qualify for admission as nonexcludable. Another group of beneficiaries of amnesty under IRCA were agriculturally legalized aliens gaining *Special Agricultural Worker (SAW)* status (filing I-700 application forms) under an IRCA provision applicable for aliens who had performed labor in perishable agricultural commodities for a specified period of time during 1984-1986. The temporary and permanent statuses for agricultural legalization applicants will be discussed later.

Immigrants

Demographic characteristics, nationality, country of birth, and country of last residence encompass much of the heterogeneity of legal immigration over time. For the post-1965 period dating from initiation of the seven-category preference system for relatives of U.S. citizens and permanent resident aliens and for persons with needed skills and training, legal immigrants can be detailed as to whether an original immigrant or a non-original immigrant, that is, sponsored by a relative. Beyond this classification, legal immigrants can be classified as to whether a principal beneficiary immigrant or a derivative beneficiary, that is, a spouse, minor child, or unmarried adult son or daughter of principal immigrants as well as by preference category of admission or immediate relatives category.

The panorama of legal immigration to the United States is rich in descriptive detail by country of last residence from 1820 and country of birth from 1925. The availability of a consistent series of micro-data public-use immigrants files from 1972 to 1995 has enabled researchers to pursue studies of trends and contemporary issues (Greenwood, McDowell and Trabka 1991; Houston, Kramer, and Barrett 1985). Mexican immigration became visibly greater around the turn of the century during the great European migration over 1880-1920. By the time of passage of the 1965 Amendments, immigration from Mexico (as the country of last residence) already represented a substantial share of all legal immigration and has persisted in relative importance to other source countries despite the imposition of per-country limits under the preference system (Massey 1995, 1996). The European countries' share also diminished in recent decades, as there were large refugee and family migration flows from Asian countries in the 1970s and 1980s. Mexican immigration has long exceeded the preference per-country level due to admissions levels under immediate relatives provisions. The prevalence of Asians, Mexicans and other Latin Americans among legal immigrants is likely to persist unless the legal system is changed or the sending countries become more attractive than the United States.

Figure 1. Legal Immigrants Admitted from Mexico, Europe, and Total, 1821–1995

The legal immigration flows from Mexico have included large numbers of women and children for decades (Houston, Kramer, and Barrett 1985), reflecting that Mexican settlement in the United States is very family oriented, as is much of immigration from the rest of the world, rather than for simply labor reasons. There are some admissions of Mexicans under labor-based categories every year, but most admissions under the preference system are family-based.

Nonimmigrants

The arrivals and departures of nonimmigrant aliens, except students, have been processed through the Nonimmigrant Information System (NIIS) since 1984, a data system based on the arrival-departure form (I-94) completed by most aliens arriving by air or sea at ports of entry. INS collects the arrival portion at the time of inspection with the alien retaining the departure portion, attached to the passport, until collection by transportation carriers upon departure from the United States. The Student/Schools Data System tracks admissions, enrollments, and departures of students who are pursuing a full course of study in an approved program in an academic, vocational, or other recognized nonacademic institution.

Arrivals statistics are published regularly that show admissions by country of citizenship, port of entry, and nonimmigrant class of admission. Most nonimmigrants are admitted for a period of six months or less, and depart accordingly, but many other nonimmigrants live in the United States for several months or years on one or

more nonimmigrant classes. The INS has recently initiated publication of departures statistics. Recent statistics on immigrants show that about 40 percent are adjustments of nonimmigrants rather than new arrivals and two-thirds of immigrant adjustees show durations of stay exceeding one year. About 4.3 percent of adjustments in 1994 were for Mexicans. Among Mexican nonimmigrants adjusting in 1994, the majority were here with tourist visas.

Generally Legalized Aliens

A lengthy period of legislative debate culminated in IRCA's major amnesty program beginning May 1, 1987 for aliens who had been continuously resident in an unauthorized or undocumented status since before January 1, 1982 (Greenwood and McDowell 1985). The actual entry event was recorded on the I-687 application form filed in 1987-1988. These individuals' migration histories include the unique set of administrative events: the I-687 application, legalization approval for temporary residence status, and adjustment to lawful permanent resident. These administrative events redefine the authorization status of this population subgroup over time.

With some minor exceptions, the legalization program is regarded as a very successful endeavor on the part of INS. The agency effectively mobilized community groups, advocacy organizations, media resources, and its own staff to inform aliens, process applications in a timely manner, and provide assistance and decisions. Informal information networks played a significant role (Hagan and Baker 1993). Furthermore, the approval rate was very high as INS broadly interpreted documents as evidentiary of continuous U.S. residence. One empirical indication of a continued unauthorized or undocumented presence was that at least 700,000 were living within households of legalized aliens in 1988 (U.S. Immigration and Naturalization Service 1992a), but that figure declined by 1992 (Woodrow-Lafield 1994a, 1995b).

The best gauge of the amnesty's success would be a high rate of application among the long-term unauthorized or undocumented residents who were eligible. From evidence on the size and growth of the unauthorized or undocumented population (Passel and Woodrow 1986, 1987), the upper limit on the size of the amnesty-eligible population ranged between 2.5 and 4.0 million. INS used a similar range and drew on geographic-based research (Passel and Woodrow 1984b) to devise the geographic location of legalization offices. If the lower maximum limit from Passel and Woodrow's range were presumed, more than three-quarters of eligible aliens may have applied. Mexico was the single largest country represented among 1.8 million general legalization applicants as of May 1991; 1,229,016 were from Mexican aliens with 1,132,351 having entered without

inspection. The legalization brought greater numbers in Texas than anticipated but, on the other hand, the numbers of legalizations were somewhat disappointing for New York officials.

Published immigrants statistics for 1989-1996 (U.S. Immigration and Naturalization Service 1990, 1991, 1992b, 1993, 1994, 1995, 1996a, 1997b, 1997c) include legalized, generally and agriculturally, immigrants having adjusted status to permanent residence after the requisite residency period. The application period for the general program ended May 31, 1988, but INS continues to make decisions on some applications every year in the course of litigation. Several hundred thousand persons are participants in a class action case against INS to ask for the right to apply for the amnesty program. Most were unable to do so in 1987—1988 because their unauthorized or undocumented status may have been unknown to the INS. As some of these cases are resolved on an individual basis, additional legalizations are occurring.

The micro data public-use immigrants files do not include the legalization immigrants' records in keeping with the confidentiality provisions of IRCA.[1] However, the INS released administratively based micro data files including selected application items (including demographic and origin characteristics) and administrative processing information about the generally legalized and agricultural worker applicant pools (Borjas and Tienda 1994; Neuman and Tienda 1994). To meet mandatory reporting requirements of IRCA, the INS was the primary sponsor of the Legalized Population Survey (LPS) in 1989-1990 (U.S. Immigration and Naturalization Service 1992a). Another wave in 1992 (LPS2), primarily sponsored by the U.S. Department of Labor (1996), acquired post-legalization characteristics for individuals, their household members, and their family networks abroad.

Special Agricultural Workers

Under IRCA's provisions, aliens who had worked in seasonal U.S. agricultural services for at least ninety days during May 1, 1985 to May 1, 1986 could apply for temporary resident status during the application period June 1, 1987 until November 30, 1988. Applicants who had also worked at least ninety days during each of the two previous years (May 1, 1983 to May 1, 1985) could qualify as "Group I" applicants with entitlement to adjust to lawful permanent residence after one year (sooner than for Group II applicants).

The demographic impact of this legalization has not always been well considered. There were approximately 1.3 million applications under the SAW provisions of IRCA as of November 30, 1988, greatly exceeding the expected numbers. Nearly all were under the category of "Group II," showing only evidence of having worked for ninety days in U.S. agriculture. The flow of applications was

at an escalating pace; about 700,000 SAW applications were filed in May 1988–November 1988 (498,000 in the *last two months*). As given in the *New York Times* (November 12, 1989), "estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000." The issue of fraudulence dims with the realization that working in U.S. agriculture is an experience characterized by high turnover and extensive recruitment. Consequently, the high number of agricultural legalization applicants may reflect a tendency to underestimate the number of unauthorized or undocumented workers involved in agriculture in addition to some fraud (Martin 1990; Commission on Agricultural Workers 1992:67).

As of November 1989, INS had approved only 490,000 agricultural legalization applications. Only 35,000 had been denied at that point. Nearly one million agricultural legalization applicants received legal status on December 1, 1990. The majority of these becoming agricultural legalization beneficiaries were "approved" through INS' failure to deny approval. Another indication of visa-seeking behavior from aliens living here is that the high volume (more than 600,000) of registrations for the Replenishment Agricultural Worker program included many (532,000 or 87 percent) with return U.S. addresses (Commission on Agricultural Workers 1992:66). About 85,000 (or 14 percent of the overall number) claimed they were immediate relatives of IRCA legalization applicants or beneficiaries. None were admitted during the authorization period for the RAW program because agricultural labor shortages did not materialize.

Published tabulations describe the agricultural legalization applicant population and statistics for adjustment to lawful permanent resident status in 1990 and 1991 reflect agricultural legalization beneficiaries (U.S. Immigration and Naturalization Service 1991). As for generally legalized immigrants, the agriculturally legalized cases are excluded from the public-use micro-data immigrants files and administratively-based public-use micro data files are the single source for their demographic characteristics, application information, and processing history.[2] There have been no survey efforts focusing on agricultural legalization applicants or beneficiaries, although the LPS identified some agricultural legalization beneficiaries living with generally legalized respondents (78,000) (U.S. Department of Labor 1996; Woodrow-Lafield 1995b, 1996b).

Refugees, Parolees, and Asylees

The U.S. Bureau of the Census includes some refugees in official accounts at the time of their arrival on the basis of data from the Office of Refugee Resettlement in the Department of Health and Human Services. Others, generally from countries sending few, are not added routinely at arrival, but they (and other nonimmigrants

living here including asylees) eventually appear in official INS statistics upon adjustment to permanent residence. Over recent years, several hundred thousand persons sought asylum in the United States, but the INS could not process their applications on a timely basis. Until very recently, this applicant pool constituted a significant population of indeterminate status.

Other Nonspecific

There are several additional special categories of foreign-born persons who are either legally present or of indeterminate status. Although several of the migration events discussed earlier are quite clearly to be considered as contributory to the permanently resident population, others may also be associated with permanent migration in more diffused ways.

Temporary Protected Status (TPS) was extended under the Immigration Act of 1990 to 194,000 Salvadorans here in January 1, 1991–June 30,1992, with later extension to additional aliens from Kuwait, Lebanon, Liberia, and Somalia, receiving this status due to country conditions deemed to prevent safe returns. A related program granted *de novo* affirmative asylum interviews to as many as one-half million Salvadorans here as of September 19, 1990 and Guatemalans here as of October 1, 1990 under the settlement of *American Baptist Churches vs. Thornburgh*. The initially specified date of departure has been deferred recurrently by request of the Salvadoran government and others (U.S. Commission on Immigration Reform 1994:162-173). They may wish to seek lawful permanent residence now that they have lived here for so long. Extended Voluntary Departure (EVD) status is granted to designated nationals in the United States because the U.S. State Department judged conditions in the countries "unstable" or "uncertain" or to have shown a pattern of "denial of rights."[3] Nearly all aliens from the People's Republic of China here at the time of the Tiananmen Square protests were eligible for deferred enforced departure upon visa expiration[4] and many later adjusted status (e.g., under the Chinese Student Protection Act).

Spouses and children of legalization beneficiaries are potentially resident without having lawful status. Under application guidelines, family members could submit all of their I-687 applications with a single fee of $475 rather than individually with fees of $150. About two-thirds of all primary applications were filed on this basis. Yet only about 451,000 (21.4 percent) of a total 2,111,000 nuclear family members of generally legalized persons had also attained amnesty (Woodrow-Lafield 1995b). Some were otherwise legally entitled to remain in the United States permanently with lawful permanent residence (135,000 or 6.4 percent), U.S. citizenship (1,133,000 or 53.6 percent), or SAW status (32,000 or 1.5 percent). However, approximately 107,000 or 5.1 percent gave "family fairness" or "family

unity" as their status, a reference to INS' policy that emerged to avoid family disintegration if some members were ineligible to apply under IRCA legalization provisions. The Immigration Act of 1990 remedied this "family unity" problem by allocating visas for dependents of IRCA legalization beneficiaries.

Populations

The "Standard"—Legally Resident Foreign-Born Population in 1980

Warren and Passel approached the task of estimating unauthorized or undocumented aliens as a function of nativity and citizenship. That is, they constructed an estimate for legally resident aliens and an estimate for aliens counted in the census, which involved an increase for aliens misreporting as naturalized citizens based on an independently constructed estimate for the naturalized citizen population.

Resident Aliens

For several decades, the INS maintained the Alien Address Registration System, on the basis of aliens' voluntary registration through the U.S. Postal Service annually in the entire month of January. The I-53 form contained only a few demographic and immigration items, including current address, category and date of admission, age, sex, and country of birth. The data were intended for INS resource allocation and statistical purposes and provided a periodic description of the origin, geographic, demographic, and status characteristics of the alien presence in the United States. As an economy measure, the Congress discontinued funding the program after 1981. Warren and Passel (1983, 1987a, b; Passel and Robinson (1988) first formulated a baseline estimate for the alien component using the Annual Alien Address Registration Program for January 1980. This initial estimate included or excluded categories of aliens according to self-reported resident status. Those categories considered "usually" resident by census residence rules are permanent resident aliens, students, refugees, and "other" aliens. Excluded categories included commuter workers, visitors, crewmen, and exchange aliens. Since registration was voluntary, an assessment of country-specific coverage was made by analyzing permanent resident alien admissions and the numbers of registered aliens for 1965-1980. The 1980 alien data were adjusted for estimated underregistration of 11.1 percent, resulting in an overall increase of 12.5 percent. For Mexico, Warren and Passel estimated that 7.3 percent of legally resident aliens had failed to register (Passel 1991). Underregistration or undercoverage may not have been a serious obstacle for statistical research as believed (Levine, Hill, and Warren 1985:65; Jasso and Rosenzweig 1990; Warren and Passel 1983, 1987a, b).

Naturalized Citizens

Naturalization statistics represent those among legally resident foreign-born persons who are not as likely as those who have not naturalized to return migrate or otherwise leave the United States to reside elsewhere. For immigrants of many origins, U.S. naturalization necessitates relinquishing citizenship in one's origin country and any nationality rights. Parents may list their minor children on their naturalization form, and request a copy of the child's (ren's) certificate of derivative citizenship from the INS. Unfortunately, from a statistical perspective, many do not do so and even when such certificates are requested, INS data system capture may be incomplete. Thus, INS naturalization statistics do not completely cover the population deriving citizenship automatically upon naturalization of a parent.

An estimate of naturalized citizens in the 1980 census was based on both census reporting as naturalized citizens and a demographic estimate constructed by surviving naturalizing immigrants over time, as identified with INS administrative naturalizations statistics. Substantial overstatement of naturalized citizen status (843,000) was found and shifted into the "alien" category, including about 375,000 for Mexico-born. Criticism of this work on the basis of INS recorded naturalizations over 1960-1980 (Hill 1985) is separate from the undocumented results because classification by citizenship is unnecessary for derivation of undocumented estimates.

Gauging Quality of 1980 Estimates

The initial Warren-Passel estimate for 1980 of 12,084,000 legally resident foreign-born persons, including 7,816,000 aliens and 6,118,000 naturalized citizens was meant to represent the complete population of legally resident foreign-born persons as of January 1980. Included were 1,400,000 persons of Mexican birth, with 1,195,000 aliens and 205,000 naturalized citizens. An obvious weakness is an insufficiency of 1980 census data for the earliest entry period (before 1960) for all countries or regions other than Mexico. Because there would be negligible amounts of non-Mexican unauthorized or undocumented immigration prior to 1960, this research has emphasized the "Entered After 1960" population, with inclusion of Mexicans who entered pre-1960.

Other limitations of that estimate may derive from country-level adjustment for underregistration of legally resident aliens. First, there was no direct information with which to estimate underregistration levels by age, sex, or period of immigration. Second, underregistration levels for the permanent resident alien category were assumed to apply to temporary resident alien categories, such as students, refugees, and other aliens. The proportions of permanent resident aliens of the registered population considered resident for census purposes varied by country from 12.3

percent (Saudi Arabia) to 98.8 percent (Portugal). (For Mexico, the percentage was 98.3 percent.) Consequently, there could be error in the estimates by country if this assumption were flawed.

The nature of the data collection period, based on a one month-period, also raises concerns about the utility because the population estimate would probably overrepresent shorter durations and overestimate the population entered for the most recent time period. Hill (1985) raised questions about *overreporting* for Mexico, among other countries, possibly as a result of misreporting by temporary residents in the category for permanent resident.[5] Subsequently, Passel (1991) allowed for greater variability in the legally resident alien component for the Mexican population (±10 percent) than for the non-Mexican population (±3 percent), noting that unauthorized or undocumented migrants might have erroneously registered.

Legally Resident Foreign-Born Populations Post-1980

Demographic Accounting

As described earlier, the estimate of legally resident foreign-born persons as of 1980 by Warren and Passel can be considered a "standard," in several senses, and it became a foundation for using a components-of-change method to derive post-1980 estimates for legally resident foreign-born populations in the United States. The major components of change are estimated mortality, assumed emigration, admissions of lawful permanent residents and certain groups of arriving refugees, and other transitions to lawful permanent residence by persons already living in the United States (including adjustments and legalizations). This methodology was designed for consistency with the Census Bureau's methodologies for demographic analysis and postcensal population estimates.

An accounting for components of change for the legally resident population had previously been implicit in accounting for change to the total resident population before 1980 because an unauthorized or undocumented presence had not been measurable for the 1970 census. The demographic analysis program for measuring U.S. census coverage relies on comparison of the enumerated population by age, sex, and race with an independently constructed estimate of the total resident population as of Census Day. However, the 1980 census apportionment counts delivered to the President January 1, 1981 exceeded the independent estimate, and Census Bureau demographers noted the possible effects for net undercount of one to six million unauthorized or undocumented residents (Passel, Siegel, and Robinson 1982). The ASA Technical Panel on the Census Undercount recommended in the fall of 1982 that the Census Bureau continue strong efforts to improve estimates of the number of illegal aliens and that the Census Bureau make public a sufficient

number of undercount estimates to illustrate the uncertainties in the methods (ASA Technical Panel, 1984). Plans for demographic analysis of 1990 census coverage recognized that demographic accounting for the total resident population must be legal status-specific. (See Himes and Clogg 1992.) To this end, a systematic research program at the Census Bureau monitored net authorized immigration in the 1980s and indirectly monitored net unauthorized or undocumented migration by partitioning foreign-born estimates into authorized and unauthorized or undocumented components (Passel and Woodrow 1987; Woodrow, Passel, and Warren 1987; Woodrow and Passel 1990; Woodrow 1992c).

Table 1 summarizes the 1970-1990 time series of estimates of foreign-born population, legally resident foreign-born estimates, and estimates of unauthorized or undocumented residents in surveys or censuses.[6] The measured number of unauthorized or undocumented residents in censuses or surveys has been around 2 million with the single exception of 1986 when the estimate was 3.2 million. The landmark amnesty of IRCA for aliens proving continuous residence in an unauthorized or undocumented status since January 1, 1982 generally confirmed the various studies (Warren and Passel 1983, 1987a; Passel and Woodrow 1984b; Meissner and Papademetriou 1988). Post-1986 estimates required accounting for IRCA-legalized aliens' transitions from unauthorized or undocumented resident to authorized `or legal resident. Those legalizing on the basis of having lived here continuously in an undocumented status since before 1982 are *prima facie* permanent residents. These figures in Table 1 incorporate most of the general legalizations, but alternative estimates based on allowing for agricultural legalizations are discussed below (Woodrow and Passel 1990; Woodrow 1992c). IRCA's amnesty appeared to result in a marked decline in the "enumerated" unauthorized or undocumented resident population between 1986 and 1989, but levels of net unauthorized or undocumented migration were undiminished (Woodrow and Passel 1990; Woodrow 1992c; Donato, Durand, and Massey 1992).

Because the U.S. Bureau of the Census does not officially measure undercoverage of the foreign-born population in total or by legal status, a potpourri of rationales have been discussed for a range on the total number of unauthorized or undocumented residents over 1980-1990. Despite the passage of time, these ranges are not really very different. The most consensual is the range for 1980 that relies on several studies suggesting that the probable upper bound of the unauthorized or undocumented population was 3.5-4.0 million (Bean, King, and Passel 1983; Levine, Hill, and Warren 1985; Passel and Robinson 1988; Heer and Passel 1987). Following some internal wrangling between demographers and statisticians about the quality of residual estimates for unauthorized or undocumented residents, the Census Bureau used 3.0 million as the preferred estimate for total net unauthorized or undocumented migration as of 1980 (Fay, Passel, and Robinson 1988), of which

Table 1
Estimates for Foreign-born, Legally Resident, and Unauthorized Populations Based on Demographic Accounting: 1970–1990

Date of Estimate	Foreign-born in census or survey			Legally resident foreign-born in U.S.		Estimated unauthorized residents in survey or census	Hypothetical total number or range (in millions)	Relevant Sources
	All Periods	%	Post-1960	All periods	Post-1960			
1970 Census	9,739,723	4.0%	3,316,928	9,739,723	3,316,928	0	0.8	Passel & Robinson (1988)
Nov. 1979	13,198,000	5.8%	8,760,000	11,474,000	7,036,000	1,724,000	none given	Passel & Woodrow (1987)
								Woodrow, Passel, & Warren (1987)
1980 Census	14,139,000	6.2%	9,230,000	12,082,000	7,173,000	2,057,000	2.5 to 3.5;	Warren & Passel (1983, 1987)
								Passel (1985b)
								Passel & Robinson (1988)
							2.0 to 5.0;	Fay, Passel, & Robinson (1988)
							1.5 to 3.5;	Hill (1985)
							2.0 to 4.0	Levine, Hill, & Warren (1985)
April 1983 (14+)	13,633,000	7.4%	9,949,000	11,540,000	7,855,000	2,093,000	none given	Passel & Woodrow (1987)
June 1986	16,237,000	6.8%	13,069,000	13,079,000	9,911,000	3,158,000	3.0 to 5.0	Woodrow, Passel, & Warren (1987)
								Passel & Woodrow (1986)
June 1988	17,185,000	7.0%	14,379,000	15,279,000	12,473,000	1,906,000	none given	Woodrow & Passel (1990)
Nov. 1989	17,785,000	7.3%	15,154,000	15,735,000	13,104,000	2,050,000	1.7 to 3.1	Woodrow (1990, 1991b, 1992b)
Projected April 1990	19,090,000	7.5%	15,754,000	16,690,000	13,354,000	2,400,000	3.3 1.9 to 4.5	Woodrow (1991b)
1990 Census	19,768,000	8.0%	16,628,000	17,690,000	14,354,000	2,274,000	2.3 to 5.0	Woodrow-Lafield (1995)
1990 Census	19,724,000	8.0%	none given	17,749,000	none given	1,975,000	none given	Clark et al. (1994)

Note: Most foreign-born population figures include estimated amounts for misreporting as native foreign-born persons.

Source: Woodrow-Lafield, Forthcoming

2.3 million represented net unauthorized or undocumented migration for the 1970s (Passel and Robinson 1988).[7]

These studies were the foundation for the net unauthorized or undocumented migration component for evaluating the 1990 census (Woodrow 1991a) discussed below. For this evaluation of 1990 census coverage (Robinson et al. 1991, 1993), an estimate for legally resident foreign-born population was implicit rather than explicit and the net "unauthorized or undocumented" migration component possibly included agriculturally legalized residents. Interpretation of the transition of agriculturally-legalized (SAW) applicants has never been clear whether the time-referent were 1988, 1989, 1990, or today. Throughout discussions of post-1980 analyses, application of the components-of-change method is complicated by, first, the legal precariousness of agricultural legalization applicants and, second, by attribution of U.S. residence for agricultural legalization-approved beneficiaries. The last two studies mentioned in this table (Woodrow-Lafield 1995a; Clark et al. 1994) make allowances for nonspecific authorized immigration, including agriculturally legalized residents, and we return to these results following discussion of unknown factors in measuring net authorized immigration and a closer examination of studies for the 1979-1989 period.

Mexican population estimates for national surveys, including the 1970-1990 censuses, are shown in Table 2, as available on a comparative basis using similar residual methodologies. The legally resident Mexico-born population in the United States increased from about 1.4 million in 1980 to perhaps 3.0-3.5 million for 1990, depending on particular assumptions. This increase mirrors the overall increase over recent decades in the size of the Mexico-born population living in the United States. The unauthorized or undocumented population of Mexican birth appears to have fluctuated and to have declined slightly for 1990 relative to 1980, but this appearance may be merely artifactual due to the unauthorized or undocumented estimate as a residual using the survey or census estimate subject to undercoverage. Prior to IRCA, extrapolation of studies of average population change due to net unauthorized or undocumented migration from Mexico implied there were as many as 2.5 to 3.5 million unauthorized or undocumented Mexican residents (Passel and Woodrow 1987).

These estimates for legally resident foreign-born populations are only as accurate as they are unbiased from data gaps on emigration or return migration and unknown long-term immigration associated with nonimmigrants or agriculturally legalized persons. Exercising expert judgment is inescapable, but guiding strategies are nonexistent. The number of unauthorized or undocumented residents in 1990 was certainly below six million (Woodrow-Lafield Forthcoming). The next section addresses the more "known" components of change. The following sub-sections address the major uncertainties about the authorized foreign-born estimate stemming

Table 2
Estimates for Foreign-born, Legally Resident, and Undocumented Populations from Mexico Based on Demographic Accounting: 1970-1990

Date of Estimate	Mexican-born in census or survey			Hypothetical total number or range (in million)s	Source for undocumented
	Total	Legally resident	Undocumented		
1970 Census	789,000	789,000	0	Fewer than .333	Passel & Robinson (1988)
Nov. 1979	28,24,000	1,388,000	1,436,000	—	Passel & Woodrow (1987) Woodrow, Passel, & Warren(1987)
1980 Census	2,541,000	1,400,000	1,131,000	1.0 to 2.0	Warren & Passel (1983, 1987)
April 1983 (14+)	2,850,000	1,428,000	1,422,000	—	Passel & Woodrow (1987)
June 1986	3,852,000	1,657,000	2,196,000	2.5 to 3.5	Woodrow, Passel, & Warren(1987) Passel & Woodrow (1987)
June 1988	4,085,000	2,929,000	1,156,000	—	Woodrow & Passel (1990)
Nov. 1989	4,642,000	2,999,000	1,644,000	—	Woodrow (1990, 1991b, 1992b)
1990 Census	4,508,000	3,469,000	1,040,000	—	Clark et al. (1994)
1990 Census	4,536,000	3,514,000	1,026,000	1.0 to 2.2	Woodrow-Lafield (1996e)

Note: Most foreign-born population figures include estimated amounts for misreporting as native-born.

Source: Woodrow-Lafield (1996e).

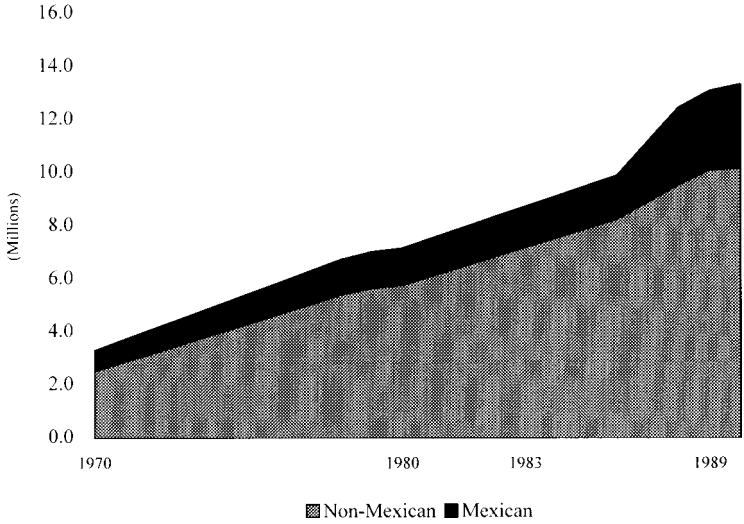

Figure 2. Legally Resident Foreign-born by Mexican Birth: 1970–1990

from "temporary" migration, emigration after authorized immigration, incorporation of the agriculturally-legalized population, and the ultimate immigration consequences of the IRCA legalizations.

Knowns: Administrative Statistics

Admissions for lawful permanent residence, legalization approvals, adjustments to lawful permanent residence, and nonimmigrant arrivals are easily accessible administrative statistics. These would be considered "knowns" in the sense that the data sets are regarded as highly complete within the domain. Interpretive cautions must be noted for using these administrative statistics for social science research. First, those immigrants arriving as permanent residents may have had prior U.S. residence experience or may anticipate short or long stays abroad. Survey responses to questions about the timing of immigration may differ from recorded date of lawful permanent residence. Second, generally-legalized immigrants are usually presumed as having settled here for their lifetimes and at minimal risk of return migration as a consequence of their sustained presence. Third, those adjusting to lawful permanent residence from a nonimmigrant class may have substantial U.S. residence histories, either continuous or on an intermittent basis. Fourth, arriving nonimmigrants are presumed to be temporary residents, and the majority of nonimmigrant departures occur following short durations of stay.

Unknowns: "Temporary" Migrants

A one-year entry cohort of nonimmigrant arrivals[8] is comprised of (1) aliens who ever depart and (2) aliens who stay or are lifetime migrants. Among those who depart, most do so after a brief visit, as is the experience for the majority of arriving nonimmigrants, and others depart after stays of one year or more. Among those who stay, some adjust to permanent resident status and others stay as unauthorized or undocumented, but either may have changed among nonimmigrant classes. Those nonimmigrant arrivals followed quickly by departure are not considered as counting toward population change and such individuals would not meet residence rules for either census enumeration or inclusion in national surveys. Those eventually departing after longer residence periods and those ultimately becoming lawful permanent residents present difficulties for accounting for population by authorization status. The magnitude of the accumulated number of present stayers across various nonimmigrant arrival cohorts is needed to estimate the legally resident foreign-born populations for dates falling within the transition between nonimmigrant status and departure or adjustment to permanent status. Ultimately, a stayer's presence is recorded in immigrants statistics for adjustees and the rest depart. If the population were constant over time, there would not be a problem.

This problem is difficult conceptually, analytically, and empirically. The appropriately detailed arrivals and departures statistics are not yet published for monitoring the nonimmigrant population, although considerable improvements have been made. Departures statistics have not been published regularly and are incomplete because the departure portion of the I-94 form may not be collected at exit or INS may receive it much later. In reviewing relevant studies, four questions are posed: (1) As of a specific date, how many nonimmigrants have stayed in the United States for at least one year *or are likely to do so*? (2) How many nonimmigrants have stayed in the United States for at least one year as of a specific date? (3) How many nonimmigrants among those arriving within a year stay for at least one year before their departure? (4) How many nonimmigrants would stay for at least one year for a hypothetical arrival year? The net difference of 2.3 million for 1994 (22.1 million arrivals less 18.8 million departures) cannot be interpreted as answering any of these questions. The first two questions could be phrased with respect to 1990 and 1995 or 1996 dates for the overall purpose. The latter two questions are more flow-oriented. Modeling nonimmigrant processes of arrival, departure, and adjustment over time with modification for departures' undercoverage could address these questions.

The first question is relevant for gauging how many nonimmigrants may be included in a census or national survey of the resident population. The residence rules for the census stipulate that individuals should be living here on a permanent

basis or should have lived here for at least six months. Even when migration may not be for permanent residence, six months of residence might be considered a threshold for considering nonimmigrants as usual residents. The 1980 estimate of Warren and Passel included about 612,000 nonimmigrants whose class of admission was taken to imply "usual" residence—243,000 refugees, 192,000 students, and 177,000 other aliens (Woodrow 1990). Throughout the 1980s, official postcensal population estimates did not allow for population change due to temporary migration, i.e., depending on the presumption that newly arriving nonimmigrants becoming "usual" residents for several months or years would be offset by departures, including adjustments of status of similarly usually resident nonimmigrants.

From several indications, the size of the nonimmigrant population stock is likely to have increased. One set of consequences for the "black box" of nonimmigrant stayer is the volume of adjustments to lawful permanent residence. A total of 1,150,000 long-term nonimmigrant residents, excluding IRCA adjustees, adjusted to lawful permanent residence during 1990-1994 or about 230,000 annually. This is considerably greater than for 1980-1984. Without knowing the size of the nonimmigrant stock now, one could retroactively impute its value on the basis of those giving the designated date or an earlier date of entry upon adjusting in subsequent years. The volume of nonimmigrant arrivals nearly doubled for 1981-1990 (123.1 million) relative to 1971-1980 (64.3 million). Over 1985 and 1994, the numbers of nonimmigrant arrivals increased from 9.5 to 22.1 million. Having established that contemporary measures for the nonimmigrant stock are necessary, there are none in the absence of the alien registration program. Such an accounting could have been accomplished in the course of another statistical program to measure visa overstay levels. Several studies (Warren 1986, 1990, 1993, 1994a) have focused on inferring the contributions of nonimmigrant visa overstays to net unauthorized or undocumented migration. The same analytic strategy could emphasize measurement of contributions of nonimmigrant visa stays to net authorized immigration.

The empirical evidence as to the third question is limited to a single case study of nonimmigrant arrivals during calendar 1983 that resulted in a departure before 1988. Kraly and Warren (1991, 1992) estimated long-term immigration including not only lawful permanent resident statistics but also allowances for nonimmigrant arrivals with eventual departures after a one year stay as of 1987 and for nonimmigrant arrivals with eventual adjustment to lawful permanent residence during 1984-1986. These studies by Kraly and Warren (1991, 1992) rely on *ex post facto* definition of nonimmigrants as long-term immigrants. Among all nonimmigrant arrivals (9,849,000), the majority departed within the first year, but about 113,000, or 1.2 percent, departed after at least a one-year stay (Kraly and Warren 1991). Among those from Mexico (627,000), about 7,000, or 1.1 percent, departed after one year

or more. Nonimmigrant arrivals under classes of foreign officials, temporary workers, exchange visitors, refugees, and students, showed higher percentages of long-term stays leading to departures than for visitor classes. Another 79,000 persons who initially arrived as nonimmigrants in 1983, of whom 5,000 were from Mexico, adjusted to permanent resident status. These statistics are right-censored as to departures after 1987 and permanent residence adjustments after 1986 (or the extent that all departure forms may not have been collected) (Kraly and Warren 1992). With more complete data for 1987, Kraly and Warren (1992) reported that long-term immigration reached 120,000 (including 8,000 from Mexico) and adjustments reached 96,000 (including 6,000 from Mexico). According to my own examination of 1988-1994 statistics, adjustments to nonimmigrants arriving in calendar 1983[9] were 9,093, 14,905, 29,683, 41,516, 7,553, and 2,683 for Fiscal Years 1988-1993 (including 561, 556, 8,226, 21,152, 26,839, and 3,092 from Mexico).[10] Longer observation for this transition would minimize right-censoring biases on long-term immigration measures.

The fourth question concerns nonimmigrants living in the United States in a hypothetical sense. To illustrate a technique for projecting the amount of long-term immigration associated with more recent nonimmigrant arrival cohorts, Kraly and Warren (1992) showed duration-specific proportions departing or adjusting to permanent residence for nonimmigrant arrival cohorts of 1983-1987.[11] Such a set of rates could be used to generate synthetic estimates for this additional components of long-term immigration for any year subject to applicability for other nonimmigrant arrival cohorts. The duration-of-stay statistics in U.S. Immigration and Naturalization Service (1996b) can be used to generate a hypothetical distribution of person-years in the United States for any departure cohort, but these statistics are not necessarily descriptive of any particular arrival cohort.

Unknowns: Emigration after Permanent Authorized Immigration

Following the post-war period of low immigration and low emigration, the volume of authorized immigration rose over the 1960s, 1970s, and 1980s. The magnitude of emigration after authorized immigration, also known as return migration or re-migration, began to shift upward. Absent official counts for departing immigrants, several studies using indirect approaches have described possible emigration levels for the 1960s, 1970s, and 1980s decades (Warren and Peck 1980; Warren and Kraly 1985; Warren and Passel 1987b; Woodrow-Lafield 1996a; Ahmed and Robinson 1994; Borjas and Bratsberg 1996).

The crucial question is whether emigration has perpetually increased in the latter half of the 20th century as the foreign-born population increased dramatically.

Emigration levels for 1960-1990 and 1960-1999 might be similar to levels over 1960-1980 if the propensity to emigrate may be lower among contemporary residents than among prior cohorts or because origin or other characteristics associated with lower propensity to emigrate may be more highly represented among the foreign-born recently residing in the United States. The compositional mix of the foreign-born population has shifted to include greater proportions of (1) Latin Americans and Asians for whom emigration has seemed lower than for Europeans (Jasso and Rosenzweig 1990; Warren and Kraly 1985) and (2) immigrants who entered under visa categories logically associated with lesser likelihood of return migrating, such as refugees, asylees, adjustees from nonimmigrant statuses, and formerly unauthorized or undocumented or temporarily resident individuals.

The empirical evidence is mixed as reviewed in Kraly (1997) and Woodrow-Lafield (1997). First, Borjas and Bratsberg (1996:169) found emigration for immigrants entering in the 1970s of about 900,000 by 1980, which equaled three-quarters of that for all period of entry groups found by Warren and Passel (1987b). This level for recent entrants' emigration may be overestimated by not allowing for 1980 census undercoverage. The range of total emigration for 1980 census coverage research was about .9 to 1.9 million foreign-born emigrants. Second, multiplicity sampling-based surveys of U.S. residents about nonresident relatives were fielded to measure emigration occurring over 1980-1989 (Woodrow-Lafield 1996a). Because the emigrant population is relatively small, the survey estimates are subject to considerable sampling variance. Based on these results and sensitivity analyses using emigration rates by age, sex, period of entry, and country or region of origin, the preliminary 1990 census coverage evaluation employed an estimate of 1.33 million for net emigration of legally resident foreign-born for the 1980s and allowed a range of .8 million to 2.2 million (Woodrow 1991b). An intercensal approach (as in Warren and Peck 1980) yielded a result toward the upper end of this range (Ahmed and Robinson 1994) suggesting higher emigration in the 1980s than in the 1970s. A higher emigration allowance was adopted for population programs in the 1990s, but the effect was offset by an increased allowance for net population change due to net unauthorized or undocumented migration. Two methodological questions concern comparability of coverage in the context of rising nonimmigrant arrivals and continuing unauthorized or undocumented immigration and the validity of assuming similar propensities to emigrate for pre-1980 immigrants and post-1980 immigrants within age, sex, and country of birth subgroups. These points are considered at length in Woodrow-Lafield (1997) and Kraly (1997).

The preponderance of evidence about emigration is more adequate for positing a broad range than for stating that emigration levels are higher in the 1980s or 1990s than in the 1970s. For the purposes of estimating net authorized immigration as of the 1980s and 1990s, assumptions about the level and composition of

emigration flows are generally consistent with prior research for the 1960s and 1970s. For post-1989 analyses, alternative series show the effects of varying annual emigration among 95,000, 133,000, or 195,000. Compositional detail by age, sex, and period of entry would be tenuous. The studies by Woodrow and others (Woodrow, Passel and Warren 1987; Woodrow and Passel 1990; Woodrow 1992c) using independently constructed estimates for the legally resident foreign-born population in the 1980s did not produce age and sex detail with the exception of Passel and Woodrow (1987). Legal foreign-born emigrants will be distributed to Mexico as country of origin and to all other countries of origin on the basis of Warren and Kraly (1985) as for unauthorized or undocumented research (Woodrow and Passel 1990; Woodrow 1992c).

The Mexico-born population has increased dramatically since 1950, but that increase has been dominated by authorized immigration—primarily family-based and legalization-based. The current magnitude of the Mexico-born population poses conflicting expectations about return migration levels. In one sense, there might seem to be lesser propensity for return migration given a greater density on authorized status, greater demographic diversity, and possibly greater representation of sending communities at migration maturity. Alternatively, the Mexico-born population accumulated over entry cohorts of the 1970s, 1980s, and 1990s could be approaching a "critical mass" for return migration when Mexican return migration could become more easily discernible, despite limitations of methodologies. Such a shift would be detectable by comparing multiplicity sampling-based estimates of Mexican emigrants as Woodrow-Lafield (1996a) found for the post-IRCA period (e.g., 1988-1998 or 1988-2003).

Unknowns: U.S. Residence of Agricultural Legalization Beneficiaries

Meaningful distinctions exist among agricultural legalization applicants, agricultural legalization-approved beneficiaries, agricultural legalization-default beneficiaries, and residents becoming agricultural legalization-approved beneficiaries. The agricultural legalization beneficiaries may not be presumed automatically as living in the United States because their "proof" of agricultural work experience did not establish usual residence in the United States. As well known from studies based on the Mexican Migration Project, Mexican migration is a complex process. Within that data base, settlers abroad are defined on the basis of having a U.S. stay of at least three years. Because about 700,000 agricultural legalization applications were filed in May 1988-November 1988 (498,000 in the *last two months*), the agricultural legalization program may have been a magnet for aliens seeking U.S. residence status and may have ultimately promoted migration to and settlement in

the United States. (Also, see Martin 1990, 1994, 1996.) Further confusing the issue of whether agricultural legalization beneficiaries live in the United States, the INS automatically granted lawful permanent resident status to all agricultural legalization beneficiaries. That benefit was extended to both approved beneficiaries and default beneficiaries, whose applications INS simply failed to deny, with about 900,000 receiving approval and becoming "lawful permanent residents" by the default deadline of December 1, 1990.

Three sources offer some insights to the behavior of agricultural legalization beneficiaries following legalization. First, the National Agricultural Workers Survey (NAWS) acquired individual migrant workers' legal status; almost one-half of the migrant workforce in 1989—1991 had legalized under IRCA (Gabbard, Mines, and Boccalandro 1994).[12] Samardick (1995) reported that about 32 percent of Mexico-born migrant workers in 1993-1994 had SAW status and another 7 percent were general legalization beneficiaries. Many of the agricultural legalization beneficiaries appear to have continued working in seasonal agricultural services. Second, the numbers awaiting second preference visas for spouses and children of legalization beneficiaries as of January 1993, 1994, 1995, and 1996 exceeds the likely level for the generally legalized population (Woodrow-Lafield 1995b), suggesting that as many as one-half million are dependents of agricultural legalization beneficiaries. The third indicator of agricultural legalization beneficiaries' residence in the U.S. rather than their origin country will be their behavior in seeking to naturalize. All were eligible to begin to apply for naturalization on or before December 1, 1995. Naturalization applications for fiscal year 1996 were markedly higher for 1996 (1.2 million) over the previous year, but INS has not updated information about applications for naturalization among eligible generally legalized immigrants or agricultural legalization beneficiaries. As of May 1994, only 7.7 percent of eligible generally legalized immigrants (233,000) had applied to naturalize (U.S. Department of Labor (1996:107). Current levels of completed naturalization levels would help in inferring U.S. residence for agricultural legalization beneficiaries.

Unknowns: Immigrant Flow Effects from IRCA

The U.S. presence of family members of IRCA beneficiaries must be viewed carefully in building an accounting model for the legally resident foreign-born population. The consequences of the general legalization program under IRCA will be considerable with as many as three million future immigrants related to these legalization beneficiaries, including at least one million Mexican relatives (Woodrow-Lafield 1994a). As noted above, many relatives were here with authorized permanent status. Approximately 136,000 spouses, 223,000 children, 30,000 parents,

130,000 siblings, and 102,000 other relatives were living in IRCA beneficiaries' households in 1992 and had nonresident statuses (family fairness, temporary visa, other, or missing). Within households of legalized Mexican immigrants, there were 91,000 spouses, 159,000 children, 19,000 parents, 99,000 siblings, and 69,000 other relatives in nonpermanent statuses, totaling 436,000 (unpublished analyses by Woodrow-Lafield). The problem of family disruption became apparent in 1987 with cases of families with members ineligible to apply for amnesty, leading to INS' policy known as "family unity" or "family fairness." The IA90 was an attempt to resolve these situations with up to 55,000 visas for spouses and children of legalization beneficiaries. A lesser amount resulted (140,000 and the second preference visa waiting list counts associated with legalization beneficiaries grew to 739,774 in January 1993 and remained high (853,382, and 824,000 in 1994 and 1995), including many spouses and children of agricultural beneficiaries (U.S. Department of State 1993, 1994, 1995; U.S. Commission on Immigration Reform 1995). Empirical evidence exists for the immigrant flow consequences from the general amnesty, but none exists for those from the agricultural legalization. Given the high level of uncertainty surrounding the agricultural legalization beneficiaries as possible U.S. residents, this additional data gap is very serious.

Waiting times for new applicants are growing progressively longer and approaching ten years' duration (U.S. Commission on Immigration Reform 1995). Resident dependents of IRCA beneficiaries will eventually be incorporated into future estimates for the legally resident foreign-born population as they become lawful permanent residents with allocated visas for 1992-1994, with second preference (or first, third, or fourth preference) visas in some year, or under provisions for immediate relatives (parents, spouses, or minor children) of U.S. citizens. To date, those from the first category and some of the second will be incorporated. Omission of others from the authorized estimate causes overestimation of an unauthorized or undocumented residual.

A more expedient way for the IRCA beneficiary to bring close family members as legal immigrants to the United States will be the two-tier processes of naturalization and sponsorship under numerically exempt immediate relatives provisions. Many of those who were minor children (100,000-200,000) at the time of visa petition filing may have aged into adulthood by the time of visa issuance and therefore be ineligible (U.S. Commission on Immigration Reform 1995). Among Mexican respondents in the 1992 LPS, nearly three-quarters indicated they would either "definitely" or "probably" apply for naturalization upon becoming eligible (Woodrow-Lafield 1995c). This study is consistent with microeconomic theory about naturalization decisionmaking in that having a coresident sibling without permanent status and having a parent or sibling intending to immigrate are significantly associated with intending to apply for naturalization.

If IRCA-legalized immigrants were able to complete the naturalization process easily and quickly, then the numbers of spouses and children who would become lawful permanent residents under immediate relatives' provisions during 1995-1998 would be approximately 300,000, considering Woodrow-Lafield's (1994a, 1995b) work, and if SAW-legalization immigrants were equally able to naturalize, the entire backlog of 824,000 might be converted into legal immigrants (if there were no aging of minor children). These figures could even be conservative because some naturalizing legalized immigrants may not have petitioned for their spouses' and minor children's admission under second preference, fearing that might jeopardize their chances of securing nonimmigrant visas for short-term visits. Probably some three-quarters of these various figures would represent Mexican origins. Two other plausible explanations for arguing that these figures may be conservative is that the empirical evidence omits future family unification to agricultural legalization beneficiaries and migration and U.S. settlement of agricultural legalization beneficiaries may be as lengthy as described in the work of Massey and others. It is conceivable that the visa waiting list under second preference could double or triple over the next few years.

Net Authorized Immigration for 1979-1989

The construction of the 1979, 1983, 1986, 1988, and 1989 estimates for legally resident foreign-born populations uses the 1980 base population and authorized immigrants by age group, sex, period of entry, and country of birth, with all survival calculations preserving this specificity. The decrements for emigration and increments for legalizations are made in the last stage by country of origin and period of entry. Illustrative increments for agriculturally legalized residents are by sex for Mexico and all other countries. The increment for generally legalized immigrants could more easily be made by age and sex than the increments for agriculturally legalized immigrants or immigrant flows from IRCA beneficiaries' sponsorship.

Published detail by estimated authorized status has always been restricted, whether to age groups, sex, country, and period of entry (Warren and Passel 1987a), broader age groups, country, period of entry, and state of residence (Passel and Woodrow 1984b), or period of entry and region of birth (Passel and Woodrow 1987; Woodrow, Passel, and Warren 1987; Woodrow and Passel 1990; Woodrow 1992c). The census-based studies carried risks of various estimation errors, which might be either independent or cumulative. The survey-based studies have the added limitations of sampling errors to prohibit highly detailed analyses of demographic and origin characteristics; therefore, demographic detail in studies after the 1980 census was incorporated for instrumental purposes rather than for its intrinsic value.

Without Accounting for IRCA Legalizations

Prior studies showed post-1986 estimates for the legally resident foreign-born population without any amnestied aliens pursuant to IRCA for estimating net population change due to unauthorized or undocumented immigration. Without allowing for legalizations pursuant to the amnesty provisions of IRCA, the foreign-born population legally resident would have grown from 7.0 million to 11.4 million over 1979-1989 (second tier, Table 3). This increase is only from post-1981 immigration. Recently admitted authorized Mexico-born immigrants accounted for slightly more than one-tenth of net authorized immigration for the post-1981 entry period.

With Accounting for Generally Legalized Immigrants

The featured or preferred estimates (first tier) for the legally resident foreign-born population showed an increasing trend over 1979-1989 from 7.0 million to 13.1 million. The rate of increase was greater for the legally resident Mexico-born population as the number more than doubled over that decade from 1,388,000 to 2,522,000. Without considering origin, most of the increase is attributable to post-1981 immigration. With closer examination, most of the increase for the Mexico-born population is almost wholly from the IRCA legalization of aliens proving continuous unauthorized or undocumented residence since before January 1, 1982. As a reminder, these estimates of the legally resident foreign-born population were produced under the auspices of the Census Bureau's 1980 and 1990 census coverage evaluation programs and, accordingly, are intended to represent those individuals meeting the Census Bureau's criteria for living in the United States on a usual basis.

With Incorporation Of Agriculturally Legalized Beneficiaries As Residents, Alternative Series

The issue of agricultural legalization applicants' inclusion in the legally resident estimate, in national surveys or the census, and in survey-based unauthorized or undocumented estimates was complicated during 1988-1990. For example, the review of the illegal immigration component by Himes and Clogg (1992) mentioned only the generally legalized immigrants. Until the deadline of December 1, 1990, the INS might have refused many of the applicants on the basis of having shown insufficient grounds. Making any allowance for agricultural legalization beneficiaries' residence affects primarily the overall legally resident foreign-born and legally resident Mexico-born populations.

Table 3
Estimates of Net Legal Immigration with Legalizations, 1979–1989, Total and Mexican-born

Data and Source	Total (in thousands)			Mexico-born (in thousands)		
	Total	Entered Before 1982	Entered After 1981	Total	Entered Before 1982	Entered After 1981
Preferred						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,104	8,887	4,217	2,999	2,522	477
Without any IRCA legalizations						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	10,728	7,369	3,359	1,766	1,378	389
1989, Woodrow (1991a, 1992c)	11,440	7,223	4,217	1,837	1,360	477
With general legalizations and low number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,354	8,887	4,467	3,211	2,522	689
With general legalizations and moderate number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	13,604	8,887	4,717	3,449	2,522	927
With general legalizations and high number of SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	2,316	1,400	1,400	260
1986, Woodrow, Passel and Warrent (1987)	9,911	7,595	3,359	1,657	1,397	389
1988, Woodrow and Passel (1990)	12,473	9,114	4,217	2,985	2,597	477
1989, Woodrow (1991a, 1992c)	13,879	9,662	4,992	3,774	3,297	1,252

Table 3 (Continued)

Data and Source	Total (in thousands)			Mexico-born (in thousands)		
	Total	Entered Before 1982	Entered After 1981	Total	Entered Before 1982	Entered After 1981
With general legalizations and nearly all SAW beneficiaries as residents						
1979, Passel and Woodrow (1987)	7,036	7,036	–	1,388	1,388	–
1980, Passel and Woodrow (1984)	7,173	7,173	–	1,400	1,400	–
1986, Woodrow, Passel and Warren (1987)	9,911	7,595	2,316	1,657	1,397	260
1988, Woodrow and Passel (1990)	12,473	9,114	3,359	2,985	2,597	389
1989, Woodrow (1991a, 1992c)	14,104	8,887	5,217	3,799	2,522	1,277

Post-1986 analyses included illustrative estimates based on alternative assumptions about inclusion of agricultural legalization applicants as legally resident for November 1989. The scenarios, similar to those presented in Woodrow and Passel (1990) and Woodrow (1992c), are:

- *Low* assumption of agricultural legalization beneficiaries as residents, for which each is assumed to have resided in the United States, on average, for three months, implying that 250,000 would be included;
- *Moderate* assumption of agricultural legalization beneficiaries as residents, for which each is assumed to have resided in the United States, on average, for six months, implying that 500,000 would be included;
- *High* assumption of agricultural legalization beneficiaries as residents, for which 550,000 beneficiaries (including 100,000 Group I and 450,000 Group II) are assumed as continuously resident in the United States and for which 450,000 beneficiaries are assumed to have resided in the United States, on average, for six months, implying that a total of 775,000 would be included;
- *All* assumption of agricultural legalization beneficiaries as residents, for which nearly all beneficiaries are assumed to have resided in the United States permanently, for inclusion of 1,000,000.

The effect of incorporating agricultural legalization beneficiaries as residents increases the post-1981 portion of net authorized immigration with especially marked increase for the Mexico-born population. The 1988 and 1989 studies also considered composition by sex with illustrative scenarios (Figure 3). Given implications for derivation of unauthorized or undocumented estimates, it appeared in the late 1980s

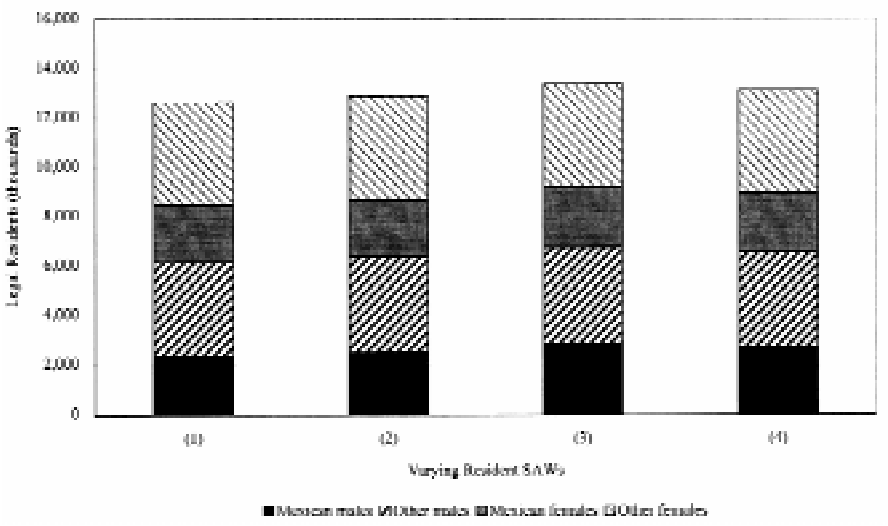

Figure 3. Legally Resident Mexico- and Other Foreign-born for 1989

as if the demographic and origin characteristics of the agricultural legalization applicant pool constrained the feasible assumptions at that time to low and moderate ones. Allowing for inclusion of more than 500,000 agricultural legalization applicants (perhaps 425,000 from Mexico) in the legally resident estimate led to unbalanced sex ratios and implausible unauthorized or undocumented estimates based on the 1988 and 1989 CPS (Woodrow and Passel 1990; Woodrow 1991a, 1992c). Some or many SAWs may certainly have been living in the United States prior to final INS processing and simply have been omitted from the CPS estimates of the foreign-born population. The likelihood of high census and CPS undercoverage for agricultural legalization beneficiary residents is obvious, particularly if they resemble agricultural migrant workers (Kissam 1993; La Cooperativa Campesina de California 1991; Gabbard, Kissam, and Martin 1993).

On an average annual basis, the combined unauthorized or undocumented and IRCA-legalizing population increased by about the same amounts among nearly all the time periods for all countries combined—approximately 200,000. For the various time intervals 1979 to 1989, 1979 to 1986, and 1986 to 1989, average annual change ranged between 163,000 and 218,000 (with confidence intervals bounded by 57,000 and 288,000). As apparent from Figure 4, if one abides by this range of variability, the amount of net population-level change due to unauthorized or undocumented immigration over the 1980s has considerable uncertainty. The decade's amount might have been about one-half million, or greater by a factor of five.

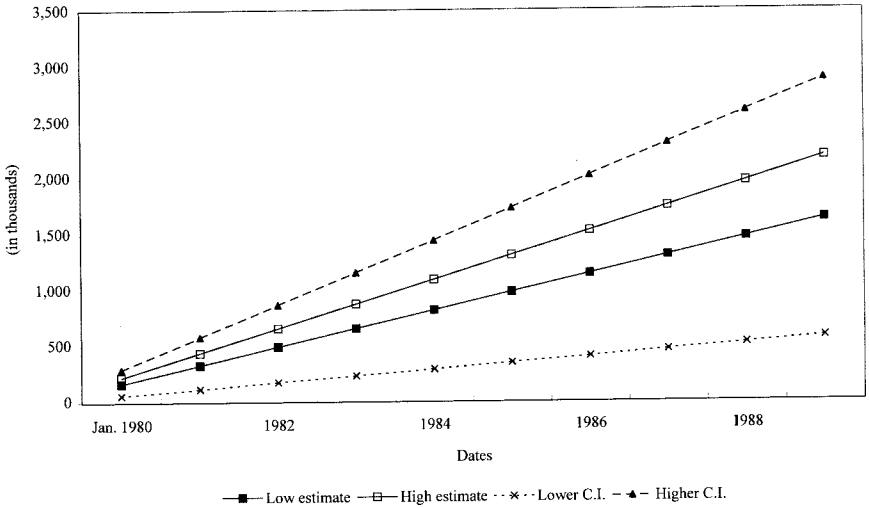

Figure 4. Net Population Change Due to Estimated Undocumented Immigration

Some authors have incorrectly given a range of 100,000 to 200,000 yearly as based on the Census Bureau's studies of population growth from unauthorized or undocumented migration for the 1980s (Simcox 1994; Warren 1994b). However, the range of 100,000 to 300,000 was consistently quoted for population-level change beginning with Passel and Woodrow's analysis (1987) for 1979-1983 corresponding with confidence intervals on estimates for annual change (Passel and Woodrow 1986; Woodrow 1992c:134). One explanation is that some readers may interpret the survey-based estimates too literally without heeding sampling errors. Alternatively, the misinterpretation may have happened when the population projections methodology (U.S. Bureau of the Census 1989) anticipated a post-IRCA decline as, apparently, even Congress believed there had been "significant progress" in closing Athe back door to illegal immigration@ (Day 1996:69). One must also be careful to recall that population estimates and projections, and the 200,000 allowed annually for change due to unauthorized or undocumented migration, are *only census-level*.[13]

Caveats

When considered independently of any survey evidence on immigrants, interpretation of net authorized immigration estimates require cognizance of only possible estimation errors with cumulative, rather than merely offsetting, effects.

Because these estimates were prepared for the purpose of monitoring unauthorized or undocumented immigration during the 1980s, other implications of measurement errors are relevant. Although drawn from non-survey sources, the methodology for deriving undocumented populations as a residual requires statistical significance testing as if legally resident estimates were included within the survey. The presence of sampling or nonsampling errors for certain subpopulations can be signaled by negative unauthorized or undocumented estimates as was the case for non-Latin American populations with the November 1989 analysis.

Net Authorized Immigration: 1990 and Beyond

For Census Day, 1990

Demographic analysis of 1990 census coverage estimated the total resident population at 253.4 million, including the unauthorized or undocumented population residing in the United States on April 1, 1990 by May 1991, prior to the Secretary of Commerce's decision on whether to adjust the 1990 census apportionment counts for undercoverage. However, demographers could not replicate previous analyses, that is, compare the legally resident foreign-born population estimate as of Census Day 1990 with the 1990 census count of the foreign-born population which was unknown until early February of 1992 and officially tabulated by 1993 (U.S. Bureau of the Census 1993a, b). Three research memoranda undertaken in the demographic analysis program over 1990-1991 are relevant: Project *D2: Preliminary Estimates of Undocumented Residents in 1990* (Woodrow 1991a); *Project D5: Preliminary Estimates of Emigration Component* (Woodrow 1991b), *Project D7: Uncertainty Measures for Other Components* (Robinson, Woodrow, and Ahmed 1991). For the census evaluation, the emphasis was on measuring overall undercoverage of all residents by age, sex, and race. Partitioning of legally resident and unauthorized or undocumented populations was not necessary and Woodrow (1991a) noted that the unauthorized or undocumented component might include some legally resident immigrants.[14]

Net Immigration by Authorization Status

Authorized Residents

In Robinson et al.'s (1993) analysis of 1990 census coverage, the implicit estimate for legal foreign-born residents as of Census Day 1990 would be 16.7 million as a minimum after incrementing the November 1989 estimate of

Woodrow (1991a, 1992c) with 250,000 additional legal immigrants over December 1989-March 1990 as described in Woodrow (1992b) and Woodrow-Lafield (1995a). That figure would have included at least 3 million Mexico-born authorized residents. For the "entered since 1960" population, the overall figure would be at least 13.4 million.

A prime source of uncertainty about the legally resident foreign-born population for 1990 is the size of the resident population having benefited from the agricultural legalization provisions of IRCA. With assumptions about resident agricultural legalization beneficiaries, the overall estimate could increase to 17.6 million and the Mexico estimate would increase rather markedly to 3.8 million. The component for authorized immigration over the 1980s was bounded by 5.9 and 8.3 million for modeling uncertainty in the total resident estimate (Robinson et al. 1991, 1993; Robinson, Woodrow, and Ahmed 1991), to account for uncertainties as to agricultural legalization and emigration.

The two published estimates for legally resident foreign-born persons in 1990 shown in Table 1 and for the Mexico-born portion shown in Table 2 are similar in methodological divergence from pre-1990 census studies. Citing nonspecific authorized immigration, including agricultural legalization beneficiaries, nonimmigrants becoming permanent residents in the 1990s, special EVD and TPF statuses, and dependents of IRCA-legalized beneficiaries,[15] Woodrow-Lafield (1995a) used estimates of 14.354 million and 17.690 million for the legally resident foreign-born population entered since 1960 and entered in all time periods. Clark et al. (1994) similarly allowed explicit amounts for agricultural legalization beneficiaries' presence, foreign students, and other nonimmigrants for overall estimates of 17.749 million, including 3.469 million Mexicans for 1990.

Unauthorized or Undocumented Residents

The Census Bureau's estimate is there were *3.3 million unauthorized or undocumented residents on April 1, 1990* as of a 1991 report. This figure was initially presented as a preliminary estimate (Woodrow 1991a) and underwent extensive review by internal committees, external demographers (Himes and Clogg 1992), and the Special Advisory Committee on Adjustment. Two approaches were used. The first one explored effects of differential coverage between the estimate of the unauthorized or undocumented population as of November 1989 based on Current Population Survey (CPS) data and the 1990 census. The second presented assumptions about total unauthorized or undocumented residents as of 1980 (2 to 4 million), total net unauthorized or undocumented immigration for 1980-1990 (2 to 3 million or 200,000 to 300,000 annually), and total IRCA legalizations for 1980-1990 (2 to 3 million). The assumption about net population change due to

unauthorized or undocumented immigration is grounded in studies of unauthorized or undocumented migration through the 1980s (e.g., Woodrow 1992c).

These direct and implicit estimates of the total number of unauthorized or undocumented residents as of April 1, 1990 converged on *a "point" estimate of 3.3 million as the best "working" estimate* as of a 1991 report. *The "likely" range associated with this point" estimate was given as 1.9 million to 4.5 million*, especially to account for the agricultural legalization. To account for the broad band of uncertainty of the unauthorized or undocumented component, the preliminary estimates of 1990 census coverage from demographic analysis assumed that *the true number of unauthorized or undocumented residents in 1990 was between 1.7 million and 5.5 million* as a worst case scenario of census undercoverage (Woodrow 1991a, Robinson et al. 1991, 1993). These "bet the house" limits (Das Gupta and Robinson 1991) represent the 99.9% limits and the 95% limits for the unauthorized or undocumented component are *2.4 million to 4.7 million*. In its review, the U.S. General Accounting Office (1993) did not recognize this difference and implied the Census Bureau had an unrealistically high upper limit on the number of unauthorized or undocumented residents in 1990.

This preliminary point estimate for net unauthorized or undocumented immigration for the 1980s and associated ranges gained legitimability as the Census Bureau's official work on the component. A subsequent report (Fernandez and Robinson 1994) extrapolated the point estimate of 3.3 million simplistically to October 1992 and April 1994 as a conservative upper limit with INS estimates for unauthorized residents as a lower limit (Warren 1993).[16]

Coverage and Components Errors

Census Coverage of Resident and Legally Resident Foreign Born

A comparison of the legally resident foreign-born population estimate with a census or survey estimate of foreign-born persons yields only a minimum for unauthorized or undocumented residents included in the census or survey, because there may be undercoverage of legal residents. Undercoverage of unauthorized or undocumented residents contributes to underestimation of unauthorized or undocumented residents in the United States (Woodrow-Lafield 1995a).

Demographic analysis estimates for the total 1990 resident population were detailed by age, sex, and race. This demographic detail for the net unauthorized or undocumented immigration component was synthetically estimated on the basis of the age-sex-country compositions of the generally legalized and agriculturally legalized populations. Census coverage research focuses on selected demographic and social characteristics (age, sex, race, Hispanic origin, area of residence, et al.)

without considering nativity status. The demographic analysis program offers limited view of Hispanic undercoverage so one might wonder whether the postenumeration survey estimates of Hispanic undercoverage might be representative of the absolute upper limit on undercoverage of Hispanic unauthorized residents. The key problem is that the postenumeration survey suffers from correlation biases, in a tendency to miss many of the same difficult-to-enumerate subgroups as the census. The composition of Hispanic undercoverage is unknown as to the reference groups of natives, lawful foreign-born residents, and unauthorized residents. Woodrow-Lafield (Forthcoming) allowed for up to 14 percent undercoverage of the foreign-born population, or as much as three million, which would mean that nearly two of every missed three persons could be foreign-born.

Plausibility Ranges for Total, Mexico-born

Based on detailed review (Woodrow-Lafield, Forthcoming) of possible errors in estimating unauthorized or undocumented residents for 1990, the greatest possible estimate would be about 8 million. That improbable extreme could hold only if all of the errors were in the direction of underestimating unauthorized or undocumented residents. A range of *2 to 6 million is defensible as reasonably representing the unauthorized or undocumented population in 1990* corresponding with a 95-percent level of certainty and liberal or broad assumptions of the ranges of possible errors. *The broader the range given for a particular estimated unauthorized or undocumented or legally resident population, the more conservative the statement about the population. A more narrowly specified range requires stronger support for the associated assumptions.*

Similarly looking at the evidence of total and authorized immigration from Mexico, *the number of unauthorized or undocumented Mexican residents as of 1990 is slightly under 1 million to slightly more than 2 million* (at 95-percent certainty) (Woodrow-Lafield 1996e). The likely range around a point estimate of 3.2 million for the legally resident Mexico-born population is 3 million to 3.9 million. The greatest possible unauthorized or undocumented estimate would be 2.7 million if all of the errors accumulated in the direction to minimize the legally resident estimate and maximize the unauthorized or undocumented residual.

Statistical significance testing and derived confidence intervals on point estimates can only be approximate with these types of authorized status population estimates. It is very critical to remember the underlying rationale of statistical inference, that as one broadens the confidence interval or raises the level of certainty associated with the interval, one decreases the chances of not including the true population parameter in the sample. If one were willing to accept only a 65% level of certainty, one could draw from Woodrow-Lafield's study (1996e) to state that

the total number of unauthorized or undocumented Mexican residents for 1990 ranged *between 1.2 and 1.9 million, a substantially narrower range.* However, there is considerable risk that the true population size lies beyond this range.

Beyond 1990

Authorized Immigration

Lawful Permanent Resident Alien Admissions

Since the 1990 census, there have been over 5 million admissions of lawful permanent residents, net of IRCA legalizations. That figure includes about one-half million from Mexico. Nearly two-thirds of the lawful permanent resident admissions in Fiscal Years 1990 and 1991 were legalization adjustments. The fiscal year 1991 was the peak year for agricultural legalization adjustments, primarily of the agricultural legalization-default beneficiaries. Many of the aliens, who applied for adjustment in fiscal year 1995, the first year of implementation of the new on-soil policy, did not gain permanent resident status until fiscal year 1996.[17]

Net Authorized Immigration

Alternative Series, Varying Emigrants, Agricultural Legalization Beneficiaries as Residents, or other Nonspecific

Alternative series of estimates for net authorized immigration[18] as of 1990 and beyond 1990 are presented in Table 5 that consider uncertainties as to emigration of authorized immigrants, incorporation of agricultural legalization beneficiaries as U.S. resident, and nonspecific sources of net authorized immigration. The range for the low (95,000), moderate (133,000), and extreme (195,000) assumptions about annual levels of emigration is narrow, although those differences would accumulate over the number of years. For the Mexico-born, these assumed amounts of emigration are slight given the emphasis on emigration of lawful permanent residents—9,000, 13,000, or 20,000 in accordance with Warren and Passel (1987b). The range for incorporation of agricultural legalization beneficiaries as residents is difficult to say and so to be viewed as tentative. The assumed amounts for incorporation of agricultural legalization beneficiaries as residents is 300,000 (250,000 for Mexico), 550,000 (400,000 for Mexico), or 850,000 (700,000 for Mexico). The range for nonspecific sources of legal immigration may be conservatively stated for all countries and yet may be well designed for Mexico. The assumed amounts for other nonspecific sources of authorized immigration are zero, 700,000 (250,000 for Mexico), or 1,000,000

Table 4

Lawful Permanent Residents Admitted to the United States, Fiscal Years 1990–1996

			All IRCA Legalizations					
	Total Admitted		(From 1982 and Agricultural)		IRCA SAW Legalizations		IRCA dependents	
Fiscal Year	Total	Mexico-born	Total	Mexico-born	Total	Mexico-born	Total	Mexico-born
1990	1,536,483	679,068	880,372	622,519	56,668	51,187	(X)	(X)
1991	1,827,167	946,167	1,123,162	893,301	909,159	740,761	(X)	(X)
1992	973,977	213,802	163,342	122,470	116,380	89,086	52,272	28,449
1993	904,292	126,561	24,278	17,534	5,561	4,022	55,344	39,243
1994	804,416	111,398	6,022	4,403	1,586	1,362 *	34,074	33,136
1995	720,461	89,932	4,267	2,972	1,143	982	277	222
1996	915,900	163,572	4,635	3,605	1,349	1,158	184	147
1990-1996	7,682,696	2,330,500	2,206,078	1,666,804	1,091,846	888,558	142,151	101,197
1991-1996	6,146,213	1,651,432	1,325,706	1,044,285	1,035,178	837,371	142,151	101,197

* Not applicable

Some figures are for North American countries.

Source: 1990-1995 Statistical Yearbooks. Materials prepared for Binational Study (June 1995), Table 6. Immigrants Admitted by Major Category of Admission and Region and Selected Country of Birth: Fiscal Year 1996, (http://www.ins.usdoj.gov/public/stats/1007.html). U.S. Immigration and Naturalization Service.

(800,000 for Mexico). The latter set of assumptions is intended to encompass those residents whose status might be considered as neither authorized nor unauthorized or undocumented at the present time who might be sponsored by a naturalizing relative who is an IRCA legalization beneficiary. In a sense, this nonspecific component is an effort to make the accounting less atomistic or individualistic and to account for clustering or family patterns of migration resulting from IRCA. An expert's assumptions are only that subject to review of prior studies and possibilities for errors. The assumptions shown involve a certain degree of arbitrariness as to magnitude and composition.

The columns for net authorized immigration for entry 1960-1990 are based on carrying forward the estimated legally resident foreign-born population of Woodrow (1991a, 1992c) from December 1, 1989 to April 1, 1990 primarily with additional legal admissions and additional general legalizations for most tiers. Figures for net authorized immigration for 1960-1996 are constructed by surviving the 1989 base estimate until 1996, adding surviving numbers of admissions of lawful permanent residents 1990-1996 (net of legalization adjustments), adding generally legalized immigrants, subtracting estimated emigrants, adding agriculturally legalized immigrants, and adding other nonspecific amounts as indicated.

The first tier of estimates ((1) through (3)) for the legally resident foreign-born population or net authorized immigration as of 1990 or 1996 is most consistent with official procedures for counting individuals as contributing to the resident population as immigrants or settlers. This set is the lowest representation of net authorized immigration. The second tier of estimates ((4) through (6)) is slightly higher to reflect a low allowance for agriculturally legalized residents. With set (5), the estimate is about the same as for Clark et al. (1994). Among all the estimates, including the other tiers, sets (7) through (30), the amount of net authorized immigration as of 1990 ranged between 13,092,000 (3) and 15,854,000 (28). The amount of net authorized immigration from Mexico as of 1990 ranged between 3,199,000 (3) and 4,807,000 (28).

Net authorized immigration from all countries over 1960-1996 shows an increase of at least three million relative to the period 1960-1990, when holding assumptions constant. The low estimate appears in set (3)—16,105,000—and the high estimate in set (28) is 19,415,000. Net authorized immigration of Mexicans as of 1996 ranged from 3,870,000 (3) to 5,543,000 (28). The extreme allowance for nonspecific sources of authorized immigration may be beyond the range of reality, so that these upper limits might be shifted downward to set (20)—18,534,000 for all countries and 4,924,000 for Mexico. Dramatically higher figures are also conceivable as borne out by the earlier discussions. Depending upon the degree to which one of the alternative series might be more accurate than set (17), the divergence from prior estimation strategies would be greater or lesser. Fiscal years

Table 5

Net Legal Immigration, 1990 and 1996, Alternative Series, Varying Assumptions on Specificity, Residence of Agricultural Legalization Beneficiaries, and Emigration (Population in Thousands)

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1996	Mexico-born Entered Before 1996
With low-zero allowance for nonspecific,				
Without any allowance for SAW beneficiaries as residents,				
1. With low assumption for emigration (95,000)	14,003.67	3,306.9	17,564.686	4,043.0895
2. With moderate assumption for emigration (133,000)	13,641	3,264	16,984.414	3,727.5225
3. With extreme assumption for emigration (195,000)	13,091.5	3,199	16,105.214	3,870.4495
With low-zero allowance for nonspecific,				
With low allowance for SAW beneficiaries as residents (300,000, 250,000 Mexican),				
4. With low assumption for emigration (95,000)	14,303.67	3,556.9	17,864.686	4,293.0895
5. With moderate assumption for emigration (133,000)	13,941	3,514	17,284.414	4,224.4495
6. With extreme assumption for emigration (195,000)	13,391.5	3,449	16,405.214	4,120.4495
With low-zero allowance for nonspecific,				
With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican)				
7. With low assumption for emigration (95,000)	14,553.67	3,756.9	18,114.686	4,493.0895
8. With moderate assumption for emigration (133,000)	14,191	3,714	17,534.414	4,424.4495
9. With extreme assumption for emigration (195,000)	13,641.5	3,649	16,655.214	4,320.4495

Table 5 (Continued)

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1996	Mexico-born Entered Before 1996
With low-zero allowance for nonspecific,				
With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican)				
10. With low assumption for emigration (95,000)	14,853.67	4,006.9	18,414.686	4,743.0895
11. With moderate assumption for emigration (133,000)	14,491	3,964	17,834.414	4,674.4495
12. With extreme assumption for emigration (195,000)	13,941.5	3,899	16,955.214	4,570.4495
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With low assumption of SAW beneficiaries as residents (300,000, 250,000 Mexican)				
13. With low allowance for emigration (95,000)	15,003.67	3,806.9	18,564.686	4,543.0895
14. With moderate assumption for emigration (133,000)	14,641	3,764	17,984.414	4,474.4495
15. With extreme assumption for emigration (195,000)	14,091.5	3,699	17,105.214	4,370.4495
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican)				
16. With low assumption for emigration (95,000)”	15,253.67	4,006.9	18,814.686	4,743.0895
17. With moderate assumption for emigration (133,000)	14,891	3,964	18,234.414	4,674.4495
18. With extreme assumption for emigration (195,000)	14,341.5	3,899	17,355.214	4,570.4495
With moderate allowance for nonspecific (700,000, 250,000 Mexican),				
With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican)				
19. With low assumption for emigration (95,000)	15,553.67	4,256.9	19,114.686	4,993.0895
20. With moderate assumption for emigration (133,000)	15,191	4,214	18,534.414	4,924.4495
21. With extreme assumption for emigration (195,000)	14,641.5	4,149	17,655.214	4,820.4495

Table 5 (Continued)

Description and Assumptions	Total Entered 1960-1990	Mexico-born Entered Before 1990	Total Entered 1960-1996	Mexico-born Entered Before 1996
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican), With low allowance of SAW beneficiaries as residents (300,000, 250,000 Mexican)				
22. With low assumption for emigration (95,000)	15,303.67	4,356.9	18,864.686	5,093.0895
23. With moderate assumption for emigration (133,000)	14,941	4,314	18,284.414	5,024.4495
24. With extreme assumption for emigration (195,000)	14,391.5	4,249	17,405.214	4,920.4495
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican), With moderate allowance for SAW beneficiaries as residents (550,000, 450,000 Mexican)				
25. With low assumption for emigration (95,000)	15,553.67	4,556.9	19,114.686	5,293.0895
26. With moderate assumption for emigration (133,000)	15,191	4,514	18,534.414	5,224.4495
27. With extreme assumption for emigration (195,000)	14,641.5	4,449	17,655.214	5,120.4495
With extreme allowance for nonspecific (1,000,000, 800,000 Mexican), With extreme allowance for SAW beneficiaries as residents (850,000, 700,000 Mexican)				
28. With low assumption for emigration (95,000)	15,853.67	4,806.9	19,414.686	5,543.0895
29. With moderate assumption for emigration (133,000)	15,491	4,764	18,834.414	5,474.4495
30. With extreme assumption for emigration (195,000)	14,941.5	4,699	17,955.214	5,370.4495

Note: See text for explanation of various assumptions and other details of these calculations.

1996 and 1997 have been years of significant naturalization activities, especially among legalization beneficiaries, portending a "hump" in legal immigration. That echo of the amnesty could easily make estimates for legal status populations as of 1995 obsolete to experts, though highly visible among the outer circle.

Discussion, Policy, and Conclusions

Summary of Findings

To summarize, the upward trend in authorized immigration to the United States and, for Mexico, the focused impact of IRCA's amnesty programs, account for a gradually increasing presence of legally resident immigrants since 1980. The precise magnitude is difficult to pinpoint because the extent of U.S. residence among agriculturally legalized individuals, the volume of transitions from unauthorized or undocumented status into lawful permanent residence among family members of legalized immigrants, and timely accounting of nonimmigrants in the United States are not yet known. Ways of improving estimation for legally resident foreign-born populations are obvious, but few of the statistical improvements recommended by the National Academy of Sciences in 1985 (Levine, Hill, and Warren 1985) have been accomplished. The quantity of net authorized migration is more conservatively estimated with traditional definitions of permanent migration, tending toward overestimation of the quantity of unauthorized or undocumented migration, than with less restrictive definitions with inferences from multiple data sources.

This study has taken the direction of organizing the task of estimating legal status populations in a fashion more or less like production of official postcensal population estimates and projections (Keyfitz 1985). The uncertainties surrounding authorized and unauthorized estimates are great enough and the policy contingencies of sufficient merit that modeling strategies with multidimensionality are warranted. Point estimates tell a story about balance of authorized and unauthorized immigration over 1980-1996, but scholars should be careful in assigning credibility. The aim of presenting alternative series is not to obscure understanding of the demographic phenomena of net immigration by authorization status but, rather, to present coherent bases for long overdue statistical improvements in the monitoring of international migration to the United States.

A comparison of the 1990 census count for the foreign-born population with net authorized immigration series that allow for sources of uncertainty would yield unauthorized or undocumented residuals generally below the 3.3 million estimate for total unauthorized or undocumented residents. Series (2), (3), and (6) were close to it. It is conceivable the census data underrepresent the size of the foreign-born population in the United States, possibly by as many as one million persons

or more. Allowing for this unknown undercoverage would commensurately increase the unauthorized or undocumented residual. Even allowance for undercoverage of two percent would increase the unauthorized or undocumented estimate for 1990 by 400,000, but the increase might easily be one million or more.

A similar comparison of net authorized immigration estimates as of 1996 with foreign-born survey estimates suggests the *unauthorized or undocumented resident population in mid-decade may be scarcely higher than the estimates for 1990*. At first, this seems remarkable because the post-1990 CPS estimates are based on weighting strategies intended to compensate for undercoverage error in the 1990 census. Given post-1990 lawful admissions of 5 million to 6 million, the estimates for the foreign-born population from the CPS's in March 1994 (22.6 million), March 1995 (23.0 million), and March 1996 (24.6 million) seem scarcely higher than the 1990 census count of 19.8 million within which only about 615,000 had been incorporated for undercoverage (one-sixth of the estimated net undercoverage from postenumeration studies or one-eighth of that estimated from demographic analysis) (Robinson and Hansen 1996; Robinson et al. 1991, 1993). (Also see Waite 1995.) Depending upon which alternative series is most suited to realities in 1990 and 1996, there may not have been any increase in net unauthorized or undocumented migration between 1990 and 1996. Additional allowance of undercoverage of the foreign-born would commensurately increase the unauthorized or undocumented estimate. *The amount of net unauthorized immigration could be the same for mid-decade as in 1990, but a marked decline pertains for most scenarios*. To the extent that one tends to agree with the hypothesis that all or most agricultural legalization beneficiaries have changed residence to the United States, even if not here initially, or to expect that substantial numbers of legalization dependents will obtain immigrant visas, unauthorized or undocumented estimate would be lower. *The case of Mexico is very remarkable, because an apparent increase in net unauthorized or undocumented immigration over 1990-1996 would prove to be temporal or spurious under reasonable assumptions for agricultural worker settlement, family settlement, and sponsorship of dependents for IRCA legalization beneficiaries*. That timetable will depend on bureaucratic processes and continuity of preference categories and immediate relatives provisions as well as individuals' decisionmaking.

Census Programs: Estimates and Projections

Estimates

Official postcensal population estimates use an allowance for net immigration that draws on INS official statistics for lawful immigration and incorporates an allowance for net population change due to undocumented immigration. The amount

for the 1980s was based on net undocumented migration for 1975-1980 as of 1980 (Warren and Passel 1987a; Passel 1985). Period-of-entry data are more suspect for the 1980s and 1990s with fluctuating flows due to period factors (oil boom and recession, amnesty, and peso devaluation), suggesting that stock to stock comparison is a better approach. Various studies monitored net population change from undocumented migration throughout the 1980s by comparisons, but demonstrable deviation was unlikely given the range of sampling variability. Even sizable differences between estimates, e.g., fairly high numeric shifts in the population living below the poverty threshold (greater than the foreign-born), may not be statistically significant and be interpretable only as indicating continuation of prior levels of poverty.

Measuring differences between population estimates based on different sources or changes in population subgroups with national surveys, whether the long-form sample survey in the decennial census or the Current Population Survey, relies on comparability of measurements with similar questions, sampling, weighting procedures, and nonsampling errors. Post-1992 CPS estimates for the foreign-born population are not entirely comparable with earlier foreign-born estimates from various CPS's for three reasons. First, the 1993 CPS estimates are the first ones based on the 1990 census population rather than the 1980 census population. Second, revisions to the methodology for production of independent population controls included adjustment for 1990 census undercoverage by age, sex, race, and Hispanic origin (Woodrow-Lafield and Short 1995). This might insufficiently allow for undercoverage of the foreign-born population because differential nativity risks of omission were neither measured nor adjusted. Demographic analysis estimated 1990 census undercoverage at 4.8 million, but the PES undercoverage adjustment of 4.0 million was incorporated into the CPS weighting procedures. Third, CPS coverage may be better for the Mexico-born population in the 1990s than previously due to greater trade and business opportunities and inclusion in the CPS of working, sojourning Mexicans not in the legally resident estimate.

Projections

The Census Bureau population projections program makes low, medium, and high level assumptions about net migration, for which international migration dominates native migration. These assumptions have changed greatly over the past ten years to become more commensurate with changing immigration levels (Ahlburg and Vaupel 1990). The current series assume that net immigration ranges between 300,000 and 1,370,000 annually (U.S. Bureau of the Census 1993c). That range allows for a range of about 280,000 to 1,020,000 for net authorized immigration

and a range of 100,000 to 300,000 for net unauthorized or undocumented immigration. (See Woodrow 1992a and Day 1992.) A very relevant point is that the allowances for population change are incorporated irrespective of nativity or authorization status.

INS Programs: Multiple Missions

Unauthorized Immigration Estimates

The major methodology for deriving legal status estimates is one that first aggregates an estimate of the legally resident foreign-born population from a myriad of INS data sources and demographic techniques. A second step uses this to disaggregate an estimate of the whole foreign-born population from the census or Current Population Surveys of the U.S. Bureau of the Census to find the unauthorized or undocumented portion. Net error affects the unauthorized or undocumented estimate.

INS official estimates for unauthorized residents are derived with another methodology without deriving the counterpart of legally resident foreign-born population. These estimates for October 1992, October 1994, and October 1996 are constructed with various components for unauthorized or undocumented population subgroups: those resident since before January 1, 1982 who did not legalize under IRCA by 1988, net nonimmigrant overstays after 1988, and net unauthorized or undocumented migration by border-crossers after 1988. The technical discussion of the underlying methodology is detailed in one report (Warren 1994a), but the most recent report includes only a sketchy description of the methodology and assumptions (U.S. Immigration and Naturalization Service 1997a). The first of these components is rather small. The second component is based on failures to depart among nonimmigrant arrivals within specified periods. A major problem with this component's estimation is the right-censoring of nonimmigrant cohorts currently present in the United States. The third component is predicated in part on the Census Bureau's allowance for net population change due to unauthorized or undocumented migration, residual studies of Mexican unauthorized or undocumented migration before IRCA, presumed efficacy of IRCA border controls, and unmeasured Mexican unauthorized or undocumented migration.

One of the reports from INS (Warren 1994a) includes a table reference to a total resident undocumented population in 1990 of 2.6 million. The figure is not based on empirical examination for 1990, but, on the contrary, this figure stems from simple extrapolation of the October 1992 estimate (3.4 million) (Warren 1993, 1994a) by assuming net unauthorized immigration of 300,000 annually

for 2.5 years. If the total number of foreign-born persons in 1990 had been 20.4 million (as in Robinson and Hansen 1996), then this INS figure would imply 17.8 million legally resident foreign-born persons, about the same as argued by Woodrow-Lafield (1995a). This scenario would mean that foreign-born residents would have to have had equal coverage to the overall population which seems very unlikely (Woodrow-Lafield 1995a: 200). If undercoverage greater than .6 million were allowed, such as 1.0 million, then the estimated number of authorized residents would be constrained to increase to 18.2 million to maintain the unauthorized or undocumented figure of 2.6 million. Having performed this exercise, the latest release (U.S. Immigration and Naturalization Service 1997a) showed an increased figure, 3.9 million, for October 1992. Working backward, the extrapolated figure for 30 months previously would be *3.3 million*! Both the U.S. Bureau of the Census and the Immigration and Naturalization Service have "authenticated" the point estimate.

Taking Robinson and Hansen's (1996) figure of 20.4 million for foreign-born in 1990,[19] and Fernandez and Robinson's (1994) continued acceptance of the estimate of 3.3 million unauthorized or undocumented residents for 1990, the implied figure for the legally resident foreign-born population for 1990 would be 17.1 million. The Fernandez and Robinson (1994) extrapolated range for 1994—3.5 to 4.0 million unauthorized or undocumented residents—implies a legally resident foreign-born population of 18.6 million to 19.1 million in March 1994.

Enforcement Evaluation

Methodological work would be helpful for evaluating the efficacy of INS border enforcement strategies in the 1990s. Official INS estimates for unauthorized residents do not fulfill that purpose because net annual entries without inspection are assumed. Distinguishing between measures for net population change due to undocumented immigration and net undocumented immigration is essential for evaluating border enforcement, interior detection, and work site enforcement strategies. The Census Bureau has an established orientation toward the former type of measure, as appropriate for its mission of statistically describing the population without regard to legal status characteristics. Therefore, post-arrival transitions from unauthorized to authorized status, as possible through either a wide-scale amnesty program or individual eligibility, is of no consequence for measuring overall population change. The time frame is generally long as well, such as a decade. The INS enforcement evaluation requires more immediate and focused measures of net undocumented immigration in a highly politicized budgetary process.

Methodological work is also needed for nonimmigrant overstay research and to assess relative priorities of the agency for border enforcement and interior detection strategies. The sheer volume of nonimmigrant arrivals in the United States mandates a closer look by demographers. In 1986 the Visa Waiver Pilot Program was established to permit certain nonimmigrant visitors (for stays not to exceed 90 days) from specified countries to enter on a temporary basis without nonimmigrant visas. As of fiscal year 1994 there were 22 countries whose citizens were eligible under the program after expansion and extension of the initial pilot program (including countries with reciprocal waivers to U.S. citizens and other countries assumed unlikely to contribute visa overstays). Since the advent of the program, the integrity of the NIIS for monitoring nonimmigrant visa patterns, e.g., stays and overstays, has deteriorated which is regrettable given great promise of the NIIS (U.S. General Accounting Office 1988; Woodrow 1987).

Benefits Provision

Naturalization is regarded as a benefit among the various INS activities and processing services. In the past, the agency burden from applications for naturalization was small, but the process was still beset with bureaucratic delays and pitfalls (North 1987). Efforts reduced these difficulties in the early 1990s, but the transition to eligibility of IRCA-legalized population with an anticipated burden upon the naturalization benefits arm of the agency. As of April 1996, nearly 6 million immigrants may have been eligible to apply for U.S. citizenship, according to one estimate (U.S. Immigration and Naturalization Service 1996c). Young immigrants, maybe another 10-15 percent, would perhaps be eligible to derive citizenship upon a parent's naturalization. A total of 10.5 million would be eligible to apply over 1996-2000.

Naturalization levels in the late 1990s appear likely to exceed or equal admissions of legal permanent residents. If INS (and other federal agencies) manages to resolve the problems that have created the naturalizations backlog, then both the lawful permanent resident population and aliens eligible to apply for naturalization could decline from the 1996 levels.

Systematic Research Program

Systematic collection of national survey data on the population by nativity, country of birth, parents' country of birth, citizenship, and period of entry is a major step toward systematically monitoring net immigration to the United States by authorized status. Allied programs for insuring accuracy of these survey results should be sustained and nourished within the federal statistical community. This

task is pervasive across the decennial census adjustment issue, 2000 census design, inter-censal population estimates, and measuring net population change due to unknown or unauthorized immigration.

The essential companion effort is systematic utilization of INS data sources on authorized immigration and temporary authorization for entry to the United States. This effort must incorporate procedures for tracking those who have come into the United States to ascertain return migration levels and produce population measures. Finally, any proposed legislation affecting individuals' legal status may have far reaching consequences for which consultation with immigration demographers is critical.

Data Recommendations

This study has organized the task of estimating legal status populations in a fashion more or less like the production of official postcensal population estimates and projections. The aims of presenting alternative series are to cover plausible scenarios in recognition of uncertainty, identify scenarios as proximal to the true scenario through iterative logic, and present coherent bases for statistical improvements in monitoring international migration by legal status to the United States. Consensus about net authorized immigration is critical for consensus about net unauthorized or undocumented migration for which social scientists and policymakers continually renew discussions. The estimated quantity of authorized migration is more conservative with traditional definitions of long-term migration, tending toward overestimation of the quantity of unauthorized or undocumented migration, which would be provocative for national and foreign policy.

Statistical monitoring of international migration to the United States has problems intrinsic to the data sources and the phenomena (Willekens 1994). Expert judgment is at the core of this field of demographic research and might play a bigger role than technical demographic expertise. Yet the modeling prospects are excellent for those capable of merging expert judgment with sophisticated modeling of error distributions for various components of authorized and unauthorized or undocumented immigration. As discussed above, even the worst case scenarios have rather delimited ranges as to numbers of net authorized immigrants and net unauthorized or undocumented immigrants (Woodrow-Lafield Forthcoming).

The preeminent recommendation is the establishment of a comprehensive infrastructure with the mission of measuring all aspects of international migration. Six data collection and analysis programs are vital for the statistical foundations of understanding U.S. immigration: (1) studies of demographic impacts of the agricultural legalization; (2) continued surveys of generally legalized immigrants,

(3) innovative surveys on composition of the foreign-born population by type of status; (4) transition-oriented modeling in measuring net immigration by legal status; (5) special surveys of relatives living abroad who emigrated from the United States; and (6) studies of survey and census coverage of the foreign-born.

First, the significance of the agricultural legalization for immigration policy warrants social science research on its consequences. To address net change from undocumented migration, demographers need to know the settlement and family migration consequences stemming from those IRCA provisions. The proportion of unauthorized workers within the agricultural workforce is increasing in the 1990s, as the proportion legalized under IRCA declined. Agricultural workers may have moved into other labor force sectors or may have returned to their native countries.

Second, continued surveys of the generally legalized immigrants would track their experiences of naturalization, family unification, and assimilation into American society. These surveys were discontinued after the 1992 wave, but the data effort is unique as a longitudinal undertaking.

Third, a special survey to measure the foreign-born population's composition on legal status may be propitious to identify the heterogeneity of the lawfully present population of foreign birth. Without a legislative mandate, such a survey would be unlikely under data collection programs.

Fourth, better ways of modeling transitions among legal statuses for migrants must be devised in studying migration in the modern world. Existing administrative records databases are a gold mine of information about individuals but the focus is blurred by incompatibilities of data systems and insufficient resources. Cross-sectional perspectives risk biased perceptions of a dynamic phenomenon. The statistical emphasis is on discrete events of arrival and departure as opposed to durations of stay, leaving a considerable gap in knowledge of the convergence of temporary residence with permanent residence.

Fifth, multiplicity surveys of relatives living abroad are recommended to monitor levels of return migration by comparison with earlier surveys over 1987-1988. That slight upturn in return migration to Mexico might have been the beginning of a new trend. Such a survey has added value in its measures, albeit crude, of the magnitude of family unification since IRCA.

Sixth, studies of survey and census coverage of the foreign-born population are relevant for measuring unauthorized immigration whether or not there are comparable survey data on individuals' legal status, as suggested above. Indirect estimation methodologies are biased by undercoverage of the foreign-born population. Consequently, benchmarks for authorized and unauthorized immigration confound coverage and classification errors. As the Hispanic population becomes the largest minority population, accuracy in population figures merits emphasis.

Notes

1. Nor does the INS include these records in the micro data files provided to the Census Bureau for its population programs.

2. That file has not been regularly updated and does not completely cover "approval" processing.

3. Certain aliens holding EVD status from Afghanistan, Ethiopia, Poland, and Uganda, who had resided here since July 1, 1984, were eligible to adjust to temporary and then to permanent residence status under the legalization program.

4. Figures cited were as high as 73,000 students and 250,000 visiting nationals (*Interpreter Releases* 55,645-7, June 19, 1989).

5. An indirect indication of this possibility is that the estimate for the legally resident foreign-born population in Texas in 1980 (Passel and Woodrow 1984b) yielded an unauthorized or undocumented residual that was much lower than the population legalized after long-term residence.

6. Research on residual measures for net unauthorized or undocumented migration has not kept pace with collection of nativity data in Current Population Surveys in June 1991, March 1994, March 1995, and March 1996.

7. This is largely based on reported date of last entry to stay in the United States.

8. The size of this cohort may exceed the actual number of persons arriving as nonimmigrants because an individual may enter and exit more than one time.

9. The datum is date of current nonimmigrant class admission. Therefore these statistics and, presumably those of Kraly and Warren, may actually include earlier entrants.

10. These adjustments are as published in INS yearbooks.

11. The proportions were calculated on the basis of calculations for 90 individual countries.

12. Although the response categories were very detailed, these were years during which individual SAW applicants' statuses changed from applicant to temporary residence, to permanent residence, or to denied applicant.

13. Espenshade (1995) apparently did not reconsider this difference, but he may have been misled by Fernandez and Robinson's (1994) failure to distinguish the multiple assumptions for making the initial estimate of 3.3 million.

14. As mentioned previously, postcensal population estimates and projections require only measures of population change rather than time-specific designations of legal and unauthorized or undocumented status. This research may not be useful for evaluating enforcement efficacy.

15. Woodrow-Lafield (1994b, Forthcoming) also incorporated amounts for more nonspecific legal immigration.

16. The discussion discusses the 3.3 figure in the context of INS official estimates.

17. In a sense, this new policy may have contributed to the appearance of a downward shift in legal immigration for 1995 relative to earlier years that some interpreted as real.

18. These tables were developed with published tabulations (U.S. Immigration and Naturalization Service 1991, 1992b, 1993, 1994, 1995, 1996a, 1997b). The technical demography of estimating the population by legal status depends more critically on coverage issues and classification issues than on these simple tasks. These results might differ slightly from official counting of immigrants in official postcensal population estimates.

19. This figure is based on illustrative calculations but the authors did not explain whether the calculations were done using an adjustment matrix used for the CPS weighting scheme (Cohany, Polivka and Rothgeb 1994) or with findings from demographic analysis of 1990 census coverage. The CPS still has undercoverage relative to the independent population controls (Waite 1995).

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Quantification of Migration

Viewing Emigration at Century's End

Karen A. Woodrow-Lafield

Introduction

For most of U.S. history, net immigration, the "residue" of immigration, has represented an important source of population growth, accounting for 30 percent or more over three decades and possibly for a fourth as well (Gibson 1975, 1992). In the broadest sense accounting for generational impacts, fully 31.8 percent of the population in 1990 would be attributable to net immigration that occurred during the period 1790-1900. Only 19.3 percent of the current population would be attributable to the more recent net immigration since 1900. This is particularly notable as 1900-1910 is often considered the historically high decade (Gibson 1992).

Emigration[1] has had a substantial role in offsetting immigration flows in both the short-run and long-run, from "high" immigration decades such as 1900-10 to "low" ones such as 1930-40. "Immigration" and "net immigration" are not equivalent as, historically, about one-third of legal immigrants for 1900-1980 had emigrated as of 1980 (Warren and Kraly 1985). That ratio is based on several studies reviewed below. Pointing to its significance, Keely and Kraly (1978) noted that population modelers would conventionally assume emigration as either equaling "10 percent

of alien immigration" (Zero Population Growth 1977) or implicitly set to zero (U.S. Bureau of the Census 1975).

There has been a lesser administrative focus on emigrants than on immigrants for the United States. INS collected partial information from departing alien emigrants only from 1907 to 1957. Direct measures are generally not possible or feasible as the nature of the U.S. border and magnitude of population movements would preclude comprehensive collection of statistics. Other countries' data on immigrant admissions or enumerated populations by birthplace are generally inadequate for measuring emigration because non U.S.-born persons have dominated the emigration flows.

From Nil to Noticeable: Trends in Emigration

Estimates of emigration are important for the Census Bureau's programs of population estimates and projections, including coverage evaluation of the decennial census and national surveys (Fay, Passel, and Robinson 1988; Himes and Clogg 1992). Indirect measurements of emigration have been devised according to the changing nature of immigration and official statistics. In assessing future levels of legal immigration, the U.S. General Accounting Office (1988:4) noted there is "no comprehensive approach to counting emigrants." For the 1960s and 1970s decades, emigration levels were assessed with two main analytic approaches that decomposed changes over time, either in the foreign-born population or in the legally resident foreign-born populations to legal immigration, mortality, and variation in coverage, yielding emigration as a residual. Each found higher emigration levels than for the 1940s and 1950s, suggesting that return migration was rising as legal immigration levels rose.

Emigration over 1960-1970

The first approach, by Warren and Peck (1980), derived an estimate of 1.1 million for foreign- born emigration between the 1960 and 1970 censuses by looking at change in the foreign-born population due to legal immigration, estimated mortality, and census coverage. This useful method of intercensal comparison was recognized as inappropriate for subsequent periods, as noted in Himes and Clogg (1992), when inclusion of a substantial number of undocumented residents creates another major unknown—net undocumented migration.

Emigration over 1970-1980

The second approach is best described as iterative, to first estimate emigration for the 1970s, and second, to estimate net undocumented migration as of 1980.

Warren and Passel's (1987a) efforts focussed on specifying components of change to the legally resident alien population, with modeling based on the time series of INS Alien Address Registration data for 1965-1980. Relative to more than 3.9 million legal immigrants during the 1970s, an estimated 1.2 million emigrated. Among 614,000 from Mexico, some 120,000 emigrated (Warren and Passel 1987b). Jasso and Rosenzweig (1990:125-138) carried out a similar analysis finding higher "emigration losses," but differential coverage and mortality losses were included with emigration losses.[2] Indeed, their average annual loss of 157,000 exceeded Warren and Passel's estimate by one-third. This time series modeling could not be extended to measure emigration during the 1980s and 1990s, because the INS no longer registered legally resident aliens annually.

The level of emigration during the 1960s and 1970s was certainly higher than allowed in official population estimates for the 1970s and early 1980s—only 9,000 foreign-born emigrants annually. To the extent that actual emigration was higher, as evident from these analyses, the discrepancy served to offset the omission of net undocumented migration. Upon completion of Warren and Passel's (1987a, b) dual analyses of emigration and net undocumented migration, annual allowances of 133,000 foreign-born emigrants and 200,000 as population change due to net undocumented migration were established for constructing census-level postcensal population estimates (Passel 1985, 1986).

Some of these studies adopted entry cohorts, defined broadly as entered in the most recent ten years or earlier, as reference populations, given the analytic value of tracking over adjacent censuses. Others adopted broad time intervals for analysis. There is a substantive interpretation also, because immigrants settled here for ten years or more seem more likely to remain than immigrants of lesser durations or, to rephrase, more recent entrants are more likely to include short-term stayers. The Immigration and Nationality Act recognizes five years of residence as denoting commitment necessary to become a naturalized citizen. Attrition through emigration is probably occurring throughout time and the life cycle so that emigration measures suffer from right-censoring.

Over 1940-1980, emigration levels seemed to be increasing as immigration levels were also increasing, following the decline of mid-20th century. Further corroboration of this is found with Borjas and Bratsberg's study showing that emigration for immigrants entering in the 1970s as of 1980 may have amounted to 900,000, which equaled three-quarters of that for all period of entry groups in Warren and Passel (1987b). The crucial question is whether the level found for 1960-1980 is sufficiently descriptive of emigration levels for 1960-1990 and 1960-1999 or whether emigration has perpetually increased in the latter half of the 20th century as the foreign-born population increased dramatically.

Recent Emigration

Emigration levels for 1960-1990 and 1960-1999 might be similar to levels over 1960-1980. This might be so if either the propensity to emigrate is lower among contemporary residents than among prior cohorts or origin or other characteristics associated with lower propensity to emigrate are more highly represented among the foreign-born recently residing in the United States. The compositional mix of the foreign-born population has shifted. First, the population includes greater proportions of (1) Latin Americans and Asians for whom emigration has seemed lower than for Europeans (Jasso and Rosenzweig 1990; Warren and Kraly 1985). Second, many immigrants entered under visa categories logically associated with lesser likelihood of return migrating, such as refugees, asylees, adjustees from nonimmigrant statuses, and formerly undocumented or temporarily resident individuals. Three studies are relevant for considering emigration levels for the 1980s—new empirical evidence, sensitivity analyses, and a resurrection of the intercensal approach.

Empirical Evidence of Emigration in the 1980s

First, superseding methods invalidated by data inadequacies or changing legal status of immigrants, the Census Bureau pioneered another data collection method to measure emigration in the 1980s (Woodrow-Lafield, 1996a and Woodrow, 1991c). These special questions on Current Population Surveys (CPS) (in 1987,1988, and 1989) about emigrant parents, children, and siblings of U.S. residents yielded baseline estimates for emigration lower than estimated historical levels.

However, the emigrant population represents a small population relative to the U.S. resident population. Multiplicity survey estimates of emigrants and Americans living abroad are subject to as many, or more, limitations as are other CPS estimates. Results based on a relatively small number of cases should be cautiously interpreted and small differences between estimates may not be significant after examining standard errors or considering nonsampling error (Waite 1995). Estimating emigration with surveys of residents has two limitations leading to underestimation— measuring recent emigrants in greater numbers than and, presumably, better than earlier emigrants and measuring only emigrants having U.S. relatives. A third limitation could involve overestimation—measuring emigrants without specificity as to former status (whether undocumented, nonresident aliens, or lawfully permanent resident). Given possible biases, Woodrow-Lafield (1996a) demonstrated that current emigration levels could equal or exceed emigration of the 1960s and 1970s (Warren and Peck 1980; Warren and Passel 1987b).

Emigration Component in 1990 Census Coverage

The 1990 census coverage evaluation (Robinson, Ahmed, Das Gupta, and Woodrow 1993) incorporated a preliminary estimate of emigration of legal residents during 1980-1990 (Woodrow 1991b) in combination with a preliminary net undocumented immigration component for 1980-1990 (Woodrow 1991a). Because emigration assumptions are involved in estimating legally resident immigrants, underestimation of emigration would lead to underestimation of undocumented residents. Overestimation of emigration would result in overestimation of undocumented residents.

In recognition of this confounding of emigration and net undocumented migration and the dearth of evidence that emigration levels had changed over 1980—1990 relative to previous decades, a conservative stance was adopted. The amount of the net emigration component for the legally resident foreign-born population for 1980—1990 was set at 1.3 million (for a total of 1.6 million including native-born).[3] Woodrow (1991b) stipulated that net emigration of foreign-born for the 1980s could vary between .8 million and 2.2 million (1.0 and 2.6 million in total). These limits were based on the multiplicity-based ranges from Woodrow-Lafield (1996a) and sensitivity analyses in Woodrow (1991c).

Some simulation results were based on using emigration rates by age, sex, and period of entry (Warren and Peck 1980), with multipliers of .5 and 1.5, and showed possible emigration of 1.3 million to 2.3 million for the 1980s. An alternative simulation using crude emigration rates for recent entrants by region of origin (Warren and Passel 1987b) showed an amount of 1.9 million. These amounts are not surprising, given the simplistic synthetic calculations and greater immigrants denominators for the 1980s relative to the 1960s. Immigration had nearly doubled.

Intercensal Analysis

After release of 1990 census data on the population by nativity, origin, and period of immigration, Ahmed and Robinson (1994) presented emigration estimates for 1980—1990 based on an intercensal analysis similar to Warren and Peck's (1980) for the 1960s. This methodology had been deemed less useful than Warren and Passel's (1987b) for analyzing foreign-born emigration in the 1970s due to the simultaneity of unknown legal emigration and net undocumented immigration and the necessity of measuring *legally resident foreign-born emigration*. In their revival of the intercensal approach, Ahmed and Robinson (1994) do not treat the problem of net undocumented immigration, i.e., of inclusion or coverage of undocumented residents.

Fortunately, the Ahmed-Robinson result falls within the range described previously.[4] One may be skeptical about heeding their assertion of higher emigration in the 1980s than in the 1970s. Apart from fundamental questions about applying the intercensal methodology in the context of continuing undocumented immigration, the findings are merely the consequence of an assumption that emigration in the 1980s occurs at about the same propensity for pre-1980 immigrants and post-1980 immigrants within age, sex, and country of birth subgroups. This amounts to "averaging" the propensity to emigrate across a great expanse of heterogeneity—social capital, human capital, socioeconomic assimilation, social networks, and favorability of origin communities. To quote from Vaupel and Goodwin (1987:728), "Populations are heterogeneous. Averages hide that heterogeneity."

A similar, simplistic application of crude emigration rates for legally registered aliens in 1980 who had entered in 1975-1980 with estimated authorized immigration for the 1980s and the 1980 population would scarcely be credible. As described above, Woodrow-Lafield (1991c) prepared such an emigration estimate for 1980—1990 drawing on Warren and Passel's work with detail for region of origin and period of entry. The overall result of 1.9 million emigrants may be useful for setting an upper boundary on emigration, but the assumptions create an anomaly. This simplistic model forces North America as the dominant region sending emigrants abroad, but it seems implausible that nearly 40 percent of lawful permanent residents admitted recently would emigrate or return to their origins.

Assumptions on Emigration for 1980-1990?

The preponderance of evidence about emigration is more adequate for positing a broad range than for stating that emigration levels are higher in the 1980s or 1990s than in the 1970s. Is holding this opinion an example of a tendency among demographers whom Preston (1993:595) has described as "unusually reluctant to commit Type II errors—saying that something is true when it isn't . . . and unusually prone to committing Type I errors-failing to say that something is true when it is?" In general, the Census Bureau's confidence in emigration estimates has been gauged by the commensurability of the allowance for net population change due to net undocumented migration. This is certainly indicative of the same caution while at the same time adapting to a layman's perception that rising immigration would be necessary and sufficient for higher emigration.

In positing estimates for net authorized immigration of the 1980s and 1990s, prior research is a guide for assumptions about the level and composition of emigration flows. Composition by age, sex, and period of entry can be based on Warren and Peck (1980), as used at the Census Bureau throughout the 1970s and 1980s for population estimates and projections and by census coverage researchers (Fay,

Passel, and Robinson 1988). Legal foreign-born emigrants can be distributed to country or region of origin based on the historical pattern of levels and rates of emigration described in the research literature (Warren and Kraly 1985), as also employed in undocumented estimation (Woodrow and Passel 1990; Woodrow 1992).

The Tide of Net Immigration from Mexico

Mexican migration to the United States is well known to consist of a huge volume of temporary migration relative to a lesser volume of permanent migration (Massey and Singer 1995; Espenshade 1990; Lowell 1992). In past and present cross-sectional analyses, the probable inclusion in the census of Mexican temporary migrants may complicate interpretations of losses due to emigration. Setting this problem aside, the Mexican population residing permanently in the United States, of both authorized and unauthorized or undocumented statuses, is the outcome of progressive levels of permanent immigration over the past four decades. The initial migration levels soared in the late 1970s, and that initial trip was likely to have led to additional trips and eventual settlement for a segment of those ever migrating (Donato, 1993, 1994; Donato, Durand, and Massey, 1992). The undocumented presence was partially legitimated with the legalization provisions of the Immigration Reform and Control Act of 1986. The Mexico-born population has increased dramatically over 1950 to mid-1990's, but that increase has been dominated by authorized immigration—primarily family-based and legalization-based.[5]

The current magnitude of the Mexico-born population poses conflicting expectations about return migration levels. In one sense, there might seem to be lesser propensity for return migration given a greater density on authorized status, greater demographic diversity, and possibly greater representation of sending communities at migration maturity. Alternatively, the Mexico-born population could be approaching a "critical mass" for return migration. That is, at some time, return migration could become more easily measurable or discernible, despite limitations of methodologies, simply because of its volume as a function of the larger size of immigrant cohorts over the 1970s, 1980s, and 1990s.

Allusions to the waves and tides of undocumented migration portray the variation in flows, as variation from one wave to another in magnitude. If one were to describe Mexican immigration in 1930-1950 as at low tide, then the 1980s and 1990s are ones of high tide. Most of the content in the volume returns, but some remains. The simile falls apart when considering the residue, because wave upon wave of immigration leads to an accumulation. This accumulated Mexican-born population is, however, subject to returning just as portions of preceding waves. To take an extraordinary scenario, would a notable fraction of Mexicans leave California,

Texas, Illinois, and Florida to return if there were to be a sustained boom of economic prosperity in Mexico?

Those with legal status may be less likely to emigrate (Lindstrom and Massey 1994). Legal status is often obtained after a lengthy time during which the sending community becomes more oriented to having members in the United States, the migrant becomes more assimilated, and the social network within the United States grows (Massey, Goldring, and Durand 1995). The stay becomes defined as permanent (Roberts 1995). Conditions in Mexico may be more favorable toward Mexicans deciding to stay in the United States, as remittances are recognized as valuable (Massey and Parrado 1994), the Mexican economy is struggling, and nationality rights for non-residents are now preserved. Among immigrants legalized after long-term undocumented residence, primarily from Mexico, socioeconomic measures correspond with strong sentiments toward naturalization, family unification, and remaining in the United States (Woodrow-Lafield 1995, 1996b).

Prospects for Measuring Emigration in the 21st Century

Emigration is conceptually dense and the task of measuring emigration from the United States has been and will continue to be challenging. This brief review and Kraly (1997) have demonstrated these points while reviewing prior research and the possible insights from forthcoming research. Whether such empirical analyses will be realized will depend on data creation and researchers' ingenuity. The long-awaited multiplicity surveys of emigration received funding primarily through 1990 census coverage evaluation programs, and prospects for a renewal of these surveys are unknown. The last data set in the series, in June 1991, has neither been analyzed nor released.[6]

Yet the greatest strength of these multiplicity surveys may be monitoring emigration levels for detecting gradual or sudden shifts. For example, Woodrow-Lafield (1996a) reported a significant increase in Mexico-born emigrants over the July 1987-June 1988 period. Border control and employer sanctions provisions of IRCA may have forced some undocumented aliens to return to Mexico, although a competing explanation is that newly legalized aliens may have chosen to visit their origin communities.

The statistical infrastructure within Mexico has the potential of yielding valuable data for the monitoring of population movements (Garcia y Griego 1985). U.S. sources are not at all pertinent to the inclusion of temporary migrants or their patterns of returning to Mexico (U.S. General Accounting Office 1993). Ethnographic surveys have given important indications of these flows through migration histories (Massey et al., 1987). The prospects for measuring flows from Mexico

into the United States may be poorer than the prospects for measuring the reverse flows, but the latter has considerable portent for interpreting the highly visible signs of border crossing and INS enforcement activities.

Notes

1. Throughout this discussion, emigration refers to only emigration of foreign-born persons. Some cited sources are relevant for native emigration. Foreign-born emigrants have consistently outnumbered native-born emigrants, for which estimates have been based on similar intercensal cohort analyses, analyses of Canadian census data for Americans (Finifter, 1973), and foreign census data for Americans (Fernandez, 1987).

2. Another study by Jasso and Rosenzweig (1982) traced the representation of legally admitted immigrants in 1971 in subsequent cross-sectional data to portray demographic characteristics of emigrants.

3. The age-sex-race distribution conformed with those for previous coverage evaluations that used work of (Warren and Peck 1980) for demographic characteristics of emigrants in the 1960s.

4. The population estimates methodology uses this allowance for foreign-born emigration, but this shift is almost wholly countered by an increase in the allowance for population change due to net undocumented immigration.

5. Woodrow (1992) shows this quite clearly, disaggregating the Mexico-born population to its legal and undocumented components.

6. The U.S. researchers, Frank D. Bean and Karen A. Woodrow-Lafield, sought access to these data without success.

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Characteristics of Migrants

The Process of Acquiring Citizenship at Birth in Mexico and the United States

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor & Paz Trigueros Legarreta

Citizenship at Birth—United States

At birth, according to U.S. nationality law, a person is either a national of the United States—a person owing permanent allegiance to the United States—or an alien. Most, but not all, nationals of the United States are also citizens of the United States. In general, citizenship may be acquired at birth or through naturalization. There are two main principles that nations use to confer citizenship at birth, *jus soli*—that is, citizenship based on place of birth, and *jus sanguinis*—that is, citizenship based on kinship. While some nations use one or the other principle, the United States follows both principles.

The principle of *jus soli*, a guiding principle of feudalism and of English common law, was codified in the Fourteenth Amendment to the Constitution (1868), which reads:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside.

As the Fourteenth Amendment makes clear, there are two requirements for acquisition of citizenship via *jus soli*: physical birth in the United States and birth subject to the jurisdiction of the United States. Thus, persons born in the United States to diplomatic personnel representing foreign countries do not acquire U.S. citizenship at birth, because diplomatic personnel are not subject to U.S. jurisdiction; and persons born on board foreign-flag ships in U.S. territorial waters do not acquire U.S. citizenship via *jus soli*. Federal legislation has extended citizenship at birth to persons born in most territories and possessions of the United States. For example, the Act of 1952 (66 Stat. 163) grants citizenship to persons born in the Virgin Islands after January 17, 1917, a date one week before the United States purchased the Virgin Islands from Denmark; on the other hand, persons born in the Philippines during the period when it was a Commonwealth of the United States (1898-1946) were nationals but not citizens of the United States.

Under the principle of *jus sanguinis*, the United States grants citizenship at birth to persons born abroad to two U.S. citizen parents and also to persons born abroad to one U.S. citizen parent (and an alien parent), provided that the U.S. citizen parent meets the requirements to transmit citizenship. These requirements—notably physical residence in the United States for a specified number of years during specified periods of the life course—have changed over the years, so that date of birth is a key factor in ascertaining the rules governing acquisition of citizenship at birth for particular individuals. For example, persons born between January 13,1941, and December 23,1952, are covered by provisions of the Nationality Act of 1940 (54 Stat. 1137), which stipulates that, in order to transmit citizenship, the U.S. citizen parent must have previously resided in the United States or its outlying possessions for 10 years, at least five of which were after attaining the age of 16.[1,2]

In the study of migration, citizenship at birth is a fundamental variable of interest. Table 1 reports, in the rightmost column, the actual citizenship at birth of the major categories of persons, by birthplace and parental citizenship. As discussed above, information on birthplace and parental citizenship is not always sufficient for ascertaining citizenship at birth; there are two cases—(i) individual born in the United States to two alien parents, and (ii) individual born abroad to one U.S. citizen parent—in which additional information is needed in order to ascertain citizenship at birth.

Table 1
Citizenship at Birth, by Place of Birth and Parental Citizenship

Place of Birth	Number of U.S. Citizen Parents	Citizenship at Birth
United States	Two	U.S. citizen
United States	One	U.S. citizen
United States	Zero—Born subject to U.S. jurisdiction	U.S. citizen
United States	Zero—Born not subject to U.S. jurisdiction	Alien
Abroad	Two	U.S. citizen
Abroad	One—Requirements to transmit citizenship met	U.S. citizen
Abroad	One—Requirements to transmit citizenship not met	Alien
Abroad	Zero	Alien

NOTES: United States = 50 states, plus outlying territories and possessions to which the United States has extended *jus soli.*

Abroad = Outside the United States.

Nationality at Birth and Citizenship—Mexico

Mexico's law of the land distinguishes between nationality and citizenship. It includes both criteria, *jus soli* and *jus sanguinis* to establish that Mexican nationality is acquired either by birth within the Mexican territory or, regardless of birth place, by being the child of a Mexican father or a Mexican mother or both. Mexican nationality can also be acquired by naturalization. Mexican nationality however, is a neccesary but not a sufficient condition to become a Mexican citizen. A Mexican national by birth needs, a) to be 18 years of age or older or, b) in the case of being born in other country of Mexican parents, or being born in Mexico of both parents being citizens of other country, to have expressly and formally resigned being a citizen of any other country, after being 18 years of age. Such a distinction between nationality and citizenship in Mexico has important implications for patrimonial and job-related rights. The basic assumption behind it is that nationality is part of a heritage that an individual cannot erase even if he or she wants to. In this sense it is like the parents one had, the color of one's skin, language first spoken, religion,

etc. Citizenship, in contrast, derives from fundamental rights of any individual to willfuly select one's allegiance to a nation and government in association to the residence one wants to have on a permanent basis.

Recent (1996) Mexican legislation reforms have introduced unprecedented modalities to the constitutional definition of nationality. Mexican nationality in the past was considered lost when a Mexican national had acquired another nationality. With the new legislation, not yet formaly enacted, Mexican nationality is considered indelible within the Mexican territory, regardless of any other nationalities an individual has acquired. This is the case of a Mexican national who acquires the U.S. nationality/citizenship, who returns to Mexico. As far as the recent reform, such an individual will be considered by the Mexican laws to be as Mexican as when he or she left Mexico. Mexican laws about citizenship however, remain the same. A Mexican national by birth might acquire dual or multiple nationalities without losing his or her original Mexican nationality obtained by either *jus soli* or *jus sanguinis*, when in Mexican territory. However, such an individual cannot have more than one country of citizenship. If such a Mexican national, who has acquired U.S. citizenship, wants to excersize electoral rights in Mexico, he or she has to formaly resign the U.S. citinzenship before being elegible to exercise any electoral right in Mexico.

Notes

1. Note that citizenship acquired via *jus sanguinis* must be maintained through residence requirements, and these have also changed over the years. For example, under the 1940 Act, the child lost his/her citizenship unless he/she resided in the United States for five consecutive years between the ages of 13 and 21.

2. An interesting sidelight concerns the gender requirement for transmitting citizenship. Until 1934, only U.S. citizen men could transmit citizenship to children born to them and an alien parent. The Act of May 24, 1934 (48 Stat. 797) extended the privilege of transmitting citizenship to U.S. citizen women.

Characteristics of Migrants

The Selectivity of International Labor Migration and Characteristics of Mexico-to-U.S. Migrants: Theoretical Considerations

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor & Paz Trigueros Legarreta

Neoclassical Economic Theories of Migration

Neoclassical economic theories of labor migration posit that individuals situate themselves in the labor market and jobs where their expected earnings (net of migration costs) are highest. Earnings are the product of wages and time worked, both of which depend on education and other "human capital" characteristics of individuals. For example, neoclassical theory predicts that either of the following three events would increase Mexico-to-U.S. migration: (1) an increase in wages or employment for Mexican migrants in the United States; (2) a decrease in employment or wages in rural or urban Mexico; or (3) a decline in migration costs or risks, as when relatives or friends assist villagers with entering and finding work in the U.S. It also predicts that the people who migrate to the

U.S. are those with the set of characteristics that bring them higher expected earnings in the U.S. than in Mexico. Other considerations affecting individuals' satisfaction or "utility" at different locales (e.g., proximity to family members, relative deprivation, family income risk) also affect migration propensities in neoclassical models. The association between characteristics of individuals and their likelihood of migrating is frequently referred to as the "selectivity" of migration.

Four variables are key to explaining the selectivity of Mexico-to-U.S. migration from a neoclassical economic perspective. They are: (1) the economic returns to individuals' characteristics (education, sex, age, etc.) at home (e.g., in the Mexican village); (2) the returns to these characteristics in the United States; (3) the returns to these characteristics in competing migrant labor markets in (e.g., urban) Mexico; and (4) the effects of these characteristics on migration costs. Some theories add to this list the variables of risk (and willingness to take risks) and the utility or disutility of migration for family members besides the migrant (i.e., those who remain behind).

For example, consider a young man with little schooling and few assets in rural Mexico. If the returns to his labor are higher in the U.S. than in his home village or other labor markets in Mexico, there will be an incentive for the man to migrate, other things being the same. If the young man lacks family contacts in the U.S. to help finance the trip northward (including the border crossing) and provide job information, however, higher economic returns in the U.S. may not be sufficient to justify the costs and risks of migrating. In this way, migration selects not only on personal characteristics associated with earnings, including schooling, age, sex, and work experience, but also on household and other contextual variables, including family assets affecting individuals' productivity at home and "migration networks," or family contacts at migrant destinations.

Social science research on the determinants of migration using household-level data generally find that human capital (e.g., education) is positively related to the likelihood of out-migration (see Yap, 1977). The selectivity of migration on individual and household characteristics varies across migrant destinations, however. It depends critically on the returns to these characteristics in different migrant labor markets.

For example, in most cases, average schooling levels for immigrants in the U.S. are substantially above those of their countries of origin (Borjas, 1991 and 1994; Demery, 1986). This finding reflects higher economic returns to schooling in the U.S. compared to places of origin as well as other potential migrant destinations (e.g., urban areas in migrants' countries of origin). It also has implications for development. If migrants take (human) capital with them when they migrate, this may have detrimental effects on the productivity of workers left behind.

Mexico-to-U.S. migration appears to be the exception, however. In the 1980 census, Argentine immigrants to the U.S. report an average of more than 13 years of schooling, compared to less than nine years at home. For Brazil, the differential is even greater: more than 15 years of education for immigrants in the U.S. but less than nine at home. Average education in Guatemala is only around three years, but Guatemalan immigrants in the U.S. average around nine years of schooling. Only in Mexico does the average education of immigrants approach that of the country of origin: roughly 6.5 years of schooling for Mexican immigrants in the U.S. compared with an average of around 6.1 years in Mexico (Borjas, 1991).

The negative selectivity of Mexico-to-U.S. migration with respect to schooling stands in contrast not only to other immigrant groups but also to rural-to-urban migrants within Mexico. Household surveys conducted in Mexico in the 1980s revealed that internal migrants had significantly more schooling than nonmigrants, and that Mexico-to-U.S. migrants had significantly lower levels of schooling than individuals who did not migrate to the United States, including both rural-to-urban migrants and village stayers (Taylor, 1986; Massey, 1987; Massey and García España, 1987; Stark and Taylor, 1991). A typical finding is that average schooling of rural-Mexico-to-U.S. migrants is between 4 and 4.5 years. This pattern appears to be due to high economic returns to schooling for migrants within Mexico, but low returns to schooling both in rural Mexico and in the jobs available to most Mexican immigrants in the United States (Taylor, 1987). In rural Mexico, which has extensive migration networks leading to low-skilled U.S. jobs but where the economic returns to schooling in these jobs are low or nil, the selectivity of international migration strongly favors low-skilled persons. Barriers to legal entry make it difficult for migrants with intermediate levels of schooling to reap high returns in U.S. labor markets.[1]

U.S. Census data generally reveal a continuum of skills for emigrants from Latin American countries, with average schooling lowest for Mexican immigrants, higher for Central American immigrants, and highest for immigrants from the Southern Cone. For example, in 1980, immigrants from Argentina, Brazil, and Canada averaged between 1.2 and 2.7 years more schooling than native U.S. men ages 25 to 64. Immigrants from Guatemala averaged 3.6 fewer years of schooling than native-born U.S. men. Mexican immigrants averaged 6 fewer years of schooling than native-born U.S. men. Of 41 countries of origin in Borjas' (1991) study, Mexican immigrants had less schooling than any other country-of-origin group. In countries other than Mexico, which do not share a long and porous border with the U.S. and do not have extensive networks leading to low-skilled U.S. jobs, international migration is more costly and risky. This precludes much emigration from the low end of the skill distribution, leaving a predominance of brain-drain migrants at the top.

Despite the predominance of low-skilled migrants, there appears to be a significant brain drain at the upper end of Mexico's skill distribution, indicating that the economic benefits from migrating to the United States are sizeable for highly skilled individuals. This outcome is encouraged by U.S. immigration law, which selects migrants on the basis of skills when issuing employment-related visas. As a result, even though most Mexicans, particularly those who enter the U.S. illegally, have low levels of human capital, international migration absorbs a relatively large share of Mexico's educated workforce. In 1994, 843 legal Mexican imigrants reported professional-technical occupations, and 428 described themselves as executives or managers; another 15,290 entered as temporary workers in skilled occupational categories, and 14,773 Mexicans were admitted as students (U.S. INS, 1996). These people constitute a relatively small share of the total flow of Mexicans into the United States and a small share of the skilled U.S. workforce. However, they represent a significant fraction of Mexico's educated workforce. It appears that, although rural-Mexico-to-U.S. migrants have below-average schooling, urban-Mexico-to-U.S. migrants average slightly higher levels of schooling than the national average.[2]

Neoclassical economic theory would predict that migration selects individuals on a wide array of characteristics besides schooling. Traditionally, most of the demand for low-skilled immigrant labor in the United States was in industries with overwhelmingly male workforces (e.g., agriculture). In the past two decades, the demand for female labor in light manufacturing and service (e.g., domestic maid and child care) services in the United States appears to have grown significantly, increasing the economic returns to migration for Mexican women. Village surveys generally find that Mexico-to-U.S. migrants are significantly more likely to be male than non-Mexico-to-U.S. migrants (typically, more than 60-70 percent of Mexico-to-U.S. migrants are males, compared to 30-40 percent of individuals who stay in Mexico, either as nonmigrants or as internal migrants), but that the participation of women in migration is increasing. On average, migrants are also young (first-time migrants usually in their teens, and average age of migrants typically in the late 20s). With few exceptions, Mexico-to-U.S. migrants originate from households in Mexico that are above-average in size—that is, with other family members who can fill in for migrants in household and farm production activities at home. Some studies find that Mexico-to-U.S. migrant households have more physical-capital assets, including landholdings, than non-Mexico-to-U.S.-migrant households, and U.S. migrant households in Mexico almost always average higher income, with or without counting remittances, than nonmigrant households. This suggests that families in Mexico have to reach some minimum wealth or income threshold before they are willing or able to assume the costs and/or risks of sending migrants to the U.S. It also undoubtedly reflects positive effects of past migration

on family assets and incomes. Econometric studies that control for the "feedback" of migration on household incomes reveal that, initially at least, Mexico-to-U.S. migrants tend to originate neither from the very top nor from the very bottom of Mexico's rural income distribution.

Migration Selectivity and Changing Characteristics of Mexico-to-U.S. Migrants

Although socioeconomic differences between migrants and nonmigrants are significant initially, migration network theories (Massey; Stark, Taylor, and Yitzhaki, 1986) predict that these differences narrow as networks of family contacts at migrant destinations expand and the psychological and economic costs and risks of migration progressively decline. This finding helps resolve discrepancies among community studies with respect to some key variables. For example, in contrast to findings reported on pages 748 to 750 (Table 1; also, see Lopez, 1986 and Mines, 1981), some studies have found that migrants are primarily landless workers (Cornelius, 1976; Stuart and Kearney, 1981). Married men dominate the migrant workforce in some towns (Weist, 1973; Cornelius, 1976; Dinerman, 1982), but in others the participation of women and children more closely resembles that of men (Reichert, 1979; Fernandez, 1988; Cornelius, 1990). Without a nationally representative data set, a theory of how average migrant characteristics vary through space and over time is essential for situating and making sense of findings from these community studies.

Massey and Durand (1992), in the sociological literature, and Taylor (1992b) and Stark, Taylor, and Yitzhaki (1988, 1986), in the economics literature, have attempted to incorporate findings from surveys of places into general theories about the process of migration. They emphasize "migration networks" and the diffusion of these networks across sending-area households and individuals as the key variables shaping and reshaping characteristics of migrants over time.[3]

Findings from several community studies in Mexico suggest that migration becomes less selective and more representative of migrant-sending areas over time. This appears to be due to the spread of migrant network connections, which provide information to prospective migrants and offer direct assistance that lowers the material and psychic costs and risks associated with (especially unauthorized) migration across borders. Characteristics of Mexican immigrants increasingly resemble those of the general population as the spread of migration networks within and across communities makes migration less selective. It also makes the origins of Mexican immigrants increasingly diverse, as new networks, fortified in some cases by direct recruitment, materialize in communities that have not traditionally

been major suppliers of migrants to the United States. Because of this, differences in characteristics between migrants and nonmigrants fade over time.

A consensus is beginning to emerge that estimates of migrant characteristics are sensitive to the stage of the migration process at which surveys are conducted. The socioeconomic and demographic profile of migrants from individual villages evolves over time, as does the participation of villages and regions in U.S. migrant streams, in ways that reflect changes in the way individuals are selected into (and out of) migration. The migration selection process shapes the characteristics of migrant flows into U.S. labor markets. This means that estimates of migrant characteristics are a function of the place and time at which surveys are carried out. A survey of migrants from an "old" migrant-sending area generally yields different findings than a survey of migrants from a "new" sending area, and surveys of the same migrant-sending areas produce different findings at different points in time. A statistical portrait of Mexico-to-U.S. migrants cannot be constructed from existing household survey data in isolation of the process that selects people into and out of migration, nor in isolation of the ways in which this process evolves over time.

The ideal way to test for changes in migrant characteristics at different stages of the migration process is to utilize matched longitudinal data, as in the Michoacan Migration Project. Alternatively, Massey, Goldring, and Durand (1994) propose an index of community "migration prevalence" as a basis for comparing communities that are apparently at different stages of the migration process. For a given community at a given point in time, international "migration prevalence" is defined simply as the number of people with international migratory experience divided by the total number of people alive. The disadvantage of the Massey et al. approach is that it imposes a temporal interpretation when explaining differences in communities at given points in time, by assuming that communities have different migration-prevalence levels because they are at different points in a migration process. It is possible for two communities with long histories of migration to have significantly different levels of migration prevalence. The strength of the Massey et al. approach is that it makes it possible to compare characteristics of migrants and nonmigrants in communities with different migration-prevalence levels using cross-sectional data. This is important, in light of the paucity of matched longitudinal data on migrant households. Massey et al. uncover definite patterns of convergence in characteristics between migrants and nonmigrants at different levels of community migration prevalence.

The "New Economics" of Labor Migration

Recent theoretical work on the economics of migration offers additional clues about why characteristics of Mexico-to-U.S. migrants differ from those of nonmigrants and why both change over time. The new economics of labor

migration (NELM; see Massey, Arango, Hugo, Kaouaci, Pellegrino, and Taylor, 1994 and Stark, 1981), suggests four categories of economic motives for migration:

(1) *Expected Income*. Migration (and migrant remittances) are a means to increase incomes of migrants and of their households of origin in Mexico.

(2) *Risk*. Allocating some family members' time to migration provides a way to spread household income risk, by securing access to a new income source that is not highly correlated with local (e.g., crop) incomes. That is, migrants represent an insurance policy for their households in Mexico. The same holds for individuals who are able to spread their work time during the year or across years between Mexico and the United States.

(3) *Market Imperfections*. In the absence of well-functioning capital markets in migrant-sending areas, migrants represent financial intermediaries who enable their households of origin to invest in new activities or technologies.

(4) *Relative Income*. "Investing" in migration is a means for households to improve their relative income position within the reference group (e.g., the village).

These motives for migration are important for explaining changes in immigrant characteristics over time. Motive (1) suggests that migrants originate from poor households with few assets and low productivity (although there are limits to this; see Motive 3, below), and that U.S. migrants tend to be individuals with human capital (skills, schooling) or "migration capital" (e.g., family contacts) for which there is a high economic return in the U.S. (and not human capital for which there is a large economic return in Mexico). Motive (2) suggests that migrants originate from areas where local incomes are risky, or (as emphasized by the NELM) from households that are experiencing economic changes (e.g,. adopting new technologies, changing production activities) that increase (subjective) income risks. However, because migration itself is inherently risky, it also suggests that migrants and their families are able to insure against migration risks, and/or that they have access to "migration networks" that provide migration insurance to them. Motive (3) suggests that migrants have little access to local capital or else that their households of origin have large capital needs relative to capital availability (e.g., if they are investing in new production activities or technologies). However, because migration is costly, it also suggests that families who send migrants abroad have sufficient capital to finance what generally is a costly migration venture, or else have networks of relatives or friends who can finance migration costs from the U.S. side of the border. Motive (4) suggests that migrants originate from households that are relatively deprived within their reference groups (e.g., villages).

The interplay of (1)-(4) suggests that, initially at least, migrants:

- Are individuals with characteristics that make them relatively more productive in the U.S. labor markets to which they have access and less productive in Mexico (i.e., less able to generate income at home.
- Come neither from the poorest households (which cannot afford the costs of international migration) nor the richest households (which lack the expected income and relative income incentives to migrate) in their places of origin.
- Come neither from the least secure households (which would not be willing to take on the risks of migration) nor from the most secure households (which would not depend on migrants for income security).

In the medium- to long-run, the expansion of migration capital, or networks, reshapes the selectivity of migration by influencing the economic returns, costs, and risks of migration. If access to networks becomes diffused across households at different income levels, lower income households may begin sending migrants abroad. Successful migration investments by some families affect the relative income position of others in the local reference group. And, if migrants represent financial intermediaries facilitating investments in new economic activities at home, the absolute and relative income positions of migrant families will tend to rise over time. Finally, catastrophic events in Mexico, such as the economic crisis of the 1980s and 1990s, create incentives for new groups of individuals, with new characteristics, to enter the migration stream. This probably accounts for the rising schooling levels of Mexico-to-U.S. migrants from the Michoacan households depicted in Table 1 on pages 748 to 750.

The Theory of Circular Migration and Imperfect Migrant Labor Markets

It is well known that many of the workers involved in immigration flows into the United States return to their country of origin. In the case of migration from Mexico to the United States, which has persisted for over a hundred years, not only has there been a return flow but it has included the majority of migrants. These workers return to Mexico after a migratory "career" that involves alternating stays in the receiving areas in the United States and in their home communities in Mexico. Such a migratory "career" can continue for several years, but it generally ends with an aging worker's definitive return to Mexico. Obviously this is not true in every case. A growing proportion of migrants is choosing to remain permanently in the United States. Perhaps the decision to remain in the United States or to

return definitively to the home community is a function of the intensity of the interaction between the sending community and the receiving community, reflected in the number of family members that the first-time migrant has in the United States. That is, the fewer family members a migrant has in the United States, the more likely it is that he will return definitively to Mexico.

Data obtained from the Cañón Zapata project support these hypotheses. They reveal a process of circular migration from Mexico to the United States which is clearly related to the geographical proximity of these two countries. By circular migration it is understood here, the process by which an individual alternates stays in Mexico and the United States, for more than six months, between his or her family residence and job residence, until either age, success or failure, makes him or her to permanently establish his family residence at some point of his or her circulatory route, either in Mexico or in the United States.

The notion of circular migration holds methodological and theoretical implications. Methodological, because of at least two reasons, a)length of stays in the United States might be increasingly long, returns to Mexico become increasingly short and job residence becomes permanent as a result of family reunification. Then, new entries to the United States from Mexico might increase the volume of the migratory flow giving to the observer the impression of an increase in immigration to the United States, when in fact he or she is observing an increase in the intensity of a circulatory movement, including Mexican citizens who might have moved on a permanent basis to the United States. On the other hand, b)when measured properly, circulatory migration might become an indicator of the intensity of the interactions between structural conditions and factors located at the two sides of the border, which are associated to the phenomenon of international migration between the two countries. Theoretical, because of at least two reasons. First, the definition of a migrant should no longer depend on his or her position in the map but on his or her engagement in an international labor market. Traditional definitions of a migrant require his or her crossing of a geographical boundary for certain period of time. The notion of a circulatory migration should be made operational from the theoretical assumption that a migrant is a person who is no longer a permanent resident of his or her home town because of a decision that implies to join an international labor market by responding to a perceived labor demand in another country. This means that a migrant is a migrant from the moment he or she has left home with the intention of looking for a job in another country.

The other reason is, that as a consequence of the above, for the purpose of an estimate of the number of international migrants, their numeration should begin when they join the migratory circle, regardless of whether that person has crossed an international border or not. The migratory circle includes the geographical space between the last permanent residence and the place of migratory destiny. The

latter could be of various types—from an attempted destiny to an actually reached one. The analyst's selection of the type of migratory destiny might depend on the scope of the analysis. The important implication here is to include all persons who are in the international migratory circle in the enumeration of international migrants, whether or not they have left the country of origin or reached the country of destination.

Notes

1. One exception to the negative selectivity of international migration with respect to schooling comes from an analysis of one of the newest Mexico-to-U.S. migrant groups, the Mixtecs from Oaxaca (Zabin and Hughes, 1995). It found that, of those who migrated internally to farm jobs in the Mexican states of Baja and Sinaloa, those who went on to migrate to the United States were significantly more likely to be males (84 percent), single (38 percent), and better educated than those who remained as internal migrants in Mexico. (55 percent of the latter were males, 21 percent were single, and average schooling was 2.7 years.) The low mean education of both migrant groups in this sample probably reflects low average schooling levels at these migrants' place of origin in Oaxaca.

2. This conclusion is deduced from (1) the finding from rural household surveys that Mexico-to-U.S. migrants have less schooling than individuals who do not migrate to the United States, and (2) Borjas' (1994) finding that average schooling levels of Mexican-born immigrants in the U.S. (taken from the U.S. Census) are slightly higher than average schooling in Mexico.

3. Taylor (1992) and Stark, Taylor, and Yitzhaki (1986, 1988) emphasize the spread of family migrant contacts, or migration networks, in their theory of changing effects of migration on rural income inequalities. Durand and Massey (1992) emphasize the importance of "social capital," or networks of contacts with family and friends in the United States, in their "cumulative theory of migration."

Characteristics of Migrants

Data Sources

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This report has two parts. The first part describes data collected in Mexico. The second part describes data gathered in the United States.

Data Collected in Mexico

This section contains a comparative overview of the ENADID and EMIF surveys; detailed descriptions of each of these two surveys and data sets; and descriptions of Mexican community survey data sets (the Michoacán Survey and the Mexican Migration Project surveys).

ENADID and EMIF Surveys—Introducción

En el presente documento se busca presentar una descripción detallada de las principales fuentes de datos sobre características demográficas y laborales de los migrantes, así como su participación en la práctica migratoria, basadas en muestras de personas o hogares tomadas en México. Las encuestas implementadas en México

que serán revisadas aquí son: (1) La Encuesta Nacional de Indicadores Demográficos (ENADID); (2) La Encuesta sobre Migración en la Frontera Norte (EMIF), (3) Las encuestas llevadas a cabo en el Estudio de Migración de Michoacán de la Universidad de California, Davis, y El Colegio de México; y (4) Las encuestas del Proyecto sobre la Migración Mexicana (el estudio Durand-Massey).

Cada una de las cuatro fuentes de datos tiene características metodológicas diferentes; la ENADID estudia al individuo en su lugar de residencia habitual, ya sea porque está de regreso de su práctica migratoria, o porque su familia señala que se encuentra en Estados Unidos La EMIF se enfoca a los flujos de migrantes, esto es, a aquellas personas en tránsito hacia Estados Unidos o de regreso de ese país, motivo por el cual la información recabada en cada caso es diferente, aún cuando puede ser complementaria. Las encuestas UC Davis-COLEF se enfocan en las características socioeconómicas de migrantes y sus hogares de origín y los impactos económicos de la migración en México. Las encuestas Durand-Massey detallan las características socio-demográficas de la migración y de los migrantes.

Encuesta nacional de la dinámica demográfica, 1992 (ENADID)
(Resumen de la descripción presentada en el CD Rom elaborado por el Instituto Nacional de Economía, Geografía e Informática (INEGI)

Observaciones generales

La Encuesta Nacional de Indicadores Demográficos (ENADID), levantada en 1992,[1] ofrece las siguientes ventajas:

- Se realizó en todo el territorio nacional y tiene representatividad a nivel de entidad federativa, gracias a lo cual se puede conocer el peso de la migración internacional en cada estado de la república y comparar las características de los migrantes con la población no migrante.
- Abarcó tanto a los migrantes de retorno que respondieron a las preguntas sobre su actividad migratoria, como a los que se encontraban en ese país, pero su familia aportaba información sobre algunas de sus características sociodemográficas.

En el caso de los de retorno, se pudo saber algo sobre su historia migratoria, lo que permite conocer los cambios que se han venido presentando a través del tiempo.

Con ella se puede estimar la cantidad de migrantes en el período de 1987 a 1992, conocer datos sobre: fecha de la migración, residencia actual, fecha de retorno, entre otros; y establecer relaciones con la migración interna.

Analizar, además, características educativas, económicas y laborales, de los migrantes, parentesco, sexo, edad, entidad de origen.

Al realizarse en la unidad doméstica de donde provienen los migrantes, también proporciona datos de sus viviendas y grupos domésticos.

Hay que hacer notar que mientras la ENADID incluye a todo tipo de migrantes, —independientemente de la época en que hayan vivido en Estados Unidos y si su permanencia en ese país se debiera a sus actividades laborales o a otro fin— la EMIF, sólo contempló a aquéllos que habían trabajado en Estados Unidos o bien manifestaron su interés por entrar con ese objetivo. Para los fines de este trabajo se excluyó a los entrevistados que declararon no haber nacido en el territorio mexicano, debido a que no había información sobre su nacionalidad.

Para la ENADID utilizamos dos bases de datos del disco compacto elaborado por el Instituto Nacional de Economía, Geografía e Informática (INEGI), la de migración internacional y la de características generales de la población. Analizamos dos bases de datos de la EMIF, proporcionadas por el Consejo Nacional de Población (CONAPO): la de migrantes mexicanos que retornan voluntariamente a México y la de migrantes deportados.

Aunque los migrantes laborales que se dirigen a Estados Unidos provienen de todo el país, a lo largo del tiempo han destacado algunas áreas de origen donde se concentra una alta proporción, en tanto que los demás se dispersan en el resto del territorio mexicano. Tomando en cuenta esta peculiaridad de la práctica migratoria y con la finalidad de tener una visión del conjunto nacional, a partir de las especificidades, dividimos el territorio mexicano en seis regiones, utilizando como criterios:

- La presencia de los oriundos de cada entidad federativa en los flujos migratorios a través del tiempo;
- La intensidad en su participación, de acuerdo a los datos recientes; considerando su peso en el conjunto de migrantes, y, al interior de cada entidad, en relación con su población;
- Su cercanía geográfica.

Complementariamente, se trató de que todas las regiones tuvieran representatividad estadística en la EMIF, ya que, la muestra de varios estados es muy reducida.

Tomando en cuenta estas observaciones se establecieron las siguientes regiones:[2]

I. La región de mayor salida, con 36.7% de los migrantes (de acuerdo a la ENADID), compuesta por los cuatro estados de mayor tradición en esta práctica: Guanajuato, Michoacán, Jalisco y Colima.[3]

II. Las entidades de la frontera norte —Baja California, Sonora, Chihuahua, Coahuila, Nuevo León y Tamaulipas, incluyendo también Baja California Sur[4]— que aportan el 18.3% de los migrantes.

III. Los seis estados ubicados entre las dos regiones anteriores —Sinaloa, Durango, Nayarit, Zacatecas, San Luis Potosí[5] y Aguascalientes— con 18.2% de los migrantes.

IV. Los cinco estados del interior que rodean al Valle de México —Distrito Federal, Estado de México, Querétaro, Hidalgo y Tlaxcala— con 12.9% de los migrantes.

V. Oaxaca, Guerrero, Puebla[6] y Morelos con una participación conjunta de 11.7% de los migrantes.

VI. Las seis entidades del sureste —Veracruz, Tabasco, Chiapas, Campeche, Yucatán y Quintana Roo— que únicamente aportan el 2.2% de los migrantes.[7]

Se utilizó como criterio para clasificar a los migrantes su región de nacimiento, con la finalidad de tener idea sobre algún posible desplazamiento interno antes de migrar a Estados Unidos.[8]

Por otro lado, tomando en cuenta las características de cada encuesta, la información de la ENADID se dividirá, cuando sea pertinente, entre migrantes de retorno y emigrantes (que son los que se encontraban en Estados Unidos cuando se levantó la encuesta). La información de la EMIF se analiza considerando los dos tipos de flujos mencionados:

1. Los que regresaban voluntariamente a México, provenientes de Estados Unidos y que estuvieron en ese país con el fin de trabajar.
2. Los migrantes de origen mexicano entrevistados después de haber sido deportados de Estados Unidos.

Las variables que se analizaron son:

- Edad del migrante,
- Sexo,
- Estado civil,
- Tipo de localidad de nacimiento (urbana o rural),
- Escolaridad,
- Residencia actual,
- Situación laboral del migrante en México, antes o después de migrar, según la información disponible,

- Oficio o profesión desempeñada en caso de haber estado laborando,
- Sector económico,
- Período en que entraron a Estados Unidos por primera y última vez,
- Duración de la última estancia,
- Número de entradas al vecino país,
- Condición laboral y sector económico en el que trabajaron en Estados Unidos, durante su última estancia,
- Estado y ciudad en los que permanecieron más tiempo durante su última estancia.

Metodología

La Encuesta Nacional de la Dinámica Demográfica representa el acercamiento macrosocial más importante y completo al comportamiento demográfico en México. Integra los tres aspectos de la dinámica demográfica (la fecundidad, la mortalidad y la migración), desde el momento mismo del diseño muestral. Es el primer estudio de carácter nacional, que cubre prácticamente todas las zonas del país.

Por su especial cuidado en la metodología utilizada y en los mecanismos de retroalimentación y control, resulta ser una investigación con los más altos estándares de rigurosidad. Su diseño muestral permite cubrir la totalidad del país, generando información a los niveles federal, estatal y municipal.

Comprende catorce temas generales, dentro de tres bloques de aspectos: niveles y composición de la población (características generales de la población, nivel de mortalidad, fecundidad, registro de nacimientos y defunciones y prácticas anticonceptivas); características socioeconómicas de la población (Características de la vivienda, hogares, condiciones económicas y características educativas) y todo lo relacionado con la migración nacional e internacional.

Permite generar datos a nivel nacional, área de residencia urbana-rural, cuatro tamaños de localidad, regiones y entidades federativas.

El diseño de la muestra se realizó de manera estratificada y bietápica. Por un lado se seleccionaron las unidades de acuerdo a condiciones geográficas y características de similitud. Por el otro, las unidades de análisis de acuerdo a dos etapas de selección.

El tamaño de la muestra se calculó atendiendo a dos indicadores: la tasa de mortalidad a nivel nacional y el promedio de hijos nacidos vivos por mujer en edad fértil, a nivel entidad federativa. Para calcularlo se realizó la función en cada uno de los dos conceptos y después se procedió a obtener un tamaño derivado de la

combinación entre los dos factores, calculándose finalmente los niveles de error para los demás temas de interés considerados en la encuesta.

Con respecto a las unidades de análisis, la encuesta comprende las siguientes: las viviendas, los miembros nacionales y extranjeros de esas viviendas, los residentes habituales de las viviendas, las mujeres entre 15 a 54 años de edad, miembros del hogar y residentes habituales, personas que se fueron a vivir a otro país, desde 1987 hasta la fecha de la encuesta y, finalmente, personas que siendo miembros del hogar y residentes habituales murieron de enero de 1987 a la fecha de la encuesta.

El procedimiento de estratificación, pone en primer lugar los municipios o delegaciones de cada entidad federativa. Luego, cada estado se estratifica por Zona Rural, Zona Urbana Certeza (ZUC) y Zona Urbana Resto (ZUR). Finalmente, cada localidad se subdivide en grupos de manzanas.

La estratificación geográfica se realizó de la siguiente manera: se clasificaron localidades de acuerdo al total de habitantes en marzo de 1990, teniendo como resultado cuatro tipos de unidades, las de menos de 2,500 habitantes, las de 2,500 a 19,999 habitantes, las de 20,000 a 99,999 habitantes y las de 100,000 o más.

La importancia de este estudio para conocer la dinámica migratoria, tanto nacional como internacional, aumenta no sólo por la extensión geográfica que cubre, sino también por la amplitud de los temas que están interrelacionados. Permite conocer:

- Las características de los flujos de migración.
- Los perfiles de los migrantes internos e internacionales utilizando la información sobre las características socioeconómicas de los individuos, de los grupos domésticos y de las viviendas.
- Comparar los niveles de migración interna e internacional, con lo que es posible establecer algunas hipótesis de relación entre ambos fenómenos.
- En lo que se refiere a la migración interna, toma en cuenta los aspectos de: la condición de migración (estatal y municipal), el tiempo de residencia en la entidad; el lugar de residencia anterior; tiempo de residencia anterior y el lugar de residencia en 1987.
- En cuanto a la migración internacional, estimar la cantidad de migrantes en el período de 1987 a 1992, conocer datos sobre la condición de residencia al momento de migrar, parentesco de los migrantes, sexo, edad, entidad de origen, fecha de la migración, lugar de destino, residencia actual, fecha de retorno y condición de residencia al retorno.

- Además de este tipo de información, la investigación permitió relacionar la información obtenida sobre las características de la vivienda, las de la población, educativas, económicas y laborales.

Con esta información se agruparon los datos en tres bases distintas: la primera, compuesta por las características generales de las viviendas de los migrantes; la segunda, las características de los flujos de migración interna e internacional y la tercera se compone de las características educativas de los migrantes.

Informe trimestral de la encuesta sobre migración en la frontera norte de México (EMIF)

Introducción

Una de las preocupaciones sobre el estudio del fenómeno migratorio es conocer las características de los individuos que han decidido desplazarse de su lugar habitual de residencia con el objeto de modificar sus condiciones de vida y trabajo. Durante los últimos años este hecho ha llamado la atención de instituciones académicos y por supuesto de las entidades gubernamentales que de alguna manera están relacionadas con la problemática que este fenómeno tiene a su alrededor.

A lo anterior se agrega la necesidad de contar con información oportuna y confiable sobre las condiciones y modificaciones asociadas con los desplazamientos y sobre todo si éstos están orientados a cruzar las fronteras nacionales. En este sentido, la importancia que ha cobrado la migración laboral de origen mexicano a la frontera norte y hacia los Estados Unidos requiere un conocimiento más cercano de sus componentes para que, en la medida de lo posible, se ejecuten acciones de Política Pública encaminadas a modificar o atenuar las causas que originan tales movimientos.

En este contexto, la Encuesta sobre Migración a la Frontera Norte de México (EMIF) proporciona información que permite evaluar los posibles cambios en el comportamiento de la población migrante, así como para la realización de estudios comparativos. El objecto de La Encuesta sobre Migración en la Frontera Norte (EMIF), es captar la dimensión y características de los distintos flujos de migrantes laborales mexicanos, a partir de la elaboración teórico-metodológica desarrollada por el equipo encabezado por Jorge Bustamante, con Jorge Santibáñez y Rodolfo Corona, todos ellos de El Colegio de la Frontera Norte. Su finalidad es estudiar la circularidad migratoria basada en el método de muestreo de poblaciones móviles. En ella, se utiliza el concepto de migrante laboral a partir de su conducta de migrar, esto es, de desplazarse de su ciudad o comunidad de residencia de origen a otra ciudad o comunidad con propósitos laborales. El flujo migratorio se concibe así

como un desplazamiento o más que un "migrante" realiza a través de una ruta recurrente de su lugar de origen a otra ciudad, estado o país y viceversa, con propósitos laborales o para regresar de manera temporal o definitiva. Se trata de una encuesta continua, por lo que permite captar las variaciones durante el año, tanto en el número de migrantes como en la participación de los distintos subgrupos. La encuesta tuvo dos etapas, la primera, de 1993 a 1994, y la segunda, de 1994 a 1995. Sólo se trabajó la información del primer año, pues es la única disponible.[9]

Dada la metodología de la EMIF, los levantamientos anuales pueden dividirse en cortes trimestrales. El presente documento informa, sobre los resultados obtenidos durante el trimestre comprendido entre el 14 de diciembre de 1993 al 13 de marzo de 1994, correspondiente al primer levantamiento.

En el primer apartado se exponen consideraciones en torno a la metodología que sustenta a la encuesta y la información relevante sobre el trabajo de campo. En un segundo apartado se presentan los elementos que permiten contar con una definición de población de trabajo, que en adelante se denominará población de análisis.

Con base en lo anterior el tercer apartado contiene la descripción de algunos resultados de la encuesta. El orden de presentación de los mismos tiene por objetivo ofrecer un panorama general de las características de la llamada población migrante y de cada una de las particularidades asociadas a ella. En este sentido conviene señalar que la encuesta capta migrantes que se desplazan por diversos motivos, sin embargo en el presente documento la atención se centrará en los migrantes laborales captados por la encuesta.

De igual manera el documento considera, en primer lugar, una caracterización general por flujos y subpoblaciones de análisis para el leventamiento trimestral.

Finalmente se presentan un anexo estadístico. El cual tiene un formato que responde a distintas necesidades, El Anexo I está conformado por la serie de tabulados básicos de los migrantes laborales durante el trimestre considerado del primer levantamiento por flujo y subpoblación. La caracterización general de los migrantes que dan origen a cada subpoblación de análisis, se basa en esta información.

Descripción general de la EMIF

Consideraciones generales

La Encuesta sobre Migración en la Frontera Norte de México (EMIF) es una fuente de medición y caracterización directa de los flujos migratorios de trabajadores mexicanos en dos direcciones: a) entre México y Estados Unidos y b) hacia o desde las localidades fronterizas del norte de México. La base metodológica de la EMIF, aplica técnicas de muestreo probabilístico de poblaciones móviles y supone

una observación directa que cubre un amplio espectro de posibilidades tipológicas de desplazamientos migratorios.

Por esta razón la EMIF incorpora dos dimensiones en la medición del fenómeno migratorio, la geográfica y la temporal, lo cual representa la posibilidad de una observación continua de los desplazamientos en ambas direcciones y en consecuencia un tratamiento especial de las mediciones que se vayan registrando.

Los elementos que la metodología de la EMIF conjuga son:

I. La captura y estudio de los desplazamientos migratorios, en ambas direcciones.

II. La analogía con el tipo de desplazamientos estudiados por otras disciplinas como la oceanología o la biología que miden los desplazamientos periódicos, estacionales o cíclicos de individuos de un lugar a otro.

El flujo de personas se presenta en ambas direcciones[10] (Sur-Norte), lo cual hace compleja y poco operativa la agrupación en un solo conjunto a las personas que comprende dicho flujo, además que las características pueden variar para quien se incorpora a éste o sale del mismo[11]. Esta doble dirección del flujo migratorio, requiere una clasificación que permita una observación y caracterización adecuada del mismo.

Los migrantes cuya dirección es de sur a norte llegan a una localidad fronteriza ya sea para permanecer en ella o para cruzar (documentado o indocumentado) hacia Estados Unidos. Los migrantes en dirección norte-sur, llegan a las localidades fronterizas procedentes de Estados Unidos (de manera voluntaria o devueltos por la patrulla fronteriza) o de las mismas localidades fronterizas, utilizándolas como punto de salida hacia el sur, o como destino o inicio para un nuevo cruce hacia Estados Unidos. Esta dinámica es la que se conoce como flujo migratorio.

La división del flujo migratorio propuesta por la metodología de la EMIF, segmenta a los migrantes dependiendo de su dirección y destino, definiendo la población objetivo y la población sujeta a observación captada en cada una de las encuestas de la manera descrita por el cuadro no. 1.

Es importante resaltar que para cada una de las subdivisiones propuestas en el diseño de la EMIF, se aplican cuestionarios diferentes toda vez que se realizan los filtros para identificar la población objetivo a la que pertenecen los sujetos encuestados (ver diagrama de la cédula filtro de la EMIF).

La EMIF consta de cuatro cuestionarios diseñados para captar a migrantes en ambos sentidos. A los deportados se les identifica como un flujo en sí mismo, ya que en el cuestionario para estos migrantes se excluyen preguntas que permitan subdividirlos, pues la característica para identificarlos es que su regreso se califica como forzado.

Cuadro 1

Población	Flujo Migratorio: Procedente del Sur y con Destino: Estados Unidos	Flujo Migratorio: Procedente del Sur y con Destino: La Frontera Norte	Flujo Migratorio: Procedente del Norte: Estados Unidos	Flujo Migratorio: Procedente del Norte: La Frontera Norte	Deportados
Población Sujeta a Observación	Todas las unidades sujetas a muestreo, es decir, toda persona que pasa por los puntos de muestreo, independientemente que pertenezcan o no a la población objetivo.				
Población Objetivo: Individuos que participan en el flujo migratorio Internacional o a la frontera norte de México	Individuos no nacidos en Estados Unidos, mayores de 12 años que llegan a una de las ciudades por las zonas y puntos de muestreo considerados, no residentes en esa ciudad y cuya estancia en la zona fronteriza es para trabajar o buscar trabajo, para visitar familiares o amigos, o por negocios, sin fecha comprometida para el regreso. (1)		Individuos mayores de 12 años, no nacidos en Estados Unidos, que no viven en la ciudad de aplicación de la entrevista, cuya estancia, mayor de un mes, en la zona fronteriza se debió a una visita a familiares, amigos, o bien a negocios; o para buscar trabajo o trabajar, independientemente de la duración de su visita. (2)		ndividuos que son entregados a las autoridades migratorias mexicanas por agentes de la patrulla fronteriza de Estados Unidos, en los puertos de entrada al país, ubicados a lo largo de la línea fronteriza.

1. Si manifiestan la decisión de ir a los Estados Unidos con o sin experiencia migratoria internacional o de permanencia en la ciudad fronteriza pero con alguna experiencia en migración internacional, se considera migración internacional; al complemento de éste conjunto, se le considera migración a la frontera norte.

2. Si la mayor parte del tiempo permaneció en alguna ciudad de Estados Unidos, se considera como un desplazamiento procedentes de dicho país. En caso contrario, si la mayor parte del tiempo permaneció en alguna localidad fronteriza del norte de México, se juzga como desplazamiento procedente de la frontera norte.

Por lo anterior, en adelante se ha determinado utilizar la siguiente clasificación de flujos y subpoblaciones de análisis,[12] misma que será utilizada para referirse y presentar los resultados de la encuesta.

Para el flujo sur-norte se presentan como subpoblaciones aquellos cuyo destino es la frontera norte y/o los Estados Unidos.

En el caso del flujo norte-sur, se consideraron como subpoblaciones tanto a quienes proceden de Estados Unidos como a los que proceden de la frontera norte de México. A los migrantes devueltos por la patrulla fronteriza se les denominará flujo de Deportados.

1. Flujo Sur-Norte

   — Con destino a la frontera norte *(SFN)*

   — Con destino a los Estados Unidos *(SEU)*

2. Flujo Norte-Sur

   —Procedentes de Estados Unidos *(EUS)*

   — Procedentes de la frontera norte *(FNS)*

3. Flujo Deportados

   — Deportados *(DEP)*[13]

En relación con la clasificación propuesta concierne anotar las siguientes precisiones.

Flujo Sur-Norte. Capta sujetos cuya estancia en la zona fronteriza se debe a visita a familiares o amigos y negocios, sin fecha comprometida de regreso y por eso es mayor que el flujo migratorio laboral. La razón por la que se incluyó es que, si bien al momento de la entrevista no es migrante por motivos laborales, con el paso del tiempo puede convertirse en uno.

Dentro de este flujo no se consideran aquellos sujetos que declaren como lugar de residencia alguna localidad en los Estados Unidos, toda vez que son excluidos de la encuesta a partir de la cédula filtro.

Flujo Norte-Sur. Capta sujetos nacidos en México que residen actualmente en los Estados Unidos. Sin embargo no puede ser considerada representativa de la población nacida en México y residente en Estados Unidos, puesto que se desconoce el porcentaje de esa población que se desplaza a México en forma temporal; tampoco se conoce si el sujeto de esa población que se desplaza temporalmente tiene un perfil similar a quien no lo hace.

De igual modo, capta flujos migratorios no necesariamente laborales, ya que se aplica un cuestionario a aquellos sujetos cuya estancia en Estados Unidos fue para visitar a familiares o amigos o para negocios, con tiempo de estancia superior a un mes.

Flujo Deportados. Incluye ciudadanos de otras nacionalidades, residentes de la zona fronteriza y aquellos sujetos cuyo desplazamiento se efectúa por motivos no laborales (compradores, personas que visitan familiares o amigos, etcétera). Subestima a los menores de edad, ya que éstos son frecuentemente entregados a los consulados de México en Estados Unidos para su repatriación.

Otro aspecto importante es que de las unidades en flujo, aquí es donde la probabilidad de que se presente una enumeración múltiple es más alta, pues los

migrantes realizan varios intentos consecutivos hasta lograr internarse en Estados Unidos o desistan de su intento.

Por las características del diseño metodológico de la EMIF, existen algunos tipos de migrantes laborales que no son captados por la encuesta, estos son los que se desplazan en transportes marítimos desde México hacia los Estados Unidos, en transportes de carga, en vehículos particulares, en transportes aéreos que llegan directamente a ciudades del interior de los Estados Unidos de América y los residentes en la frontera que deciden migrar a los Estados Unidos. Asimismo los llamados *commuters* y los *visa abusers.*[14]

Dado que la EMIF realiza una ponderación con base en dos dimensiones (espacio y tiempo) para expandir las características del migrante, conviene señalar que los eventos presentan variación de representatividad que depende en primera instancia del tiempo y el espacio donde se detecta el desplazamiento, así como de la dinámica del flujo en el punto donde se aplica el cuestionario.

Avances en el desarrollo del levantamiento de la EMIF

La EMIF consta de levantamientos anuales continuos divididos en períodos trimestrales. Hasta el momento se cuenta con la información de los cuatro trimestres para el primer año de levantamiento.

Las fechas de estos levantamientos son como se presenta en el cuadro no.2. Uno de los aspectos que interesa destacar es el relacionado con el procedimiento del levantamiento de la EMIF.

Primer año de levantamiento

En el primer año de operación de la encuesta, se establecieron tres regiones de muestreo;[15] la región Este que comprende las localidades fronterizas situadas al este de Ciudad Acuña, Coahuila; la región Centro con las localidades ubicadas

Cuadro 2
Períodos trimestrales
Primer levantamiento

	1er. Trimestre	2o. Trimestre	3er. Trimestre	4o. Trimestre
1er. Levantamiento				
28 de Marzo 1993	28/Mar/1993	28/Jun/1993	28/Sep/1993	28/Dic/1993
27 de Marzo 1994	27/Jun/1993	27/Sep/1993	27/Dic/1993	27/Mar/1994

entre Ciudad Acuña y Nogales y la región Oeste que comprende las localidades situadas al oeste de Nogales. Tales regiones se organizaron a partir de siete ciudades de la frontera norte que fueron elegidas como los puntos de coordinación de la encuesta.[16]

En este el primer año de operación (28 de marzo de 1993 al 27 de marzo de 1994), la distribución de las localidades donde se aplicó la encuesta se detalla en el cuadro no. 3. La dinámica del movimiento de los diferentes flujos captados obligó la modificación de las localidades de muestreo debido al cierre de operaciones en ellas, ésta situación se refleja en la variación del número de localidades reportado.

Durante el segundo trimestre de operación, se eliminaron definitivamente cinco localidades: Cd. Guerrero, Agua Prieta, Naco, Ojinaga y Sonoyta, por lo que el trabajo de campo se realizó en 18 localidades.[17]

Cuadro 3
Distribución de localidades de muestreo por region y coordinacion regional: Primer levantamiento anual
(28/Mar/93 al 27/Mar/94)

Region	Coordinacion Regional	Localidad
Este	Matamoros	Matamoros R. Bravo/Nvo. Progreso Reynosa Camargo Miguel Alemán
	Nuevo Laredo	Nuevo Laredo
	Piedras Negras	Piedras Negras Ciudad Acuña
Centro	Juárez	Cd. Juárez Porfirio Parra Rodrigo M. Quevedo Porvenir
	Nogales	Nogales
Oeste	Mexicali	Mexicali San Luis Río Colorado
	Tijuana	Tijuana Tecate

Dentro de las localidades se establecieron zonas de muestreo (central de autobuses, aeropuertos, estaciones de ferrocarril, garitas), y dentro de las zonas puntos de muestreo. Estos puntos de muestreo son los lugares donde se aplica la encuesta dado que las personas que utilizan los servicios de transporte público pasan obligadamente por ellos.

Los puntos de muestreo son las puertas de entrada o salida a los andenes, salas para recoger equipaje, etc. En el caso de los deportados éstos puntos son las puertas por donde la patrulla fronteriza devuelve a territorio mexicano a las personas que se internan ilegalmente a los Estados Unidos.

Durante el primer año de aplicación de la EMIF, la distribución de los puntos de muestreo establecidos se presenta en el cuadro no.4.

Durante el primer trimestre de operación la distribución de los puntos de muestreo se detalla en el cuadro no. 5.

En lo que se refiere al número de cuestionarios aplicados, EL COLEF reportó la siguiente distribución en el primer año, según los flujos identificados en el cuadro no. 6.

Durante este año de aplicación de la EMIF, la evolución en el levantamiento de los datos para el primer trimestre de acuerdo al sentido del flujo, se presenta en el cuadro no. 7.

Durante el segundo trimestre, la aplicación de cuestionarios observó la distribución que aparece en los cuadros 8 y 9.

Cuadro 4
Distribucion de puntos de muestreo por trimestre según flujo
Primer levantamiento anual
(28/Mar/93 al 27/Mar/94)

	Trimestre	Flujo Sur-Norte	Flujo Norte-Sur	Flujo Deportados
1	28/Mar/93-27/Jun/93	46	62	21
2	28/Jun/93-27/Sep/93	31	38	12
3	28/Sep/93-27/Dic/93	42	48	14
4	26/Dic/93-27/Mar/94	42	50	14
	Total	161	198	61

Cuadro 5
Distribución de puntos de muestreo por región según tipo de flujo
Primer trimestre
(22/Mar/93 al 28/Jun/93

Región	Coordinación Regional	Flujo Sur-Norte	Flujo Norte-Sur	Flujo Deportados
Este	Matamoros	11	16	5
	Nuevo Laredo	3	3	1
	Piedras Negras	3	3	2
Centro	Juárez	9	14	4
	Nogales	7	10	4
Oeste	Mexicali	9	10	2
	Tijuana	4	6	3
	Total	46	62	21

Cuadro 6
Distribución de cuestionarios aplicados
por trimestre según tipo de flujo
Primer levantamiento anual
(28/Mar/93 al 27/Mar/94)

Trimestre	Flujo Sur-Norte	Flujo Norte-Sur	Flujo Deportados	Total
1º	1,687	1,755	1,990	5,432
2º	1,653	1,880	2,787	6,320
3º	1,330	2,093	1,814	5,237
4º	1,598	1,487	2,323	5,408
Total	6,268	7,215	8,914	22,397

Cuadro 7
Distribución de cuestionarios aplicados por tipo de flujo
Primer trimestre
(28/Mar/93 al 28/Jun/93)

Flujo	Número de Cuestionarios Completos	Número de Cuestionarios Parciales*	Total
Sur-Norte	1,602	84	1,687
Norte-Sur	1,682	73	1,755
Deportados	1,935	55	1,990
Total	5,219	212	5,432

* Cuestionarios parciales son aquellos que no fueron concluidos porque la unidad de transporte que utilizaba el migrante estaba a punto de partir y se suspendía la entrevista, o bien porque el migrante se negaba a continuarla.

Cuadro 8
Distribución de cuestionarios aplicados por coordinación regional según tipo de flujo
Segundo trimestre
(28/Jun/93 al 27/Sep/93)

Coordinación Regional	Flujo Sur-Norte			Flujo Norte-Sur			Flujo Deportados		
	C	P	Total	C	P	Total	C	P	Total
Matamoros	276	26	302	316	17	333	640	6	646
Nuevo Laredo	206	1	207	210	2	212	327	0	327
Piedras Negras	151	0	151	246	0	246	298	0	298
Cd. Juárez	277	1	278	381	0	381	452	0	452
Nogales	94	7	101	130	8	138	167	7	174
Mexicali	102	1	103	171	1	172	172	8	180
Tijuana	510	1	511	392	6	398	702	8	710
Total	1,616	37	1,653	1,846	34	1,880	2,758	29	2,787

Nota: C= Número de cuestionarios completos
P= Número de cuestionarios parciales

Cuadro 9
Distribución de cuestionarios aplicados por tipo de flujo
Segundo trimestre
(28/Jun/93 al 27/Sep/93)

Flujo	Número de Cuestionarios Completos	Número de Cuestionarios Parciales	Total
Sur-Norte	1,616	37	1,653
Norte-Sur	1,846	34	1,880
Deportados	2,758	29	2,787
Total	6,220	100	6,320

Definición de población objetivo

Dentro de la corriente migratoria confluyen personas cuyos desplazamientos hacia o desde la frontera norte o los Estados Unidos responden a diversas razones. Dado que uno de los objetivos centrales de la EMIF es la captación de los desplazamientos de carácter laboral, conviene considerar las principales características se presenta en el cuadro no. 10.

De acuerdo con el cuadro anterior se puede clasificar a la población migrante en dos grupos diferenciados entre sí: uno conformado por individuos nacidos y residentes en México que declararon como razón del desplazamiento trabajar

Cuadro 10
Población migrante
Individuos que participan en el flujo migratorio internacional o a la frontera norte

Migrantes Laborales	Migrantes No Laborales*
Individuos nacidos y residentes en México que declararon como razón del desplazamiento trabajar o buscar trabajo	Individuos que declararon como razón de desplazamiento una actividad ajena a trabajar o buscar trabajo.

* En este flujo están considerados extranjeros residentes en México y que declararon como razón de desplazamiento trabajar o buscar trabajo.

o buscar trabajo, y el otro integrado por quienes declaran que lo hacen por razones diferentes.

El objetivo es captar a los mexicanos nacidos en México, que vivían y que residían en México pero en lugares diferentes a las localidades fronterizas, especialmente a quienes declararon como razón de desplazamiento trabajar o buscar trabajo.

Con base en lo anterior se sugiere como definición de *migrante laboral* al conjunto de individuos captados por la EMIF, que siendo parte de la población migrante han nacido y residen en México y que declararon como razón del desplazamiento trabajar o buscar trabajo. En adelante nos referiremos a los grupos por la denominación de migrante laboral y de migrante no laboral.

De acuerdo con esta definición no se incluye como migrante laboral hacia Estados Unidos a quien:

a. Declara que se desplaza a los Estados Unidos por actividades no relacionadas con trabajar o buscar trabajo, aunque cuenten con experiencia migratoria hacia ese país.

b. Declara que se desplaza a la frontera norte y declara no ir a buscar trabajo, pero tiene experiencia migratoria en los Estados Unidos.

c. Declara que se desplaza a la frontera norte y no contestó o no especificó si va a trabajar o buscar trabajo a la frontera norte aunque tenga experiencia migratoria hacia los Estados Unidos.

d. Declara que se desplaza a los Estados Unidos por actividades no relacionadas con trabajar o buscar trabajo y que además no tiene fecha comprometida de regreso.

También se excluye como migrante laboral hacia la frontera norte a quien declara que se desplaza a la frontera norte por actividades no relacionadas con trabajar o buscar trabajo, pero no tiene fecha comprometida de regreso.

Con objeto de caracterizar a los migrantes laborales se han considerado las siguientes variables:

- Sexo
- Edad
- Escolaridad
- Estado civil
- Jefe de hogar
- Localidad de residencia

- Estado de residencia
- Ciudad de cruce
- Estado de mayor permanencia en Estados Unidos
- Localidad de destino
- Estado de destino
- Documentación para cruzar a Estados Unidos
- Documentación para trabajar en Estados Unidos
- Empleo-desempleo en Estados Unidos
- Empleo-desempleo en México 30 días antes de iniciar el viaje

Finalmente conviene hacer una aclaracion en relación con la forma en que se presenta la información.

La primera se refiere a la dificultad para presentar una división a partir de la variable sexo y utilizarla como base de comparación debido a que la muestra tiene una proporción pequeña de mujeres. Por tal razón se optó por realizar la comparación por tipo de localidad de residencia (urbana-no urbana).

El papel de la frontera norte en el fenómeno migratorio

Una de las preocupaciones básicas del fenómeno se relaciona con las variaciones en el tiempo que presenta la corriente migratoria hacia y desde la frontera norte de México y los Estados Unidos. Si bien es cierto que a lo largo del año los movimientos de personas están presentes, es durante algunas épocas donde dicha corriente tiende a ser más intensa en cualquiera de las dos direcciones.

En este sentido, diversos especialistas afirman que durante los meses de enero y febrero, aumenta la corriente migratoria hacia el norte a causa del regreso de connacionales hacia los Estados Unidos y por la presencia en las ciudades fronterizas de aquellos que intentan cruzar hacia ese país, generalmente de manera indocumentada. De acuerdo con los datos presentados para este período, es el flujo sur-norte el de mayor importancia ya que concentra un mayor porcentaje respecto a los flujos norte-sur y deportados (45.9%, 33.7% y 20.3% respectivamente).

Tamayo y Fernández (1983), sostienen que la heterogeneidad interna de la frontera norte complica identificarla como una "región"; el único elemento de homogeneidad fronteriza es su desigualdad manifiesta respecto a los niveles de desarrollo estadounidense.

Las desigualdades en el desarrollo económico entre las zonas de la región fronteriza, repercuten en la dinámica de los mercados de trabajo locales. Esta dinámica es uno de los principales elementos de atracción de la migración laboral. La distancia geográfica entre la región de origen y destino también repercute en las actividades que los migrantes desarrollan en sus localidades de origen así como las que están en posibilidades de desarrollar en las de destino.

La frontera norte se ha caracterizado por ser una de las regiones de atracción de las migraciones internas de este país. Dentro de ésta, existen algunas zonas urbanizadas más significativas como destino de migrantes, como el caso de Tijuana que presenta un importante crecimiento demográfico y un fuerte desarrollo económico; donde los sectores comercial y servicios son básicos para la economía, sin olvidar que el sector industrial presenta un gran dinamismo a partir de la instalación de la industria maquiladora.

Por su parte, Nuevo Laredo conjuga ser la puerta de entrada más cercana hacia los Estados Unidos desde la Ciudad de México, amén de encontrar en esta ruta a la ciudad industrial de Monterrey. Ambos elementos hacen de Nuevo Laredo un importante centro de tráfico comercial entre México y los Estados Unidos

Ciudad Juárez y Nogales, desarrollaron su dinámica económica a partir de la década de los setentas, principalmente por el establecimiento de la industria maquiladora que atrajo una importante corriente de migración laboral.

Matamoros, Piedras Negras y Mexicali, se consolidan a partir del auge que tuvieron sus valles agrícolas y el efecto que tuvo la reactivación económica en las ciudades fronterizas al término de la Segunda Guerra Mundial, junto con el impulso que recibieron sus economías a partir de la implementación de la industria maquiladora.

Muestras de la población migrante

Primer levantamiento[18]

Consideraciones generales. Durante el trimestre comprendido entre el 14 de diciembre de 1993 y el 13 de marzo de 1994, la EMIF captó para la población migrante los siguientes totales en cuadro no. 11.

Del total registrado para la población migrante captada por la EMIF, la distribución de acuerdo a los grupos y flujos asociados se detalla en los cuadros 12 y 13.

Tomando el total estimado para la población migrante, los definidos como laborales, es decir aquellos nacidos y residentes en México que declararon como razón del desplazamiento trabajar o buscar trabajo, representan el 61.03% del total captado en este período, mientras que los identificados como no laborales representan el 38.97%.

Cuadro 11
Población migrante
Distribución por grupo según flujo y subpoblación de análisis
(14/Dic/93 al 13/Mar/94)

		Población Migrante		Migrantes Laborales		Migrantes no Laborales	
Flujo	Subpoblación	Muestra	Ponderados	Muestra	Ponderados	Muestra	Ponderados
Sur-Norte	SFN	762	239,348	500	145,261	262	94,087
	SEU	692	174,414	514	120,150	178	54,265
		1,454	413,762	1,014	265,411	440	148,352
Norte-Sur	EUS	669	204,326	323	75,661	346	128,666
	FNS	862	174,015	673	119,228	189	54,787
		1,531	378,340	996	194,889	535	183,453
Deportados	DEP	2,207	155,059	1,720	117,720	487	37 339
Total*		5,192	947,162	3,730	578,020	1,462	369,144

* La diferencia entre el total de la población migrante y el total de migrantes laborales y migrantes no laborales, corresponde estrictamente al redondeo de las cifras ponderadas

SFN: Procedentes del Sur con destino frontera norte

SEU: Procedentes del Sur con destino Estados Unidos

EUS: Procedentes de los Estados Unidos con destino al Sur

FNS: Procedentes de la frontera norte con destino al Sur

DEP: Migrantes deportados

Si consideramos que la frontera norte ha experimentado un crecimiento demográfico que destaca en comparación con el resto del país (Ham, 1993), no es de extrañar que para ambos grupos (laborales y no laborales), mayor número de ellos se dirige a localidades de la frontera norte en contraste con aquellos que se dirigen a los Estados Unidos. Aquí se destaca que el 54.73% de los migrantes laborales participantes en el flujo sur-norte se dirigían a alguna localidad de la frontera norte y el 63.42% de los migrantes no laborales tenían este mismo destino.

Tal hecho se explica en parte, por el atractivo para la migración de las condiciones laborales que se han desarrollado en la frontera, y del importante papel que han desempeñado estas ciudades en el marco de la crisis económica de los ochenta.[19] La importancia económica de la región parece confirmarse también en el caso del flujo norte-sur ya que la proporción de migrantes laborales que proceden de la frontera norte significó el 61.18% del total del flujo.

Cuadro 12
Población migrante
Distribución porcentual por grupo, flujo y subpoblación de análisis
(14/Dic/93 al 13/Mar/94)
(Muestra expandida)

Poblacion Migrante 947,162									
Migrantes Laborales 61.03					Migrantes No Laborales 38.97				
Sur-Norte 45.92		Norte-Sur 33.72		Dep. 20.36	Sur-Norte 40.19		Norte-Sur 49.70		Dep. 10.11
SFN	SEU	EUS	FNS	DEP	SFN	SEU	EUS	FNS	DEP
54.73	45.27	38.82	61.18	100.00	63.42	36.58	70.13	29.87	100.00

SFN: Procedentes del Sur con destino frontera norte

SEU: Procedentes del Sur con destino Estados Unidos

EUS: Procedentes de los Estados Unidos con destino al Sur

FNS: Procedentes de la frontera norte con destino al Sur

DEP: Migrantes deportados

Considerando el total de migrantes no laborales con dirección norte-sur destaca que el 70.13% provenía de alguna ciudad de los Estados Unidos.

La EMIF reporta que del total de migrantes laborales, el 20.36% son deportados.

Como primera observación, se destaca que la mayor proporción de migrantes participa en el flujo sur-norte (43.69%), en el flujo norte-sur participaron el 39.94% y los deportados representan el 16.37% restante. La mayor proporción (25.27%) son migrantes que tienen como destino la frontera norte, seguidos en orden de importancia por aquellos que provenían de Estados Unidos (21.57%).

Del total de los migrantes laborales captados durante este período el 25.13% se dirigió hacia la frontera norte y el 20.78% a los Estados Unidos. El 20.63% provenía de la frontera norte y un 20.37% fueron captados como deportados.

De los migrantes no laborales la subpoblación más representativa es aquella que proviene de los Estados Unidos (34.86%).

Perfil básico de los migrantes laborales. A partir de las variables consideradas en este documento como básicas[20] y del conjunto de datos de la EMIF para el período, se pueden identificar los rasgos más distintivos de la población laboral que capta la encuesta. Los migrantes nacidos y residentes en México, que se

Cuadro 13
Población migrante
Porcentaje estimado por grupo según flujo y subpoblación
(14/Dic/93 al 13/Mar/94)

	Flujo/Subpoblacion				
	Sur-Norte		Norte-Sur		Deportados
Grupo	SFN	SEU	EUS	FNS	DEP
Laborales	25.13	20.78	13.09	20.63	20.37
No Laborales	25.48	14.70	34.86	14.84	10.12
Total	25.27	18.42	21.57	18.37	16.37
Total Flujo	43.69		39.94		16.37

SFN: Procedentes del Sur con destino frontera norte

SEU: Procedentes del Sur con destino Estados Unidos

EUS: Procedentes de los Estados Unidos con destino al Sur

FNS: Procedentes de la frontera norte con destino al Sur

DEP: Migrantes deportados

desplazaron para trabajar o buscar trabajo entre el 14 de diciembre de 1993 al 13 de marzo de 1994 tienen las siguientes características: El flujo sur-norte muestra un peso relativo mayor (45.92%) que el del flujo norte-sur (33.72%) en el total de los desplazamientos por motivos laborales. Al observar las subpoblaciones se tienen que el movimiento más significativo del flujo sur-norte es aquel que se dirige a la frontera norte (54.73%), en el flujo norte-sur los que provienen de la frontera representan el 61.18% (Cuadro no. 13).

The Michoacán Project Surveys of 1983, 1989, and 1993 (Taylor, Fletcher, Orlove, and Yúnez)

The Michoacán household-farm surveys were carried out in three villages and a town in the Pátzcuaro region in spring/summer of 1983, 1989 and 1993. This region is located in central Mexico, approximately 1,500 miles south of the Mexico-California border. It is on the fringes of the Tarascan highlands. Like most of central Mexico, it is at an altitude of more than 6,000 feet. The villages and town are situated on the shore of Lake Pátzcuaro. At the time of the 1983 survey, two of the villages were connected to the nearest town, Erongarícuaro, by a dirt road which

became impassible to all but off-road vehicles during much of the rainy summer season. The 1983 survey gathered data on 540 individuals in 61 randomly selected households located in two villages. In the 1989 and 1993 surveys, we re-interviewed these original households, and in 1993 added 20 new households to the sample in each village and expanded the survey to a third village and nearby town, with a sample size of 50 households in each.

This region has a long history of sending migrants to the United States, predating the bracero program. Migration accelerated during the bracero program. In many villages, well over one half of all men who were in their prime working years during the 1950s and early 1960s participated at some time in the bracero program. Most of these also entered the United States illegally to work during this period. A typical pattern was for young men to first work in U.S. agricultural jobs as braceros, returning to their villages each year and using U.S. earnings to invest in their farms and raise their families in Mexico; then to regularly enter the United States illegally to work each year. The termination of the bracero program did not reduce Mexico-to-U.S. migration from the villages in this study. Instead, ex-bracero workers continued to cross the border frequently in the 1960s to work in the fields as unauthorized immigrants. Their treks northward became less frequent in the 1970s and especially in the 1980s, as the ex-braceros became older and as their children took their place in U.S. labor markets.

With very few exceptions, at least one son or daughter of ex-braceros, and typically several children, were residing in the United States at the time of our first survey. However, few held agricultural jobs; most (around 90 percent) worked in light manufacturing and service jobs in and around Southern California's San Fernando Valley. By the early 1990s, the numbers of U.S. migrants increased dramatically, as older siblings helped younger ones to migrate and as many children of non-ex-braceros joined U.S. migrant streams.

One of the villages, a Purépecha (Tarascan)-speaking community, was almost entirely bypassed by the bracero program. Its households did not participate heavily in Mexico-to-U.S. migration at the time of the 1983 survey; only a handful of individuals from this village worked in the United States in the early 1980s, almost all as H-2 workers harvesting tobacco in Virginia. By 1993, many households in this village had family members working in the United States, mostly in manufacturing and service jobs in Southern California, a few harvesting apples in Washington and Oregon, but no H-2(A) workers in the Eastern United States.

The villages boast several tienditas, or small stores, in which goods brought in from the outside are sold through windows cut into the facades of adobe houses. These goods range from flour, lard and sugar to Coca Cola, toilet paper and

chewing gum. Typically, a local butcher slaughters an animal and sells meat on the main cobbled road in the village once every one or two weeks. The rest of the time, villagers must travel the one to two kilometers to town to purchase meat. Stores in the town also sell a limited variety of consumer durables, and a weekly market dramatically expands the town's inventory. There is no central market within the villages. Apart from the *tienditas*, an active trade in staples, dairy products and some fruits and vegetables is carried out on doorsteps of village houses. Villagers have excellent information about which families have maize surpluses, milk cows, chickens and eggs, firewood and other local commodities for sale in the village. Local prices for these commodities are held in check by the villages' proximity to the town. The interaction of village supply and demand determines the prices of other goods, including labor and tractor services, which are supplied locally.

High transaction costs insulate the villages and town from much of the influence of government corn-price policy. Despite a high government-guaranteed price for maize, the cost of transporting harvests to the nearest CONASUPO purchase point prevented all but a few individuals from selling to the government. Relatively marginal agro-ecological conditions limited maize output in this area to around one metric ton per hectare, restricting the local maize supply. As a result, local corn prices were lower than the guaranteed price but nevertheless well above the world price during this period.

The household-farm survey gathered complete sociodemographic data on every living family member, regardless of whether he or she was residing in the village at the time of the surveys. These data include sex, age, education, marital status, migration experience for both internal and international migration, relationship to the household head, current residence and years at current residence, English language proficiency, and U.S. immigration status. We also constructed a complete work time-use profile on every family member residing in Mexico, and we gathered data on all income contributions to the household from migrants in Mexico or in the United States, including in-kind contributions.

The surveys included a module on household assets (land, physical capital, contacts with relatives and friends elsewhere in Mexico or in the United States). Complete data were also gathered to permit estimation of production, incomes and expenditures each household in the sample. On the production side, village market prices (where available) and quantities of all intermediate and factor inputs and outputs were recorded for each activity. For subsistence households, production was valued at the going village price.

On the factor side, wages for hired labor and, except in the case of a few tractor owners, actual costs of tractor services were observed and used to calculate

hired-labor and capital value-added. Ox-and-plow services were valued at their opportunity costs, that is, the village price for these inputs. The ejido, or agrarian reform, prohibited sale or renting of *ejido* lands, which made up nearly all of the land base controlled by villagers. Because of this, land rents had to be estimated econometrically. (See Taylor and Wyatt, 1994). Family labor value-added was calculated as a residual, from the imputed value of production minus the observed or imputed costs of all intermediate and factor inputs, including imputed land rents. (Land rents were not separated out from family and other capital in the 1982 SAM.) All purchases of inputs and sales of output were recorded by origín and destination, respectively. Inputs purchased from outside the village represent "village imports," while output sold to outside markets represents "village exports." The difference between exports and imports yields village marketed surplus, which is a village analogue to the marketed-surplus concept in the household-farm literature (e.g., Singh, Squire and Strauss, 1986).

The expenditure side of the survey gathered data, based on recall and a reconstruction of typical weekly food menus, on consumption expenditures, savings and investments. Expenditures on lumpy goods like furniture, plows, and house construction were relatively easy to obtain, as was information on daily or weekly menus, e.g., the corn input into a family's nixtamal (dough) for *tortillas*. In the case of subsistence production, consumption, like output, was valued at village market prices. Expenditures on livestock, machinery and tools made up the majority of investments. These expenditures, together with limited reported savings in bank accounts, were counted as savings (payments by households into the capital account) and as investments (expenditures by the capital account on investment goods or savings sent to banks outside the village) in the village SAM. No formal savings were reported in the 1988 survey, which was for a period of high inflation and negative real interest rates. Schooling expenditures were counted both as human-capital savings (from households to the human capital account) and as human-capital expenditures (from the human capital account to the rest of Mexico). Children normally complete six years in a government school within the village. Because primary education is free and secondary schools are located outside the village, human capital investment represents a village import. Schooling costs include fees, supplies, lodging for live-away students (e.g., in the state capital of Morelia), and daily transportation for students commuting from the village to the government secondary school in the nearby *municipio* (county) seat of Erongarícuaro or to a post-secondary school in the city of Pátzcuaro. All consumption and investment expenditures were recorded by place of origín to indicate whether they represent local goods or village imports.

Mexican Migration Project (Durand-Massey) Surveys

The Mexican Migration Project provides cross-sectional data from random samples of households surveyed in 1982-83 and 1987-91 in 19 communities in the Mexican states of Jalisco, Michoacán, Guanajuato, and Nayarit, areas that have traditionally sent large numbers of migrants to the United States. Within each community, 100-200 households were randomly selected and interviewed, resulting in a total sample size of 3,400 households across 19 communities. Detailed sociodemographic data were gathered, together with migration life histories.

Data Collected in the United States (Census, Current Population Survey, INS, and Farmworker Surveys)

United States Census and Current Population Survey

The U.S. decennial censuses and the Current Population Surveys (CPS) are among the major sources of data used by researchers to study the characteristics of migrants. Public-use microdata files are available for the censuses of 1900, 1910, and 1940 through 1990.

Strengths of the U.S. Decennial Censuses

The decennial Census of Population enables rich description of the enumerated foreign-born. Information on country of birth, year of entry, naturalization, and, in some censuses, on use of English or other languages and on parental nativity can be combined with data on age, sex, marital and employment behavior, and earnings and income to yield a composite picture of the foreign-born at the time of the census. The censuses also have the advantage of broad coverage and ample sample size, facilitating examination of groups whose size is very small, such as age/sex/nationality-specific cohorts.

Shortcomings of the U.S. Decennial Censuses

Unfortunately, the inferences about the migration process that can be drawn from census data are limited, due to three serious shortcomings: (a) the lack of information on characteristics particularly relevant to the study of migration, (b) the census data's cross-sectional nature, and (c) lack of firm knowledge concerning the rate and stability of coverage.

Missing Migration-Relevant Information

As is well known, the decennial censuses do not contain information on the *legal status* of the foreign-born.[21] It is thus impossible to distinguish among true immigrants (legal permanent resident aliens and those among them who have become naturalized citizens) and visitors of a wide variety. Some of the visitors are nonimmigrants, i.e., persons holding *temporary* visas from among the broad set discussed above; such visitors include employees of foreign concerns (such as foreign correspondents and automobile plant managers), members of foreign trade delegations, employees of international organizations (such as the World Bank), and foreign students. Others of the visitors are deportable aliens. Obviously, lack of information on legal status is more serious for some origín countries than for others. The problem would appear to be severe for Mexico, as Mexico probably has substantial contingents of all three main legal types—permanent resident aliens, nonimmigrants, undocumented migrants—and estimated characteristics do not accurately describe any of them.

The lack of information on legal status makes it impossible to estimate naturalization rates or to interpret unambiguously shifts in migrant characteristics. An increase or decrease in average age or schooling or earnings might merely be the result of changes in the legal-status composition of the migrants. For example, even if the schooling and earnings of newly-admitted permanent resident aliens remained the same, a shift upward in intracompany transferees would produce an increase in average earnings while a shift upward in undocumented migrants would produce the opposite.

It should also be noted that citizenship, too, is not unambiguous in most data sets and in the decennial censuses. The rightmost column of Table 14 reports the imputed citizenship at birth for the same combinations of birthplace and parental citizenship for which actual citizenship at birth is reported. As shown, there are two classes of persons whose imputed birth-citizenship differs from actual birth-citizenship: (i) persons born in the United States who are not subject to U.S. jurisdiction and hence are not birth-citizens; and (ii) persons born abroad to one U.S. citizen parent who does not meet the requirements for transmitting U.S. citizenship.

Moreover, the 1970 and 1980 censuses followed a practice that may have resulted in the citizenship misclassification of persons born in the United States to mothers living abroad. Mexicans and Canadians living in border areas would be most affected by this misclassification. Briefly, the census question on nativity instructed, “Print the state where this person’s mother was living when this person was born. Do not give the location of the hospital unless the mother’s home and the hospital were in the same state.” If the instruction was followed, then it was

impossible to correctly answer the next question, on citizenship. Thus, the 1970 and 1980 censuses contain subsets of Mexico-raised U.S. birth-citizens who are misclassified as naturalized U.S. citizens.

Cross-Sectional Nature of Census Data

Because the census data are cross-sectional, studies based on them are subject to two important sets of biases: those arising from emigration selectivity and those arising from the confounding of cohort and experience effects.[22]

With respect to the confounding of cohort and experience effects, it is well-known that studies based on cross-sectional data cannot reveal the patterns of dynamic processes and cannot disentangle age, period, and cohort effects.[23] Thus, when cross-sectional data are used to study migrant behavior, it is impossible to distinguish between the effects of experience in the United States and the effects of factors associated with the immigrant's vintage—that is, with conditions in both the origín country and the United States at the time of entry (including the rules for the selection of immigrants in effect at the time of admission to permanent resident status). For example, as Borjas (1985) notes, in studies of the earnings of immigrants based on cross-sectional data, it is impossible to distinguish between two potential facts: (i) that immigrants improve their earnings as their time in the United States increases, as hypothesized by Chiswick (1978); and (ii) that each successive entry cohort of immigrants has possessed lower earnings potential (possibly as a consequence of the law for the selection of immigrants).

Cross-sectional data have an additional weakness when used to study migration processes. The respondents enumerated in the decennial censuses represent the *survivors* of entry cohorts, cohorts which may be selectively and differentially trimmed by *emigration* decisions (Jasso and Rosenzweig 1982). For example, if immigrants who subsequently emigrate from the United States are non-randomly self-selected and if the selection mechanisms operate differentially across entry cohort and/or country of origín—if, to illustrate, the low achievers from the 1955 entry cohort leave while the high achievers from the 1965 entry cohort leave—then the true adjustment effect cannot be identified. Tracking the progress of an aggregate cohort across successive cross-sectional data bases may thus confound, because of selective emigration, the life-course mobility of an individual with shifts over time in the mixture of sub-sets in the individual's entry cohort. For example, if the high earners in a cohort emigrate, it may appear that the cohort has made no progress when in fact the survivors (initially low earners) have substantially increased their earnings. Biases associated with emigration selectivity may be especially acute for Mexico-born persons, as their emigration may be both high and fluctuating over time.

Coverage and Coverage Change

The validity of inferences concerning changes over time both within and between cohorts of foreign-born persons hinges on changes in coverage. In particular, coverage of undocumented migrants is problematic.

Legal Immigrant Samples Based on Administrative Records of the Immigration and Naturalization Service (INS)

Samples based on administrative records of the INS constitute the major source of information about legal immigrants. These data are of two main types: (i) administrative records covering new legal immigrants and new naturalized citizens; and (ii) surveys of samples drawn from INS records.

INS Administrative Data

Precise information on persons granted permanent resident alien status and on those among them who subsequently naturalize is collected by the U.S. Immigration and Naturalization Service. Public-Use tapes of the New-Immigrant File for the years 1972-1994 are now available (see INS *1994 Statistical Yearbook*, p. 177). Additionally, INS has undertaken to match immigrant and naturalization records for the FY 1977 and 1982 immigrant cohorts; these microdata are also available as public-use tapes. Selected cross-tabulations of data from the New-Immigrant and Naturalization Files are published in the INS *Annual Report* and its successor, the *Statistical Yearbook.*[24]

Strengths of INS Data

The principal advantage of INS data lies in the detailed information on legal status, visa classification, and country-of-origín variables. It is thus possible to study the determinants of naturalization rates, since normally eligibility to naturalize depends on both legal status and length of residence. It is also possible, though with considerably less ease, to study the effects of duration in the United States on employment status and occupation.

The information available in the New-Immigrant File and the Naturalization File includes: (i) personal characteristics, including age, sex, marital status, state of residence (or intended residence, for persons entering to become permanent residents), occupation; (ii) origín-country information, including country of birth, country of last permanent residence, country of chargeability (for numerically limited

Table 14
Actual and Imputed Citizenship at Birth, by Place of Birth and Parental Citizenship

Place of Birth	No. of U.S. Citizen Parents	Citizenship at Birth	
		Actual	Imputed
United States	Two	U.S. citizen	U.S. citizen
United States	One	U.S. citizen	U.S. citizen
United States	Zero—Born subject to U.S. jurisdiction	U.S. citizen	U.S. citizen
United States	Zero—Born not subject to U.S. jurisdiction	Alien	U.S. citizen
Abroad	Two	U.S. citizen	U.S. citizen
Abroad	One—Requirements to transmit citizenship met	U.S. citizen	U.S. citizen
Abroad	One—Requirements to transmit citizenship not met	Alien	U.S. citizen
Abroad	Zero	Alien	Alien

Notes: United States = 50 states, plus outlying territories and possessions to which the United States has extended *jus soli.*

Abroad = Outside the United States.

visas), country of former nationality (for those who naturalize); and (iii) statutory classifications, including the provision of law under which the person became an immigrant, the provision of law under which the person was admitted for nonimmigrant temporary residence prior to immigration (if the person was adjusting from nonimmigrant to immigrant while in the United States), and the category of law under which the person became naturalized, as well as all the relevant dates—of admission to permanent residence, of admission to the prior nonimmigrant residence (if an adjustment of status), and of naturalization.

These data thus provide considerable detail on the circumstances of a given person's becoming an immigrant and acquiring U.S. citizenship. The 1977 Immigrant-Naturalization Cohort and the 1982 Immigrant-Naturalization Cohort, by merging the New-Immigrant and Naturalization Files, make it possible to distinguish important features of a foreign-born person's migration-relevant biography. An examples of such a biographies would be: a person who entered the

United States as a nonimmigrant with a foreign-student visa in 1972, married a U.S. citizen, becoming an immigrant as the spouse of a U.S. citizen in 1977, naturalized in 1987, reporting marital status as divorced.

Deficiencies of INS Data

The INS data have two important shortcomings—missing relevant information and limited longitudinality.

Missing Relevant Information. Important information relevant to the migration process is missing from the INS data. These data do not contain information on earnings, education, family and household structure, or language; in addition, information on occupation obtained from the New-Immigrant file is problematic, at least for persons who are (i) entering to become permanent residents (as opposed to persons adjusting status in the United States), and (ii) entering without labor certification.

The missing information may be regarded as being of three types. The first type consists of relevant attributes and characteristics of *individual* immigrants; this category might comprise information on language, schooling, earnings, and the like. The second type consists of information that would identify *family* groups of individual immigrants; for example, in the existing New-Immigrant File it is impossible to link the record of a person admitted as the spouse of an employment-fourth-preference immigrant with the record of the corresponding employment-fourth-preference principal. The third type of missing information is information on the *sponsor.*

Limited Longitudinality. Even when the New-Immigrant and the Naturalization Files are merged, they provide longitudinal information for each entire cohort on only one variable, naturalization. Longitudinal information on other characteristics, such as occupation, marital status, and state of residence, is available only for the sub-set of the cohort who naturalize. Thus, with the exception of naturalization, information is longitudinal only for a self-selected portion of each New-Immigrant cohort.

Surveys of Samples Based on INS Administrative Data

The principal weakness of INS administrative data—the lack of information on schooling, earnings, and other variables—can be overcome by collecting that information from individuals randomly selected from the administrative data. Such

a design loses none of the strengths of designs based on INS administrative record, overcomes the deficiencies, and, when embedded in a longitudinal data collection framework, overcomes as well the problems associated with cross-sectional data, such as emigration selectivity and confounding of cohort and experience effects.

In this report we draw on a special study carried out by the GAO on the immediate-relative immigrants of FY 1985 and on two main INS-based sample surveys. These are the special two-wave survey of the IRCA legalized population, LPS-1 and LPS-2, and the baseline interview data from the New Immigrant Survey Pilot Study.

The GAO Study

As was noted above, INS data do not include information on an immigrant's sponsor. The General Accounting Office assembled a microdata set containing information on the U.S. citizen sponsors of a probability sample of immediate relatives who became permanent resident aliens in FY 1985. The GAO data include information on whether the sponsor was himself/herself an immigrant and on his/her country of birth. If the sponsor was an immigrant, then information is also provided on the date of admission to immigrant status and the date of naturalization. The data thus make it possible to distinguish not only between birth-citizens and naturalized citizens but also, within birth-citizens, between those born in the United States and those born abroad to U.S. citizen parents.

Legalized Population Surveys

The Legalized Population Surveys, LPS-1 and LPS-2, represent two rounds of a longitudinal survey of a sample of persons legalized under Section 245A of the 1986 Immigration Reform and Control Act. These are persons who had lived in the United States continuously since January 1, 1982, had applied to the INS for legalization, and had been granted legalization in the first phase of the IRCA program (i.e., had been granted legal temporary resident status). During the first round, carried out in February-June of 1989, a total of 6,193 persons were interviewed. The second round selected for interview a subset of the initial interviewees; a requirement for participation in the second round was successful admission to legal permanent resident status. Thus, the population covered by LPS data represent a subset of unauthorized migrants who were in the United States in 1989. It is not necessarily representative of the entire unauthorized migrant population either before or after 1982. Nevertheless, the Mexican subset of the LPS sample provides an important complement to other data sources to estimate characteristics of Mexican migrants, and it includes some variables (e.g., on remittance behavior) not available in other data sets.

NIS Pilot Study

To improve the data base on immigrants, a program of comprehensive, multicohort, longitudinal surveys of new legal immigrants to the United States based on probability samples of INS records was recently developed. This program—the New Immigrant Survey—is designed to monitor changes across cohorts, with new samples drawn periodically, and to monitor adaptation over time, interviewing sample members at regular intervals over the life cycle and also obtaining information about and from their children. To test the design, and in particular to assess the cost-effectiveness of alternative methods of locating and tracking immigrants—with the aim of maximizing both initial and longitudinal response rates—a pilot study is being carried out. The pilot study includes a baseline interview and follow-up interviews over the course of a year. The sample is a probability sample drawn from among the set of persons who became new permanent resident aliens during July and August of 1996. In this report we draw on preliminary results from the baseline interview of the pilot study, which collected information on schooling, English language skill, labor force participation, and earnings both in the United States and abroad.

Farmworker Surveys

UC-EDD Farmworker Survey (1985)

The UC-EDD Survey of California Farm Workers was carried out by the University of California, Davis (UC) and the California Employment Development Department in Sacramento (EDD) in August 1983. The sample includes 554 male farm workers in 37 counties; workers in all crops and production-related activities were interviewed in each survey area. The survey was designed to obtain as representative a statewide sample of farm workers as possible, given the well-documented difficulties inherent in studying this population. The data provide information on farm worker human capital and other sociodemographic characteristics, including immigration status and country of origín; on the type of work and commodity in which farm workers were employed at the time of the interview; and on farm worker earnings. Just over 80 percent of all farm workers in the survey were Mexican-born, and 29 percent were undocumented.

National Agricultural Worker Survey (NAWS)

The National Agricultural Workers Survey (NAWS) was carried out in response to the legislative requirement under IRCA that the Secretaries of Agriculture and Labor determine annually if there is a shortage of Seasonal Agricultural Service

(SAS) workers. The NAWS collects comprehensive job history information on SAS workers to estimate fluctuations in the labor supply. It also gathers sociodemographic and earnings data, similar in most respects to the UC-EDD survey. Only farm workers employed in SAS labor are interviewed for the NAWS. More than 2,000 such workers were interviewed in fiscal year 1990. Unfortunately, the NAWS data have not been made available to us for analysis; only tabulations already carried out and published by DOL may be used.

Notes

1. La Encuesta Nacional de la Dinámica Demográfica (ENADID) representa el acercamiento macrosocial más importante y completo al comportamiento demográfico en México. Integra los tres aspectos de la dinámica demográfica (la fecundidad, la mortalidad y la migración). Es el primer estudio de carácter nacional, que cubre prácticamente todas las zonas del país. Para el tema que nos ocupa, comprende las siguientes unidades de análisis : viviendas, miembros nacionales y extranjeros de esas viviendas, residentes habituales de las viviendas y personas que se fueron a vivir a otro país, de 1987 hasta la fecha de la encuesta.

2. Hicimos algunos cambios a la regionalización presentada en San Diego, con la finalidad de tomar en cuenta las características de las zonas expulsoras y la historia de la participación de cada entidad en la migración.

3. Consideramos que era más adecuado situar a Colima en esta región por su ubicación geográfica y porque aunque en relación al conjunto de migrantes el peso de este estado es muy pequeño, esto se debe a su reducida dimensión, ya que sólo representa el 0.53% de la población nacional, según el conteo poblacional de 1995. Sin embargo, los migrantes constituían el (5.68%) de su población residente, según la ENADID; lo que significa que ocupaba el cuarto lugar, después de Michoacán, Zacatecas, y Durango.

4. La participación de Baja California Sur es mínima, ya que únicamente aporta el 0.2% de los migrantes (que representan, al interior de la entidad, el 0.95% de su población residente), sin embargo, consideramos que ésa era la mejor forma de ubicarla.

5. De acuerdo al documento presentado en San Diego, Zacatecas y San Luis Potosí formaban parte de la región I. Sin embargo, decidimos cambiarlos para dejar únicamente los estados donde la recurrencia de la migración era más constante.

6. Anteriormente, Puebla formaba parte de la región del Valle de México, sin embargo, tomando en cuenta los estudios en la zona se decidió que resultaba más adecuado incorporarlo a la región V debido a que una parte importante de sus migrantes proviene de la región colindante con los estados de Guerrero y Oaxaca, conocida como la Mixteca.

7. Dado el escaso número de migrantes provenientes de esta región, en este documento se omitirá el análisis de su comportamiento.

8. Aunque la información obtenida por este medio es limitada, principalmente en la EMIF.

9. Ver el apéndice metodológico elaborado por el Consejo Nacional de Migración.

10. La medición de los flujos migratorios no puede limitarse a una sola dirección, ello sería equivalente a considerar que los mexicanos al ingresar a los Estados Unidos cambian en forma definitiva su lugar de residencia y rompen con los vínculos familiares y sociales que los hacen regresar periódicamente.

11. Una unidad en tránsito, puede pasar de un flujo a otro.

12. Flujo Sur-Norte: designa al desplazamiento proveniente de cualquier parte de la República y que se concentra en las ciudades de la zona fronteriza del norte de México, ya sea para permanecer en ellas o internarse en los Estados Unidos.

Flujo Norte-Sur: designa a desplazamientos que se dirigen hacia el sur de la frontera norte de México, ya sea porque provienen de los Estados Unidos o de alguna localidad fronteriza.

Será considerado como un tercer flujo al conjunto de deportados por las autoridades migratorias norteamericanas.

Cada uno de los flujos se divide en uno o más subconjuntos, mismos que identificamos como subpoblaciones de análisis.

13. En adelante, para realizar comparaciones entre las subpoblaciones se tomarán las características que presentan en conjunto los deportados.

14. En el diseño metodológico de la EMIF, por cuestiones operativas que fueron probadas a escala en la ciudad de Tijuana y porque algunos movimientos migratorios son demasiado lentos, esporádicos o no tienen puntos específicos de paso-observación, algunas unidades que participan en el flujo migratorio internacional quedan fuera de la metodología propuesta. Tal es el caso de los migrantes locales, transmigrantes o *conmuters, visa abusers* o la migración legal.

15. Algunos de los criterios considerados en el establecimiento de estas regiones fueron: a) la infraestructura de vías de comunicación, toda vez que las rutas que siguen los migrantes no se alejan de la infraestructura existente y b) las localidades o regiones de origen y destino de los migrantes porque se estima que las rutas de los migrantes siguen una lógica que se establece gracias al mercado laboral y a la existencia de redes sociales y familiares, tanto en las zonas de salida como en las de llegada.

16. El criterio principal fue que en ellas se ubican las direcciones regionales de El COLEF que cuentan con la infraestructura necesaria para la operación del proyecto. Por otra parte se evaluó la facilidad de establecer enlaces con las localidades aledañas a la zona fronteriza y se capitalizó la ventaja de contar con personal adecuado para facilitar el contacto con las autoridades oficiales y el sector privado así como el acceso a las diferentes zonas de muestreo.

17. Los criterios considerados para excluir tales localidades fueron:

a) baja densidad en el flujo migratorio

b) localidades que contaban con flujos de carácter local

c) ubicación inadecuada de algunas localidades para la captación de los flujos

d) excesiva distancia entre las localidades y las coordinaciones regionales

18. En esta sección del documento se considera la información de un trimestre del primer levantamiento, que cubre el período del 14 de diciembre de 1993 al 13 de marzo de 1994.

19. Cruz Piñeiro (1992), afirma que muy ligados a la dinámica de la fuerza de trabajo, se encuentran los procesos migratorios; de hecho, gran parte de las tendencias características de la fuerza de trabajo y su inserción laboral en la frontera norte explican y son explicadas a la vez, en función de las características y magnitudes de los flujos migratorios hacia la región. En concreto, una primera aproximación señala que los migrantes constituyen el 70% de la PEA en Tijuana, el 50% en Nuevo Laredo y el 34% en Ciudad Juárez.

20. Si bien es cierto que en la sección del documento destinada a la descripción de las variables a ser consideradas se aclaró la pertinencia de utilizar el tipo de localidad de residencia para llevar a cabo los tabulados básicos, la información obtenida para la variable sexo se incorpora como una característica general.

21. See Shryock and Siegel (1975, pp. 578-580), Keely and Kraly (1978, pp. 270-271), Warren and Peck (1980, pp. 79-80), and Jasso and Rosenzweig (1982; 1986a; 1986b).

22. For fuller discussion of the biases associated with the use of cross-sectional data to study migration phenomena, see Greenwood and McDowell (1986) and the references cited therein.

23. For recent examination of this large literature, see Hobcraft et al. (1982) and Jasso (1985).

24. The *Annual Report of the Immigration and Naturalization Service* published annual data for many of the series of interest from 1943 through 1977 and the *Statistical Yearbook of the Immigration and Naturalization Service* since 1978. Both have included several historical time series. Additional historical time series are collected in U.S. Bureau of the Census, *Historical Statistics of the United States: Colonial Times to 1970*.

Characteristics of Migrants

Immigrant Characteristics from U.S. Data Sources

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor & Paz Trigueros Legarreta

United States Census (1990)

Table 1

Current Population Survey—CPS (1996)

Table 2

Immigration and Naturalization Service (INS) and INS-Based Samples

Tables 3–14 and Figures 1-3

Farmworker Surveys—UC/EDD (1985)

Table 15

Table 1
Characteristics of Mexican-Born Persons and Households by Citizenship and Period of Entry: 1990 Census
(Populations and households in thousands)

Characteristic	U.S. Total	Total Mexican Migrants			Naturalized Citizens			Aliens		
		Total	'80-89	Pre-'80	Total	'80-89	Pre-'80	Total	'80-89	Pre-'80
Age and Sex										
All persons	248,710	4,298	2,145	2,153	970	272	697	3,328	1,872	1,456
Less than 5 years	7.34	2.38	4.77	0.00	1.20	4.29	0.00	2.73	4.84	0.00
5 to 9 years	7.29	3.62	7.25	0.00	1.81	6.44	0.00	4.15	7.37	0.00
10 to 14 years	6.90	4.74	7.27	2.22	3.40	8.00	1.60	5.13	7.16	2.52
15 to 19 years	7.10	8.87	11.93	5.82	6.07	10.27	4.43	9.69	12.18	6.49
20 and 54 years	50.34	70.57	66.21	74.92	71.22	68.30	72.36	70.38	65.91	76.14
55 to 64 years	8.49	4.87	1.56	8.17	6.83	1.68	8.84	4.30	1.54	7.85
65 years and over	12.54	4.95	1.01	8.88	9.48	1.04	12.78	3.63	1.00	7.01
Median age	33.0	29.9	24.1	37.6	34.9	24.9	39.6	28.7	24.0	36.7
Males	31.8	29.3	24.1	37.0	33.9	24.8	39.2	28.3	24.0	36.1
Females	34.2	30.9	24.2	38.3	36.3	25.2	40.0	29.4	24.1	37.5
Educational Attainment										
18-24 years	26,235	844	632	212	131	71	60	712	560	152
High school	30.98	19.00	16.15	27.48	22.23	17.80	27.53	18.40	15.94	27.47
Some college	37.90	11.16	7.99	20.63	14.75	8.10	22.70	10.50	7.97	19.82
Bachelor's degree +	7.59	1.19	1.09	1.48	1.42	0.73	2.24	1.15	1.14	1.19
25 years and older	158,868	2,805	980	1,825	745	136	610	2,059	844	1,215
Less than 5th grade	2.69	28.24	26.90	28.96	24.00	26.12	23.53	29.78	27.03	31.69
5th-8th grade	7.70	29.82	30.22	29.60	26.07	30.66	25.05	31.18	30.15	31.89

Table 1 (Continued)

Characteristic	U.S. Total	Total Mexican Migrants			Naturalized Citizens			Aliens		
		Total	'80-89	Pre-'80	Total	'80-89	Pre-'80	Total	'80-89	Pre-'80
9th-12th, no diploma	14.38	17.59	18.93	16.88	17.47	19.30	17.07	17.64	18.87	16.78
High school graduate	29.99	11.61	11.23	11.81	14.75	12.82	15.19	10.47	10.97	10.12
Some college	18.74	6.70	6.07	7.04	9.25	5.91	9.99	5.78	6.09	5.56
Assoc. deg., occup.	3.29	1.40	1.26	1.47	1.88	1.10	2.05	1.22	1.28	1.18
Assoc. deg., acad.	2.87	1.13	0.99	1.20	1.69	0.84	1.88	0.93	1.01	0.86
Bachelor's degree	13.11	2.08	2.35	1.94	3.11	1.96	3.37	1.71	2.41	1.23
Master's degree	4.73	0.60	0.69	0.56	0.93	0.45	1.04	0.49	0.73	0.31
Professional degree	1.73	0.68	1.18	0.41	0.61	0.65	0.61	0.70	1.27	0.31
Doctorate degree	0.76	0.14	0.17	0.12	0.23	0.19	0.24	0.11	0.17	0.06
Labor Force Status										
16 years and older	191,829	3,784	1,698	2,086	898	217	681	2,886	1,481	1,405
Participation rate	65.30	69.70	71.70	68.08	68.71	75.28	66.61	70.01	71.17	68.79
Unemployment rate (Pct. of labor force)	6.30	11.27	11.97	10.66	9.45	10.26	9.16	11.82	12.24	11.37
Industry										
Employed persons, 16 years and older	115,681	2,334	1,070	1,264	556	146	409	1,778	923	855
Agriculture, Forestry and Fisheries	2.69	12.93	15.56	10.71	10.02	14.92	8.27	13.84	15.66	11.88
Mining	0.63	0.45	0.29	0.58	0.71	0.48	0.80	0.37	0.26	0.48
Construction	6.24	10.41	11.75	9.28	9.48	11.86	8.62	10.71	11.74	9.60
Manufacturing	17.69	26.62	24.91	28.06	25.64	25.07	25.85	26.92	24.88	29.13

Table 1 (Continued)

Characteristic	U.S. Total	Total Mexican Migrants			Naturalized Citizens			Aliens		
		Total	'80-89	Pre-'80	Total	'80-89	Pre-'80	Total	'80-89	Pre-'80
Transportation, communications and other public utilities	7.09	3.35	2.24	4.29	4.53	2.48	5.27	2.98	2.20	3.82
Wholesale trade	4.38	4.99	4.81	5.14	4.82	4.85	4.81	5.04	4.81	5.30
Retail trade	16.84	17.51	20.17	15.26	16.26	20.37	14.79	17.90	20.14	15.48
Finance, insurance, and real estate	6.90	2.07	1.29	2.73	2.93	1.33	3.50	1.80	1.28	2.35
Services	32.75	20.65	18.56	22.41	23.27	18.01	25.14	19.83	18.65	21.10
Public administration	4.79	1.02	0.41	1.53	2.33	0.63	2.94	0.61	0.38	0.86
Household Income										
Households	91,994	1,410	435	975	418	72	346	992	363	628
Less than $5,000	6.18	7.62	8.87	7.06	7.82	8.85	7.61	7.53	8.87	6.76
$5,000-$9,999	9.27	11.24	12.55	10.65	11.34	12.56	11.09	11.19	12.55	10.41
$10,000-$14,999	8.84	13.34	15.99	12.16	12.86	17.06	11.98	13.54	15.78	12.26
$15,000-$24,999	17.53	24.31	26.72	23.23	23.02	27.06	22.18	24.85	26.65	23.81
$25,000-$34,999	15.84	17.36	16.20	17.87	16.91	15.91	17.13	17.54	16.25	18.29
$35,000-$49,999	17.86	14.46	11.74	15.67	14.46	10.46	15.29	14.46	11.99	15.88
$50,000-$74,999	14.98	8.50	5.98	9.62	9.53	5.99	10.27	8.06	5.98	9.26
$75,000-$99,999	5.11	2.05	1.29	2.39	2.56	1.46	2.78	1.83	1.25	2.17
$100,000 or more	4.39	1.13	0.66	1.35	1.49	0.64	1.66	0.98	0.66	1.17
Median ($)	30,056	21,934	19,299	23,488	22,461	18,605	23,785	21,750	19,480	23,333
Mean ($)	38,453	27,122	23,671	28,684	28,213	23,386	29,077	26,662	23,728	28,386

Source: Tabulations from 1990 U.S. Population Census.

Table 2
Characteristics of Mexican-born Persons and Households by Citizenship and Period of Entry: March 1996
(Populations and households in thousands)

Characteristic	U.S. Total	Total Mexican Migrants				Naturalized Citizens				Aliens			
		Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80
Age and Sex													
All persons	264,319	6,679	1,900	2,428	2,351	852	63	157	632	5,828	1,837	2,271	1,719
Less than 5 years	7.59	1.28	4.48	0.00	0.00	0.60	8.18	0.00	0.00	1.37	4.36	0.00	0.00
5 to 9 years	7.63	4.07	9.65	3.63	0.00	1.10	1.76	5.28	0.00	4.50	9.92	3.52	0.00
10 to 14 years	7.36	5.28	8.84	7.60	0.00	1.63	1.99	8.07	0.00	5.81	9.07	7.56	0.00
15 to 19 years	7.06	6.82	12.53	7.52	1.48	2.38	7.61	5.97	0.97	7.47	12.70	7.63	1.67
20 and 54 years	50.41	71.40	61.45	77.04	73.62	68.03	64.69	71.90	67.40	71.90	61.34	77.40	75.91
55 to 64 years	7.98	6.02	2.14	2.94	12.34	11.65	10.28	4.78	13.49	5.20	1.86	2.81	11.92
65 years and over	11.98	5.14	0.91	1.27	12.56	14.60	5.49	4.00	18.14	3.76	0.75	1.08	10.51
Median age	33.9	31.5	23.3	29.9	42.7	41.7	27.3	30.8	45.3	30.4	23.2	29.8	42.0
Males	32.8	30.8	22.9	29.6	42.2	39.0	27.1	28.5	44.2	29.9	22.8	29.6	41.8
Females	34.9	32.4	23.6	30.4	43.4	44.4	28.1	36.3	46.4	30.9	23.5	30.2	42.4
Educational Attainment													
18-24 years	24,843	1,116	555	353	207	62	18	14	30	1,054	537	340	177
High school	30.42	21.72	20.22	22.51	24.43	40.82	37.25	76.03	27.18	20.60	19.64	20.38	23.96
Some college	38.75	14.25	7.66	15.89	29.13	16.78	0.00	3.84	32.78	14.10	7.92	16.37	28.51
Bachelor's degree +	7.68	1.00	0.54	1.99	0.53	3.05	0.00	13.96	0.00	0.88	0.56	1.51	0.62
25 years and older	168,323	4,643	802	1,703	2,138	753	37	114	602	3,890	765	1,589	1,536
Less than 5th grade	1.80	20.28	20.00	18.27	21.98	14.81	24.74	18.67	13.46	21.34	19.77	18.25	25.32
5th-8th grade	6.29	33.68	36.00	31.96	34.18	26.25	46.10	29.07	24.49	35.12	35.51	32.17	37.97

Table 2 (Continued)

Characteristic	U.S. Total	Total Mexican Migrants				Naturalized Citizens				Aliens			
		Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80
9th-12th, no diploma	10.16	16.31	18.13	19.54	13.05	11.87	14.61	14.86	11.14	17.17	18.30	19.88	13.80
High school graduate	33.60	17.90	17.24	18.99	17.27	23.15	12.09	21.13	24.21	16.88	17.49	18.84	14.55
Some college	17.35	6.48	4.64	6.48	7.16	11.53	2.47	7.04	12.94	5.50	4.75	6.44	4.89
Assoc. deg., occup.	3.86	1.17	1.33	0.93	1.30	2.01	0.00	0.00	2.52	1.01	1.40	1.00	0.83
Assoc. deg., acad.	3.37	0.98	0.32	0.21	1.85	3.92	0.00	0.48	4.81	0.42	0.34	0.20	0.69
Bachelor's degree	15.77	2.58	1.36	2.97	2.72	5.36	0.00	7.48	5.29	2.04	1.43	2.64	1.72
Master's degree	5.41	0.29	0.17	0.29	0.33	0.65	0.00	1.27	0.57	0.22	0.18	0.22	0.24
Professional degree	1.44	0.17	0.44	0.22	0.03	0.08	0.00	0.00	0.09	0.19	0.46	0.24	0.00
Doctorate degree	0.96	0.17	0.36	0.12	0.13	0.38	0.00	0.00	0.48	0.13	0.38	0.13	0.00
Labor Force Status													
16 years and older	199,926	5,907	1,432	2,127	2,348	819	55	134	630	5,088	1,377	1,993	1,718
Participation rate	66.19	65.61	61.29	69.29	64.92	64.86	67.70	74.69	62.53	65.73	61.03	68.92	65.79
Unemployment rate (Pct of labor force)	5.90	21.93	26.13	24.54	16.98	10.49	19.59	11.87	9.28	23.75	26.43	25.46	19.67
Industry													
Employed persons, 16 years and older	124,523	3,449	763	1,292	1,394	503	34	94	376	2,945	729	1,198	1,018
Agriculture, Forestry and Fisheries	2.70	12.33	18.65	12.29	8.92	6.70	41.62	8.28	3.17	13.30	17.58	12.61	11.03
Mining	0.44	10.11	11.43	10.95	8.60	7.34	18.29	10.11	5.67	10.58	11.11	11.02	9.69
Construction	6.05	11.46	7.60	10.82	14.16	11.89	3.63	9.16	13.32	11.38	7.78	10.95	14.47
Manufacturing	16.15	15.89	16.60	16.08	15.33	19.09	15.54	19.03	19.42	15.35	16.65	15.85	13.82

Table 2 (Continued)

Characteristic	U.S. Total	Total Mexican Migrants				Naturalized Citizens				Aliens			
		Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80	Total	'90-96	'80-89	Pre-'80
Transportation, Communications and other public utilities	6.79	4.86	4.38	4.71	5.26	5.73	5.03	5.71	5.80	4.71	4.35	4.63	5.06
Wholesale trade	3.88	17.00	20.97	19.48	12.52	12.28	5.20	11.16	13.20	17.80	21.71	20.13	12.27
Retail trade	16.86	1.67	0.20	1.00	3.09	3.18	0.00	1.19	3.96	1.41	0.21	0.98	2.77
Finance, insurance, and real estate	6.59	2.76	4.81	2.98	1.44	1.27	0.00	4.78	0.50	3.02	5.03	2.84	1.79
Services	35.99	23.06	15.36	21.47	28.73	29.10	10.68	30.58	30.39	22.02	15.58	20.76	28.12
Public administration	4.56	0.87	0.00	0.22	1.94	3.41	0.00	0.00	4.57	0.43	0.00	0.24	0.97
Household Income													
Households	99,626	2,383	361	870	1,152	405	14	64	327	1,978	346	806	825
Less than $5,000	3.66	5.84	10.59	5.18	4.86	5.88	0.00	0.81	7.13	5.84	11.02	5.52	3.97
$5,000-$9,999	8.57	12.48	15.02	11.93	12.11	12.84	22.62	18.41	11.33	12.41	14.71	11.42	12.42
$10,000-$14,999	8.75	14.24	16.63	15.70	12.40	13.35	16.73	13.19	13.24	14.43	16.62	15.89	12.07
$15,000-$24,999	15.91	26.61	27.67	30.97	22.99	20.03	24.48	21.15	19.62	27.96	27.80	31.75	24.32
$25,000-$34,999	14.22	17.15	17.73	15.61	18.12	15.03	33.36	20.32	13.19	17.58	17.09	15.24	20.07
$35,000-$49,999	16.94	13.24	4.97	14.10	15.18	16.01	2.81	15.11	16.76	12.67	5.06	14.02	14.55
$50,000-$74,999	17.10	7.29	4.02	5.25	9.85	12.09	0.00	5.87	13.84	6.31	4.19	5.20	8.28
$75,000-$99,999	7.71	1.94	2.70	0.41	2.86	3.23	0.00	1.89	3.63	1.67	2.81	0.29	2.55
$100,000 or more	7.14	1.21	0.67	0.86	1.63	1.54	0.00	3.25	1.27	1.14	0.70	0.67	1.78
Median ($)	$34,076	$20,601	$16,841	$19,063	$23,529	$23,261	$20,253	$22,380	$23,431	$20,105	$16,873	$18,949	$23,533
Mean ($)	$44,938	$26,481	$21,350	$23,845	$30,078	$29,499	$18,762	$28,268	$30,208	$25,863	$21,457	$23,494	$30,026

Source: Tabulations from March 1996 Current Population Survey prepared by The Urban Institute using the FERRET tabulation package.

Table 3
Top Five States of Residence at Admission, with Percent Distributions at Admission and at Naturalization: FY 1977 and 1982 Cohorts

State	FY 1977		FY 1982	
	Men	Women	Men	Women
A. Intended State of Residence at Admission, All Immigrants				
Arizona	3.70	3.48	3.46	4.10
California	48.13	49.76	34.96	38.07
Illinois	10.41	9.84	8.63	6.28
New Mexico	1.91	1.76	2.26	1.96
Texas	24.91	27.50	37.00	40.82
B. Intended State of Residence at Admission, Immigrants Who Later Naturalized				
Arizona	3.42	4.82	2.95	4.86
California	42.38	42.53	35.14	37.02
Illinois	14.35	13.25	17.20	8.87
New Mexico	1.42	2.10	1.80	2.12
Texas	22.71	26.20	27.04	32.70
C. Naturalized Immigrants				
Arizona	3.52	5.56	3.20	5.21
California	41.25	40.71	34.28	36.29
Illinois	12.72	11.51	16.30	9.06
New Mexico	1.08	2.13	1.43	1.62
Texas	24.05	28.10	25.92	31.12

Table 4
Age Distribution, Legal Immigrants: Fiscal Years 1971, 1977, 1982, 1994

Subset	Summary Characteristics					
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maximum
A. FY 1971 Legal Immigrants (N = 370,478)						
Men born in Mexico	20.97	14.06	13	18	27	69
Men born elsewhere	26.32	15.44	15	27	34	95
Women born in Mexico	21.05	16.39	9	18	29	74
Women born elsewhere	26.59	15.82	17	25	35	90
B. FY 1977 Legal Immigrants (N = 462,315)						
Men born in Mexico	22.58	13.19	14	23	29	98
Men born elsewhere	28.86	17.76	16	27	39	99
Women born in Mexico	23.26	14.94	13	23	31	95
Women born elsewhere	30.55	18.53	18	27	41	99
C. FY 1982 Legal Immigrants (N = 594,131)						
Men born in Mexico	23.74	12.26	17	24	29	98
Men born elsewhere	26.75	16.27	15	25	35	98
Women born in Mexico	24.56	15.12	14	23	32	95
Women born elsewhere	28.37	17.48	16	26	37	98
D. FY 1994 Legal Immigrants (N = 804,416)						
Men born in Mexico	20.59	14.06	11	18	25	95
excl. legalization dep.	23.38	15.19	13	20	28	95
Men born elsewhere	30.10	17.66	17	29	40	99
Women born in Mexico	25.82	15.49	14	24	34	98
excl. legalization dep.	27.32	16.22	16	25	36	98
Women born elsewhere	31.58	18.01	19	29	42	99

Notes: Figures for 1977, 1982, and 1994 are calculated from the INS microdata public use files; 1971 figures are calculated from a one-in-one-hundred sample of the immigrant cohort. Cohort sizes refer to the complete cohorts; missing data on sex or age may slightly reduce the size of the populations/sample on which calculations are based. Data for 1982 include 2,300 Silva case adjustments. Data for 1994 exclude 6,022 IRCA-legalized persons but includes 34,074 legalization dependents. The minimum age observed in all groups in all years is zero, which represents infants less than one year old. Q denotes the quantile function; thus, Q(.25) denotes the 25th percentile and Q(.5) denotes the median.

Table 5
Age Distribution, FY 1994 Legal Immigrants, by Visa Category

Subset	Summary Characteristics						
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maximum	N
A. Employment Visas, Except Third Preference "Other Workers" and Fourth Preference: Principals							
Men born in Mexico	32.62	8.47	27	31	38	68	641
Men born elsewhere	36.97	8.45	31	35	42	86	21,940
Women born in Mexico	33.29	6.89	29	33	37	57	100
Women born elsewhere	34.67	7.71	29	33	39	77	10,183
B. Employment Visas, Except Third Preference "Other Workers" and Fourth Preference: Spouses							
Men born in Mexico	34.05	8.41	27	34	37	61	41
Men born elsewhere	38.43	8.83	32	37	43	92	5,345
Women born in Mexico	32.00	7.58	27	31	37	57	465
Women born elsewhere	35.27	8.16	29	34	40	76	18,768
C. Employment Visas, Third Preference "Other Workers": Principals							
Men born in Mexico	32.32	6.98	27	30	36	55	194
Men born elsewhere	36.38	8.70	30	34	41	69	1,438
Women born in Mexico	34.03	8.70	29	32	37	66	73
Women born elsewhere	39.61	9.36	32	38	45	82	2,431
D. Employment Visas, Third Preference "Other Workers": Spouses							
Men born in Mexico	32.76	5.05	29	32	38	40	21
Men born elsewhere	41.66	10.59	33	40	49	85	938
Women born in Mexico	31.44	7.32	26	30	36	58	117
Women born elsewhere	35.48	8.41	29	34	40	73	876
E. Sibling Visas: Principals							
Men born in Mexico	43.06	11.50	34	43	51	76	1,026
Men born elsewhere	46.08	9.56	39	46	53	83	9,502
Women born in Mexico	42.19	11.66	34	42	51	80	1,071
Women born elsewhere	46.13	9.82	39	45	53	84	9,362

Table 5 (Continued)

Subset	Summary Characteristics						
	Mean	S.D.	Q(.25)	Q(.5)	Q(.75)	Maximum	N
E. Sibling Visas: Spouses							
Men born in Mexico	45.02	11.48	36	45	53	77	525
Men born elsewhere	48.64	9.62	42	48	55	87	5,656
Women born in Mexico	40.76	10.19	33	40	48	70	702
Women born elsewhere	42.50	8.76	37	42	48	77	7,026
F. Spouses of U.S. Citizens							
Men born in Mexico	27.04	7.14	23	25	29	84	9,786
Men born elsewhere	32.04	8.56	26	30	36	91	48,943
Women born in Mexico	29.26	9.05	23	27	33	85	10,041
Women born elsewhere	31.31	10.00	25	29	35	96	76,470
G. Parents of U.S. Citizens							
Men born in Mexico	63.09	10.14	56	63	70	95	1,742
Men born elsewhere	64.45	8.49	59	64	70	99	18,112
Women born in Mexico	60.17	10.41	53	60	67	98	3,199
Women born elsewhere	61.97	9.17	56	62	68	99	33,313
H. Minor Children of U.S. Citizens							
Boys born in Mexico	12.06	5.36	8	13	17	20	2,732
Boys born elsewhere	12.29	5.24	8	13	17	20	17,364
Girls born in Mexico	11.57	5.28	7	12	16	20	2,550
Girls born elsewhere	12.06	5.20	8	13	16	20	17,299
I. Adopted Children of U.S. Citizens							
Boys born in Mexico	4.46	5.45	0	2	7	19	48
Boys born elsewhere	1.94	3.27	0	0	3	19	3,492
Girls born in Mexico	3.66	4.48	0	2	6	17	47
Girls born elsewhere	1.93	3.30	0	0	2	19	4,613

Notes: Figures are calculated from the INS microdata public use files. Q denotes the quantile function; thus, Q(.25) denotes the 25th percentile and Q(.5) denotes the median.

Table 6
Schooling Distributions and School Enrollment Rates, Persons Born in Mexico: NIS 1996 Cohort and 1990 Census Recent Entrants (Entered 1987–90)

Schooling Characteristic	NIS 1996 Cohort	U.S. 1990 Census
A. Years of Schooling Completed, Persons Aged 25 and Over		
Less than 5 years	21.2	28.1
5-8 years	29.5	28.6
9-11 years	14.6	17.6
12 years	11.0	11.1
13-15 years	9.1	8.3
16 years	5.7	3.3
17-18 years	5.3	1.1
19+ years	3.8	1.9
Mean years	8.9	–
Median	7.0	–
B. School Enrollment, Persons Aged 18 to 24 Years	25.4	15.7

Note: 1990 Census figures for foreign-born are drawn from published tabulations (1990 CP-3-1).

Source: Jasso, Massey, Rosenzweig, and Smith (1997).

Table 7
Schooling Distributions and School Enrollment Rates: NIS 1996 Cohort, 1990 Census Foreign-born (Entered 1987–90), and 1990 Census Native-born

Schooling Characteristic	NIS 1996 Cohort	Foreign-Born 1990 Census	Native-Born 1990 Census
A. Years of Schooling Completed, Persons Aged 25 and Over			
Less than 5 years	6.8	12.1	1.8
5-8 years	12.7	11.9	6.9
9-11 years	14.1	12.9	14.3
12 years	12.4	17.6	31.1
13-16 years	32.9	32.8	38.8
17-18 years	12.1	7.5	4.7
19+ years	9.0	5.2	2.4
Mean years	12.7	–	–
Median years	13.0	12.0	12.0
B. School Enrollment, Persons Aged 18 to 24 Years	38.2	37.8	42.9

Note: 1990 Census figures are drawn from published tabulations (1990 CP-3-1 for the foreign-born, 1990 CP-3-2 for the native-born).

Source: Jasso, Massey, Rosenzweig, and Smith (1997).

Table 8
Years of Schooling Completed Among Mexico-born and All Immigrants Aged 25 Years and Over at Admission, by Visa Class: NIS 1996 Cohort

	All Immigrants		Born in Mexico	
Visa Class	Mean	S.D.	Mean	S.D.
Spouse of U.S. citizen	13.6	4.6	12.7	4.9
Parent of (adult) U.S. citizen	7.5	5.1	4.5	4.3
Sibling, principal and spouse	13.4	5.4	7.5	2.1
Employment, principal and spouse	16.1	4.3	16.0	6.1
Refugee/asylee, principal and spouse	13.1	4	–	–
Diversity, principal and spouse	14.5	3.3	–	–
Other	11.1	4.7	7.3	3.9
All Immigrants 25 and over	12.7	5.1	8.9	5.5

Note: Figures are for all immigrants in the NIS 1996 cohort (July and August 1996) who were aged 25 years and over at admission to permanent residence.

Table 9
English Language Skill Among Immigrants Born in Mexico Aged 18 Years and Over at Admission, by Whether They Ever Entered the United States Without Inspection (EWI): NIS 1996 Cohort

English Language Proficiency	All	No EWI Experience	Some EWI Experience
Speaks English “very well”	9.1	12.9	5.6
Speaks English “fairly well”	9.7	16.7	5.6
Speaks English “average or so-so”	32.9	26.2	38.1
Speaks English “not very well”	17.9	13.2	21.4
Speaks English “not well at all”	30.3	30.9	29.3

Note: Respondents classified as having EWI experience met at least one of two criteria: (i) their first trip to the United States was without legal documents, or (ii) adjustment to permanent residence was from an EWI status.

Table 10
Sex and Citizenship Type of the U.S. Citizen Sponsors of Immediate Relatives, for All Immediate Relatives and Those Born in Mexico: Evidence from the GAO FY 1985 Immediate-relative Immigrants File

Sponsor's Citizenship Type	Spouses	Own Children	Adopted Children	Parents
A. All Immediate-Relative Immigrants				
Birth-Citizen, Born in U.S.	76.28	52.57	97.89	2.91
Birth-Citizen, Born Abroad to U.S. Parent(s)	4.02	12.64	0	1.65
Birth-Citizen, Place of Birth Not Known	0.18	0	0	0
Naturalized Immigrant	19.52	34.79	2.92	95.44
Total Sponsored Immigrants	124,093	25,778	9,286	38,986
B. Immediate-Relative Immigrants Born in Mexico				
Birth-Citizen, Born in U.S.	74.26	48.48	0	6.67
Birth-Citizen, Born Abroad to U.S. Parent(s)	2.94	24.24	0	6.67
Birth-Citizen, Place of Birth Not Known	0.74	0	0	0
Naturalized Immigrant	22.06	27.27	0	86.67
Total Sponsored Immigrants	28,957	6,425	137	2,464
C. Immediate-Relative Immigrants Born in Mexico, Sponsored by U.S. Men				
Birth-Citizen, Born in U.S.	73.17	48.00	0	11.11
Birth-Citizen, Born Abroad to U.S. Parent(s)	4.88	20.00	0	0
Birth-Citizen, Place of Birth Not Known	2.44	0	0	0
Naturalized Immigrant	19.51	32.00	0	88.89
Total Sponsored Immigrants	8,730	4,868	NA	1,479
D. Immediate-Relative Immigrants Born in Mexico, Sponsored by U.S. Women				
Birth-Citizen, Born in U.S.	74.74	50.00	0	0
Birth-Citizen, Born Abroad to U.S. Parent(s)	2.11	37.50	0	16.67
Naturalized Immigrant	23.16	12.50	0	83.33
Total Sponsored Immigrants	20,227	1,557	NA	985

Note: All figures are sample estimates except the total numbers of immigrants in Panels A and B. All naturalized-citizen sponsors of Mexico-born immediate relatives were themselves born in Mexico except for 13.64 percent of the women sponsors of spouses, of whom two-thirds were born in Germany and the remaining one-third in Cuba. Of the birth-citizens born abroad who sponsored Mexico-born immediate relatives, all were themselves born in Mexico.

Table 11
Occupational Distributions, Immigrants Born in Mexico, Aged 21–65 at Admission to Permanent Residence: FY 1977, 1982, 1994 Cohorts

Summary Occupation Group	FY 1977 Cohort		FY 1982 Cohort		FY 1994 Cohort	
	Men	Women	Men	Women	Men	Women
A. Percent reporting an occupational title and percent students, all immigrants aged 21-65 years at admission						
Percent reporting occupational title	98.00	22.49	96.49	32.52	84.38	44.71
Percent students	0.72	0.66	1.18	1.77	0.75	0.41
Number aged 21-65 years	13,426	11,589	19,018	13,105	15,836	33,319
B. Percent in summary occupation groups, immigrants aged 21-65 years at admission reporting an occupational title						
Managerial and professional specialty occupations	6.61	7.64	6.96	7.39	4.75	2.64
Technical, sales, and administrative support occs.	3.92	10.90	3.11	14.41	4.74	10.71
Service occupations	12.10	18.76	9.99	25.65	15.13	21.82
Farming, forestry, and fishing occupations	8.10	2.80	9.87	4.34	4.90	9.84
Precision production, craft, and repair occupations	15.20	3.11	13.26	2.39	15.09	3.09
Operators, fabricators, and laborers	54.06	56.79	56.81	45.82	55.39	51.89
Average occupational earnings, 1979$	16,617	16,149	16,492	16,144	16,251	15,614

Note: Panel B earnings figures for 1977 exclude 3 cases for which detailed occupation could not be unambiguously ascertained.

Table 12
Occupation of Legal Immigrants Born in Mexico Aged 21–55 Years at Admission, with Percent Distributions at Admission and at Naturalization, by Sex: FY 1977 and 1982 Cohorts

Summary Occupation Group	FY 1977		FY 1982	
	Men	Women	Men	Women
A. Occupation at Admission, All Immigrants				
Managerial/Professional	6.4	1.7	7.2	4.3
Technical/Sales/AdminSupport	3.9	2.5	3.0	4.9
Service Occupations	11.9	4.1	9.6	8.1
Farming/Forestry/Fishing	7.9	0.7	9.5	1.4
PrecisionProduction/Craft/Repair	15.0	0.7	16.2	3.3
Operators/Fabricators/Laborers	53.2	13.1	51.7	12.9
B. Occupation at Admission, Immigrants Who Later Naturalized				
Managerial/Professional	9.5	3.5	10.7	6.2
Technical/Sales/AdminSupport	6.2	5.1	5.4	8.9
Service Occupations	13.2	5.4	11.4	9.6
Farming/Forestry/Fishing	4.6	0.3	4.8	0.8
PrecisionProduction/Craft/Repair	14.6	0.9	16.3	5.5
Operators/Fabricators/Laborers	49.3	13.7	46.9	12.3
C. Occupation at Naturalization, Naturalized Immigrants				
Managerial/Professional	12.7	6.3	11.8	7.5
Technical/Sales/AdminSupport	8.0	12.8	8.1	16.7
Service Occupations	19.1	15.7	15.0	16.6
PrecisionProduction/Craft/Repair	14.7	3.8	10.9	3.0
Operators/Fabricators/Laborers	29.6	13.5	25.4	10.3

Note: Percentages shown are based on all persons in the age group.

Table 13
Characteristics of the Mexican Legalized Population in 1987

Social and Demographic Characteristics	
Age (Median, April 30, 1987)	30
Sex (% Males)	59%
Marital Status (% Married)	53%
Household Family Size (Persons)	3.8
Education (Median Years)	6.0
English Language Proficiency (% Speaking English Well)	10%
Work Characteristics	
Labor Force Participation (and Unemployment) Rate	
Males	96% (2.3%)
Females	65% (6.6%)
Total	83% (3.6%)
Industry of Employment	
Agriculture	9%
Construction	10%
Manufacturing	34%
Sales	24%
Services	23%
Hours Worked/Wk. Among Those Working	
Males	44
Females	40
Total	43
Mean Hourly Wage	$7.14
Median Earnings	$8,435
Family Income	
Mean	$17,551
Median	$14,875
Family Remittances	
Mean	$1,304
Median	$500
Share of...	
Income Remitted	7%
Families Remitting	66%

Source: INS Legalized Population Survey (INS 1990)

Table 14
Comparison of Selected Characteristics of the Mexican Legalized Population in 1987 and 1992

	Average 1987	Average 1991
Social and Demographic Characteristics		
Age (Median, April 30, 1987)	30	
Sex (% Males)	59%	57%
Marital Status (% Married)	53%	
Household Family Size (Persons)	3.8	
Education		
Median Years	6.0	
6 or Fewer Years (%)		57
12 or More Years (%)		17
English Language Proficiency (% Speaking English Well)	10%	27%
Work Characteristics		
Labor Force Participation (and Unemployment) Rate		
Males	96% (2.3%)	93%
Females	65% (6.6%)	62%
Total	83% (3.6%)	80% (7%)
Industry of Employment		
Agriculture	9%	7%
Construction	10%	10%
Manufacturing	34%	27%
Sales	24%	27%
Services	23%	24%
Hours Worked/Wk. Among Those Working		
Males	44	41
Females	40	37
Total	43	40
Mean Hourly Wage	$7.14	$8.11
Median Earnings	$8,435	$12,091
Family Income		
Mean	$17,551	
Median	$14,875	$19,112
Family Remittances		
Mean	$1,304	$783
Median	$500	
Share of...		
Income Remitted	7%	
Families Remitting	66%	51%

Source: INS Legalized Population Survey, INS (1992)

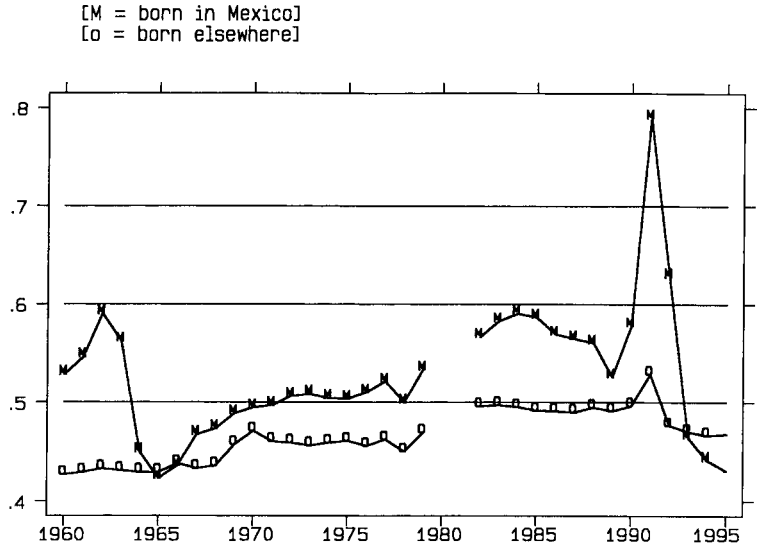

Figure 1. Proportion Male, Legal Immigrants 1960–1995

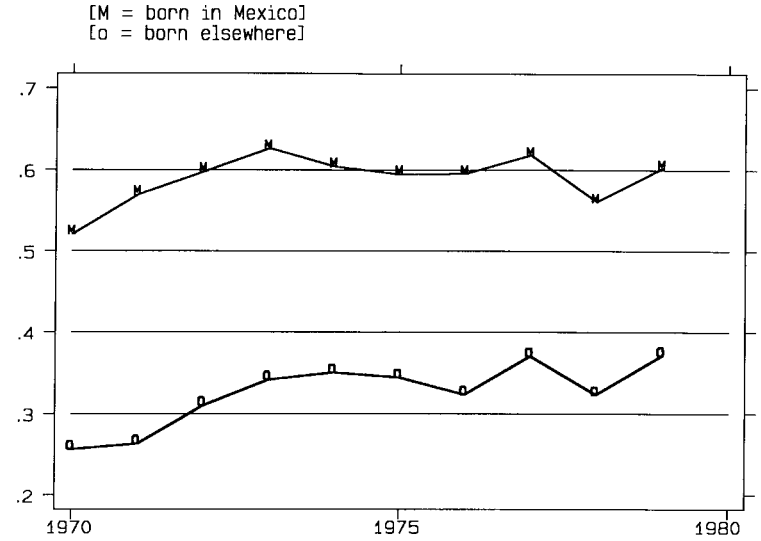

Figure 2. Proportion Male, Spouse Immigrants 1970–1979

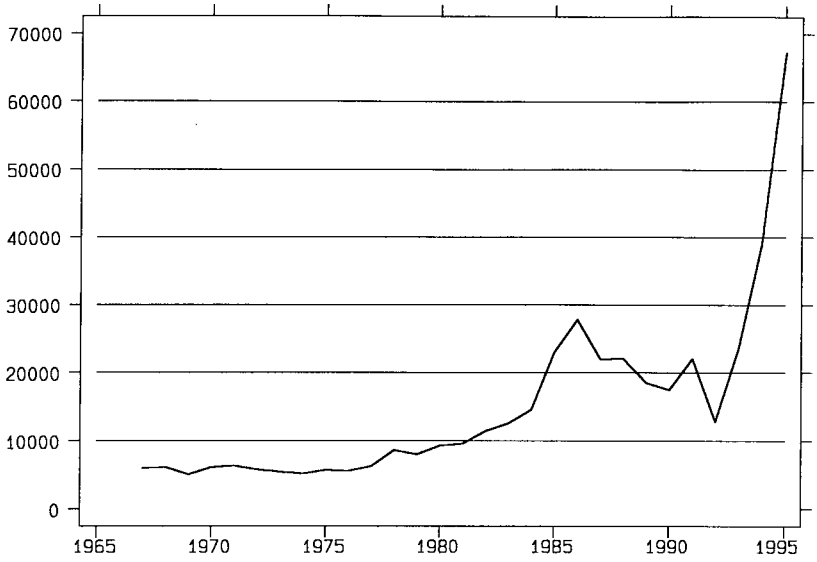

Figure 3. Annual Naturalizations of Mexico-born Persons

Table 15
Characteristics of U.S.-born Immigrant and Unauthorized Immigrant Farm Workers (1985) UC-ESS Survey Data

Variable	Sample Mean			
	Full Sample	U.S.-Born	Mexican Immigrants	Unauthorized Immigrants
Skill (1=Skilled Job)	0.10	0.17	0.10	0.04
Sex (1=Male)	0.75	0.83	0.75	0.83
Foreign Born (1=Foreign Born)	0.98	0.00	1.00	0.99
Illegal Immigrant (1=Illegal)	0.26	0.17	0.27	1.00
Education (Yrs.)	4.86	6.11	4.83	4.22
U.S. Farm Experience (Yrs.)	12.58	11.06	12.62	8.22
Years Since Immigration	14.67	12.89	14.71	9.86
U.S. Citizen (1=Yes)	0.06	0.00	0.06	0.10
Commodity:				
Tree Fruit	0.13	0.00	0.13	0.15
Nuts	0.04	0.11	0.04	0.05
Fldveg	0.01	0.06	0.01	0.01
Ffruit	0.43	0.28	0.43	0.33
Other	0.11	0.11	0.11	0.07
Characteristics Of County In Which Worker Was Interviewed:				
Share Illegal	0.29	0.36	0.29	0.33
Per Capita Income	7,418.10	7,010.40	7,427.80	7,254.40
Average Rent (Monthly)	218.93	204.85	219.26	211.86
Share In:				
So. San Joaquin Valley	0.21	0.56	0.21	0.33
No. San Joaquin Valley	0.32	0.17	0.32	0.33
Sacramento Valley	0.10	0.06	0.11	0.10
Central Coast	0.12	0.06	0.12	0.10
North Coast	0.06	0.06	0.06	0.06
Inland So. Calif.	0.11	0.11	0.11	0.39
Average Weekly Earnings	189.82	225.61	225.61	190.20
Average Hourly Wage	5.23	4.57	5.25	5.10
Share Hired By Farm Labor Contractor		0.26	0.26	0.27
Sample Size	770	18	752	203

Source: Analysis of UC-EDD Survey Data. The survey is described in detail in Mines and Martin (1986).

Characteristics of Migrants

Mexico-to-U.S. Migrant Characteristics from Surveys Involving Samples Drawn in Mexico

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor & Paz Trigueros Legarreta

Características sociodemográficas

Sexo

El 91.82% del total de los migrantes laborales son hombres, lo que representa un índice de masculinidad de 1,122 hombres por cada 100 mujeres. Del flujo sur-norte, la proporción de hombres fue del 96.88%. De éstos el 54.71% se dirigieron a la frontera norte y el 45.29% hacia los Estados Unidos. Las mujeres representan sólo el 3.12%, teniendo el 55.43% como destino la frontera norte.

En el flujo norte-sur, destaca que aproximadamente nueve de cada 10 mujeres procedìan de la frontera norte.

Del total de varones, la mayoría se concentra en el flujo sur-norte (48.44%). Sin embargo si consideramos a las subpoblaciones destaca el hecho de que quienes

Cuadro 1
Migrantes Laborales
Porcentaje Estimado Según Sexo y Subpoblación
(14/Dic/93 al 13/Mar/94)

	Flujo		
	Sur-Norte	Norte-Sur	Deportados
Masculino	48.44	31.64	19.92
Femenino	17.55	57.04	25.40
Indice De Masc.	31.01	6.23	8.81

tienen como destino alguna ciudad de la frontera norte, agrupan el mayor número del total del flujo migratorio laboral, seguidos por los deportados y los procedentes de Estados Unidos.

Destaca que en términos relativos, existe una mayor proporción de mujeres deportadas que hombres.

En el caso de las mujeres, el 57.04% de las que participan en la corriente migratoria se encuentra en el flujo norte-sur, en donde la mitad proviene de la zona fronteriza. Si tomamos el total de mujeres captadas para la población laboral (47,255), el 50.74% procede de alguna ciudad de la frontera.

Grupos de edad

La estructura por edad es característica de las migraciones temporales, y se concentra en aquellas donde se desarrollan las actividades económicas, ya que del flujo sur-norte el 74.48% de los migrantes laborales tienen entre 15 y 34 años y un 73.46% para el flujo norte-sur. Cabe destacar que para los deportados aquellos que se encuentran en estos grupos de edad representan el 86.86%.

Si consideramos los grupos de edad por subpoblación de análisis los más jóvenes (entre 15 y 19 años) se dirigen a la frontera norte y aquellos que se agrupan entre los 25 y 34 años lo hacen hacia los Estados Unidos. Presumiblemente podemos pensar que aquellos que se dirigen a las localidades fronterizas inician su carrera migratoria y aquellos que declaran que se dirigen a los Estados Unidos cuentan con experiencia migratoria de al menos un cruce a la frontera, sobre todo si detectamos que para el flujo norte-sur la mayoría de los que regresan de alguna ciudad de los Estados Unidos tienen entre 25 y 34 años; para el caso de los deportados también la mayor proporción se encuentra entre estas edades.

Escolaridad

En lo que se refiere a la escolaridad[1] de los migrantes laborales los resultados de la encuesta permiten apuntar que la gran mayoría de los entrevistados se concentran en los niveles de primaria y secundaria, estos dos niveles significan el 77.35% del total, siendo más importante el primer nivel ya que reúne casi el cincuenta por ciento de los captados por la EMIF (49.54%).

Se puede destacar que si bien la instrucción formal básica y media es notoria, también lo son los porcentajes de participación de aquellos que declararon niveles medio superior (9.75%) y superior (2.91%) y aún más alta la presencia de los que declararon no contar con algún nivel de escolaridad (9.99%).

Estado civil

Una de las características importantes de los migrantes se asocia con el estado civil y los llamados jefes de hogar. En la discusión de redes familiares y remesas, por mencionar algunos temas relacionados con el fenómeno migratorio, comunmente se asocia el comportamiento de los migrantes con la existencia de una serie de vínculos familiares y extrafamiliares para sustentar la posibilidad de migrar, el envío de parte del ingreso obtenido, la misma decisión de migrar, etc.

De acuerdo con la EMIF, del total del grupo de migrantes laborales la proporción entre solteros y casados es similar (46.27% y 48.45% respectivamente). Es, sin embargo, al interior de los flujos y subpoblaciones donde se apuntan importantes diferencias en la distribución. El grupo de casados es mayoritario en los flujos sur-norte y norte-sur, sólo en el flujo de deportados los solteros son mayoría (62.45%) y probablemente esté asociado con el hecho de que el 51.03% de éstos tienen entre 15 y 24 años de edad.

Considerando las subpoblaciones, la proporción entre solteros y casados de quienes se dirigen a alguna ciudad de la frontera norte, es prácticamente la misma. Sin embargo entre los que regresan de alguna de estas ciudades o quienes son devueltos por la patrulla fronteriza predominan los solteros.

Jefes de hogar

Respecto a la posición al interior del hogar, en el período bajo consideración se encuentra que la mayoría de los migrantes laborales eran jefes de familia (55.05%). En la distribución por subpoblación es notable el caso de los que tienen como destino los Estados Unidos (SEU) en que además declararon ser cabezas de familia (70.99%). Entre los procedentes de la frontera norte (FNS) y deportados (DEP) quienes no son jefes de familia, es decir que pueden ser hijos, esposos(as), otros familiares o amistades son más numerosos (54.25 y 56.43% respectivamente).

Localidad de residencia

El patrón de origen-destino es uno de los que más cuidado merecen, pues los efectos de los movimientos migratorios sobre los referentes geográficos son de notable trascendencia. A partir de los resultados de la encuesta es posible determinar las características generales de los lugares de origen[2] de los migrantes laborales. En primer lugar se puede apuntar que la encuesta ha captado en su mayoría migrantes cuyo origen es urbano (58.49% frente a un 41.51% que declaró provenir de localidades no urbanas). Considerando los flujos se tiene una mayor proporción de migrantes laborales que residen en localidades urbanas, para el flujo sur-norte la proporción es de 53.32%, para el norte-sur 60.35% y para deportados 67.63%.

Estado de residencia

Para referirnos a la distribución de las entidades de origen de los migrantes laborales han sido identificados los estados más importantes para cada flujo y subpoblación. De acuerdo al cuadro resumen, para el flujo con dirección sur-norte, es decir aquellos que declararon dirigirse hacia alguna ciudad en la frontera norte o bien hacia alguna ciudad en los Estados Unidos, los migrantes provenían de alguna de las siguientes entidades por orden de importancia: Michoacán (10.14%), Guanajuato (9.65%), Sinaloa (8.97%), Coahuila (7.63%) y Jalisco (7.22%).

Cabe destacar a los migrantes de los estados de Guanajuato y Michoacán en la población que se dirige hacia los Estados Unidos pues ellos aportan el 16.64% y el 16.49% respectivamente de esta subpoblación.

En el caso de las subpoblaciones que conforman el flujo norte-sur, los estados de mayor importancia son: Coahuila (10.7%), Guanajuato (9.79%), San Luis Potosí (7.21%), Durango (6.52%), Oaxaca (5.90%), Veracruz (5.73%), Sonora (5.47%), Nuevo León (5.08%), Chihuahua (4.80%) y Michoacán (4.72%).

Para el caso de los deportados, los migrantes de Baja California (10.86%), Michoacán (10.08%) y Tamaulipas (8.08%) son los que tienen una mayor importancia.

Características socioeconómicas

Condición laboral y sector de actividad en el lugar de residencia

En el flujo migratorio sur- norte el 75.21% manifestó haber trabajado en su lugar de residencia. De los que se dirigieron a la frontera norte y a los Estados Unidos, el 79.59% y el 69.91%, respectivamente, declararon que tenían trabajo en su lugar de residencia. La proporción es similar en los flujos norte-sur y deportados.

De los migrantes laborales que participaron en el flujo sur-norte el 22.50% manifestó no haber trabajado en su lugar de residencia, el 31.91% declaró haber trabajado en actividades agrícolas, el 22.68% en actividades industriales y el 21.74% en comercio y servicios.

De aquellos que declararon no haber trabajado y los que lo hicieron en el sector agrícola, más del cincuenta por ciento (53.25 y 54.43%, respectivamente) tuvo como destino los Estados Unidos.

La frontera norte se constituyó en el destino de la mayor proporción de los migrantes laborales que, en su lugar de residencia, trabajaron en los sectores industrial y comercio y servicios (60.19 y 72.87%, respectivamente).

Haciendo referencia a los migrantes procedentes del norte, se observa que aquellos que trabajaron en su lugar de residencia antes de su ingreso a los Estados Unidos presentan un patrón por sector de actividad similar al de los que se desplazan en sentido sur-norte; es decir, la mayor proporción trabajó en actividades agrícolas (30.05%), seguido por el sector industrial (24.13%) y en una menor proporción en el sector servicios y comercio (23.99%).

Cabe señalar que la proporción de migrantes que no trabajó en su lugar de residencia es mayor a la proporción de aquellos que trabajaron en la industria o el comercio, dado que el 27.95% del total de migrantes manifestó no haber trabajado antes de iniciar su desplazamiento hacia el norte.

De los migrantes procedentes de los Estados Unidos, el 38.99% manifestó haber trabajado en el sector agrícola , el 22.02% en la industria y el 11.04% en comercio y servicios. El restante 27.95% declaró no haber trabajado en su lugar de residencia antes de su ingreso a ese país.

Para el flujo de deportados, el sector industrial concentra una mayor proporción, ya que del total del flujo el 30.89% trabajó en ese sector. Por otra parte, los que no trabajaron en su lugar de residencia tienen una menor proporción relativa, puesto que sólo el 18.64% de ellos declaró no haber trabajado 30 días antes de iniciar su viaje hacia los Estados Unidos.

Estado de residencia y localidad de destino en la Frontera Norte

Al analizar la distribución de porcentajes de migrantes laborales que se desplazaron del sur hacia la frontera norte, la zona[3] de Tijuana concentró el 44.93%, Cd. Juárez el 25.43%, Piedras Negras el 8.73%, Matamoros el 7.52%, Nogales el 6.80%, Mexicali el 3.97% y Nuevo Laredo el 2.62%.

El mayor número de migrantes que llegaron a la zona de Tijuana procedía de los estados de Sinaloa (25.10%), Oaxaca (14.85%) y Michoacán (9.55%). Cabe hacer la aclaración que a excepción del estado de Sonora que aporta el 4.15%,

ningún otro estado fronterizo contribuye con migración laboral hacia dicha zona. Nogales, también presenta una alta dispersión en los estados de procedencia, sin embargo, son las mismas localidades de Sonora las que contribuyen con la mayor proporción (35.30%). Esta zona atrae en mayor medida migrantes procedentes de Sinaloa (19.10%), el Distrito Federal (7.64%) y Michoacán (6.38%). A diferencia de la zona de Tijuana, la zona de Nogales concentra población migrante de otros estados fronterizos.

Los estados que participan en mayor medida con migración laboral hacia la zona de Cd. Juárez son: las localidades no fronterizas del estado de Chihuahua[4] con el 27.74%, Durango con el 24.75%, Zacatecas con el 13.27% y Aguascalientes con el 7.46%.

El estado de Sonora contribuye con el 46.0% del total de los migrantes que tuvieron como destino la zona de Mexicali, seguido por los estados de Guanajuato (15.89%), Sinaloa (14.28%) y Oaxaca (13.18%), es decir, cuatro estados concentraron el 89.35% del total de los migrantes laborales que se desplazaron en este período a la zona de Mexicali.

La zona de Piedras Negras capta la mayor parte de migrantes de las localidades no fronterizas de Coahuila[5] (73.90%), y en una menor proporción de Nuevo León (13.16%).

De los migrantes que se desplazaron a la zona de Matamoros, el 36.35% proviene de localidades no fronterizas del estado de Tamaulipas, el 18.32% del estado de México, el 14.35% de Veracruz, el 13.56% de San Luis Potosí y el 10.31% de Nuevo León.

A la zona de Nuevo Laredo, llegan migrantes procedentes, en orden de importancia, de los estados de Jalisco (20.17%), Nuevo León (17.55%), Guerrero (9.46%), Guanajuato (8.93%), Veracruz (8.56%), Coahuila (8.46%) y Oaxaca con el 7.85%.

Localidad fronteriza de mayor estancia y estado al que se dirigen

En el flujo norte-sur, la distribución porcentual de los migrantes laborales procedentes de la frontera norte con destino al sur[6], se presenta de la siguiente manera: el 23.50% provenía de Matamoros, el 16.92% de Tijuana, el 16.18% de Juárez, el 12.51% de Piedras Negras, el 10.60% de Nogales, el 10.57% de Mexicali y el 7.92% de la zona de Nuevo Laredo.

De los migrantes procedentes de Matamoros, un 26.11% se dirigía a las localidades no fronterizas del estado de Tamaulipas, 21.53% a San Luis Potosí, 20.09% a Veracruz, 9.39% a Nuevo León y el 8.91% a Guanajuato y en menor proporción al estado de México (5.78%) y Guerrero (2.86%).

El 66.61% del total de migrantes procedentes de Piedras Negras se dirigía hacia localidades no fronterizas del estado de Chiuhahua, el 11.63% a Nuevo León, el 7.95% al estado de México. Tres estados concentran el 86.19% del total de migrantes procedentes de la zona fronteriza de Piedras Negras.

Los migrantes que proceden de Tijuana presentan una mayor dispersión hacia los estados de destino en el interior de la república, siendo los más significativos el estado de Sonora (11.09%), Oaxaca (10.60%), Sinaloa (8.90%), Puebla (8.84%), Nayarit (8.54%) y Coahuila con el 7.36%.

De manera similar, los procedentes de Nogales presentan una dispersión hacia los lugares de destino con la diferencia que, el 55.90% se dirigía hacia las localidades no fronterizas de Sonora y el 18.96% hacia Sinaloa, es decir, el 74.86% del total de migrantes que provenían de la zona de Nogales se dirigía hacia las mismas localidades de Sonora y al estado de Sinaloa.

Los provenientes de la zona Juárez se dirigían en mayor proporción hacia las localidades no fronterizas de Chiuhahua (37.35%), seguidos, en orden de importancia, por los que se desplazaban hacia Coahuila (21.33%), Durango (18.02%) y Zacatecas (7.46%).

Del total de migrantes que proceden de la zona de Mexicali, el 42.09% se dirigía hacia Oaxaca, el 13.61% a Sonora, el 12.92% a Sinaloa y en menor proporción hacia Nayarit (5.70%), Jalisco (3.67%), el Distrito Federal (3.57%) y Guanajuato (3.23%).

Los estados de San Luis Potosí, Durango, Jalisco, Tamaulipas, Coahuila y Veracruz concentran las mayores proporciones de los migrantes procedentes de la zona de Nuevo Laredo, ya que a ellos se dirigían el 14.89, 12.84, 11.76 , 10.34, 9.51 y 9.35%, respectivamente.

Ciudad fronteriza de cruce

Las ciudades de preferencia para cruzar hacia los Estados Unidos son Tijuana (19.01%), Cd. Juárez (14.59%) y Nuevo Laredo (11.88%). Tomando relevancia otras ciudades de Tamaulipas ya que concentran el 24.25%. Cabe resaltar que es Tijuana la que concentra un mayor número de deportaciones, puesto que el 50.63% de devoluciones se realiza por esta ciudad.

Posesión de documentos para cruzar y/o trabajar en los Estados Unidos

En el flujo norte-sur, el 54.63% manifestó tener documentos para cruzar hacia los Estados Unidos. Esto deja ver la alta proporción de migrantes laborales indocumentados, toda vez que el 98.38% de los migrantes deportados no poseen

ese documento. Si examinamos la posesión de documentos para trabajar, el 54.93% de los migrantes procedentes del norte si cuenta con él.

Texas y California son los estados donde la población migrante declara un mayor tiempo de estancia. El 80.60% de los migrantes laborales procedentes de los Estados Unidos declaró haber trabajado en ese país, es decir, de 75,661 migrantes, 60.980 trabajaron.

Table 2
Mexico-to-U.S. Migrant and Nonmigrant Characteristics, Michoacán Surveys, 1983 and 1993

Variable	1983 Mean		1993 Mean	
	Mexico-to-U.S. Migrants	Non-Mexico-to-U.S. Migrants	Mexico-to-U.S. Migrants	Non-Mexico-to-U.S. Migrants
Sex (% Male)	63	44	57	42
Age	29	32	32	20
Education (Years)	4.1	4.5	5.8	4.3
Migration Network (% with Contacts)				
U.S.	89	49	99	74
Within Mexico	57	73	58	73
Migration Experience (Years)				
U.S.	4.9	0.8	6.8	3.5
Within Mexico	0.8	1.3	1.9	2.5
Adult Family Size	9.11	7.98	11.7	11.0
Landholdings (Hectares)	7.1	5.14	3.2	2.1
Sample Size	70	353	128	432

Table 3
Changing Characteristics of Mexico-to-U.S. Migrants on their First Trip with Migration Prevalence (Massey-Durand Survey of 19 Mexican Communities)

Characteristic	Prevalence of Migration in Community				
	0%-9%	10%-19%	20%-29%	30%-39%	40% or Greater
Sex (% Female)	6.7	25.6	32.6	27.5	44.3
Age: Males					
15-19 Years	20.7	23.2	29.8	33.7	39.8
35 or Older	11.4	9.2	6.6	8.0	4.0
Diversity	57	74	83	83	78
Age: Females					
15-19 years	2.9	13.0	16.5	14.5	24.9
35 or Older	14.8	10.9	13.8	13.6	17.1
Diversity	20	69	83	81	87
Household Head (%)	86.0	59.7	43.3	41.5	19.2
Education					
None (%)	23.2	23.5	16.4	21.6	6.4
Mean Years	2.7	3.7	5.2	2.9	4.3
Diversity	36	53	55	51	63
Landowners* (%)	6.1	8.1	4.9	5.1	.5
Not in Work Force* (%)	9.4	12.6	15.1	14.5	31.7
Mexican Occupation, Diversity*	32	50	59	47	41
U.S. Destination Diversity	46	57	56	63	63
Legal Status					
Undocumented (%)	45.7	55.8	63.6	61.8	36.0
Diversity	43	57	56	47	54
U.S. Occupation					
Agriculture (%)	83.3	52.1	41.5	71.1	84.1
Diversity	15	34	45	27	33
Males	24	30	39	39	41
Females	16	37	50	34	48
No. of Migrants	227	1,148	1,480	635	343
No. of Migrant Household Heads	172	670	674	190	57

* Sample includes household heads only.

Source: Table Assembled from Massey, Goldring, and Durand (1994)

Notes

1. En la EMIF para la variable escolaridad se propone una agrupación para los niveles de secundaria, preparatoria y profesional en la que están incluidos otros niveles de instrucción. Cuando se hace referencia al nivel de escolaridad para secundaria estarán incluidos los que declararon haber terminado ese nivel y aquellos que concluyeron estudios técnicos con primaria; para el caso de preparatoria se hace referencia a los técnicos con secundaria y en el nivel profesional también se incluyó la Normal.

2. Como lugar de origen nos referimos en este momento al estado o tipo de localidad de residencia.

3. Se ha incorporado la utilización del término *zona* para hacer referencia a las localidades que están agrupadas en cada coordinación regional, por lo que no se hace referencia a una agrupación distinta a la utilizada a lo largo del texto, amén de evitar que el tamaño de muestra no sea representativo. Cada una de estas zonas está conformada por las siguientes localidades:

a) La zona de Tijuana comprende las localidades de Tijuana y Tecate.

b) La zona de Juárez comprende las localidades de Cd. Juárez, Porfirio Parra, Rodrigo M. Quevedo y El Porvenir.

c) La zona de Piedras Negras comprende las localidades de Piedras Negras y Cd. Acuña.

d) La zona de Matamoros comprende las localidades de Matamoros, Reynosa, Camargo y Miguel Alemán.

e) La zona de Nogales comprende la localidad de Nogales.

f) La zona de Mexicali comprende las localidades de Mexicali y San Luis Río Colorado.

g) La zona de Nuevo Laredo comprende la localidad de Nuevo Laredo.

4. Se sabe que son localidades no fronterizas toda vez que el migrante ha declarado no residir en la localidad donde se realiza la entrevista.

5. Aplica la razón expresada en la nota anterior.

6. El destino pueden ser las localidades no fronterizas de los estados del norte o cualquier estado del interior de la república mexicana

Characteristics of Migrants

Mexico-To-U.S. Migrant Characteristics from Mexican Data Sources

Jorge A. Bustamante, Guillermina Jasso, J. Edward Taylor & Paz Trigueros Legarreta

Revisión de la bibliografía escrita por autores mexicanos antes de la aprobación de IRCA; sobre las características demográficas, sociales y económicas de los migrantes mexicanos a Estados Unidos

Características metodológicas

Los materiales revisados son de dos tipos: los que estudian el fenómeno migratorio desde una perspectiva macrosocial, tratando de conocer las características generales de los migrantes mexicanos, y aquéllas que prefieren analizar la problemática a partir de estudios de caso, ya sea en alguna o algunas comunidades expulsoras o en una región.

Desde una perspectiva histórica, los primeros trabajos sobre el tema son los de Manuel Gamio (1930 y 1969), Alfonso Fabila (1932) y Enrique Santibáñez (1930), fueron excepciones en esos tiempos.

Es probable que el interés de estos autores por el tema esté vinculado a la ola antimexicana que se desató en el vecino país del norte debido a la crisis económica de 1929. El más importante de ellos, es el de Manuel Gamio (1930 y 1969), ya que hizo un concienzudo estudio sobre el fenómeno migratorio, de 1926 a 1929, utilizando una gran variedad de fuentes como son los censos de Estados Unidos y de México, la información de la Secretaría de Gobernación respecto a las entradas y salidas de mexicanos, y la del gobierno norteamericano sobre las "money orders" destinadas a México, entrevistas en profundidad, etc.

Los trabajos de los otros dos autores, aunque de menor valor científico, aportan importante información para una época en la que poco se investigó al respecto. Fabila, etnólogo mexicano, escribió sobre sus observaciones en Estados Unidos con la finalidad de prevenir a los mexicanos que se interesaban en ir a trabajar a ese país, motivo por el cual sus textos describen las pésimas condiciones de vida de sus connacionales residentes en Estados Unidos y los malos tratos a los que estaban sujetos.

Santibáñez, periodista y funcionario consular, publicó una serie de artículos en el diario *Excélsior*, que fueron reunidos posteriormente en un libro. Utilizó como técnicas: observaciones personales, encuestas efectuadas por él y sus colaboradores "con una gran cantidad de inmigrantes mexicanos", noticias periodísticas, estadísticas, disposiciones oficiales y datos históricos.

En los años siguientes, sobre todo en la década de los 1950s se publicaron varios libros, de carácter más bien descriptivo, enfocados, principalmente, al importante fenómeno del bracerismo, que atrajo a tantos mexicanos, a partir del convenio firmado por los gobiernos de México y Estados Unidos en 1942. Moisés González Navarro (1954) lo estudia desde una perspectiva histórica y otros como Luis Fernández del Campo (1942), Miguel Calderón (1952), Ignacio García Téllez (1955), José Lázaro Salinas (1955) y Jesús Topete (1961),[1] enfocan de manera un tanto descriptiva distintos aspectos de la problemática económica y social de los braceros mexicanos.

A fines de los1960s, a raíz de la terminación del Programa Barcero en 1964, que dio lugar al auge de la migración indocumentada, se inicia otra etapa en la que participa como figura principal Jorge Bustamante. Desde sus primeros estudios con Julián Samora y Cárdenas, comienza a plantear la necesidad de estudiar el problema de una manera más científica. En el libro *Los Mojados (The Wetback Story* (1971)), los autores mencionados, refieren los resultados de su investigación, realizada en tres centros de detención norteamericanos en 1968-1970, donde aplicaron cuestionarios a 493 hombres de aproximadamente mil que había en esos momentos; y realizaron varias entrevistas en profundidad (Samora, 1971: 67-68; Bustamante, 1976 y Bustamante 1979).

En una siguiente etapa, Bustamante, con un importante equipo de investigadores entre los que estaban Manuel García y Griego, Rodolfo Corona y Carlos y César

Zazueta, emprenden una investigación en el el Centro Nacional de Información y Estadísticas del Trabajo de la Secretaría del Trabajo y Previsión Social (CENIET); que culmina con la Encuesta Nacional de Emigración a la Frontera Norte del País y a los Estados Unidos (ENEFNEU), aplicada entre diciembre de 1978 y enero de 1979. Uno de sus principales méritos fue el de tratar de conocer la dimensión y las principales características de los migrantes, de manera directa, a nivel nacional, a partir de una muestra seleccionada probabilísticamente, que abarcaba a todo el país (CENIET, 1982: 57). Abarcó 62,500 viviendas en 115 localidades, seleccionadas probabilísticamente, lo que permitió captar información de aproximadamente 300,000 individuos.

La encuesta proporcionó una amplia información que permitió tener un mayor conocimiento de las características socio-económicas del fenómeno, estimar su dimensión y determinar las principales áreas de expulsión.

Sin embargo, la necesidad de abarcar un universo tan amplio, restringía la posibilidad de profundizar sobre aspectos importantes de la migración. Uno de ellos, que además estaba adquiriendo auge entre los investigadores sociales, era el de la unidad doméstica de donde procedía el migrante y su papel en este fenómeno.

Así surgieron una serie de investigaciones en comunidades expulsoras de migrantes internacionales, con un enfoque de tipo antropológico, e inspiradas en el análisis estructural. Podemos señalar entre ellas, la del equipo de la UAM Azcapotzalco, coordinado por James Cockcroft, la de López Castro, la de Alarcón y la de Fonseca y Moreno. Los estudios se realizaron en el estado de Michoacán, tanto en cabeceras municipales, como poblados y ejidos; en zonas de agricultura tradicional y modernizada, donde se aplicaron, encuestas, complementadas con historias de vida. En todas se habla de la poca actividad económica no agrícola en la comunidad o el pueblo, muchas veces debido a la centralización que ha tenido lugar en ciudades como: Zamora, Morelia y Guadalajara. Entre las investigaciones en otras entidades federativas están la de Diez Canedo (1984), quien utilizó la información que recabó trabajando con Wayne Cornelius, en la región de Los Altos de Jalisco; y las de Ortiz (1980), Ornelas (s/f) y Rionda (1983) en Oaxaca. Se trata, en todos los casos, de estudios llevados a cabo a fines de los 1970s o principios de los 1980s.

En general, todos ellos tratan de entender la migración internacional como un proceso histórico, en el que influyen elementos de diversa índole, que propician comportamientos específicos en cada etapa y en cada grupo social, así como transformaciones a través del tiempo (Trigueros; 1994).

Fonseca y Moreno estudiaron el fenómeno migratorio en Jaripo, Michoacán, entre febrero y junio de 1981. Su principal fuente fueron entrevistas abiertas a informantes clave (Barjau; 1982; Fonseca; 1986, y Fonseca y Moreno; 1988).

Alarcón (1988), se basó en una encuesta levantada en la cabecera municipal de Chavinda, Michoacán, que abarcó 200 viviendas e incluyó a todos los individuos varones mayores de 18 años.[2]

López Castro (1986), por su parte estudió la migración desde un poblado llamado Gómez Farías en Tangancícuaro, Michoacán. Su investigación se basó, para el período de 1900 a 1919 en historias orales recogidas en junio y julio de 1983 en Gómez Farías, Francisco J. Múgica y Tierras Blancas, así como en información documental. Para la historia más reciente, utilizó, además, dos encuestas que aplicó entre marzo y octubre de 1983. La primera, a 110 familias con base en un muestreo aleatorio, encabezadas por: 88 de jornaleros, 11 de poseedores, 2 de comerciantes, 9 dedicados a otras actividades.[3] La segunda, a 48 productores seleccionados con una muestra estratificada y que tenía como finalidad obtener datos sobre su unidad productiva, la historia migratoria del productor y su familia y su relación con la introducción a la tecnología.

Cockcroft, et al. (1981) y Trigueros y Rodríguez (1988) con todo el equipo de la UAM, estudiaron una comunidad de ejidatarios cercana a Morelia, llamada La Purísima. Utilizaron censos levantados en las décadas de los 1930s y 1940s; una encuesta aplicada por el grupo en 1981, que abarcó a gran parte de las familias de la comunidad, e historias de vida y entrevistas en profundidad, recogidas también en 1981.

Por otro lado, en 1984 se emprendió un nuevo esfuerzo para estudiar la forma como había evolucionado el fenómeno migratorio a nivel nacional. El Consejo Nacional de Población realizó la Encuesta en la Frontera Norte a Trabajadores Indocumentados devueltos por las autoridades de los Estados Unidos de América (ETIDEU), que se basó en 9,631 entrevistas a migrantes deportados. Incluye a las personas de nacionalidad mexicana de 15 años o más que fueron devueltas entre el 5 y el 16 de diciembre de 1984 en distintos puestos fronterizos. A diferencia de la ENEFNEU, el carácter casual o fortuito, no probabilístico de esta encuesta impide inferir valores cuantitativos de la población objetivo (CONAPO;1986).

A diferencia de las investigaciones anteriores, la de Verduzco (1992), se enfocó al estudio de la migración internacional de origen urbano, en la ciudad de Zamora, donde encuestó a una muestra de 801 trabajadores.

Periodización de la migración internacional mexicana

Primera etapa

Santibáñez (1930: 77) señala que fue a partir de los 1850so cuando tuvieron lugar los primeros desplazamientos de mexicanos a Estados Unidos, y concretamente a Texas, ya incorporada a la Unión Americana. Lentamente surgían y se desarrollaban

poblaciones a lo largo de la margen del Río Bravo o cercanas a él. Pasaban el río sin ninguna dificultad y se instalaban, superando con mucho el número de los pobladores de raza sajona. Más adelante, la construcción de los ferrocarriles facilitó la movilización de los mexicanos del centro del país; aunque, según el autor, no llegaban a introducirse más allá de San Antonio.

Entre los fenómenos que propiciaron la gran movilización de mexicanos a Estados Unidos están la Revolución de 1910 y la 1a. Guerra Mundial. La expansión de la industria de guerra y la salida de ciudadanos norteamamericanos (incluyendo mexico-americanos) creó una escasez de fuerza de trabajo. En una amplia gama de actividades los trabajadores en Estados Unidos fueron remplazados por mexicanos. Cuando en 1924 la "National Origins Act" disminuyó considerablemente la immigración de Europa y de otras partes del mundo, México, otra vez fue el gran proveedor de trabajo. (Samora;1971:18).

En muchas de las comunidades analizadas se hace mención a estos primeros desplazamientos. Ochoa (1986) señala que ya en 1872 había michoacanos en Estados Unidos. Desde la fiebre del oro californiano, algunos arrieros de Cotija lograron llegar hasta allá. Sin embargo, parece ser que los primeros migrantes del Bajío Zamorano salieron hasta principios de este siglo (Alarcón y de la Peña, 1989).

Algo semejante ocurrió en Jaripo (Mich.), cuyos vecinos comenzaron a ir a Estados Unidos en la década de los 1920s, aunque hubo quienes fueron desde fines del siglo pasado. Fonseca atribuye el arraigo de esta práctica al éxito que tuvieron los primeros que se aventuraron.

En Chavinda, la migración internacional se inició a principios de siglo, al igual que en Gómez Farías (antes Puentecillas). Aunque no se trataba de una movilización masiva, los hacendados se quejaban de la falta de mano de obra disponible. Aumentó en 1918 debido a la sequía y a las bandas de asaltantes que proliferaron con la Revolución de 1910. López Castro señala que en otros poblados del distrito de Zamora aumentaba esta práctica año tras año: Purépero, Tlazazalca, Chilchota y Tangancícuaro (López Castro, 1986: 36-38; también hace referencia a esta situación Alarcón, 1988).

En la ciudad de Zamora, también hubo quienes migraron durante los primeros años de este siglo, al igual que en los casos señalados, se trataba de un fenómeno marginal, que se extendió durante el período revolucionario y los años que le siguieron, como respuesta a la violencia militar y a la desarticulación económica (Verduzco, 1992).

En Los Altos de Jalisco la situación es semejante. De acuerdo a Alarcón y de la Peña (1989) su historia social en el presente siglo "no puede comprenderse sin hacer referencia a la migración a Estados Unidos." Recuerda que en varias novelas sobre la vida de esa zona a principios de siglo participan "norteños", quienes "juegan un papel de ruptura social y prefiguran la revolución mexicana por su desprecio a las

tradiciones, su rechazo a los trabajos mal remunerados y su altivez ante los patrones y ricos". Diez Canedo (1984), encontró en las comunidades donde hizo su estudio, que la migración tuvo su origen en la época del conflicto cristero (1925-1928).

Resultaba muy caro ir hasta Estados Unidos por las deficientes comunicaciones y porque los ingresos de la mayoría eran muy bajos. Es por eso que algunos autores señalan que entonces viajaban los que pertenecían a familias más acomodadas (Trigueros, 1994). Sin embargo, en el caso de Jaripo, parece ser que los que contaban con más recursos prestaban dinero a otros compañeros para realizar el viaje en grupo.

Por último, López Castro (1986:75-76) habla de la repatriación debida a la crisis de 1929 y señala que, debido a ella y a los temores de los posibles migrantes, la población de Puentecillas tuvo una tasa de crecimiento de 4.8% de 1920 a 1930.

El Programa Bracero, 1942-1965

Todos los autores que estudiaron comunidades del occidente, encontraron que es precisamente en esta época cuando la migración se convierte en una práctica generalizada. Las facilidades dadas por los dos gobiernos posibilitaron que participaran miembros de los distintos grupos sociales. En algunas investigaciones se señala que eran principalmente los ejidatarios recién dotados, los que se integraban en mayor proporción, puesto que lo reducido de la estancia (entre 45 días y 6 meses) permitía que trabajaran por temporadas en Estados Unidos y regresaran para realizar los trabajos necesarios en su parcela. También se hace referencia a que esta estrategia era favorecida por la incapacidad de satisfacer sus necesidades únicamente con la parcela, debido tanto a su reducida dimensión, como a la falta de apoyo técnico y crediticio (Trigueros, 1994).

Lo mismo sucedió en Zamora, donde la corriente migratoria aumentó impulsada por la carencia de dinero para hacer producir la tierra entre los campesinos. Sin embargo, en este caso, el flujo se redujo a partir de la segunda mitad de los 1950s debido al auge económico en la zona, cuyo eje fue la agricultura beneficiada con riego y la introducción de cultivos más rentables. Este boom generó empleos, no sólo en el sector primario, sino también en el comercio y los servicios (Verduzco, 1992).

La migración indocumentada (1965-1986)

También hay coincidencia en las investigaciones analizadas, en el hecho que, a pesar de la terminación del Programa Bracero, la práctica migratoria continuó, aunque surgieron distintas modalidades en los desplazamientos. En algunas comunidades varios habían legalizado su situación laboral en Estados Unidos, por

lo que podían viajar cuando y a donde quisieran; así como ir legalizando el status de los demás miembros de sus familias. Pero en la mayoría de los casos se vieron obligados a migrar como indocumentados, lo que se facilitaba por la experiencia adquirida en la práctica y por la existencia de redes más o menos establecidas en distintas regiones de la Unión Americana, principalmente, en California.

Como ejemplos de las formas que adoptó la migración en este período, podemos mencionar el caso de Gómez Farías, donde prevalecieron los desplazamientos temporales, por objetivos. En los primeros meses del año partían a California, para regresar en los meses finales. A principios de los 1980s comenzaba a extenderse la tendencia a "invernar" en Estados Unidos, ya que los costos económicos de los viajes eran muy altos (López Castro;1986:76-77). Antes de 1982 muchos "gomeños" llevaban a sus familias con ellos, pero, debido al enorme aumento de los precios del transporte, la vigilancia del SIN y los mayores riesgos que implicaba el paso como indocumentado, esa tendencia se redujo. Sólo quienes tenían visa continuaban llevando a la familia (López Castro; 1986: 85-87).

En Los Altos de Jalisco, también fue creciendo la práctica migratoria, sobre todo en los municipios del centro de la región. En algunas zonas, el desarrollo económico, debido en gran medida al auge lechero, fue capaz de retener a muchos migrantes potenciales gracias a la oferta de atractivos empleos y a la posibilidad de éxito de pequeños negocios en el área de los servicios, financiados, muchas veces, con los dólares obtenidos de la migración (Alarcón y de la Peña, 1989).

A diferencia de lo que ocurría en las zonas rurales, en Zamora se mantuvo la tendencia a la baja, en términos relativos, de la práctica migratoria; aunque sí creció en números absolutos, lo que no es de extrañar dado el gran aumento de la población. Sin embargo, la mayoría de los zamoranos no dependía económicamente de la migración, y más bien recurrían a ella con un fin específico. Por este motivo, Verduzco (1992) sólo encontró que 19% de los migrantes entrevistados eran los que habían ido cuatro veces o más.

Areas de origen en México

Tradicionales

Tres entidades han sido clasificadas consistentemente en los primeros lugares como proveedoras de migrantes: Jalisco, Michoacán y Guanajuato. A ellas se agregaron Chihuahua, Durango y Zacatecas.

Gamio señalaba en 1930 que el 54.3% de los migrantes mexicanos provenía de esos tres estados del centro-occidente de México (Michoacán, Guanajuato y Jalisco), siguiéndolos en importancia Nuevo León, Durango y el D.F. (Gamio, 1930) (ver Cuadro 1).

Cuadro 1
Estados de origen de los migrantes por orden de importancia, según diversos autores

	Gamio (1926-28)	Samora (1968-70)	ENEFNEU* (1978-79)	ETIDEU** (1984)
Michoacán	20.0	8.3	8.4	13.1
Guanajuato	19.6	8.3	17.9	8.9
Jalisco	14.7	7.5	13.9	11.8
Nuevo León	8.0	6.1	1.5	
Durango	5.9	9.9	5.0	5.9
DF	5.0	1.0	1.7	3.1
Chihuahua	4.4	18.5	12.6	11.9
Zacatecas	6.9	11.8	5.7	
S. Luis Potosí	7.3	4.4	2.6	
Baja Calif.	0.5	1.6	5.0	3.6
Total	78.1	75.4	80.7	68.1

* Sólo se utilizó la información de la población que en el momento de la encuesta se encontraba en Estados Unidos.

** Lugar de nacimiento

Fuentes: Gamio (1930); Samora, 1971: 92; Zazueta y Corona, 1979: 129, y CONAPO, 1986

Areas nuevas

En 1969, el equipo de Julián Samora encontró que el porcentaje que ocupaban los primeros tres estados era de sólo 24.1%, pero que, con Chihuahua y Durango —que superaban a los tres primeros— ascendía a 52.5% (Zamora, 1970).

En la ENEFNEU (1978-79) Michoacán pierde peso, quedando en quinto lugar, después de Guanajuato, Jalisco, Chihuahua y Zacatecas; alcanzando el conjunto, 64.9%. En la ETIDEU (1984), Michoacán vuelve a encabezar el grupo y los cinco estados mencionados reducen su peso a únicamente 39.7%; lo que nos hace pensar que la práctica migratoria se va extendiendo en el país. Estados que antes no destacaban presentan porcentajes más o menos altos, por ejemplo, Zacatecas, Baja California, Guerrero y Oaxaca.

Por otro lado, en la investigación del grupo de Zamora, 84% de los encuestados provenía de áreas rurales, en la ENEFNEU[4] el porcentaje se había reducido a 69.8%; no obstante lo cual, resultaba ser mayor que el observado para el conjunto de la población mexicana en 1978 y que era de 53%.

Si en lugar de considerar el lugar de nacimiento en la ETIDEU, tomamos el de residencia, aumenta el peso de los estados fronterizos, especialmente de Chihuahua, al que corresponde el 15.7%; Baja California, el 10.2%; y Sonora, el 5.2%. Mientras pierden importancia los estados del centro de la república, lo que muestra cómo muchos de los migrantes cambian su residencia a la zona fronteriza, antes de migrar a Estados Unidos.

Areas de recepción en Estados Unidos

Areas tradicionales

1900-1942

De acuerdo a la información del Censo Norteamericano presentada por Gamio (1930); a principios de siglo Texas superaba con mucho a los demás estados de la unión en cuanto a la atracción de migrantes, ya que ahí se encontraba más de la mitad (68.7%) de la población de origen mexicano. Lo seguía Arizona con 13.7%, mientras California incluía únicamente 7.8% y Nuevo México, 6.4%. Sin embargo, la situación fue cambiando, en el censo de 1920, el peso de la población mexicana en Texas se había reducido un poco (52.5%), mientras el de California se había más que duplicado (18.8%), superando con ello a Arizona (12.8%). Nuevo México también bajó su participación (4.2%), y Colorado adquirió cierta presencia (2.3%). El orden se modifica cuando se consideran las *money orders* de 1926-1927, ya que entonces California presenta el primer lugar (36.2%), mientras de Texas sólo proviene el 15.7%; de Arizona 4.8% y de Nuevo México, 1.4%. En cambio, el estado de Illinois que en los censos presentaba un porcentaje muy bajo, alcanza una proporción de 12.2%; Indiana, de 5.1%; Michigan, de 3.4% y Pennsylvania de 1.8%. Es probable que, además de la creciente demanda de trabajadores mexicanos en los estados norteños del este y medioeste, influyan los salarios más altos en esas regiones alejadas, así como el hecho de que en los estados fronterizos, muchos de los mexicanos censados ya no mantuvieran relación económica con familiares en México.

Por otro lado, los migrantes que se ocupaban en la agricultura se desplazaban continuamente durante el verano y el otoño siguiendo el calendario de las cosechas a través de varios estados de la unión americana. Muchos de ellos regresaban, en invierno a México (Gamio, 1930: 43).

Las estrategias también cambian en cada región. Por ejemplo, los alteños de Jalisco se organizaban en pequeños grupos y se dirigían a El Paso, Texas, y desde ahí se internaban a los estados del centro y este, en donde se empleaban como trabajadores no calificados en la construcción y mantenimiento de la vía del ferrocarril y en fundiciones (Alarcón y de la Peña, 1989).

Cuadro 2
Distribucion de los migrantes mexicanos en los estados de la union americana, en 1900, 1920, 1926–1927, 1978–1979 y 1984

Estado de Residencia	GAMIO 1900	GAMIO 1920	ENEFNEU (1926-1927)	ENEFNEU (1978-1979)	ETIDEU (1984)
California	7.8	18.8	36.2	47.3	54.1
Texas	68.7	52.5	15.7	27.4	34.2
Illinois	0.2	0.8	12.2	7.4	0.2
Indiana	0.0	0.1	5.1		
Arizona	13.7	12.8	4.8	2.0	7.3
Michigan	0.1	0.3	3.4		
Pennsylvania	0.1	0.0	3.1		
New Mexico	6.4	4.2	1.4	2.7	1.0
Colorado	0.3	2.3	2.3	1.8	0.2
Total	91.3	91.8	84.2	88.6	97.0

Gamio se basó para 1900 y 1920 en el Censo Norteamericano; para 1926-1927, en la proveniencia de *money orders* depositadas en Estados Unidos y destinadas a México, en los periodos de julio- agosto, 1926 y enero-febrero, 1927.

La información de la ENEFNEU y de la ETIDEU se refiere a migrantes, en la primera se incluyen documentados e indocumentados, mientras que en la segunda únicamente indocumentados.

Fuentes: Gamio, 1930; CENIET, 1982, y CONAPO, 1986

En general, y como se observa en las distintas investigaciones, había una gran dispersión de los migrantes en esta primera etapa. En el caso de Jaripo, iban a Chicago, Indiana y Michigan, principalmente; aunque hubo quienes fueran a Colorado, Wyoming, Nebraska, Pennsylvania, Texas, Kansas y California. La mayoría de ellos regresaron cuando las crisis, algunos de la de 1921–1922 y otros, de la de 1929 (Fonseca: 1986).

Programa Bracero

Durante el Programa Bracero, el abanico de estados también fue amplio, Texas, California, Arizona, Indiana, Delaware, Michigan, Arkansas, Montana y Washington, entre otros. Sin embargo, comenzaba a concentrarse la migración en los estados del suroeste, principalmente, en California (Fonseca, 1986; Trigueros, 1994; Alarcón y de la Peña, 1989).

Areas nuevas

En la ENEFNEU se encontró que los estados con porcentajes más altos de migrantes mexicanos eran, por orden de importancia, California con 47.3%; Texas con 27.4%; Illinois con 7.4%; Nuevo México con 2.7% y Arizona con 2%.

Como se ve en el cuadro anterior, en la ETIDEU adquieren mucho mayor peso los estados fronterizos de California, Texas y Arizona; en tanto que se reduce la importancia de los más lejanos, como Illinois y Colorado. Es muy probable que influya el hecho de que el INS, opera mucho más activamente en la zona fronteriza; de manera que, para los que logran alejarse más, aumentan las probabilidades de permanecer en Estados Unidos y regresar cuando lo decidan y no expulsados, motivo por el que no fueron captados por esta encuesta.

Como sucedía en los períodos anteriores, la práctica migratoria difiere en cuanto a los lugares de destino en las distintas regiones. Aunque en todas las investigaciones revisadas se destaca el predominio de California, varía el peso de otros estados como Texas, Illinois y Arizona. También dentro de California se han señalado zonas diversas. Alarcón (1986:345) menciona que los chavindeños (Mich.) se dirigían a cuatro regiones de California y que eran, por orden de importancia: el Valle de San Joaquín, el Valle de Salinas, la bahía de San Francisco y un barrio del centro de Los Angeles. Para los jaripeños los polos de mayor atracción eran Los Angeles, Oxnard, San José y, sobre todo, el condado de San Joaquín (Fonseca y Moreno;1988). López Castro (1986) encontró en Gómez Farías que la mayoría se dirigía a Watsonville o a lugares cercanos a San Francisco.

Perfil demográfico de los migrantes

Edad

Gamio (1969), basándose en la información de sus 61 entrevistas señalaba que la edad de los migrantes fluctuaba entre los 20 y los 60 años, con alta proporción de gente de edad madura, las mujeres eran, en los pocos casos que analizó, de edad avanzada.

De acuerdo al equipo de Samora, 70.8% tenían en el momento de la entrevista 30 años o menos. Si consideramos su primera participación, 85.8% lo hizo en esas edades (Samora, 1971: 90).

En 1978-79, según la ENEFNEU, el porcentaje de menores de 30 años se había reducido a 54.7%. Pero en 1984, de acuerdo a la ETIDEU, era de 74.2%, siendo el promedio de edad de 26.2. Es probable que la diferencia se deba a que la ENEFNEU incluía migrantes con documentos, y según varios de los trabajos en microrregiones, los mayores únicamente migraban cuando disponían de los mismos.

Si consideramos la diferencia de edades por sexos, en esta última encuesta, se encontró que entre los hombres el porcentaje de menores de 30 años era de 75.3% y el de las mujeres, de 65.4%; lo que nos muestra que las mujeres tienden a migrar mayores.

Sexo

La gran predominancia masculina en esta práctica ha sido destacada en todas las investigaciones. En las entrevistas hechas por Gamio (1969), en la década de los 1920s, incluyó a muy pocas mujeres. Todas viajaron para acompañar al marido o a la familia.

En la ENEFNEU (1978-79) se encontró que 83.9% de los migrantes a Estados Unidos eran hombres; en la ETIDEU (1984), el 89.1%. Es probable que, otra vez, la diferencia se deba a que es más alto el porcentaje de mujeres que migran con documentos.

Aun cuando en todas las investigaciones se ha resaltado la poca participación de las mujeres (Diez Canedo, 1983; Alarcón, 1986, etc.), muchos autores notaron un mayor involucramiento en los 80s, por la abundancia de oportunidades de empleos en los que se prefiere mano de obra femenina. Sin embargo, varía la situación, al igual que sucede con la migración familiar. Ambos aspectos están muy relacionados con el acceso a los documentos para legalizar su situación, la existencia de redes en Estados Unidos y las pautas culturales de cada comunidad.

Alarcón (1986:345) encontró que a los hombres de Chavinda (Michoacán) no les gustaba casarse en Estados Unidos ni llevar a sus familias con ellos pues consideraban que no había condiciones para un desarrollo sano. En cambio, en Jaripo se había extendido la migración familiar, lo que es entendible dada la cantidad de vecinos de la localidad que contaban con documentos. Esto resultaba de suma importancia para poder incorporar, poco a poco a los otros integrantes, quienes iban legalizando su situación, hasta que finalmente se podía desplazar todo el grupo completo (Fonseca, 1986). Esta estrategia muestra la importancia que ha tenido la legalización de los migrantes en el incremento de la migración femenina y familiar. En Gómez Farías se abandonó esta práctica en los primeros años de la década de los 1980s debido a la carestía del viaje y a los peligros que implicaba, ya que en este caso la mayoría no contaba con documentos. Sin embargo, 20.2% de los migrantes eran mujeres, la mayoría de las cuales iban desde 1976, explícitamente a trabajar. Además, únicamente el 27.11% de ellas viajaba acompañando a los hombres de la familia y para realizar los trabajos domésticos (López Castro, 1986). En cambio, Verduzco (1992) señala que en Zamora, la migración era casi totalmente masculina.

Estado civil

Gamio (1930, 44) señalaba que, como regla general, los trabajadores agrícolas eran hombres, solteros, o bien, casados que dejaban sus familias en México o en las ciudades americanas. Pero que los empleadores preferían hombres con familia por dos razones: permanecían en el trabajo y sus familias ayudaban al jefe del grupo, con lo que el empleador disponía de más mano de obra.

En la investigación de Samora se observó que 48% eran solteros (Bustamante, 1976: 31).

En general, se ha encontrado que migran en proporciones semejantes los casados y los solteros, aun cuando puede cambiar la duración de la estancia, de acuerdo al estado civil, y la utilización de los ingresos devengados.

Escolaridad

Entre los entrevistados por Gamio (1969), la escolaridad era sumamente baja, de menos de 5 años, con una fuerte proporción de analfabetas, lo que no es de extrañar dadas las condiciones de la mayor parte de la población mexicana en las primeras décadas de este siglo.

El equipo de Zamora establecía que 28% nunca había asistido a la escuela y 90% no había terminado la primaria (Zamora, 1971: 90). La proporción había bajado a la mitad en 1984, aunque todavía era muy elevado el porcentaje de analfabetas detectado por la ETIDEU, 14% (17.6%, de las mujeres).

De acuerdo a la ENEFNEU, el promedio general de años cursados y aprobados por los migrantes era de 4.9, nivel que se mantuvo en la ETIDEU (en el caso de las mujeres, 4.6) (CONAPO, 1986). En la ENEFNEU 34.3% había estudiado menos de 4 años y sólo el 24.6% completaron 7 años o más. Esta proporción era muy inferior al nivel que existía en Estados Unidos, donde de las personas mayores de 17 años, únicamente el 3.4% tenía entre 0 y 4 años de instrucción; el 14.1% tenía cursados entre 5 y 8 años y el 82.5% más de 8 años (CENIET, 1982).

En algunos estudios de caso se encontró que el grado de escolaridad alcanzado se relacionaba positivamente con una mayor probabilidad de emigrar, lo que daba lugar a que se fuera la población más joven, más productiva y mejor educada. Sin embargo, no se trata de una situación generalizada.

En la ciudad de Zamora participaban en la migración los trabajadores con bajo nivel educativo (de 0 a 3 años de escolaridad), siendo todavía menor el nivel entre los migrantes recurrentes. Verduzco señala que es probable que este grupo enfrentara serias limitaciones para insertarse de forma ventajosa en el mercado laboral que abrió el dinamismo económico y comercial zamorano, lo que los obligaba a integrarse en la migración laboral como una estrategia para valorizar

mejor su fuerza de trabajo. En este orden de ideas propone que, a diferencia de la migración de origen rural, que recluta fundamentalmente a los sectores medios del campesinado, la migración urbana se nutre de los contingentes de trabajadores menos favorecidos (Verduzco, 1992).

Nivel social

Se ha señalado que, en general, migran más aquellos cuya actividad, agrícola o de otro tipo, les permite situarse por encima del nivel de subsistencia, pero no los que cuentan con granjas capitalistas eficientes, ya que sus ingresos en la localidad donde viven son suficientes para vivir bien (Diez Canedo, 1984). Al respecto, López Castro (1986: 88-96) sugiere que para poder migrar se requiere de una fuerte inversión (entre 300 y 350 dólares). Sin embargo, hace referencia a que hay otro elemento que favorece la migración, independientemente de la posición económica: las redes sociales. Por otro lado, plantea que los ricos viajan poco porque tienen posibilidad de rentar o comprar parcelas e invertir en la agricultura comercial. Un aspecto importante que menciona es que, en igualdad de condiciones la gente prefiere no moverse geográficamente.

Perfil ocupacional de los migrantes

Sectores económicos de ocupación en México

Tradicionales

Aunque la mayoría de los entrevistados por Gamio (1969) en los 1920s se dedicaba a labores agropecuarias, como peón, mediero o minifundista, era significativa la presencia de pequeños comerciantes, obreros, empleados y artesanos. El autor lo atribuía a su elevada movilidad geográfica y ocupacional desde antes de su viaje al norte, ya que muchos residían en una gran ciudad antes de migrar.

Durante el Programa Bracero en la mayoría de las comunidades michoacanas migraban tanto ejidatarios, como arrendatarios ecuareros y jornaleros (Fonseca, 1988; López Castro, 1986; Trigueros, 1994).

Nuevos

En 1971, de los entrevistados por el equipo de Zamora, 57% habían estado trabajando en México en el sector agrícola y únicamente 12% laboraron en trabajos calificados (Samora, 1971: 91).

En la encuesta del CENIET (1982), se señala que el 58.5% de la población migrante se ocupaba en el sector primario, 15.1% en el secundario y 23.5% en el terciario.[5] Estas proporciones son diferentes a las que presentaba entonces la

población mexicana en su conjunto, ya que únicamente el 39.3% se ocupaba en el sector primario; 21.4% en el secundario y 38.7% en el terciario.

En la ETIDEU, el 39.4% laboraba en el sector primario, 33.1% en el secundario y 26.5% en el terciario.

En cuanto a la ocupación desempeñada, el 59.6% de la muestra de la ENEFNEU desempeñaba labores agropecuarias; el 17.3% eran trabajadores no agrícolas y el 9.4% trabajadores en servicios y transportes (CENIET, 1982).

En la ETIDEU, el 39.8% desempeñaba labores agropecuarias; 39.3% eran trabajadores no agrícolas, 8.5%, trabajadores en servicios y transportes y 7.6% se ocupaban en el comercio. Al analizar la información por sexos, sobresale el hecho de que sólo 5.6% de las mujeres trabajaba en el sector primario; 30.6% en el secundario y 60.2% en el terciario, de las cuales el 21.4% correspondía a actividades en unidades domésticas no productivas (CONAPO, 1986).

De acuerdo a las investigaciones revisadas, la migración a Estados Unidos se presenta tanto en comunidades con agricultura tradicional, afectada por las malas condiciones de la tierra y lo reducido de las parcelas; como en las que se han implementado técnicas modernas con la consiguiente orientación de la producción al mercado (Trigueros; 1994).

Otro aspecto interesante de mencionar es que, entre los migrantes que se encontraban en Estados Unidos había 27.2% (110,719) que no estaban trabajando antes de su viaje. De ellos, el 15.2% estaba desempleado, 14.1% era trabajador no remunerado y 40.3% se ocupaba en quehaceres domésticos (Ibid.).

Llama la atención el hecho, señalado por Alarcón, de que fueran los que se ocupaban en actividades agrícolas los que optaban por la migración internacional, lo que se podría atribuir a que los que tenían cierta calificación, podían acomodarse en el mercado laboral mexicano —y que coincide con la observación de Verduzco sobre el nivel educativo de los migrantes—. Por ese motivo, los que tenían mayor preparación preferían migrar al interior del país, la mayoría de los cuales lo hacía en forma definitiva.

Un aspecto en el que existen diferencias de una investigación a otra es el que se refiere al peso que tenían los poseedores de tierra en el conjunto de migrantes. Algunos autores encontraron que eran ellos los que preferentemente participaban en esta actividad; otros, que eran aquellos que no tenían los que más viajaban y más a menudo.

López Castro (1986: 92-96), por su parte, encontró que 60% de las familias de ejidatarios enviaban migrantes continuamente y que 37.7% de los jefes ejidatarios migraban.[6] Sin embargo, los que tenían más viajes en promedio eran los que disponían de parcelas medianas (entre 4 y 6 hectáreas); siguiéndolos los de 7 a 10 hectáreas y, al último, los de 1 a 3 hectáreas. Plantea que existe un límite arriba del cual dejan de viajar, y lo fija, para el caso de Gómez Farías, en 10 hectáreas de

riego. También señala que migraban más los poseedores de tierras de riego y sus hijos, en relación a los que disponían de tierras de temporal. El autor supone que esto se debía a que en estas últimas se necesitaba la mano de obra familiar para el trabajo en la parcela, o bien, a la falta de recursos para financiar el viaje. Sin embargo, en Chavinda, un poco más de la mitad del flujo migratorio (57.2%) estaba formado por jornaleros.

Alarcón encontró que migraban más los jornaleros, y de los poseedores, los que tenían tierras de riego.

Según Fonseca (1988), aunque en Jaripo, la actividad principal era la agricultura, a partir de los 1970s se notaba un creciente abandono de la agricultura de subsistencia, debido a que un número importante de familias vivía exclusivamente de la migración a Estados Unidos.

Sectores económicos de ocupación en Estados Unidos

Tradicionales

Santibáñez (1930) señala que a fines del siglo pasado, los mexicanos que llegaban a las poblaciones fronterizas del estado de Texas se empleaban en la agricultura y las industrias de la construcción, ferrocarrilera y automotriz.

En 1920, los mexicanos continuaban trabajando en la agricultura, la ganadería, la industria ferrocarrilera, y la de la construcción, urbana y caminera, pero además lo hacían en la petrolera, la extractiva y la ladrillera. También laboraban como empleados de restaurantes y estibadores. Menciona que existían algunos casos de trabajadores calificados como artesanos, sastres, impresores, peluqueros, comerciantes y médicos. Por último, los trabajos en la industria y los calificados se realizaban en el norte, ya que, según el autor, en el sur, ese tipo de trabajos estaban cerrados para los mexicanos (Ibid., 88-89).

La información de Gamio (1930) coincide, en términos generales con la de Santibáñez, y se refiere a que en la primera década del siglo, los trabajadores mexicanos se empleaban principalmente en el cultivo y la cosecha de algodón, maíz, caña de azúcar y frutas; pero también en los ferrocarriles, en los ranchos ganaderos y en la minería. Para la década siguiente (1910-1920) la demanda de fuerza de trabajo mexicana se había intensificado y se ocupaban en el cultivo de la remolacha y en industrias tales como la acerera, la cementera, la automotriz y las empacadoras de alimentos del este y el medioeste (Gamio, 1930: 25-27). Señala que la demanda de trabajadores mexicanos en la industria era pequeña, pero constante, y, generalmente, el trabajador mantenía su posición durante todo el año. El motivo por el que ellos se desplazaban al sur era por lo riguroso del invierno; siendo probable que al año siguiente regresaran a su mismo trabajo. En cambio, la

demanda para las labores agrícolas era muy grande, pero variable, y se limitaba a ciertas estaciones del año y a ciertas labores. De tal manera que para diciembre la demanda se acababa enteramente, y muchos trabajadores se veían obligados a regresar (Ibid., 43).

Plantea que la distribución geográfica de los migrantes parecía comprobabar que una alta proporción de ellos estaba empleada en el trabajo rural, en pequeños pueblos y ciudades, mientras un grupo reducido laboraba en empresas industriales en ciudades como Chicago, Los Angeles, San Antonio y los alrededores de Pittsburgh (Ibid., 29).

Sin embargo, entre sus entrevistados la agricultura no era la actividad principal. La mayoría de sus informantes se ocupaban en trabajos poco calificados, como peones del ferrocarril, jornaleros agrícolas, en la construcción de vías de comunicación y de casas. También obtuvo información de obreros de las industrias minera, cementera, fundidora y empacadora. Algunos laboraban como trabajadores en servicios y otros pocos eran artesanos o comerciantes en pequeño. Encontró que tenían una extrema movilidad ocupacional, lo que, desde su punto de vista, reflejaba la precariedad de los empleos y la sobreexplotación y discriminación que sufrían (Gamio, 1969).

Fabila (1932) también resalta la importancia de empleos como la construcción de carreteras, la minería, la industria manufacturera y la ferrocarrilera y añade la pizca del limón —que consideraba era uno de los menos pesados y, quizá el mejor retribuido— y la pizca del algodón.

Las investigaciones en comunidades coinciden con las observaciones de los autores mencionados en el sentido de que en esta primera etapa la migración se dirigía a sectores económicos no agrícolas.

En cambio, durante el Programa Bracero, la mayoría laboró en la agricultura; aunque hubo casos aislados que se ocupaban en la industria ferrocarrilera, la maderera, el cuidado de bosques y hasta como cocineros (Fonseca, 1986).

Modernos

De acuerdo a la investigación del equipo de Samora (1971), de los entrevistados que lograron trabajar (43%) la mayoría estaba empleada en la agricultura. Aun cuando sabían que la mejor manera de evitar ser aprehendidos era alejándose de la frontera, los primerizos, sin contactos en Estados Unidos buscaban empleo en la agricultura de los estados fronterizos debido a que, siendo que la mayoría provenían de áreas rurales, eso era lo que sabían hacer. De acuerdo a sus observaciones, era en esa zona donde obtenían un cierto grado de socialización, y aprendían acerca del código no escrito del comportamiento del "mojado" (Samora, 1971: 74-75).

La información de la ENEFNEU nos permite tener un acercamiento a los sectores de actividad de los migrantes de toda la república, aunque únicamente se trata de aquellos que estaban en su vivienda y podían informar sobre su experiencia en el último viaje. De ellos, el 37.1% laboraba en el sector primario; 24.8% en el secundario y 37.6% en el terciario (CENIET, 1982, 144).

Según la ETIDEU, los porcentajes eran de 45% en el sector primario; de 21.5% en el secundario y de 33.1% en el terciario. En cuanto a la ocupación, el 45.9% eran trabajadores agropecuarios; 33.9% laboraban en el proceso industrial; 17.4% en servicios y transportes y 1.8% en el comercio. Por otro lado, existen comportamientos diferentes entre las mujeres migrantes. Unicamente el 12.7% de ellas se desempeñaban en el sector primario; 7.8% en el secundario y 78.7% en el terciario; de las cuales, 61.6% laboraba en unidades domésticas no productivas (CONAPO, 1986).

A pesar de que la agricultura seguía siendo la actividad en la que se ocupaba la mayor proporción de migrantes, el peso de esta actividad variaba entre los migrantes de cada comunidad, aspecto que está muy relacionado con el estado norteamericano al que se dirigían.

En la investigación de Alarcón en Chavinda (1988), el 66.9% se ocupaba en actividades agrícolas, 15.8% en actividades manuales y 12.6% en servicios no calificados. En cambio, un elevado porcentaje de jaripeños se incorporaba en grupos familiares al trabajo agrícola en California (a pesar de contar con papeles para entrar legalmente) (Fonseca, 1988). Lo mismo sucedía entre los migrantes de Los Altos de Jalisco, quienes se ocupaban en el sector primario tanto en California como en Texas. Los que se ocupaban en la industria se iban a Chicago o a Los Angeles.

De los migrantes provenientes de Chavinda, aunque el trabajo agrícola era el más favorecido, cada vez encontraban más posibilidades de ocuparse en actividades no agrícolas, lo que además se debía a que en el campo cada vez había menos oportunidades de empleo por la mecanización de los cultivos. Esto daba lugar a que las estancias fueran más largas (López Castro, 1986).

Niveles de ingreso

En México

Gamio señalaba, basándose en fuentes oficiales mexicanas, que en 1926, el promedio de salario diario para los trabajadores agrícolas en México era de 0.91 pesos, y el de los trabajadores industriales, de 1.40; o sea, en promedio 1.15 pesos, lo que significaba 0.57 dólares. Pero que en las regiones de las cuales provenían la mayor parte de los migrantes, el salario diario era todavía más bajo. Decía que, de acuerdo a sus cálculos, el salario mínimo para que el trabajador con una familia de

cinco miembros, pudiera sobrevivir, aun sin educación y recreación, o sea sólo con su urgente necesidad de vivir, debía ser de 247.48 pesos al mes (123.74 dólares). En estados como Aguascalientes y Tamaulipas, debía ser más alto, puesto que el costo de la vida era mayor. Sin embargo, con el salario promedio de 1.15 pesos al mes únicamente sería 35.65 pesos; lo que significaba que se debería incrementar aproximadamente ocho veces para que pudiera cubrir el costo de las necesidades de vida normales (Gamio, 1930: 35-37).

En Estados Unidos

Santibáñez (1930: 93), encontró que en Texas los jornaleros trabajaban de 10 a 12 horas diarias y recibían a cambio 1.25 o 2 dólares, según la época del año y la disponibilidad de migrantes. Pero en el norte, el salario era doble o triple ya que no había tanta competencia como en los estados fronterizos.

Gamio (1930: 38) señalaba que era muy difícil establecer los salarios de los migrantes mexicanos puesto que eran mucho más bajos que los registrados en las estadísticas oficiales y su nivel fluctuaba cuando cambiaba la demanda. Por estos motivos prefirió utilizar datos obtenidos de su trabajo de campo, de la información consular y de algunos empleadores de trabajadores mexicanos. De acuerdo a esta información el pago mínimo era de 1.50 dólares al día y, un poco más bajo en algunas partes de Texas; mientras que en otras regiones la remuneración llegaba hasta 6 dólares diarios. Al establecer un promedio con esta información obtenía un salario de 3.38 dólares diarios o 104.78 al mes de treinta y un días. Este pago era seis veces mayor que el de 17.67 dólares al mes que el trabajador ganaba en México.

Según sus cálculos, el salario en México constituía la octava parte del costo de la vida, en tanto que en Estados Unidos se mantenía en relación con el pago que recibían. En general, en México el costo de la vida era muy alto y el pago muy bajo, mientras que en Estados Unidos el pago era mucho más alto y el costo de la vida, menor (Ibid., 38-40).

En Estados Unidos el trabajador mexicano no sólo ganaba lo suficiente para satisfacer sus requerimientos elementales para un mínimo de bienestar; sino que también gastaba dinero para educación, recreación, etc. Los trabajadores mexicanos en Estados Unidos poseían propiedades que nunca lograrían con los ingresos en México: automóviles, fonógrafos y refrigeradores (Ibid., 41).

Fabila (1932: 55) señalaba que aunque el salario mínimo en Estados Unidos se había establecido en 5 dólares por ocho horas diarias de labor, y 3 para las mujeres; el mexicano se quedaba satisfecho con 15 o 16 dólares semanales.

En la encuesta de Samora (1971), de los que lograron trabajar antes de ser aprehendidos, 26% ganaban menos de un dólar por hora; 56%, entre 1.00 y 2.00

Dólares; 14%, entre 2.0 y 3.00, y 3% ganaba arriba de 3.0 dólares por hora. También realizaron un estudio en El Paso en 1969 y ahí encontraron que los salarios para indocumentados en la agricultura eran de entre 0.75 y 1.10 dólares. No se podían quejar porque los denunciaban y había suficiente repuesto. Las mujeres que trabajaban en unidades domésticas no productivas conmutaban diario de México y ganaban 2.00 dólares diarios (Samora, 1971: 98-99).

De acuerdo a las observaciones del Senador Ralph Yarborough (1968:188-190), citado por Samora (1971: 24) Texas era uno de los estados con más bajas remuneraciones; era uno de los 13 que no tenían salario mínimo. Pero que los otros 12 eran predominantemente rurales, en tanto que Texas era un rico estado industrial, y su agricultura se encontraba entre los tres principales productores.

Entre los encuestados en la ETIDEU en 1984, el ingreso diario más usual era en 1984 de 21 a 30 dólares, ya que el 39.7% ganaba dentro de ese rango; sin embargo había 27.9% que ganaban menos y un 8.6% que ganaba 41 dólares o más.

Entre los migrantes de La Purísima entrevistados en 1981, el ingreso semanal más usual era de 100 a 199 dólares (72% de los entrevistados), y aunque variaba según la rama de actividad, en todas era predominante.[7]

En Gómez Farías el sueldo mensual promedio en 1982, de acuerdo a López Castro (1986) era de 624 dólares, del cual gastan aproximadamente el 32.1% en casa y comida; 16% en otros gastos, envían a sus casas 32.1% y todavía ahorran 19.9%.

Migración interna

Es común encontrar en los poblados donde se practica la migración internacional, que ésta se combina con la migración interna, aunque los destinos y el peso de cada modalidad varía de una comunidad a otra. Sin embargo, a pesar de las diferencias, todos los autores coinciden en que la que se dirige a Estados Unidos es mucho más importante. Esta última es casi siempre es temporal, mientras que la que se dirige al interior de la República Mexicana es en muchos casos permanente. Llama la atención que los dos tipos de desplazamientos se pueden encontrar en una misma familia y aún en un mismo individuo; en estos casos se trata de migraciones temporales.

En Chavinda, el 25.4% de los entrevistados por Alarcón habían estado trabajando en Estados Unidos pero sólo 6.4% lo había hecho en algún otro lugar de México. Por otro lado, como ya vimos, mientras los trabajadores agrícolas optan en gran proporción por Estados Unidos, entre los trabajadores manuales y no manuales la incidencia en la migración interna es un poco más alta, aunque, también inferior a la que se dirige a Estados Unidos. En La Purísima, la migración al Distrito Federal era usual, pero también muy inferior a la que se dirigía al vecino país.

Características socio-demográficas de los flujos de migrantes laborales mexicanos hacia Estados Unidos, por regiones de procedencia (ENADID and EMIF Surveys)

Características generales

Los datos muestran que las zonas de expulsión tradicionales mantienen los primeros lugares, aunque su peso en el conjunto se ha reducido. En 1930 Gamio señalaba que el 54.3% de los migrantes mexicanos provenía de tres estados del centro-occidente de México (Michoacán, Guanajuato y Jalisco). En la ENADID (1992), esos tres estados aportaban el 35.2%, y en la EMIF (1993-1994), el 30.4% de los que se dirigen a Estados Unidos y 36.5% de los que vienen de regreso. También, según las investigaciones revisadas, a lo largo del tiempo se incorporaron otros estados como Zacatecas, Durango y Chihuahua, a los que se han agregado algunas entidades fronterizas, del centro de México, y los de la zona Pacífico Sur. De acuerdo a la ENADID, después de los tres estados tradicionales se ubicaron: México, en cuarto lugar, Zacatecas, Durango, Guerrero, Chihuahua, el Distrito Federal, Nuevo León y Tamaulipas, en ese orden de importancia.[8]

De acuerdo a la ENADID, las personas que migraron entre 1987 y 1992 constituyen el 2.34% de la población, 1.09% habían retornado y 1.24% permanecían en Estados Unidos. Si consideramos la participación por entidades, destacan Michoacán, donde representan el 7.78%; Zacatecas (7.74%), Durango (6.42%) y Colima (5.68%); mientras para los estados del sureste sólo constituyen el 0.1% en Tabasco, 0.2% en Chiapas y 0.3% en Tabasco y Campeche. De los michoacanos habían regresado 4.39% y 3.98% de los zacatecanos, seguidos por los colimeños (3.35%) y los nayaritas (3.11%). Sin embargo, con la información disponible es difícil interpretar qué elementos podrían influir en estas diferencias.

Si consideramos a la población de 12 años o más, el 3.9% de ella ha ido a buscar trabajo en Estados Unidos, pero, en el caso de los hombres, el porcentaje es de 6.7%. Sobresalen los hombres mayores de 50 años, entre quienes el 11.4% ha estado en esa situación.

Tomando en cuenta la regionalización propuesta, y como ya habíamos señalado, el 36.5% de los migrantes registrados por la ENADID nació en la región I (mayor salida de la emigración). En el flujo de los migrantes que regresan de Estados Unidos (EMIF) el porcentaje es algo mayor, 37.4%; pero mucho menor en los deportados, 27.7%. La siguen, con un margen de diferencia muy grande, los de la región de las seis entidades (III) y la de la frontera norte (II) con el 18.4% y 18%, respectivamente. En la EMIF, en el flujo de los que vienen de Estados Unidos los porcentajes son: superior, el de la III, 24.5%, pero inferior el de la zona fronteriza, 18.1% (en los deportados, los de la frontera presentan un

porcentaje superior, 22%, frente a 20.4% de la III). Las regiones IV y V se encuentran a una distancia bastante amplia de las anteriores, ya que proporcionan el 13.1% y el 11.8%, de acuerdo a los datos de la ENADID y 11.2% y sólo 6.7%, respectivamente en el flujo de los que regresan de Estados Unidos. En el caso de los deportados existen diferencias importantes entre estas dos regiones, ya que la región V supera a la región IV con un amplio margen : 16.3% frente a 10.2%. Así, resulta más alto en el caso de la región V con relación a la ENADID y más bajo en la IV. Por último, la región VI (entidades del sureste) presenta una participación sumamente limitada en las dos encuestas, en la ENADID, 2.1%; en la EMIF, flujo norte-sur 2.0% y algo más alta, 3.5% entre los deportados.

Al considerar la región de residencia —que supone en algunos casos una migración previa— encontramos que en la ENADID**,** los cambios resultan insignificantes. Sin embargo, en la EMIF, en el flujo de los que vienen de Estados Unidos, pierden peso las regiones tradicionales I y III, así como la de Oaxaca-Guerrero, mientras ganan la del valle de México y la de la frontera, lo que no es de extrañar, dado que esas zonas constituyen polo de atracción, especialmente, algunos estados de la región II. En el flujo de los deportados, sólo la región fronteriza incrementa su porcentaje, que alcanza 32.1%. La región I que es la que le sigue, sólo constituye el 24.5%, la región III el 16.7% y la región IV y la región V, 9.7% y 14.3%, respectivamente. Esto nos lleva a constatar que, como se señala en investigaciones microrregionales, varios migrantes internacionales cambian su residencia, principalmente, hacia el norte, antes de ir a Estados Unidos.

Características sociodemográficas

Distribución por sexo

La población masculina sigue siendo preponderante, aún cuando el índice de masculinidad es muy diferente en cada una de las encuestas. En la ENADID el 26.2% de la población son mujeres, mientras que en la EMIF únicamente el 1.88% de los que provienen de Estados Unidos, y 5.6% de los migrantes que vienen del sur. La presencia femenina es mayor entre los deportados: 10.7%. Es probable que esto se deba a la mayor participación de jóvenes. La diferencia en cada una de las encuestas podría ser atribuible a que, según se ha detectado en los estudios microrregionales, muchas mujeres sólo migran cuando tienen papeles, y, cuando esto sucede, pueden viajar directamente desde su lugar de origen y regresar de la misma manera, sin necesidad de dirigirse a la frontera, por lo que no pueden ser captadas por la EMIF.

Si consideramos la distribución por regiones, volvemos a encontrar diferencias entre las encuestas. Así, por ejemplo, en el caso de los que vienen de Estados Unidos de la EMIF, la región V no cuenta con mujeres, y la región I y la región IV,

sólo con 1.2% y 1.5%, respectivamente. El porcentaje más alto es el de la zona fronteriza con únicamente 3.2%. Entre los deportados las diferencias por regiones son mínimas ya que el porcentaje de hombres fluctúa entre 82.3% en la región III y 86.2% en la región I.

En cambio, en la ENADID la región con más bajo porcentaje de mujeres es la del Valle de México, con 18.4%; y, al igual que en la EMIF, la que cuenta con mayor participación femenina es la de la frontera (32.5%).[9]

Distribución por edades

Se ha señalado, también, que en la migración laboral a Estados Unidos predominan los jóvenes, lo que se confirma en nuestras encuestas, aunque con diferencias entre ellas y en los distintos tipos de flujos. En la ENADID, el promedio de edad es de 25.8% ; muy semejante al de los deportados, 25.4. En el flujo de los que vienen de Estados Unidos el promedio es mucho mayor, 31.68, quizá debido a que algunos de ellos ya regresan de manera definitiva. De cualquier forma, si consideramos que se trata únicamente de población trabajadora, este promedio no resulta demasiado alto.

Tomando en cuenta el comportamiento por sexo, encontramos diferencias importantes en cada encuesta. En la ENADID, el promedio de edad de las mujeres es más bajo que el de los hombres (23.8% frente a 26.6% de los hombres) ; en la EMIF sucede lo contrario: el promedio es superior en las mujeres, aunque la diferencia es poco pronunciada. En el caso de los que regresan de Estados Unidos, 32.58 frente a 31.67 en los hombres**;** en el de los deportados, 27 frente a 25,7 en los hombres.

Si analizamos esta variable según el tipo de localidad de nacimiento vemos que en la EMIF las diferencias son muy pequeñas, tanto en el caso de los que vienen de Estados Unidos, como en el de los deportados, siendo mayor el promedio en los que nacieron en comunidades rurales (en los que vienen del norte, 32.8 en los de origen rural y 30.25 en los provenientes de ciudades; en los deportados, la relación es de 26.8 y 25.1, respectivamente). En la ENADID, la diferencia es todavía menor, 26 años en los de origen rural y 25.6 años en los que provienen de localidades urbanas.

También las diferencias por regiones de procedencia son pequeñas. En la ENADID los más jóvenes son los de las región Oaxaca-Guerrero (25.1 años), los mayores, los de las norteñas (26.9 años en la región II y 26.1 años en la región III). Esto podría deberse a la facilidad de los desplazamientos, sobre todo en el caso de las entidades fronterizas; y quizá podría influir la antigüedad de la tradición, ya que, como ya hemos visto, los estados sureños se integraron a esta práctica mucho más tardíamente. En los que vienen de Estados Unidos de la EMIF sucede algo

parecido, los promedios menores corresponden a las regiones más nuevas en la práctica migratoria, la región IV y la región V (28.5 años y 28.06 años respectivamente); siendo los mayores los de las regiones más tradicionales, la región I y la región III, con 33.4 años y 32.5 años, respectivamente. En los deportados la situación es contrastante, ya que el promedio más bajo es el de la región III, 24.6 años; y, el más alto, el de la región V, 27.7 años.

Según la ENADID, el 47.5% de los hombres migrantes está en los grupos de edad comprendidos entre los 15 y 24 años; ubicándose el 73.2% entre los 15 y los 34 años. La situación es semejante en el caso de las mujeres, aunque algo más concentradas en el grupo de 15 a 24 años, 49.1%, y menos entre los 15 y los 34 años (71.7%). Los deportados (EMIF) son mucho más jóvenes, el 72.9% se encuentra entre los 15 y los 29 años; alcanzando una proporción de 85.6% los que están comprendidos entre los 15 y los 34 años. En tanto que, de los que vienen de Estados Unidos, únicamente 31% está entre los 15 y los 24 años, y 65.7% entre los 15 y los 34 años. Como ya habíamos visto cuando analizamos los promedios, este tipo de flujo incluye un porcentaje más alto de migrantes mayores. Esta situación se hace más evidente en el caso de las mujeres, ya que entre los 15 y los 34 años sólo se encuentra el 52.5% de ellas.

Estado civil de los migrantes

En cuanto al estado civil de los migrantes, de acuerdo a la información de la ENADID, predominan los casados o unidos (unidos), aunque existen diferencias importantes entre sexos, ya que mientras en los hombres constituyen el 72.2%, en el caso de las mujeres, sólo el 58.3%. En cambio, en éstas es bastante elevado el peso de las separadas, viudas o divorciadas (desunidas), ya que es de 18.5% frente a únicamente 2.6% en los hombres. Quizá esto se deba a que un número importante de mujeres recurren a esta práctica cuando requieren recursos para sostener a su familia. En los solteros el porcentaje es semejante en ambos sexos (25.2% en los hombres y 23.2% en las mujeres). Esto parece demostrar que, a diferencia de lo que muchos suponen, la migración es más una estrategia para sostener al grupo doméstico, que una simple aventura.

En los que regresan de Estados Unidos de la EMIF, también los unidos superan a los solteros, aunque los márgenes son menores, 64.7% en los hombres y 57.3% en las mujeres. En este caso, la proporción de desunidos es muy reducida en los dos sexos, 1.5% en los hombres y 2.7% en las mujeres. También es más alto el porcentaje de mujeres solteras 40% (frente a 33% de los hombres). Llama la atención el caso de la región IV, pues en ella los solteros superan a los unidos (53% frente a 46.9%); en tanto que en las demás regiones se observan patrones semejantes al que presenta el conjunto de la población.

En cambio, entre los deportados, el 60.41% son solteros y 37.4% casados. Llama la atención que entre las mujeres, el porcentaje sea muy semejante 47.4% y 45.3%, respectivamente. La relación se invierte cuando se toma en cuenta el lugar de residencia de las mujeres deportadas (47.3% casadas y 44.8% solteras).

Distribución por tipo de localidad

Se ha señalado que aunque tradicionalmente los migrantes provenían de áreas rurales, esta tendencia se ha ido reduciendo, de tal manera que actualmente es mayor la proporción de aquellos que nacieron en localidades urbanas (de 15,000 habitantes o más). Sin embargo, de acuerdo a las dos encuestas, los migrantes de origen rural presentan porcentajes ligeramente superiores. En la ENADID, los de origen rural constituyen el 55.3% y entre los que proceden de Estados Unidos y viven en México, de la EMIF, 61.4%. Unicamente entre los deportados, los de origen urbano presentan un porcentaje mayor, 58.7%. Es posible que esta predominancia esté relacionada con la edad y la región de residencia, pues, como vimos, los migrantes deportados son más jóvenes y tienen mayor peso en los estados fronterizos, donde predomina la población urbana. También podría influir el hecho de que las redes que favorecen la migración son más fuertes en las comunidades rurales; por lo que serían los migrantes urbanos los que se encontrarían "desprotegidos" en el territorio americano. Sin embargo, únicamente se trata de hipótesis que podrían ser exploradas.

Por otro lado, si consideramos la localidad de residencia, la proporción de migrantes urbanos se incrementa ligeramente, debido a la migración previa de localidades rurales a urbanas que ya se ha señalado. En la ENADID aumenta a 44.7%, aún cuando continúa siendo mayor el peso de los que vienen de zonas rurales. En la EMIF, la población urbana que regresa de Estados Unidos (53.6%) sí llega a superar a la de residencia rural. Entre los deportados constituye el 68.4%.

Al considerar las regiones, en la ENADID, se notan diferencias muy marcadas, ya que mientras la regiones del Valle de México y de la Frontera tienen porcentajes bajos de migrantes rurales (32.1% y 34.2%, respectivamente) en las otras la proporción es mayor de 60%, especialmente en la de las Seis Entidades que alcanza 70%.

Escolaridad de los migrantes

Igual que sucedía en los aspectos antes mencionados, y siguiendo la tendencia de la población mexicana en su conjunto, ha aumentado el nivel de escolaridad de los migrantes. Sin embargo, y seguramente relacionado con el peso de la población rural, el porcentaje de analfabetismo continúa siendo bastante elevado y el promedio de escolaridad bajo.

Los datos de la ENADID nos muestran que únicamente el 4% de los migrantes no lee ni escribe; sin embargo, de los que asistieron a la escuela, más de la mitad (57.8%) no pasó más allá de la primaria y sólo 3.8% llegó a cursar estudios de nivel profesional. Según los datos de la EMIF, entre los que vienen de Estados Unidos, el porcentaje de los que no aprobaron ningún año de escuela es bastante alto, 11.7%, siendo bastante inferior en los deportados, 8.2%. De este mismo flujo, 53.6% no llegó al nivel de secundaria y sólo 1.1% llegó a aprobar grados de formación profesional.

Llama la atención que, en términos generales, las mujeres presentan niveles ligeramente superiores de escolaridad, ya que de las que no llegaron más allá de la primaria el porcentaje es de 57.8% (frente a 58.7% de los hombres), en tanto que en el nivel profesional presenta un 5.5% frente a un 3.4% en los hombres). En el flujo de los que regresan de Estados Unidos (EMIF) sucede algo semejante, ya que 11.8% de los hombres no llegó a aprobar ningún grado de escuela, frente a 4% de las mujeres. Unicamente 32% de los hombres pasaron más allá de la primaria, de las mujeres, 41.4%.

Sorprende el bajísimo nivel de escolaridad de la región I ya que 19.1% de los que nacieron ahí no terminó ningún grado escolar (de los nacidos en la región de la frontera, sólo 3.8%), y únicamente 17.3% llegaron a un nivel superior a la primaria (52.3% de la región II). Las diferencias son mucho menos pronunciadas entre la población rural y la urbana pues, por ejemplo, el porcentaje de los que no aprobó ningún grado fue de 13.1% en la población rural y de 11.2% en la urbana.

Si consideramos el promedio de años de escolaridad tenemos que en el flujo de los que vienen del sur de la EMIF[10], es de 5.96 en la población rural, y de 7.02, en la de origen urbano. En el caso de los que regresan de Estados Unidos, es de 5.41 y de 6.47, respectivamente. Entre los deportados es de 6.87 en los de origen urbano y de 6.16 en los de origen rural.

En cuanto a la escolaridad por sexo, observamos también que el de las mujeres es superior, 7.61, frente a 6.26 en los hombres en el flujo procedente del sur; de 7.09, frente a 5.9, en el que proviene de Estados Unidos y de 6.88, frente a 6.53 en los deportados. Así, parece comprobarse que las mujeres que migran son más preparadas, a pesar que, en el conjunto de la población ellas se encuentran en gran desventaja educativa frente a los varones.

Actividad laboral de los migrantes en México[11]

Actividad laboral por sexos

De acuerdo a la información de la ENADID, 78.6% de los hombres entrevistados trabajaron durante los 30 días anteriores al levantamiento de la encuesta. De los que no laboraron, fueron los que tenían empleo y no trabajaron, quienes alcanzaron

el porcentaje más alto (34.2%); sin embargo, la proporción de los que buscaban empleo era bastante elevada, 27.3%.

De los que venían voluntariamente de regreso de Estados Unidos (EMIF), e informaron al respecto, 83.9% trabajó los treinta días anteriores a su viaje a Estados Unidos y de los deportados, 78.7%. Así vemos que, como se ha señalado en muchas ocasiones, la migración no puede ser atribuida a la falta de empleo, sino a las diferencias en las remuneraciones.

De los que sí estuvieron ocupados, según la ENADID, el porcentaje más alto es el de los empleados u obreros con 44.7%; siguiéndolos en importancia los trabajadores por cuenta propia (30.9%) y los jornaleros (15.5%). Como se ve, aún cuando muchos de los migrantes siguen residiendo en áreas rurales, son muy pocos los que todavía laboran en actividades agrícolas. Aunque hay que tomar en cuenta que muchos de los trabajadores no remunerados (6.3%) y varios de los que señalaron ser trabajadores por cuenta propia podrían también laborar en el campo, en el predio familiar, los primeros y como ejidatarios o minifundistas agrícolas, los segundos. Sin embargo esta información no nos la proporciona la encuesta. Es de señalar que únicamente un 2.4% se ocupa como patrón o empresario, lo que resulta congruente con lo que se conoce de la práctica migratoria y del tipo de trabajos que realizan los mexicanos en Estados Unidos.

En lo que se refiere a los que venían voluntariamente de Estados Unidos (EMIF), más de la mitad (54.9%) se ocupó en el sector agropecuario; en los deportados el porcentaje es más bajo, pero superaba, de todos modos, a los demás (35.5%). Los otros sectores tenían mucho menor importancia en los retornantes voluntarios, 25.4%, el industrial (de los cuales el 17.3% correspondía a la industria de la construcción); y 19.6%, el terciario (0.2% correspondía al servicio doméstico). Entre los deportados, el sector industrial se acercaba más al agropecuario con 33.9% (20.5% en la construcción), muy cercano, también, al sector servicios, con 30.5% (1.1% en el servicio doméstico). Así vemos que, mientras el sector agropecuario tenía un importante peso entre los que regresaban voluntariamente, entre los deportados las actividades que se pueden considerar "urbanas" en conjunto superaban al sector primario.

Es de subrayarse la elevada proporción de migrantes ocupados en la construcción —en los de retorno voluntario alcanza 16%— frente a las demás subramas de la actividad industrial que sólo representan 8.6%. Esta situación nos hace pensar que la mayor parte de los que cuentan con empleos en el sector manufacturero no migran, mientras que, para los trabajadores de la industria de la construcción, la migración resulta una estrategia atractiva, sobre todo si tomamos en cuenta la inestabilidad del empleo en esa rama y las malas condiciones laborales y salariales que privan en ella.

De las mujeres, según la ENADID, la proporción de aquéllas que trabajaban en México es muy baja 32.5%. Cuando revisamos las causas nos damos cuenta que

se debe, en el 85% de los casos, a que se ocupaban en quehaceres del hogar. Sin embargo, hay que recalcar que todas ellas migraron a Estados Unidos con la finalidad de trabajar o buscar trabajo.

De las que sí estuvieron ocupadas, el porcentaje más alto es el de las empleadas u obreras con 68.8%. Les siguen las trabajadoras por cuenta propia (21.4%) y, con mucha distancia, las trabajadoras no remuneradas (7.2%). En cambio, el peso de las jornaleras es mínimo (2.2%).

Entre las que retornaron voluntariamente (EMIF), el porcentaje de las que trabajaban antes de ir a Estados Unidos[12] (38.9%), es ligeramente más alto que el de la ENADID, pero inferior al que presentan aquéllas que fueron deportadas (45.9%). Una proporción importante se ocupaba en el sector servicios, de las primeras, 68.2%; de las deportadas, 63.9% (16.7% y 19.8%, respectivamente, en el servicio doméstico). El sector industrial es el que presenta el peso más bajo en las de retorno voluntario, 7.6% ; en tanto que en las deportadas, el sector agrícola (14.9%).

Actividad por región de residencia

Naturalmente la situación cambia cuando consideramos la localidad de residencia, aunque en el caso de la actividad agropecuaria no resulta tan marcado como podría esperarse, ya que, en los de retorno de Estados Unidos, en las áreas rurales es de 61.4% y en las zonas no rurales, de 43.3%. En cambio, el sector industrial, sí muestra una diferencia considerable: 33.9% en las localidades urbanas frente a 20.6% en las rurales. En el sector terciario, aunque sí hay diferencias, éstas son menos notables (18% en las áreas rurales frente a 22.8% en las urbanas).

En la ENADID, observando únicamente el comportamiento masculino, los porcentajes más altos de obreros o empleados se encuentran en las regiones más urbanizadas, la región II y la región IV (53.1% y 51.6%, respectivamente), en tanto que en las regiones de mayor tradición migratoria (la región I y la región III), la proporción de jornaleros o peones es relativamente más alta (19,6% y 16%, respectivamente; frente a 7.2% en la región IV%). Llama la atención la elevada proporción de trabajadores no remunerados en las regiones III y V, ya que son de 13.2% y 10.4%, respectivamente, proporciones muy cercanas a las que ocupan los jornaleros. Quizá esto se deba a que en esas regiones es donde tiene mayor importancia la agricultura campesina de autoconsumo. Estos planteamientos se comprueban cuando analizamos el tipo de localidad en donde viven los migrantes, puesto que, en el caso de las ciudades de más de 100,000 habitantes, el porcentaje de empleados u obreros es de 64.5% (en las de 20,000 a 99,000, de 55.3%); en tanto que el de jornaleros es de 30.1% en las localidades de menos de 2,500 habitantes

frente a 2.3% y 6.2% en las de 20,000 a 99,000 y en las de 100,000 o más, respectivamente. Los trabajadores sin remuneración destacan en las localidades más pequeñas (14.9%); bajando su importancia a medida que se trata de asentamientos mayores. Por último, la proporción de trabajadores por cuenta propia es muy semejante en todos los tipos de localidades, aunque es un poco menor en las de 100,000 habitantes (28.7%).

En los deportados, el nivel de ocupación es alto en todas las regiones, superior a 70% ; especialmente elevado en la región del Valle de México (IV) donde alcanzó 87.6% y en la de Oaxaca-Guerrero (81.1%). Contrariamente a lo que se sabe con relación a la ocupación en la República Mexicana, fue la región fronteriza la que alcanzó el nivel más bajo de empleo (74.4%). Esto podría atribuirse a que muchos de los migrantes que viven ahí, lo hacen con la finalidad de pasar al otro lado, y no les interesa conseguir empleo. Un porcentaje relativamente alto de ellos, señaló que buscó trabajo y no encontró o que no trabajó por diversas razones.

De los ocupados, sobresalen, en el sector primario, la región I (49.3%), la región III (47%) y la región V (45%); en tanto que en el sector servicios destacan la región IV (38.9%) y la región III (36%). Por último, el trabajo en el sector industrial tiene el mayor peso en la región III (47.5%) y en la región IV (39.6%).

En el flujo de los que retornan voluntariamente, los porcentajes más altos en el sector agropecuario corresponden a las mismas regiones (I, III y V), pero en este caso las proporciones son superiores (61.3%, 62.4% y 68.1%). También, al igual que en los deportados, el sector servicios tiene un peso importante en la región IV, 42%, con lo que supera a los demás sectores económicos. En todas ellas el sector de la construcción supera al industrial (que presenta porcentajes bajísimos en todas las regiones) y es especialmente elevado en las regiones II y III.

En el caso de las mujeres (ENADID), en todas las regiones encontramos el alto nivel de desocupación, especialmente en la de las seis entidades donde alcanzó un porcentaje de 73.1% (la proporción más baja fue en la de Oaxaca-Guerrero con 63.7%). La proporción más elevada en cuanto a motivos de no laborar es la que corresponde a los llamados quehaceres del hogar, estando en los extremos la región III con 64% y la región IV con 49.7%. Esta última destaca por presentar un porcentaje muy superior de mujeres que buscaron trabajo (8.8%) y de estudiantes (6.9%). Por último, las que buscan trabajo se concentran en las ciudades de más de 100,000 habitantes, habiendo porcentajes mínimos en las menores de 20,000. En lo que se refiere a su participación en la actividad agrícola, quedan en los extremos la región de las seis entidades (III) donde sólo participan 26.9% y la de Oaxaca-Guerrero (V) con 36.3%. Estos datos llaman la atención, puesto que, las dos regiones presentan elevados porcentajes de población rural, lo que haría suponer un comportamiento semejante.

Se sabe, gracias a las investigaciones en microrregiones, que en esas zonas existen pocas posibilidades de empleo fuera del hogar, lo que se confirma en esta encuesta. Son las mujeres de las áreas urbanas las que más realizan trabajos fuera de su hogar, 38% de las que viven en localidades de más de 100,000 habitantes y 33.5% de las de ciudades pequeñas. En tanto que de las que viven en localidades de menos de 20,000, sólo lo hacen 26.3% y en las menores, 27.2%.

Como ya decíamos el peso más importante en la ocupación es el de empleadas u obreras, y sorprende que estén en los extremos las de la región fronteriza y la del Valle de México (74.6% y 52.9%, respectivamente), puesto que se trata de las regiones más urbanizadas. Es muy probable que la diferencia se deba a la existencia de las empresas maquiladoras de la frontera que ocupan a un elevado número de mujeres. Prácticamente no hay jornaleras (con excepción de la región fronteriza en la que se registró un 6.3%, lo que es atribuible a la agricultura comercial que emplea un elevado número de trabajadores agrícolas, aunque muchos de ellos son estacionales). Por último, la región donde predominan las mujeres trabajadoras sin pago, no es una de predominancia rural, sino la del valle de México donde el porcentaje alcanza el 38.6%.

Características de la actividad migratoria

Tradición migratoria

Los entrevistados de las dos encuestas reportan haber participado en la migración desde antes del Programa Bracero, aunque resulta difícil conocer su peso real, ya que gran parte de los que vivieron esa experiencia han muerto o, en menor medida, se han ido a vivir a Estados Unidos y, en el caso de la EMIF, pasaron la edad en la que es usual migrar. Es por ello que las proporciones de entrevistados en esas condiciones son muy bajas y únicamente nos ofrecen indicios de la importancia de esa actividad en las distintas regiones. Así podemos observar, como también se mencionó antes, que el peso de cada una de ellas ha ido variando.

A diferencia de lo que las investigaciones revisadas señalaban sobre la participación en la práctica migratoria de las distintas entidades federativas, según la información de la ENADID, antes de la firma del convenio para la contratación temporal de braceros (1942) los estados que tuvieron mayor participación son Tamaulipas y Durango, el primero contaba con 41.5%[13] de los que viajaron en ese período. De la región tradicional, sólo Michoacán destaca, aunque se ubicaba en tercer lugar seguido de San Luis Potosí y Nuevo León. Sin embargo, se trata de pocos casos —dada la antigüedad del evento— aunque no deja de llamar la atención. Durante el período del Programa Bracero, los estados fronterizos pierden peso y se colocan en los primeros lugares Michoacán y Guanajuato, seguidos por Nuevo León y Durango. Jalisco comienza a destacar en los 1970s, cuando se ubica en

primer lugar seguido por Michoacán, San Luis Potosí y Zacatecas. Es sólo en los 1980s cuando Jalisco adquiere importancia, ya que de los que migraron por última vez, los provenientes de ese estado constituyen el 16% en 1980-85 y el 19.2% en 1986. Sin embargo, no llega a superar a Michoacán que aporta el 22.6%. La región I tuvo su mayor predominio entre 1965 y 1986, ya que aportó el 46.8% de los migrantes. Si la unimos con la región III tenemos que el 70% de los que estuvieron por última vez en ese período provenía de esa zona; en tanto que las regiones IV y V sólo aportaron el 4.6% y el 4.5%, respectivamente.

En los que retornan voluntariamente (EMIF), al revés de lo que ocurría entre los informantes de la ENADID, la región I supera a las otras desde el primer período (con excepción al quinquenio de 1965-69) período en el que la región III le duplica en cuanto a presencia. Después de entonces su importancia resulta indiscutible hasta los 1990s donde su margen de ventaja se reduce notablemente, otra vez frente a la región III. Esta última es la que le sigue en todos los períodos, en tanto que en el tercer lugar se ubica la región de la frontera, excepto en el período 1965-69, cuando la del Valle de México se ubica en el tercer lugar.

Entre los deportados, la participación de las cuatro primeras regiones es muy semejante en el período anterior a 1941, destacando la de la zona fronteriza y la del Valle de México. En cambio, durante la época del Programa Bracero, sobresalen la de las seis entidades y la de Oaxaca-Guerrero. Así, según estos datos, la región I tampoco sobresale, lo que sólo ocurre a partir del período 1965-69, con 52.9%, justo al revés de lo que se observaba en el otro flujo. En los 1970s aporta 40% y su predominio se mantiene hasta 1986 con 35.6%. Después de entonces, vuelve a perder peso, con sólo un 27.7% de los migrantes; proporción ligeramente inferior a la de la región de la frontera (que cuenta con el 27.8%). Con los datos presentados, nos damos cuenta que es difícil saber a tantos años de distancia cuales eran las regiones preponderantes, aún cuando queda claro que son las tres primeras las que, en casi todos los casos, se ubican en los primeros lugares.

Por otro lado, según la información tanto de los que regresan de Estados Unidos, como de los deportados, la participación de la población rural fue muy importante durante los 1940s, 1950s y 1960s de más de 75%, bajando a partir de entonces, de manera que para la década de los noventas únicamente aportó el 50.6% en los de retorno voluntario.

Lugares de destino

De acuerdo a la EMIF, en el flujo de los de retorno voluntario, destacan, como era de esperarse, Texas con 39.6% y California con 30.1%. Les siguen en importancia, con una diferencia notable, Arizona con 5.1%, Florida con 3.3% y Carolina del Norte con 2.3%.

En cuanto a las ciudades, sobresalen, San Antonio y el Valle de Texas, con 6.9% cada una, Los Angeles, California con 6.2%, Houston y Dallas-Fort Worth en Texas con 4.4% y 4.2%, respectivamente y Fresno, California, y Phoenix, Arizona, con 3% y 2.9%, respectivamente.

Entre los deportados, el 81.9% sólo estuvo unas cuantas horas, por lo que únicamente tenemos información del lugar de destino en 18.1% de los casos (88,498, ya que, además, hubo 1,051 individuos que no informaron). Sin embargo, coinciden en la mayoría de los estados de destino, aún cuando no en las proporciones, lo que está relacionado, quizá, con su situación más inestable, la importancia de las zonas por donde entran, y la falta de tiempo para adentrarse más en el país. En lo que respecta a los estados, California ocupa el primer lugar con 44% de los migrantes; Texas, el segundo, con 31.9% y Arizona, el tercero, con 12.7%. El cambio de orden coincide también con lo que encontramos en la primacía de las ciudades, ya que, aunque la ciudad que tiene mayor peso es Los Angeles (7.9%), las ciudades que la siguen muy de cerca son las fronterizas de Phoenix (7.3%) y San Diego (7.2%). Después vienen el Valle de Texas (5.1%) y otra fronteriza, El Paso, Texas (4.7%).

Es probable que esta información resulte sesgada —sobre todo en el caso de los deportados— hacia las ciudades y los estados fronterizos, ya que los que logran interiorizarse en el país, tienen mayores posibilidades de no ser expulsados y de regresar por avión directamente al interior de México. Y es que parece ser que los que llegan a los estados del centro o del norte de Estados Unidos obtienen mejores remuneraciones y permanecen por períodos de tiempo mayores, por lo que cuentan con más recursos para viajar en avión y así evitarse el problema de dirigirse a la frontera y de ahí a sus lugares de origen.

Como ya ha sido señalado en otras investigaciones, la preferencia por cada estado varía por regiones y por entidades de origen de los migrantes, situación que se encuentra muy relacionada con la existencia de una tradición migratoria y de redes familiares de los dos lados de la frontera.

Aunque en todas las regiones predominan California y Texas, la proporción y el orden varían en cada caso. En el caso de los que retornan de manera voluntaria (EMIF), en la región I y la región V sobresale California, con 37.8% en la primera y 63.5% en la segunda; seguidos por Texas con 30.5% y 10.1%, respectivamente. En las otras tres, Texas atrae una mayor población, especialmente en la región IV y la región II, con 60.7% y 60.6% de sus migrantes, respectivamente, en tanto que California sólo atrae a 16.1% y 11.6%, respectivamente. En la región III, aunque Texas supera a California, el margen entre ellos es mucho menor (37.8% en el primero frente a 27.5%, en el segundo). Los demás estados, presentan mucho menor concentración.

En las regiones de mayor tradición, los migrantes se encuentran más repartidos en las ciudades. En la región I, principalmente en San Antonio, Texas (7.5%);

Fresno, California (5.6%) y el Valle de Texas (4%). En la de la frontera, únicamente poblaciones texanas: el Valle de Texas en primer lugar con 8.7%, seguido por Houston (6.5%), El Paso (5.8%), Dallas-Fort Worth (5.5%) y San Antonio (4.8%). En la de las seis entidades existe más concentración en el Valle de Texas (12.7%) y Los Angeles (12.1%), que superan con mucho a ciudades como Dallas-Fort Worth (4.6%), Phoenix, Arizona, (4.5%) y San Antonio (4%). Los procedentes de la región IV y la región V presentan mayor concentración: los del Valle de México, en San Antonio (18.4%) y, en menor medida, en Houston (8.7%) y, los de Oaxaca-Guerrero, en Los Angeles (18.5%) seguido, con mucha distancia, por Fresno, California (7.1%).

En el caso de los deportados, no se logra apreciar suficientemente este fenómeno por los motivos relacionados con su expulsión, señalados anteriormente. Para los de la región de mayor tradición migrante, California destaca con una alta proporción (61.6%) seguido con un amplio margen de diferencia por Texas (24.2%). En la región III, también es California el estado preferido (32.8%), pero seguido muy de cerca por Arizona (27.6%) y Texas (27.3%). Como sucedía con los del flujo de migrantes voluntarios, en la región fronteriza, Texas es la principal fuente de atracción (53.5%). En las regiones IV y V, California es el polo principal, especialmente en la región V, ya que el 76.2% de sus migrantes, se dirigió a ese estado.

Número de viajes y duración de las estancias

De acuerdo a la ENADID, de los migrantes de retorno, 68.1% permanecieron en Estados Unidos menos de un año durante su última estancia. Sin embargo, hubo 12.6% que habían estado dos o más años. En cambio, y como era de esperarse, de los que estaban en Estados Unidos cuando se levantó la encuesta, 42.5% llevaban en ese país 2 años o más, aún cuando seguían manteniendo nexos con su familia de México, que los reconocía como parte del grupo.

En cuanto al número de viajes a Estados Unidos para trabajar, en los migrantes que retornaron voluntariamente, captados por la EMIF, el 34.3% sólo lo había hecho una o dos veces y 18.4%, de 3 a 5; pero un porcentaje relativamente alto (34.2%) señaló que lo había hecho más de diez veces. La situación es muy diferente en el caso de las mujeres, ya que únicamente 13.6% de ellas había ido a trabajar 11 veces o más, en tanto que casi 80% viajaron menos de seis veces.[14]

De los deportados, para el 53.6% de los casos era la primera vez que lo habían hecho; y, de los restantes, 23.8% sólo había cruzado entre una y dos veces más, sólo un 5.8% que fue 11 o más. Así pues se aprecia que, en términos generales, los deportados tienen menos experiencia en la práctica, aún cuando hay quienes a pesar de haber estado en Estados Unidos varias veces, resultan ser deportados.

Períodos de entrada a Estados Unidos y de salida

Como es bien sabido, el flujo migratorio varía a lo largo del año, siendo los primeros meses, aquéllos en que se concentran más emigrantes, en tanto que los que regresan lo hacen preferentemente en los últimos meses. Esta situación tiene su explicación, tanto en los requerimientos de la agricultura comercial norteamericana y las inclemencias del tiempo, como en la tradición que se ha impuesto en las comunidades de migrantes, de reunirse y hacer sus celebraciones locales (principalmente las fiestas de Navidad y de los santos patronos de los pueblos) y familiares (bodas, sobre todo) en los meses de diciembre y enero. Esto se comprobó en las encuestas revisadas, aún cuando todos los meses del año se presentan salidas y regresos. De acuerdo a la ENADID, los porcentajes de emigrantes se van reduciendo en cada trimestre, según la información aportada sobre la fecha del último viaje. 29.7% en el primero (enero-marzo); 28.4% en el segundo (abril-junio), 27.1% en el tercero (julio-septiembre) y 14.9% en el cuarto (octubre-diciembre). En cuanto al retorno, sucede exactamente lo contrario, 14% en el primero; 21.1% en el segundo; 29.6% en el tercero y 35.3%, respectivamente.

Actividad laboral en Estados Unidos

Un elevado porcentaje de los que regresaron voluntariamente, sin contar a los que permanecieron horas (3.5%) consiguió trabajo en Estados Unidos, 88.8% (88.9% de los hombres y 87.1% de las mujeres).

A pesar de que mucho se ha comentado, y se ha detectado en investigaciones microrregionales que la agricultura ha perdido importancia en la actividad económica de los migrantes, en el flujo de los que vienen de regreso, el sector agropecuario seguía siendo el que ocupaba a más de la mitad (52.7%). Asimismo, notamos que, a pesar de que se ha señalado al sector servicios como el predominante; en la encuesta es el sector industrial el que sigue en importancia con 24.6%. Llama la atención, que, al igual que sucedía en la actividad laboral en México, en Estados Unidos también tiene un importante peso la industria de la construcción, ya que casi dos terceras partes (16%), de las personas ocupadas en la industria, se emplean en esta actividad. Al último se encuentran los servicios con 22.7% (5.8% en el servicio doméstico).

Conviene señalar la especificidad de la actividad laboral de las mujeres, aunque se trata de un grupo reducido —8768, que constituyen el 1.9% de los migrantes que trabajaron e informaron sobre su actividad laboral en Estados Unidos)— ya que resulta muy diferente a la de los hombres. El porcentaje más alto de ellas laboró en los servicios, 62.6%, de las cuales, más de la mitad lo hizo en el servicio doméstico (33.9%). Seguía en importancia el sector industrial con 28.7% (únicamente 1.8% en la construcción) y, sólo 8.7% se empleaba en actividades

agropecuarias. El hecho, ya señalado en otras investigaciones, de la importancia que tiene el servicio doméstico en la población femenina, aquí queda sobradamente demostrado. Además, un porcentaje mucho más alto que el de los hombres, se ocupa en la industria, lo que también hace pensar en que varias de ellas se ocupan en establecimientos dedicados a la confección de ropa o al ensamblado, aunque no es posible saberlo con exactitud.

Como ya se dijo, los deportados, muy pocos deportados lograron trabajar e informaron al respecto (46,204); sin embargo, observamos en ellos una distribución muy diferente: el sector en el que más se ocuparon fue el de los servicios, con 47.6%, de los cuales 12.4% trabajaba en servicios domésticos. La agricultura sólo alcanzó 32.1%; mostrando en el porcentaje más bajo los que laboraban en el sector industrial (20.2%, de los cuales el 14.7% se ocupaba en la industria de la construcción). La gran mayoría de ellos estaba empleado a sueldo fijo, especialmente los que se ocupaban en el sector industrial (85.9%), en tanto que de los que trabajaban en la construcción y el servicio doméstico, alrededor de una tercera parte trabajaba a destajo o por obra determinada.

Si consideramos el tipo de localidad de residencia en México de los migrantes que regresan de Estados Unidos, tenemos que, aunque en todos ellos sobresale la actividad agrícola, presenta un porcentaje mayor en los que provienen del medio rural (58%, frente a 46.6% en los urbanos), en tanto que en la industria manufacturera y en los servicios el peso de los de localidades urbanas es mayor.[15] En la industria de la construcción, presentan proporciones semejantes, aunque ligeramente superiores en los de origen rural (16.4% frente a 14.2%).

Hay que señalar que los porcentajes por ramas de actividad en Estados Unidos son muy semejantes a los que presentan esas mismas ramas en México, especialmente en lo que se refiere a los sectores primario y secundario; ya que en el caso de los servicios, es menor el porcentaje de los que se ocupan en esa rama en Estados Unidos (14.9% frente a 18.6%, en México) y, especialmente en el servicio doméstico (5.8% en Estados Unidos, frente a sólo 0.3% en México.

Por último, aunque existe cierta relación entre la actividad desempeñada en México y la que se realiza en Estados Unidos, ésta no es tan determinante, ya que únicamente 48.2% de ellos coinciden en la misma actividad en los dos mercados laborales. Sin embargo, son los que en su país de origen se ocupan en la rama agropecuaria los que en un porcentaje mayor laboran en esa rama, 67.1%; pero también presentan una proporción elevada los que en México laboran en el sector industrial (61.1%). En los servicios no sucede lo mismo, de los que provienen de esa rama en México, únicamente el 26.6% se ubica en el sector primario en Estados Unidos (y 20.4% de los que provienen del servicio doméstico).

En el sector industrial como actividad en Estados Unidos, el porcentaje más elevado lo tienen los que trabajaron en esa misma rama en México (13.8%), seguidos

por los que estuvieron en el sector servicios (12.1%). En cambio, de los que provienen del sector agropecuario, sólo 6.3% labora en esa rama de actividad. También en los servicios tienen mayor presencia los que realizan actividades de esa rama en México, 22.8%. Y, por último, donde existe una relación mayor es en el caso de los que en México se ocupan en el servicio doméstico, ya que el 79.6% de ellos también trabaja en esa actividad en Estados Unidos. La proporción de los que provienen de las otras ramas es sumamente baja.

Notes

1. Todos ellos citados por Ernesto Galarza (1958, 1964 y 1977).

2. La limitación del trabajo de Alarcón es que poco explica sobre migración documentada e indocumentada, número de viajes, duración de los mismos, tipos de trabajos, etc. Mucho menos trata de relacionar estas variables entre sí o con otras demográficas o económicas.

3. De ellos, había 18 migrantes en Estados Unidos, 17 jornaleros y uno con actividad no definida.

4. Incluye a las personas que tenían como mínimo 15 años, residentes habituales de la vivienda y que en el momento de la entrevista se encontraban en Estados Unidos trabajando o buscando trabajo y que tenían familiares que pudieran informar sobre ellas, y a aquellas que habían trabajado o buscado trabajo en Estados Unidos en los últimos cinco años (desde el 1o. de enero de 1974) y que se encontraban viviendo en México en el momento de la entrevista (CENIET, 1982).

5. Conviene aclarar que la información es diferente para los dos conjuntos de migrantes. Para aquellos que se encontraban en Estados Unidos, se refiere al trabajo que tenían antes de migrar, en tanto que para los que ya estaban en México, al momento de la entrevista: diciembre de 1978 o enero de 1979.

6. No explica sobre la edad de estos ejidatarios migrantes, ni cuando migraron por última vez.

7. En el caso de la agricultura, el 75% percibía ese salario, en la industria 62.5% y en los servicios, el 78.6% (Trigueros, 1994).

8. En el flujo de los migrantes que regresan a México de la EMIF, encontramos otro orden. Después de Guanajuato y Michoacán se ubican Chihuahua y Zacatecas. Jalisco queda hasta el quinto lugar. El estado de México y Guerrero presentan poca participación, en tanto que Coahuila ocupa el sexto lugar.

9. Llaman la atención por el gran peso de la población masculina, los estados del centro como Tlaxcala (86.3%), Querétaro (85.2%), de la región IV y Aguascalientes (86.6%), de la región III. Los estados de Sinaloa y Tabasco presentan la menor proporción, 63%.

10. La información sobre los promedios de escolaridad para el caso de la EMIF, fueron proporcionados por el Dr. Jorge Santibáñez del Colegio de la Frontera Norte.

11. En el caso de la ENADID, la información sobre la actividad laboral se refiere a los treinta últimos días antes del levantamiento de la encuesta y no a la situación que tenía el informante antes de viajar a Estados Unidos.

12. Hay que señalar que se trata de muy pocos casos, 3972.

13. Es probable que esto se deba a la situación fronteriza.

14. Hubo un 1% de los migrantes que señaló no haber ido nunca (la vez que cruzaron sólo estuvieron algunas horas).

15. En la industria (sin incluir a los de la construcción) los porcentajes son 10.1% en los de localidades urbanas y 6.6%, en los de origen rural. En los servicios, 29.1% (7.9% en servicio doméstico) en los primeros y 19% (3.5% en servicio doméstico) en los segundos.

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Characteristics of Migrants

Some Thoughts on Perceptions and Policies Mexico-United States Labor Migration Flows:
Some Theoretical and Methodological Innovations and Research Findings

Jorge A. Bustamante

Introduction

Migrations between Mexico and the United States are associated primarily to the geographical vicinity of the two countries. There was a time when the concern for undocumented immigrants was in Mexico City in reference to the increasing number of U.S. citizens who were crossing the unprotected borders of Mexico to enter the states of Texas, California, Colorado and New Mexico without authorization of the Mexican government. A war resulted from that illegal flow and Mexico lost lands representing half of its territory. The ink of the Treaty of Guadalupe-Hidalgo (1848) had not dried out when migrations on the opposite direction began to increase. Labor migrations in massive numbers from Mexico to the United States were sought after by aggressive recruiters funded by the U.S. Congress in the first decades of the 20th century, in order to allow the economic expansion of

the United States southwest. U.S. recruiters of Mexican labor were restless at the beginning of the century in the states of Guanajuato, Jalisco and Michoacán, attracting Mexican workers for the expansion of railroads, the exploitation of mines and the opening of new lands for agriculture in the states of California, New Mexico, Colorado and Texas. These recruiting efforts funded by U.S. Congress at the beginning of the century gave birth to networks of Mexican migrants which even today explain the predominance of a small number of Mexican states in the totals of migrants who have interacted with continuous U.S. demands for Mexican labor shaping a *de facto* international labor markets between the two countries.

This labor market is not recognized as such by the two countries. International migration from Mexico to the United States is viewed very differently depending on the side of the border from which this phenomenon is observed and evaluated. It is difficult to demystify migration between Mexico and the United States, and to explain what it represents for each country. This is particularly the case with undocumented migration. Because of the contradictory visions of undocumented migration that permeate values and perceptions of the people of these two countries, an effort of demystification is indispensable if both nations really seek economic integration as it is assumed in the North American Free Trade Agreement (NAFTA)

The view that predominates in Mexico is that outmigration toward the United States is basically an economic phenomenon, a labor issue, from which the United States reaps the benefits since Mexican migrants fill jobs that U.S. workers are unwilling to take. Thus, the migrant workers are carrying out an activity which is as legitimate as the profits made by their U.S. employers.

In the United States, in contrast, the predominant view of these same migrants is that they are in the majority criminals, who transport drugs from Mexico and enter the United States to subsist on public assistance programs or to take jobs which rightly belong to U.S. citizens. Supposedly these U.S. workers are forced into unemployment by the influx of Mexican migrants who come to steal their jobs.

In Mexico these individuals are called “migrant workers” and they are viewed in such a positive light that their family members are openly proud of their achievements. In the United States, they are called “illegal aliens”; they are viewed in a very negative light, almost like a plague invading from outside and where the citizens of the United States are made the victims. Given the respective acceptance of these contrasting visions in the two countries, the migratory phenomenon also evokes contrasting perceptions in terms of how the set of migration problems interjects into the relations between the two countries. Mexico’s view of the problems associated with migrant workers encompasses things such as the violation of their human and workers’ rights abroad; this being the case, the Mexican government seeks a bilateral agreement that would eliminate such abuses. The United States’ view is that the primary problem associated with “illegal aliens” is their violation

of U.S. immigration law; this being the case, the U.S. government seeks a solution in anti-crime legislation, part of domestic legislation to govern domestic problems.

It is virtually impossible for these two visions, sustained respectively by the civil societies of the two countries, to be both correct. One of these two visions must not correspond to the reality of migration. One of these two visions contains more myth than truth, although it is very possible that neither of them captures the full range of cases. This fact makes it imperative to begin a process of de-mythifying migration as a necessary and sufficient condition that would allow both countries to come together within the context of bilateral relations and find ways to act jointly to address the impacts of the issue in both countries.

Such a de-mythifying effort must begin with scientific research which can help us develop a diagnosis of the costs and benefits that labor migration from Mexico to the United States brings to the two countries. The results of this diagnosis should stimulate a raising of consciousness on the reality of migration and stimulate a consensus in both countries regarding the need to eliminate undocumented migration through a bilaterally negotiated process that would have to be concomitant to a formal agreement on labor migration between Mexico and the United States.

For the de-mythification of migration to succeed in both countries, it is essential that efforts should be undertaken bilaterally by research institutions in both Mexico and the United States, institutions of such repute in the international scientific community that their conclusions would be credited even if they diverged from the visions predominating within the two countries' respective governments and civil societies.

This paper will attempt to lead the scientific communities of both Mexico and the United States to the conviction that a bilateral effort to de-mythify undocumented Mexico-U.S. migration is a first and necessary step, and that this first step may suffice to initiate a rationalization process that eliminates migration as an obstacle in the relations between these two countries. The complexity of the task involved in addressing and resolving the issue of migration within a context of bilateral relations is as great as it is the gap between the actual characteristics of migration and these characteristics as they are popularly perceived.

If our objective is to build a broad and shared understanding of migration, we must explain why the gap referred to above is so wide. Toward this purpose this paper is divided in three parts. The first part consists of a historical approach to the cultural and economic meaning of the Mexican migration to the United States. The second part consists of some recent findings from a research project designed to monitor the undocumented migratory flows from Mexico to the United States.[1] The third part consist of a policy proposal derived from the theoretical approach discussed in the first two parts.

The first two parts correspond to a conceptual dichotomy derived from Max Weber theory of Verstehende soziologie[2] (Interpretative Sociology). The first chapter of the posthumously published work of the German sociologist and, research findings reported elsewhere,[3] led to a methodological distinction between two dimensions of the phenomenon of Mexican immigration to the United States. One called here "cultural" and, the other called "interactional." This distinction is derived from empirical findings which show a relative independence of changes in U.S. public perceptions of Mexican undocumented immigrants on one hand; and, hiring practices by their U.S. employers as well as some economic consequences of the insertion of these migrants into the U.S. labor market, on the other.

It will be argued in this paper that, in periods of economic recessions, U.S. public opinion has gone to extremes of negative views about the presence of Mexican immigrants, whereas in periods of economic expansion public opinion has swung to less negative and even positive views praising Mexican labor.[4] These changes in U.S. public opinion have not impacted significantly the persistent growth of U.S. demands for Mexican immigrant labor over the century, as one could infer from data presented by Paul Taylor (1928, 1929a, 1929b, 1930, 1931a, 1931b, 1968, 1971); Manuel Gamio (1926, 1930a, 1930b); Ernesto Galarza (1956, 1958, 1964); Julian Samora (1970, 1971a, 1971b) and Bustamante (1975, 1977, 1978, 1979a, 1979b, 1979c, 1979d, 1982, 1983, 1984, 1988, 1989a, 1989b, 1990, 1992).

The importance of such a distinction is, that these two dimensions not only behave differently over economic cycles, but, they can not be approached for scientific purposes by the same research methods. What is called here the "cultural dimension," corresponds to an epistemological approach which draws from Max Weber's notion of "erklarendes Verstehen,"[5] one which datum is to be found in the cultural or intersubjective dimension of social relations. What it is called here the "interactional dimension" corresponds to a different epistemological approach which draws also from Weber's conceptualization of "direct understanding" (aktuelle Verstehen).[6] In this dimension of the phenomenon of undocumented immigration from Mexico, the more directly observable nature of its datum, allows for more complex levels of quantitative analysis. This is the level of statistical analysis that could be made out of actual identification and countings of migrants crossing the international border without inspection. The fact that there is an observable behavior that occurs under certain objective circumstances,[7] allows for a more complex quantitative analysis than the values or motivations based on which such a person makes some sense out of such a behavior.

The nature of the datum for an analysis of such values or motivations is less ready for a direct observation with the instruments currently available for the scientific observer of such an individual's behavior. In other words, the difference between the "aktuelle Verstehen" and, the "erklarendes Verstehen" of the

undocumented immigration from Mexico can be illustrated by the difference between asking ourselves how many are crossing the border and, why they are crossing it. This difference does not allude to the scientific quality of the datum in one, versus the other dimension of reality. It alludes to the method of scientific analysis pertaining to one in contrast to the most appropriate for the other. Both basic datum are respectively, equally grounded in the empirical reality. They differ however, in its respective susceptibility of quantitative measurability and statistical analysis. Not because of difference in its empirical nature but because of the available scientific tools for the analysis of one in contrast to the other dimension.

This "cultural-interactional" dichotomy suggested here, is meant to be operational of the weberian concept of "verstehende Soziologie."[8] Such an operationalization is meant to emphasize a crucial epistemological distinction made by Weber between, a)the world of values, ideas, beliefs or myths, susceptible of a scientific understanding through a systematic procedure of "Verstehen" or interpretation rendered "adequate at the level of meaning" (Sinnhaft adaquat);[9] and, b) the world of directly observable behavior, more susceptible of being counted and thus, subjected to statistical analysis rendered adequate (Kausal adequate)[10] at the level of causal associations.[11]

The basic premise of the theoretical framework proposed here for the study of migration from Mexico to the United States is that this migration occurs within a context of interaction processes between people of two different countries and within a space which encompasses the two sides of the international border. This is especially true for undocumented migration. In general terms, Mexican migration to the United States can be conceptualized as the outcome of the interaction between U.S. employers and Mexican workers. This social interaction occurs within a labor market which is by nature international, because the actors who personify demand constitute a demand from within the United States, actualizing this demand when they hire undocumented migrants and; because the actors who personify supply do this from Mexico when they make a decision to migrate to the United States in search of jobs.

For this conceptual frame I continue drawing from the basic sociological concepts introduced by the sociologist of Erfurt. Beginning with the cultural dimension implied in the concept of "Gemeinter Sinn," it could be suggested that the social relations of migration between Mexico and the United States sprung out from the conceptualization of a certain option by the would-be migrant, that is, to migrate to the United States in search for a job. That option was taken because it was part of his or her culture. As such, it is learned in a process of socialization which is both a necessary and sufficient condition for the behavior that involves migration to the United States from some point in Mexico. That option and the corresponding behavior of migration would not be rational from the part of the

migrant if it were not for a corresponding behavior of a stranger in all cultural senses except one. That of the "Gemeinter Sinn" of a labor related interaction, which is shared by the would-be migrant from a distant place in one country, with a would-be-employer from another country. That would-be employer is some body with a different background and from a different country than the migrant who has also conceptualized an option: to hire a Mexican migrant. Such an option is also an element of his culture as it is shown below reflected in the quotations from Vice President Nance Garner and Senator McCarran respectively. The would-be U.S. employer has learned the socially constructed meaning of hiring a Mexican migrant as a part of a socialization process without which the social relations of migration between Mexico and the United States as we know them would not take place. That shared "Gemeinter Sinn" of a labor interaction is the necessary condition for the social relation of undocumented migration in which the Mexican actor and the American actors recognize their respective behaviors as mutually addressed to each other, as they become engaged in a social relation of labor giving birth to the micro dimensional instance of what we know as Mexican undocumented immigration to the United States. In the sharing of a "Gemeinter Sinn" of labor it is implied a complex dimension of history. A history of how such a meaning became an element in the respective cultures of the Mexican migrant and U.S. employer.

That historical dimension requires a special method of scientific inquiry which is different than the one it is required for the study of the interactional dimension implied in the actual experience of hiring and been hired implied in the phenomenon of the undocumented immigration from Mexico. In such an experience is where one finds the objective dimension of migration as a social relation. In this structural context the Mexican migrant embodies a labor supply that interacts and corresponds in a rational way to the behavior of the U.S. employer who embodies a labor demand. In the understanding of what this conceptual formulation implies, lies the theoretical understanding of undocumented migration from Mexico to the United States as a social relationship.

Theoretical Foundations for the "Interactional Dimension of a Labor Market"

The concept of "interaction" is understood here as it was used by Weber. The importance of this concept lies in how it relates to the concept of an "international labor market." I am not speaking here about the concept of "market" as it is used in classical and neoclassical economics, but in the sense that it is used by sociologists, and developed out of Max Weber's theory of social interaction.

In this theoretical context, Weber distinguishes between the idea of a "perfect market," which would resemble that understood by classical economic theory, and

the idea of an "imperfect market," which diverges from the assumptions of a perfect market. Weber's vision of an "imperfect market"[12] can be applied to structural conditions in which processes of interaction based on money exchanges occur between actors who tend to occupy differential or asymmetric power positions.

The primary difference between these two types of "market" lies in the fact that the "perfect market" assumes a relationship between actors that is sufficiently symmetrical to foster a dynamic that tends toward equilibrium between the elements in the relationship. I do not propose to determine whether this idea does or does not apply to the international labor market from which the phenomenon of undocumented migration from Mexico to the United States emerged. Rather, my objective is to use the concept of an "imperfect market" as developed from Max Weber's formulations for two reasons: First, this concept permits the introduction of the element of "power asymmetry" into the relationship between the principal actors of the "labor market," and second, it allows a virtual dissection of the interaction processes that make up this relationship. These processes range from the cultural elements that shape intentions in a reflective motion. Those elements which go, from what George Herbert Mead found in his notion of "mind" as a social construct at a microdimensional level of analysis, to the macrodimensional levels of the interactions between the economies of the United States and Mexico through the process of labor migration, including the objective elements that characterize international migration, such as an exchanged labor relationship for money.

Levels of Analysis

Within this theoretical context, undocumented migration from Mexico to the United States is understood as a phenomenon that occurs within a) the respective cultures of the actors involved which implies a historical dimension of the migratory phenomenon and, b) the structure of an international labor market that spatially extends to cover both sides of the border. Interactions occur at various levels within this structure. The most important is the interaction that takes place between a labor demand, personified by U.S. employers, and a labor supply, personified by Mexican migrant workers. We speak of the personification of supply and demand because both supply and demand include "structural conditions" that go beyond the behavioral interaction between an individual employer and the worker he employs.

Another level at which these processes of interaction occur involves the interaction between the "structural conditions" of demand and the "structural conditions" of supply in the country where the migration flows originate and the country that receives them. The term "structural conditions" refers here to somewhat abstract notions, such as the state of the respective national or regional economies or, the respective national states, as either of them become imposed on the

international labor market outcomes. That labor market is where the Mexican migrants and their U.S. employers interact. These "structural conditions" are operationalized respectively as "factors." These are the set of elements ("factors") that comprise everything causally related to labor demand or labor supply, including migratory behaviors. Hence, the term "factors" refers to the elements that make up labor demand and labor supply in the international market in which migrants participate. It is the "factors" that allow or make possible or necessary the presence of a labor supply or a labor demand. The set of "factors" that makes up the "structural conditions" of labor supply may be partially or totally independent from the "factors" that make up the "structural conditions" of labor demand.

An Operationalization of the Levels of Analysis

Although we can envision other levels of interaction—to explain cultural influences or changes, for example—for the research that I propose here, only three levels of analysis need to be used; these are outlined below:

A) The level of interaction between specific actors, where we seek to explain their observed and inferred behavior and behavioral change. Each of these actors directs or orients his behavior toward the other in a relationship that exists because both actors share or understand in the same way the meaning of the other's behavior. In the case of the migrants of one country and the employers of another country, the interaction is a labor relation, that is, a relation in which both actors understand that one will provide labor and the other will pay money in exchange.

This theoretical context assumes that there may be power asymmetry between the actors in the interaction, and that this power differential determines asymmetric positions for the actors within the structure of market relations. Given this assumption, we can design the research to empirically identify what are the defining characteristics of the power asymmetry between actors, and what are the implications of this asymmetry for the nature of the relationship.

At this level, the interaction between actors can be extended to include interactions between migrants and other actors who are on the demand side but are not strictly employers. These are called "significant others." An illustration of these are the agents of the United States Border Patrol or representatives of other organizations or institutions on the demand side, who interact so frequently with the migrants that enable the observer to empirically identify patterns of interaction.

One important methodological characteristic of this level of analysis is that it can be carried from the macrodimentional levels to the most microdimensional ones that the research demands. This was probably one important reason why Weber placed the definition of basic concepts for the study of social relations in the first chapter dedicated to spell out the methodology that would correspond to his theoretical approach. More important for the purposes of this paper is to underline the theoretical difference between the notion of market in classical economics and the notion of market in the sociological theory of Max Weber. This is especially important when the object of our study is a labor market. We sociologists object to equating labor with the purchase or the bartering of a barrel of oil or a ton of corn, as if all can be equated as market commodities. To the extent that the labor force as a commodity is linked with the destiny of its producer in terms of universally accepted human and labor rights, it is significantly differentiated from any other type of commodity. Because these other commodities have no inherent rights associated with their producer, they can have, and in fact do have, a destiny that can be totally independent of that of their buyers or sellers. Because of their independent destiny, these commodities are generally subject to markets in which price, theoretically is the result of a tendency toward an equilibrium between the forces of supply and the forces of demand. This tendency could not be assumed without some minimum degree of power symmetry between the actors representing supply and demand respectively. When we turn to look at a labor market from a sociological perspective, it is virtually impossible to find such symmetry and equilibrium, particularly as we look at the lowest wage levels. This is why Weber diverges from the notion of market proposed in classical economics in order to introduce the variable of power as an element in the interactions of an "imperfect market," a concept particularly applicable to labor markets. Here power is taken to mean the number and merit of the options that each partner in the labor relationship has to impose its conditions on the other partner.[13]

According to adherents of Weber's theory of social relations, the idea of labor market stems from the premise that it is a social structure shaped by interactions between actors who can hold differential power positions; thus, the exchange of labor for money need not necessarily tend toward equilibrium for us to be able to view it validly as a market relationship. Weber introduces the element of power differential between actors in an "imperfect market," and we can use his sociological construct in modeling a labor relationship as asymmetric, such as the one that exists

between Mexican migrant workers and U.S. employers. Weber's concept of market permits us to logically organize not only the specific elements that personify supply and demand, but also the contexts that condition the existence of supply and demand, respectively, as components of this market. Thus, this is how this concept allows us to speak of the "structural conditions" on the "demand side" and on the "supply side." These conditions include "factors" such as the domestic market of each country, allowing us to envision the interactions of each domestic labor market with that of the neighboring country through the link of international migration. This means that each domestic labor market is a part of the respective conditions of supply and demand in the context of an international labor market. This is the theoretical notion that it is used here in order to understand the processes of interaction between factors located on both sides of the frontier between the two countries interconnected by this migration. These factors produce impacts on a phenomenon whose empirical reality can be defined by the fact that migrants sell their labor in exchange for money in a country other than their homeland.

B) The level of interaction between the "structural conditions" that correspond to supply and demand, respectively. This is a level of analysis that permits a more macrodimensional focus, through which it is possible to analyze, for example, the interactions between a state of economic recession on the demand side and a drop in the amount of remittances that migrants make to their home economies. Another example might be the interaction between changes in the age structure of the population on the demand side, when these changes yield a labor shortage that interacts with conditions on the supply side to produce a migration flow that has different conditions than it would have had if there were no changes in the age structure on the demand side.

C) The level of interaction between the "factors" that comprise the "conditions" of supply or of demand in such an international labor market. By focusing the analysis at this level, it is possible to move from the macro to the micro level in order to examine the relationship that could exist, for example, when drought affects a region in the migrants' country of origin, increasing their need to depend on work in the United States. The resulting increase in the migrant labor force, in turn, lowers the "market value" in the United States of those migrants who were the victims of the drought in their home region.

In the scenario proposed above, we could say that drought in the region of origin entered into interaction with the demand conditions in the destination country

through the phenomenon of migration, even though this drought would have been an independent factor with respect to the demand conditions if migration did not exist as a mediating link between the two countries. This same concept of migration as a mediator, enabling conditions of supply in one country to interact with conditions of demand in the other, allows us to identify and measure the costs and benefits of undocumented migration for the sending country and for the receiving country, as well as the association between them. This is something that would be very difficult to do without this concept. It explains, for example, the inflation that occurs on the supply side when the migrants make seasonal returns to their homes in Mexico; and, on the demand side the social mobility of some Hispanics as a result of the savings that the hiring of undocumented Mexican migrants represents.

The theoretical schema presented above refers to a relatively static view of the structure of relations in an international labor market. Therefore there must be other concepts that can contribute toward explaining the dynamism that actually characterizes the migration phenomenon. Along this line of thinking the concepts of "circular migration," "migration flows," and "migration stocks" will be introduced after the following section.

The main objective of this paper is to make clear, through scientific methods, the elements that turn the reality of migration between Mexico and the United States into a myth, and the elements that hinder our understanding of this reality. Only with a clear understanding can the people and the governments of these two countries act in concert to address the migration issue in a way that takes their respective interests into account.

With this aim in mind, a central definition of undocumented immigration is proposed. One that could be used to lead scientific research as well as serving as a common ground for bilateral negotiations.

A Central Definition of Undocumented Immigration from Mexico

Undocumented immigration from Mexico to the United States is understood here as a process of social interactions between people from the two countries as they move across the U.S.-Mexico border or are located in a country different than that of his or her counterpart in a labor relation. The basic meaning of these interactions corresponds to an international labor market where the demand from the United States is as real as the supply from Mexico.

The basic elements of this definition are the concepts of a) a context of processes of social interactions across the international border and, b) the asymmetry of power. These two concepts have the analytical advantage of being able to apply from one end to the other of the continuum that goes from the micro to the macro levels of

analysis. That is, from the micro level of the social interaction between a migrant worker and his or her employer, to the macro level of the interaction between the national economies or governments or cultures, as long as they are relevant for the shaping of conditions for the international labor market where the undocumented migrant worker is inserted.

These basic concepts allow the analysis to follow different axes of the patterns of social interactions of the undocumented immigrant such as: a) the geographical location of actors or factors at each side of the border or; b) the structural location of actors or factors pertaining to the international labor market between the two countries or, c) the identification of the external processes of interaction characterizing either the demand side or the supply side of the respective country, within which there are interplays of internal labor market shaping conditions connected to those external processes of interaction as suggested in the diagram.

This definition of undocumented immigration from Mexico is not shared by the governments nor by the majority of the people of the two countries. The presence of undocumented immigrants from Mexico in the United States is predominantly viewed as an exogenous calamity. As a crime-related phenomenon thus, as a law enforcement problem which requires a police type of solution.

The same people doing the same thing are viewed in Mexico as people who go to theUnited States in search of a job to do things that American citizens are not interested in doing for a living. In a nutshell, Mexican undocumented migrants do something as legitimate as the benefits received by those who hire them in the United States.

The marked contrast between the perceptions or visions of undocumented Mexico-U.S. migration held respectively in the two countries concerned is not due to a lack of adequate information as much as it is due to a contrast between the respective national interests of these two countries, in turn associated with the asymmetry of power that characterizes relations between Mexico and the United States.

With the above definition we move to an empirical analysis of the two dimensions suggested above. This analysis results from different methodological approaches required by the difference explained above between the cultural and the interactional dimensions. Both pertain to the same phenomenon to the extent that values which shape perceptions leading to immigration policies belong to the immigration issue as much as the actual number of undocumented immigrants working in the agricultural production of a particular region of the United States. One dimension might not be directly related to the same facts than the other. Furthermore, one dimension could be in contradiction to the other or follow different dynamics. The theoretical assumptions followed in this analysis are, a) that the interplay between the two dimensions has to be understood before the undocumented

immigration phenomenon is under control and, b) that the same method of research can not be applied to the two dimensions.

There are in fact two "cultural" dimensions of this bilateral phenomenon. One corresponding to the conditions of the supply side in Mexico and another corresponding to the conditions of the demand in the United States. For the purpose of discussion of the theoretical frame of reference proposed in this paper, focus will be placed on the cultural dimension corresponding to the demand side of the international labor market, as it is shaped in the United States. For the "Verstehen" at the level of meaning of the "cultural" dimension of the undocumented immigration in the United States, an historical approach will be taken, led by the following hypothesis.

The public morality of those in the United States who believe that Mexican immigration is a threat or something exogenous and harmful includes an ideological construct that justifies in moral terms the sanctions or punishments levied against those identified or labeled as "illegal aliens." This ideological construct is a social construct in a similar sense in which Max Weber understood that element of the social relations to which he called the "Gemeinter Sinn."[14] as the intersubjective meaning commonly attached to a behavior or a symbol by the members of a community in a context of a social interaction.

What it makes the meaning attached to the presence of undocumented immigrants from Mexico stick in the social context of the United States is an act of power. Its exercise corresponds to an asymmetry of power between those who label[15] them "illegal aliens" and those who are so labeled. The common meaning of such a label is about some one (an alien) who has entered the United States braking the U.S. laws with the main purpose of doing something which will represent a cost or a burden to the American people.[16]

"Illegal aliens" are viewed today in the United States both, as a cause of some of the worst calamities that afflict the country, such as drug traffic, and as source of cheap labor. That is, both, as a problem and as a solution. The intensity of these views varies over time respectively. The contradiction between them however, becomes more acute in times of economic crisis.[17]

If we look at the history of migration from one country to the other, what stands out is the United States' interest in gaining access to cheap Mexican labor. The following quotation, drawn from the congressional hearings on migration held in 1926, is particularly eloquent:

> Mr. Chairman, here is the problem in a nutshell. Farming is not a profitable industry in this country, and, in order to make money out of this, you have to have cheap labor... in order to allow land owners now to make a profit on their farms, they want to get the cheapest labor they can find, and if they can get the Mexican labor it enables them to make a profit. That is the way it is along the border and I imagine that is the way it is anywhere else.[18]

For the purpose of the methodology suggested here, this quotation becomes even more significant when we learn that its author was John Nance Garner, who built his fortune on agricultural lands adjacent to Mexico, just north of Piedras Negras, Coahuila, and who became Vice-president of the United States a few years after making this statement in a congressional hearings.

A few years later we find the same clear "Gemeinter Sinn" of a national interest underlying the immigration policies of the United States. In 1953 Senator Walter McCarran declared the following before a Senate Committee:

> Senator [Elender], I think you will agree with me that on this side of the border there is a desire for these wetbacks... Last year when we had the Appropriations Bill up, the item that might have prevented them from coming over to some extent, was stricken from the Bill... we might as well face this thing realistically. The agricultural people, the farmer along the Mexican side of the border in California, in Arizona, in Texas... want this help. They want this farm labor. They just can not get along with out it.[19]

It is intriguing how these references to the cheapness of Mexican labor in congressional hearings testimony in the United States over several decades seem to assume that the Mexican labor force is a sort of a natural resource, something inexpensive by its very nature. What it is more relevant for the purpose of the theoretical framework used here, is the way this two statements reflect very eloquently the cultural understanding of Mexican immigrant labor among United States employers in a historical perspective. These statements allude to two levels of power asymmetry, one, between the U.S. employers and the migrant workers and; two, between the United States and Mexico. Here you have U.S. Senators talking about Mexican citizens as if there was no international law or as if Mexico did not exist as a sovereign nation to be dealt with about her own citizens. Here we have a power asymmetry reflected at both end levels; from the macro to the microdimensional. The latter reflected in the capacity of U.S. employers to exercise their power by imposing low wages upon the socially constructed vulnerability of the Mexican migrant. It suffices to compare the salaries compiled in the meticulous research conducted by Manuel Gamio. Gamio noted that the average salary paid to migrant workers in southeast Texas in 1926 was between $1.50 and $2.00 per day.[20] Twenty-four years later, Saunders and Leonard recorded average salaries in this same region at $2.50 an hour for a twelve-hour workday.[21] If we factor in inflation in the interim, we find that salaries have risen hardly at all in nearly 25 years, while the profit returns to agriculture in this region rose 1,000 percent in the same period, according to these same authors.[22]

Then followed the years of the Bracero Program, from 1942 to 1965. No one has described more knowledgeably or more eloquently the conditions of

extreme exploitation that migrant workers suffered during these years than Dr. Ernesto Galarza in his classic work, *Merchants of Labor: The Mexican Bracero Story*.[23]

During my years as a graduate student, when I posed as an undocumented migrant as part of an exercise in participant observation which I reported in my doctoral dissertation,[24] I had occasion to witness an event that reflected very eloquently the way in which the power asymmetry between Mexicans and U.S. citizens was brought into play to drive salaries down. It was the summer of 1969. I was in Weslaco, Texas, and had joined a group waiting on a street corner to be hired by a farmer. A truck drew up and stopped near the group. The driver gestured that we could climb aboard. About 20 of us did so, almost everyone who had been waiting. They took us to a ranch about 15 kilometers away. The driver of the truck got out, and we all got down. His first words to us were: "There's lots of you...." As if he had not expected us. Then he said: "Let's see... raise your hand if you want to work for a dollar an hour." Nearly everyone in the group raised his hand. "No... there are still too many of you," he said. Then he added: "Let's see, raise your hand if you want 75 cents an hour." The number of us who raised our hands dropped to half. As his voice rose in impatience he said: "No... there's still too many. Let's see, who wants the job for 50 cents an hour." The group of us raising our hands dropped to seven. Talking like someone who had repeated the same speech many times before, the foreman told those who had not raised their hands: "Ok, boys, you'll get a chance another time. Get on your way fast so I don't have to call the police and have you cited for trespassing."

As the big group of unhired workers moved away, they began to yell at us, clearly angered, as if in persisting at trying to get a job, even at low salaries, we had failed to show the hoped-for solidarity. Their mildest words for us were, "You hungry bastards." The foreman turned around toward the seven who had survived this "reverse auction," where those who won employment were those who offered the lowest price. The foreman gestured, and all the workers responded with a palms up gesture. I did the same as the others. When the foreman came around and saw my hands, he told me laconically: "Not you... you go with the others."

As I walked slowly toward the ranch gate I asked myself if this was the ultimate measure of power asymmetry between U.S. employers and Mexican workers, and how long it had taken to transform it into a shared code of communication, into a "Gemeinter Sinn," well understood and well accepted despite its clear disadvantage for the migrant workers. I asked myself at what point this disadvantage in hiring conditions had been transformed into an element in the culture of the labor market of migrants and their employers in a foreign country. Posterior reflection on this experience made clearer to me that this is some sort of a last degree of "freedom"

before reaching the point where work stops being a social relation between an employer and a "free" worker to become slave labor. Taking the theoretical perspective in which international labor migration is viewed as a social relation that takes place in the structural framework of an international labor market, this notion of a scale of "freedom" within which the worker acts in response to conditions that the employer sets, is relevant because it leads to the point where the worker's level of freedom disappears, and with it the nature of the social relationship. When this happens, as it does with slavery, we are no longer talking about a social relationship of labor but about a unilateral act of power.

Over more than 20 years of conducting research on undocumented migration,[25] I have seen very few improvements in the working conditions of the migrants. I thought I had seen everything until I visited the so-called spider holes that migrant workers are constructing today, at the end of the 20th Century, in the northern part of San Diego County. The migrants spend their nights in these holes. By day they work in the few crops that have not yet been edged out by changing land use patterns which convert agricultural land into the proliferation of residential developments that is taking over this area that formerly grew the most beautiful flowers in southern California, cultivated since the first plantings in the 1940s by Mexican hands.

To summarize: For decades, the United States has demonstrated an insatiable appetite for Mexican labor. This appetite is not constant. It has decreased in times of high unemployment, as during the economic crises of 1907, 1921, 1929-34, 1954, 1974, 1981 and 1992. Nevertheless, in none of these crises has the appetite for cheap labor fallen to zero. In the three most recent crises, I have been able to document a paradoxical situation: the crisis itself encourages some businessmen, who under normal conditions would not hire undocumented migrant workers, to turn to this labor force in order to lower their production costs as a way of dealing with the impacts of the crisis.

In all of these crises, measures have been proposed that would expel Mexican migrant workers en masse, offering ideological justifications that I will discuss in the following section. In many of these crises, there were broad expulsions of fully documented Mexican immigrants. Instances include the crises of 1907,[26] 1921,[27] 1929-34,[28] and 1954.[29]

What is important to note here in terms of the proposed hypothesis is, that the United States has demonstrated a long-standing and intense demand for Mexican migrant labor. But the United States wants to satisfy this demand for a resource which comes from abroad according to its own unilateral terms. In this way the United States is exercising the power asymmetry it holds over the country from which it extracts de facto the cheap labor force it seeks. Even when bilateral agreements have been signed that would regulate this demand, as was the case

with several of the *bracero* agreements, these were flagrantly violated, as documented by Craig,[30] Galarza,[31] Gamboa,[32] García,[33] Montejano,[34] Sobek,[35] and Taylor,[36] again testifying with each violation to the power asymmetry in U.S. relations with Mexico, even when the U.S. government has put its signature on a bilateral agreement with Mexico.

One could argue that the U.S. interest in Mexican labor has not been so much national as regional, although, as Gamboa has ascertained,[37] demand in the United States has geographic roots as far away as Washington State, on the border with Canada. What is clearly beyond question is that the U.S. government, when dealing with Mexico, has put all its might behind its interest in Mexican labor. The most recent expression of this government support is the United States' unilateral decision from the outset, to exclude labor migration from the agenda in the negotiations of NAFTA.

This degree of national support, by which the United States has historically guaranteed U.S. employers unrestricted access to Mexican labor, has led to a persisting official definition of undocumented immigration as a problem of criminality and law enforcement.

When public opinion reaches a high level of consensus around this official definition, it becomes equated with "national interest." At this level, the predominance of such a public definition makes politically impossible any alteration of the official position that equates "illegal aliens" with criminals, particularly because this definition has the function of producing savings to the U.S. economy. These savings are equal to the difference between the salary and benefits that an undocumented migrant receives as a function of being undocumented, and the salary that a U.S. citizen actually receives for the same work, particularly in regions and economic sectors where the hiring of undocumented workers is widespread. The implied equation for this function would lead to a result that could well total several billion dollars per year. This is equal to the costs the U.S. economy would be likely to incur in salary differentials if bilateral negotiations produced a legalization program that would regulate hiring practices, wages, working conditions, as well as the number of Mexican migrant workers which would correspond to the real size of a U.S. labor needs. When one imagines the economic, social and political meaning of such a notion of dealing with the undocumented immigrants from Mexico as a bilateral phenomenon related to a de facto international labor market, one can imagine the analogy of such changes with what implied in the 19th Century the rising cost of the black labor force in the United States once slavery was abolished. In this analogy lies one part of the explanation of why there is such a resistance from the part of the U.S. government to officially recognize the labor market nature and the bilateral causality that characterize and drive the phenomenon of undocumented Mexican migration. In

refusing to give this recognition, the United States is exercising an act of power which is essentially no different in nature than the act of power involved in justifying the enslavement of blacks in the 19th Century.

Although as yet little research has been done in this area, the profile of an hypothesis emerges from history. This is one which goes to the root of the problem addressed in this paper. That is, that the current and widespread economic interest in keeping the U.S. border with Mexico relatively open to the entry of undocumented migrants exists, not because there is a real need for labor or because the labor demand cannot be satisfied domestically, but because this is a strategy that can lower, or slow the rise of, salary levels in U.S. regions that draw Mexican migrants. In other words, the conditions of power asymmetry between these two countries make undocumented migrants vulnerable in terms of their human and worker rights in the United States. This allows U.S. employers to pay salaries and impose labor conditions that are inferior to those that would be acceptable to local workers. This decreases the salaries of undocumented migrants, but it also produces a wider impact on salaries since it drives down the salaries for other jobs that are near the bottom of the wage scale. In summary, this hypothesis could be stated as follows: undocumented migration from Mexico to the United States is maintained because it depresses wage levels, thus, the greater the oversupply of migrant labor, the most marked is the decrease in wage levels in the region. If this hypothesis can be confirmed, it would explain why the United States does not use its might to close the border to undocumented migrants, and why it took the decision not to include labor migration in the negotiations of NAFTA.

The attempt has been in the previous sections to reach a sociological Verstehen, "adequate at the level of meaning" of the "cultural" dimension of undocumented immigration in the United States. We turn now to the other dimension that it was called "interactional" where some basic socioeconomic characteristics of the undocumented immigrants from Mexico will be presented in a route toward an "Erklarendes Verstehen" of this phenomenon, for which methodological approach the concept of "circulatory migration" becomes crucial.

Circular Migration between Mexico and the United States

It is well known that many of the workers involved in immigration flows into the United States return to their country of origin. In the case of migration from Mexico to the United States, which has persisted for over a hundred years, not only has there been a return flow but it has included the majority of migrants. These workers return to Mexico after a migratory "career" that involves alternating stays in the receiving areas in the United States and in their home communities in Mexico.

Such a migratory "career" can continue for several years, but it generally ends with an aging worker's definitive return to Mexico. Obviously this is not true in every case. A growing proportion of migrants is choosing to remain permanently in the United States. Perhaps the decision to remain in the United States or to return definitively to the home community is a function of the intensity of the interaction between the sending community and the receiving community, reflected in the number of family members that the first-time migrant has in the United States. That is, the fewer family members a migrant has in the United States, the more likely it is that he will return definitively to Mexico.

Data obtained from the Zapata Canyon project support these hypotheses. They reveal a process of circular migration from Mexico to the United States which is clearly related to the geographical proximity of these two countries. By circular migration it is understood here, the process by which an individual alternates stays in Mexico and the United States, for more than six months, between his or her family residence and job residence, until either age, success or failure, makes him or her to permanently establish his family residence at some point of his or her circulatory route, either in Mexico or in the United States.

The notion of circular migration holds methodological and theoretical implications. Methodological, because of at least two reasons, a) length of stays in the United States might be increasingly long, returns to Mexico become increasingly short and job residence becomes permanent as a result of family reunification. Then, new entries to the United States from Mexico might increase the volume of the migratory flow giving the observer the impression of an increase in immigration to the United States, when in fact he or she is observing an increase in the intensity of a circulatory movement, including Mexican citizens who might have moved on a permanent basis to the United States. On the other hand, b) when measured properly, circulatory migration might become an indicator of the intensity of the interactions between "structural conditions" and "factors" located at the two sides of the border, which are associated to the phenomenon of international migration between the two countries.

The notion of circular migration holds theoretical implications because the definition of a migrant should no longer depend on his or her position on the map but on his or her engagement in an international labor market. Traditional definitions of a migrant require his or her crossing of a geographical boundary for certain period of time. The notion of a circulatory migration should be operationalized from the theoretical assumption that a migrant is a person who is no longer a permanent resident of his or her home town because of a decision that implies joining an international labor market by responding to a perceived labor demand in another country. This means that a migrant is a migrant from the moment he or she has left home with the intention of looking for a job in another country.

For the purpose of estimating of the number of international migrants, the count should begin when they join the migratory circle, regardless of whether that person has crossed an international border or not. The migratory circle includes the geographical space between the last permanent residence and the place of migratory destination. The latter could be of various types—from an attempted destination to an actually reached one. The analyst's selection of the type of migratory destination might depend on the scope of the analysis. The important implication here is to include all persons who are in the international migratory circle in the enumeration of international migrants, whether or not they have left the country of origin or reached the country of destination.

There is need is for the concept of "circulatory migration" because to know the actual cost and benefit of international migration for the countries of origin and destination respectively one needs to know how many there are in the "migratory circle." The operationalization of this concept should allow a better understanding of the relationships between the costs and benefits of international migration for the two countries by taking into account where and how the costs are borne for the reproduction of the migrant labor force. In other words, in the theoretical context of international circular migration, one could say: a) that circularity exists between an economy of origin and an economy of destination which are brought into interaction through migration; b) if the migrant is understood as "human capital"[38] needing to be reproduced, the reproduction of this "capital" involves a cost to the economy of origin and a net benefit for the economy of destiny, where this human capital is generating wealth with its labor; therefore c) the economy of origin is subsidizing the economy of destiny where this subsidy is equal to the savings that the receiving economy realizes when it takes advantage of human capital for which it did not pay the costs of reproduction.

Both the methodological and the theoretical implications of the concept of circulatory migration should be analytically viewed from a Weberian perspective as an "ideal type"[39] of an international labor market. This is to say, a social and economic construct. The social sense, in its microdimensional level derives from the nature of a social relation between its most significant actors, namely the U.S. employer and the Mexican migrant. In its macrodimensional level it involves the social, political, economic and cultural relations between Mexico and the U.S. as nations.

The operationalization of the concept of "human capital" corresponds to the operationalization of the concept of "structural conditions" as one of the "factors" both, on the supply side, in terms of its production and, on the demand side, in terms of its use. It is hoped that this conceptual framework will suggest the means to measure the dimension of costs and benefits of international migration, something not attempted to date, perhaps because no adequate theoretical framework existed.

Migratory Flows

The circular nature of international migration between Mexico and the United States can best be measured when we are able to identify migratory flows in spatial, temporal and numerical terms. The fact that most undocumented migrants cross at some point along Mexico's northern border, where they can be interviewed, has enabled the Zapata Canyon Project to identify principal flows in terms of their origin and destination. The measurement of migration flows has been the surest means devised thus far for calculating variations in the volume of undocumented migration; this is the case because efforts to measure undocumented migrant stocks are hindered by the fact that the undocumented status of these individuals forces them into a covert existence in the United States. Measurements of migration flows are even more valuable when we can determine the socioeconomic characteristics of the migrants, even though this technique has not allowed us to determine the number of undocumented immigrants there are in the United States. The ongoing research of the Zapata Canyon Project has illustrated the importance of focusing on flows as the key element in the analysis of international migration between Mexico and the United States.

The following maps depict empirical findings of two independent research projects. One is the above mentioned Zapata Canyon Project. The other corresponds to the Survey on Migration in the Northern Border of Mexico which acronym in Spanish is EMIF.[40] In contrast to the Zapata Canyon Project, EMIF measures migratory flows from south to north and from north to south. Its methodology derives from the theoretical concept of "circulating migration." It is based on an adaptation of what biology statisticians call "sampling of mobile populations." This sampling technique is used for the estimate of numbers of migratory species. From whales to dolphins to salmon or migratory birds or blood cells. As it is the case with some migratory species, the circular nature of the migratory phenomenon between countries, in a theoretical frame, involves dimensions of time and space. The conceptualization of these dimensions allowed for the operationalization necessary for the design of the sample of continuous migratory flows. These were developed and administered by a team of scientists of El Colegio de la Frontera Norte, headed by the author, by means of the EMIF. The empirical definition of "space" through which "migratory circulation" occurs, is associated with the concept of "migratory routes." These are like rivers that flow with two-way currents, connecting places of origin with places of destination of a circulating migration.

In the case of the observation of migratory flows, after the route of these virtual rivers has been empirically established , we define the place of empirical observation for the smallest unit of sample space, as if resorting to the narrowest part of the river in order to better view what passes through the current. To this end, we find

the narrow sections of these "rivers" in bus stations, airports, railroad stations, and customs and immigration inspection places along the freeways.

All of these points are identified as corresponding to all the points of entry to Mexico, from or to the United States, which represent levels susceptible to conforming even more when "doors" or other units of space that are smaller, are systematically identified in airports or bus stations through which displacements occur through the "migratory rivers." Once that, say, a bus station is identified as the narrowest sampling unit, we complete a systematic count of all the persons who pass through this "door" in units of time. Periods of three months are the most amount of time used. During this time, we make a complete census of people who cross. This occurs with the end of taking sample units of the smallest amounts of time which are then selected at random in accordance with conventional sampling techniques for designs of multistage samples.

Maps 1 to 6 indicate with arrows the set of Mexican states which consist of the place of origin of migrants, both documented and undocumented, who were found to have the place of destination indicated with the arrow in the map. The arrow starts in the Mexican state with the largest number of migrants in terms of their state of origin. Data used for the maps compiles the whole region defined by the shadowed area in the map. Arrows point at the state of destination of the migratory flow in the United States.

The estimated number of migrants is based on conventional sampling procedures applied to the sample frame of the "mobile populations" following the same principles used by biology statisticians for their sampling technique mentioned above.

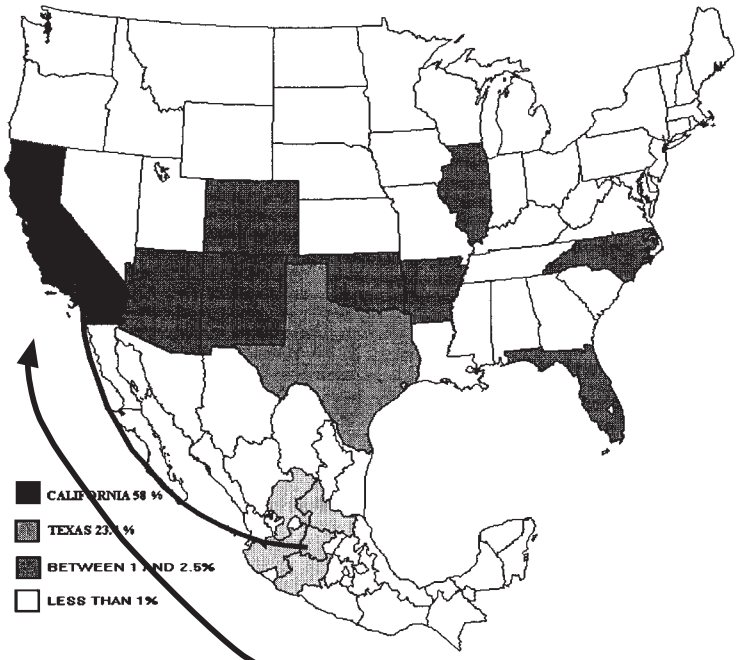
Maps 7 to 12, are based on the Zapata Canyon Project's data. The reference to the number of cases corresponds to actual individuals who were personally interviewed based on the questionnaire that has been administered three days per week, ever since September of 1987 to the present.

Maps 13 and 14 indicate flows of returned migration from the United States to Mexico. In accordance to the notion of "circulating migration," "returned migration" does not necessarily mean a return for good. Numbers of this flow indicated in the map correspond to individuals who, in the period during which the survey was conducted, were found to be returning to Mexico after being identified as migrants, coming from the United States. Data shown in the maps correspond to the first time ever that the actual flows of returned migration is estimated directly from a systematic random sample of actual migrants.

Map 1

This map shows the state of Guanajuato as the place of origin of the highest number of migrants, who were found to come from the region defined by the shadowed area, on their way to the U.S. southwest region, with the state of

California as the place of destination for the highest number of migrants coming from the shadowed area in the map. This area represents historically the place of origin of the oldest and largest source of out labor migration from Mexico to the United States. This was the targeted region for the first recruiting efforts by U.S. Congress-funded recruitment programs during the second decade of this century.



Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 209,009

Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS, from March of 1993 to March of 1994.

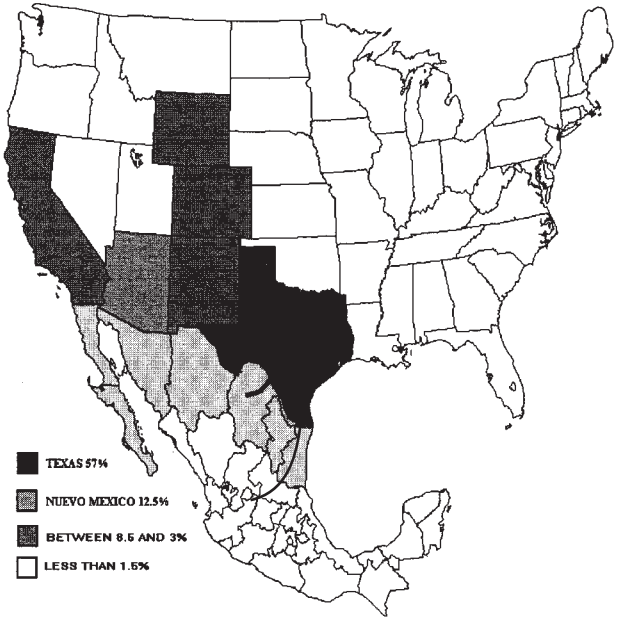
Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 209,009

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS, from March 1993 to March 1994.

Map 1. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Guanajuato, Michoacán, Jalisco, Zacatecas and San Luis Potosí

Map 2

This map shows the origin and destination of U.S.-Mexico border migrants. The arrow indicates the highest numbers corresponding to this short distance flow as it originates in the state of Coahuila and as it ends in the state of Texas. Data from this and other COLEF surveys indicate a northward tendency in the place of origin of the majority of migrants. This is to suggest that there seems to be a tendency to shorten the distance between place of origin and place of destination of the international migratory phenomenon under study.



TEXAS 57%
NEW MEXICO 12.5%
BETWEEN 8.5 AND 3%
LESS THAN 1.5%

Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 113,407
Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS, from March of 1993 to March of 1994.

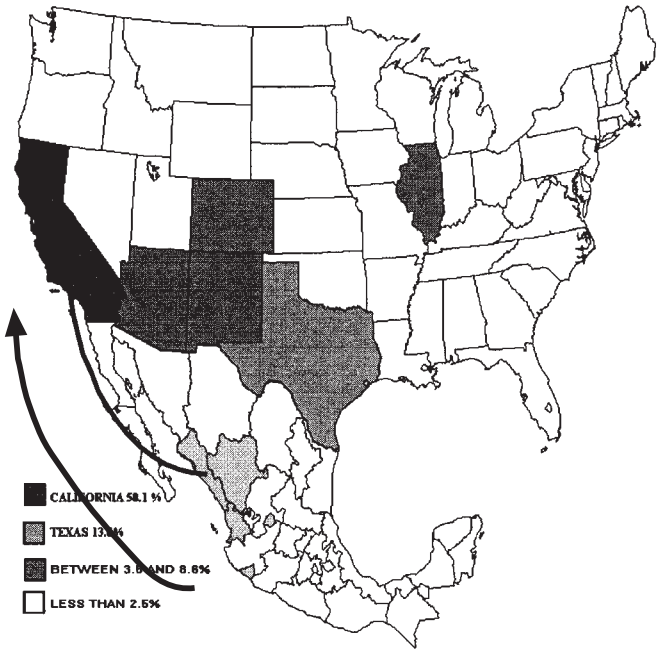
Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 113,407

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS, from March 1993 to March 1994.

Map 2. Destination in the United States of the Flow of Migrants Living in Mexico's Northern Border States

Map 3

In a descending order, this map depicts the flow from a Western region of Mexico in which the state of Sinaloa is the place of origin of the highest numbers of migrants going to the state of California from the shadowed area in the map.



Total estimated flow from Mexico to the United States = 455,695.
Estimated flow from shadowed area = 54,387.
Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS, from March of 1993 to March of 1994.

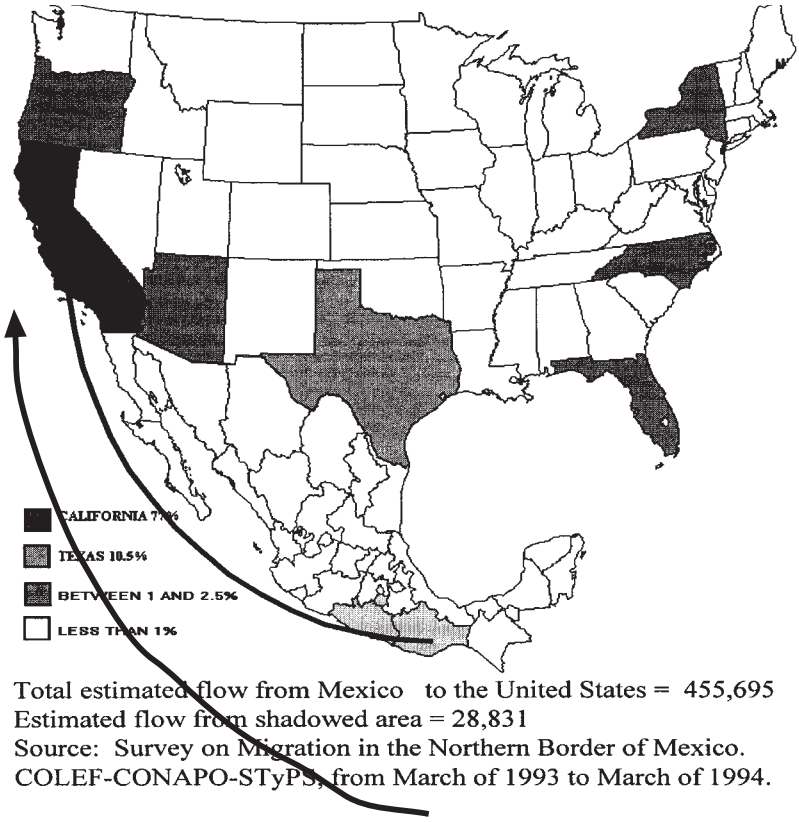
Total estimated flow from Mexico to the United States = 455,695.
Estimated flow from shadowed area = 54,387.

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS. From March 1993 to March 1994.

Map 3. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Sinaloa, Durango, Nayarit, Colima and Aguascalientes

Map 4

This map depicts the migration from the southern part of Mexico, with the state of Oaxaca as the place of the highest number of labor migrants from the region to the United States. The states of Oaxaca and Guerrero, shown in the shadowed area in the map, are the place of origin of migrants who are mostly Indians, some of them monolingual in their native language, and certainly the poorest



Total estimated flow from Mexico to the United States = 455,695

Estimated flow from shadowed area = 28,831

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS, from March 1993 to March 1994.

Map 4. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Oaxaca, Guerrero and Morelos

among the majority of the labor migrants going to the United States. The ethnic group in the majority of migrants coming from the states of Oaxaca and Guerrero are the Mixtecos. They are atypical migrants in more than one sense because they tend to fund their respective cost of migration in U.S. dollars. This is to suggest a factor of solidarity of migrants already in the United States whose savings are the main source of funding for the migration of others from the same ethnic group. The majority of the rest of migrants tend to finance their journey to the United States with Mexican pesos, meaning the migrant's own resources. As in the majority of Mexican migrant's place of destination, the state of California appears as a virtual mecca for Mexican migrant laborers. Both the Zapata Canyon and the EMIF projects show the state of origin of more than 50% of the Mexican migrants both documented and undocumented, with the metropolitan area of Los Angeles as the place of destination of 75% of the total found in the state of California.

Map 5

This map depicts the flow from Central Mexico with the Federal District (Mexico City) as the place of origin of the highest number of migrant workers going to the United States with the predominance indicated by the arrow and the shadowed area. Migrants from Mexico City, both documented and undocumented, are newcomers in the statistics of out migration from Mexico to the United States. They appeared within the 10 states with the largest numbers of international migrants, only 15 years ago. Today, they seem to compete for the first place as a place of origin of undocumented migration from Mexico. This is particularly the case of the flow that passes through the city of Tijuana.

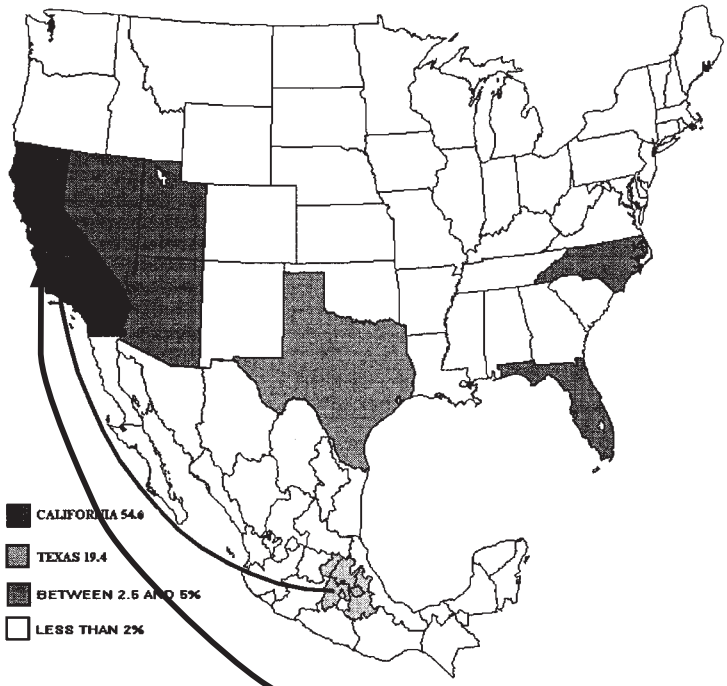
Map 6

This map shows the region of origin of the lowest proportion within the totals of migrant workers from Mexico to the United States, with the state of Veracruz as the place of origin of the highest numbers and the state of Chiapas with close to nil migration to the United States. As the arrow in this map suggests, these migrants tend to cross the border at the closest distance to the United States.

Maps 7 to 12

These maps represent accumulated figures corresponding to an eight-year period, as opposed to the EMIF's data, which correspond only to the twelve-month period between 1993 and 1994. These differences in the time span of these two sources of data are the main reason for the differences in the direction of the migratory flow depicted in the respective series of maps. Another important difference is the

sample base. Zapata Canyon Project's data correspond to actual number of cases with no statistical bases for a stochastic generalization of the universe of undocumented immigrants. In contrast, the maps based on EMIF's data, complies with all the assumptions required for the statistical estimates indicated in the respective maps.

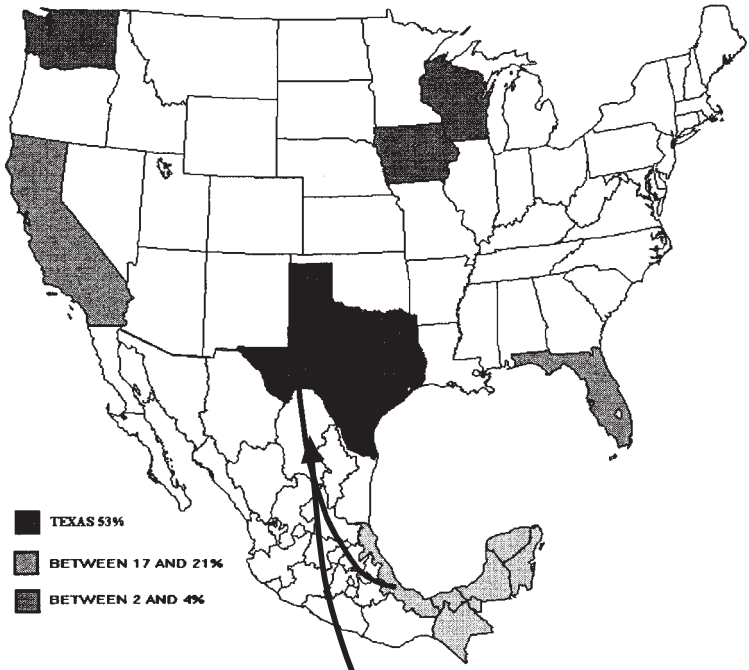


Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 39,891
Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS, from March of 1993 to March of 1994.

Total estimated flow from Mexico to the United States = 455,695
Estimated flow from shadowed area = 39,891

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS, from March 1993 to March 1994.

Map 5. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: D.F., México, Querétaro, Puebla, Hidalgo and Tlaxcala

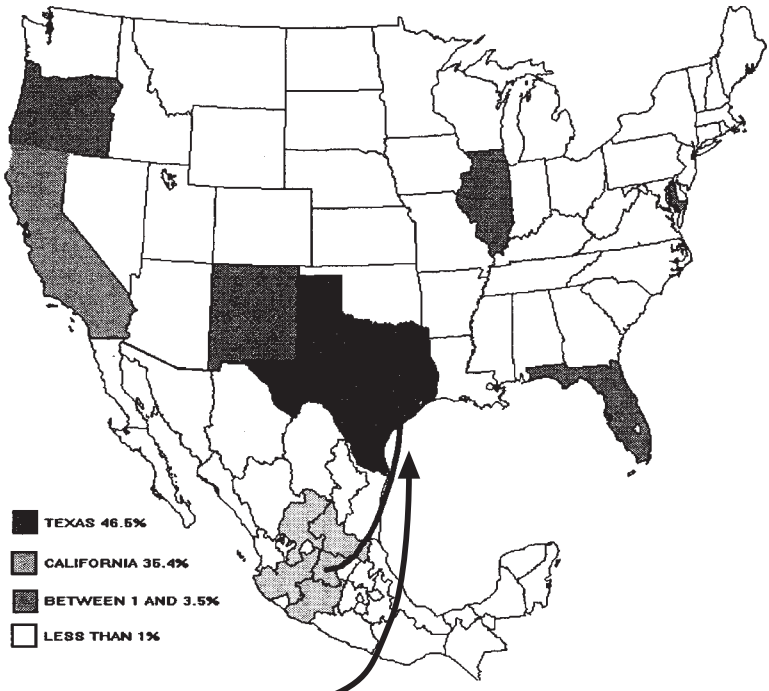


Total estimated flow from Mexico to the United States = 455,695

Estimated flow from shadowed area = 10,128

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS, from March 1993 to March 1994.

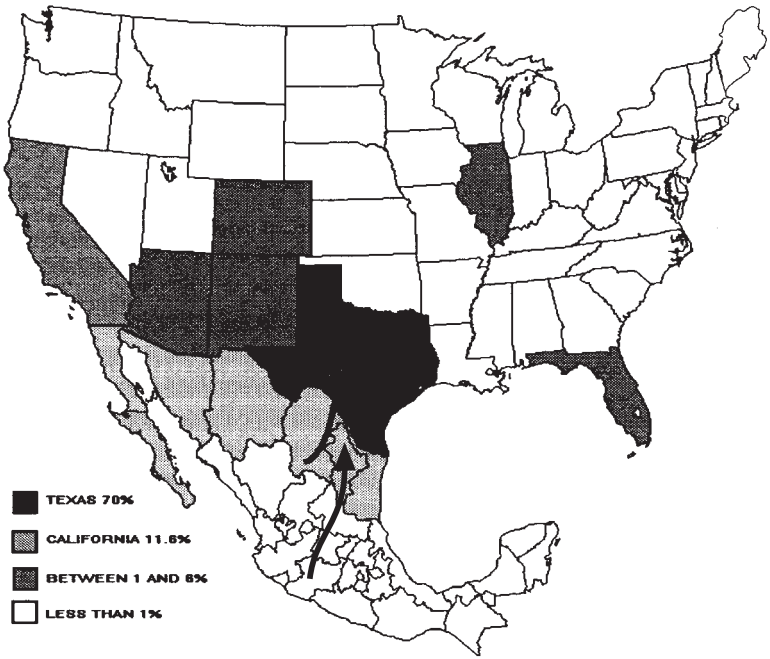
Map 6. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Veracruz, Tabasco, Chiapas, Campeche, Yucatán and Quintana Roo



Total number of cases = 107,313
Number of cases from shadowed area = 21,919

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 7. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Guanajuato, Michoacán, Jalisco, Zacatecas and San Luis Potosí

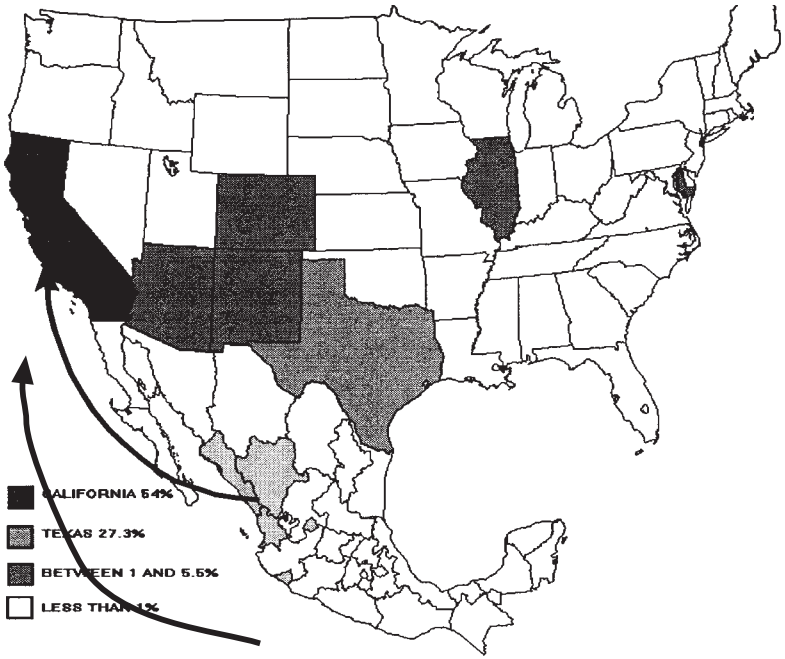


Total number of cases = 107,313

Number of cases from shadowed area = 13,122

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 8. Destination in the United States of the Flow of Migrants Living in Mexico's Northern Border States

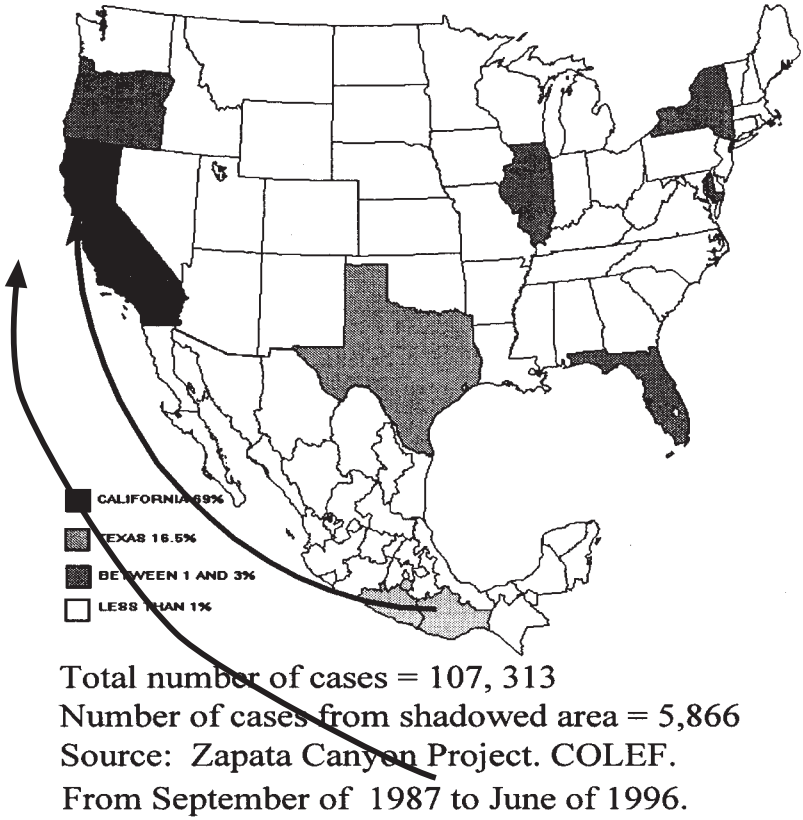


Total number of cases = 107, 313
Number of cases from shadowed area = 8,244
Source: Zapata Canyon Project. COLEF.
From September of 1987 to June of 1996.

Total number of cases = 107,313
Number of cases from shadowed area = 8,244

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 9. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Sinaloa, Durango, Nayarit, Colima and Aguascalientes

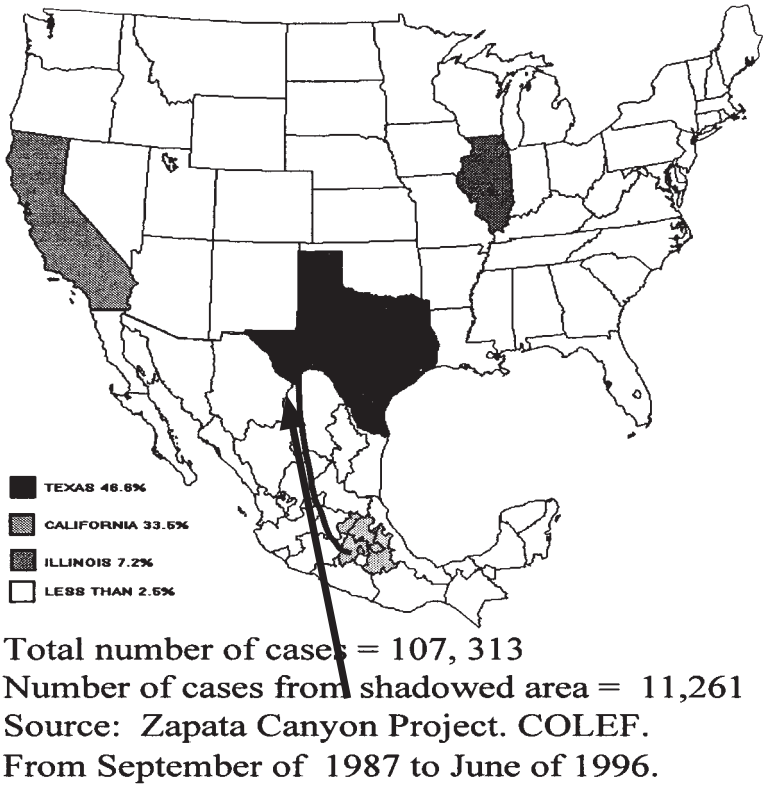


Total number of cases = 107,313

Number of cases from shadowed area = 5,866

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 10. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is in One of the Following States: Oaxaca, Guerrero and Morelos

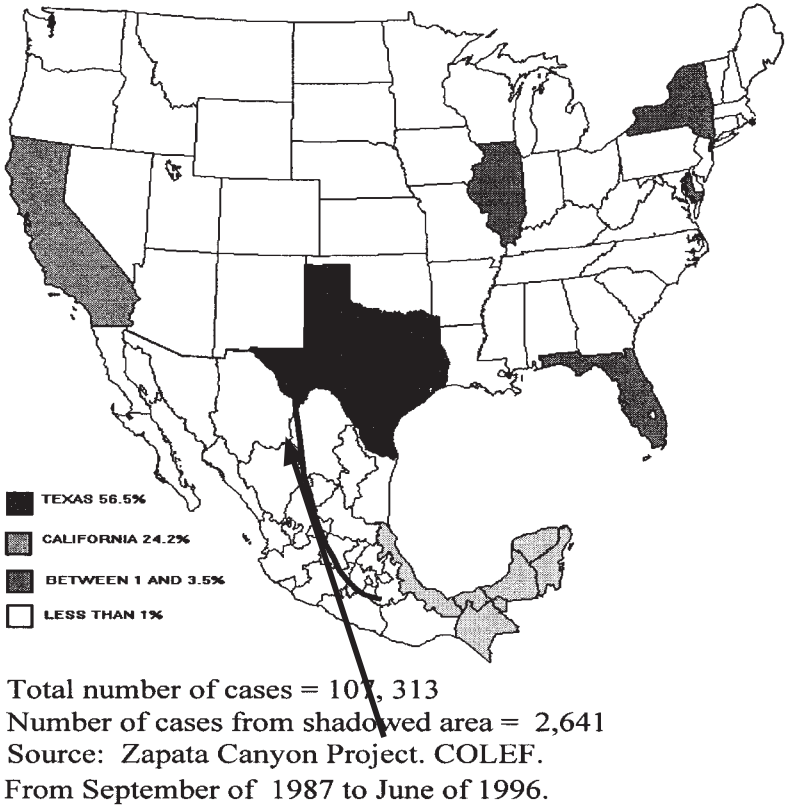


Total number of cases = 107,313

Number of cases from shadowed area = 11,261

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 11. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residenceis in One of the Following States: D.F., México, Querétaro, Puebla, Hidalgo and Tlaxcala



Total number of cases = 107,313

Number of cases from shadowed area = 2,641

Source: Zapata Canyon Project. COLEF. From September 1987 to June 1996.

Map 12. Destination in the United States of the Flow of Migrants Whose Stated Permanent Residence Is One of the Following States: Veracruz, Tabasco, Chiapas, Campeche, Yucatán and Quintana Roo

Maps 13 and 14

These maps show the volumes of the returned migration from the United States to Mexico which took place between 1993 and 1994. Map 13 shows the flow of return with the state of California as the place of origin and the states of Jalisco and Michoacán as the states of destination of the majority of migrants within this flow of return migration. When this map is compared to map 14, the importance

Total estimated flow from California to Mexico=38,758
Estimated flow from shadowed area = 15,501
Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS. From March 1993 to March 1994.

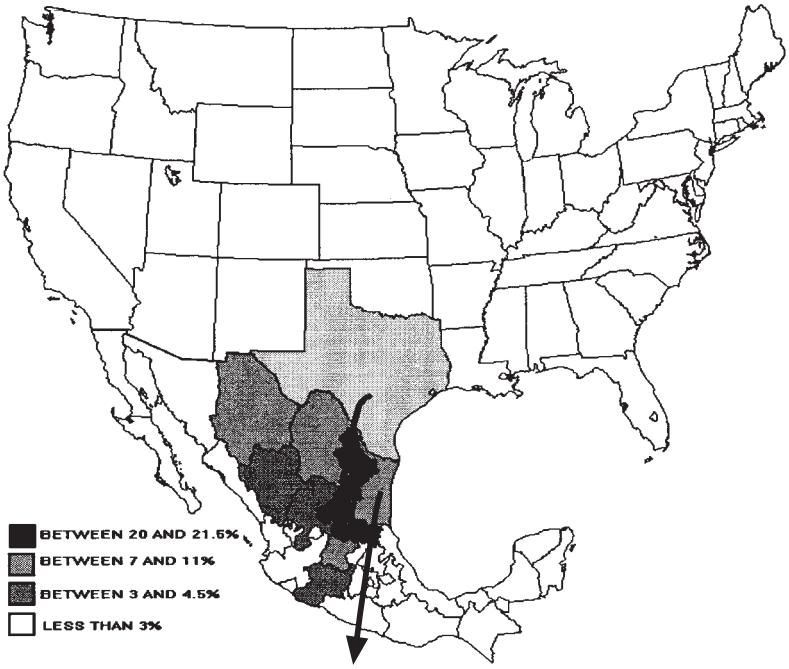
Total estimated flow from California to Mexico = 38,758
Estimated flow from shadowed area = 15,501

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS. from March 1993 to March 1994.

Map 13. Destination in Mexico of the Flow of Migrants from the State of California

of regional distinctions becomes more apparent in the empirical estimation of the migratory flows. Map 13 shows the western states of the two countries connected by migratory flows. Map 14 shows a similar connection between the state of Texas and the eastern and northern central regions of Mexico.

The circulant process of migration suggested in this paper does not mean that the migratory flows indicated in the maps presented here necessarily correspond to different individuals with different socioeconomic characteristics. Actually, one



Total estimated flow from Texas to Mexico = 38,758
Estimated flow from shadowed area = 13,603
Source: Survey on Migration in the Northern Border of Mexico.
COLEF-CONAPO-STyPS. From March 1993 to March 1994.

Total estimated flow from Texas to Mexico = 38,758
Estimated flow from shadowed area = 13,603

Source: Survey on Migration in the Northern Border of Mexico. COLEF-CONAPO-STyPS. From March 1993 to March 1994.

Map 14. Destination in Mexico of the Flow of Migrants from the State of Texas

individual could appear in different flows within a short period of time. The importance of the empirical notion of migratory flows has to do with differences in the conditions of U.S. labor demands in interaction with conditions of Mexican labor supply. We have found that it is the changing conditions of the international labor market studied here where the notion of migratory flows make a difference. This is to suggest that joining the migratory flow to California might represent a different outcome than joining the migratory flow to Texas for a Mexican migrant worker either documented or undocumented.

International Migration as a Process of Interaction Recent Findings From The Zapata Canyon Project[41]

Some interesting data sources have been drawn regarding basic socioeconomic characteristics of undocumented immigrants from Mexico over the last 6 years. In regard to gender, there is a relative stability in the proportion of women. It should be noted however, that there are significant variations when data is broken down by state of origin. Then, migrants from the metropolitan area of Mexico City show the highest proportion of women (24%) whereas in states more rural in the origin of migrants such as Guerrero that proportion drops to less than 10 percent. An important methodological finding could be stated. The more urban in origin, male and female migrants' data should be analyzed separately in order to account for significant differences by gender in migratory behavior.

In regard to age, data from the Zapata Canyon Project suggest there is a tendency toward a higher concentration in the most productive age cohorts (between 20 and 30). This could indicate an increasing competition in the labor market in the United States and/or a shorter "migratory career," meaning the time through which an individual keeps himself or herself in the circulatory process of migration between the two countries.

In regard to education (years of school attended), it is interesting to note a decrease in the percentages of the least educated, which suggests an increase in the "human capital" value of the undocumented immigrants.

One of the most important findings of the Zapata Canyon Project is the relatively rapid increase of the urban origin of undocumented immigrants from Mexico (13% in less than 6 years). A hypothesis could be drawn from this finding in the sense that there is a higher cost for the economies of origin of these migrants associated to an outmigration of a labor force that appears to be of an increasingly higher "human capital" value.

Data resulting from the question, "Have you ever had a job in the United States?" provide some empirical foundation to the notion of a "circulatory migration" put forward here. The increasing pattern of the affirmative responses

suggest an increasingly intensive circulatory movement of these migrants between the two countries.

Data from the Zapata Canyon Project show some patterns of destination choice among undocumented immigrants from Mexico. They confirm previous findings about the increasing preference for California in general and Los Angeles in particular, among undocumented immigrants from Mexico. The high degree of concentrated migrant flow through the city of Tijuana is congruent with the preference for California. Almost two-thirds of the total number of Mexican undocumented immigrants in route to the whole United States is heading toward California. This pattern of concentration seems to be enhanced by the relative decline in the preference for other regions of the United States or Canada in addition to the decline in the percentages of migrants who responded not to know where they were heading at the time when they were interviewed.

Finally, data from the Zapata Canyon Project yield empirical support for contentions made above about of the persistence of a United States labor demand for Mexican undocumented immigrants. There is an increase in the reported previous job experience in the United States of individuals getting ready to enter the United States again, except in farm working where a clear decline seems to be taking place. This seems to be congruent with the patterns of increase in education levels among undocumented immigrants.

Toward a Pragmatic Approach to Manage Labor Migration from Mexico

In a manner of a symbolic synthesis of the two parts discussed above, an idea for the initiation of a bilateral process of rationalization of the labor migration phenomenon between the two countries is advanced here.

In early 1992 there was an important meeting in Washington, D.C., at which representatives of the Mexican and U.S. federal governments discussed the problems of violence on their common border. On the eve of that meeting, a high-level functionary in the U.S. federal government, who asked not to be identified, told me, “there are no official proposals from the Mexican side on what to do about undocumented immigration; they only have proposals to talk about the problem, but not about how to resolve it.” Meanwhile, of course, it is painfully clear that the U.S. government does have proposals. These proposals all share a common characteristic: all adopt the law enforcement focus that the U.S. government consistently places on undocumented migration. The U.S. government never wavers from defining this phenomenon as a crime problem requiring police-type solutions. The persistence of this view of migration from Mexico has led the U.S. government to categorically reject on principal the idea of considering labor migration within

the negotiations of NAFTA. The U.S. government will only agree to deal bilaterally with the problem of undocumented migration if it is in relation to law enforcement policies. Its refusal to view the issue as a labor issue has been inflexible. However, this inflexibility has not been expressed openly and hence it has not appeared in the mass media. In my view, it is a political miscalculation on the part of the Mexican government to allow the U.S. government to acknowledge its inflexibility only within internal diplomatic circles. I had the opportunity to attend an ANUIES-PROFMEX conference in Mazatlán in 1990, to hear the opening of the free trade negotiations.

A high-level functionary from the office of Ambassador Carla Hills presented the United States' official position on refusing to include the migration issue as part of the negotiations of this accord. The rationale put forward since that time is that labor migration would only be included in the negotiation of a "common market," not of a "free trade agreement." This rationale masks the fact that the United States prefers to continue addressing the migration issue unilaterally as a crime issue, since undocumented migration provides an inexhaustible source of cheap labor that the United States can regulate and has regulated according to its economic needs. It also has an additional advantage: these migrants serve politically as scapegoats every time the U.S. government wants to hide from the U.S. public the true causes of some hardship such as high rates of unemployment, drug trafficking, or social unrest such as the recent disturbances in Los Angeles. To address the migration issue as a labor phenomenon would mean bringing it to the bilateral negotiating table, and that, in turn, would increase the costs of this labor force that is kept cheap by virtue of the fact that it is kept undocumented, and hence criminal. The United States' refusal to focus on undocumented migration as a labor issue saves the U.S. economy several billions of dollars every year. This is the chief reason for the current U.S. position, and it is what lies behind U.S. inflexibility on dealing with the migration issue as anything other than a law enforcement issue.

This inflexibility is nothing other than a flagrant expression of the power asymmetry characterizing the U.S.-Mexico relationship across all dimensions, from the macro to the micro. In this light, the United States is unjustified in saying that "there are no official proposals from the Mexican side." This is asking to blame the victim.

This situation suggests that the Mexican government should formulate a proposal detailing what has been voiced by a series of Mexican presidents, government ministers, and high-ranking members of Congress: a) that Mexico wants to export products, not people; b) that undocumented migration is a labor issue and a human rights issue; c) that these issues should be negotiated bilaterally in depth and over the long term. This has been the position of the Mexican government during the

last four administrations, ever since President Echeverría decided over 20 years ago not to seek renewal of the Bracero Program agreements which had lapsed in 1965. The U.S. government has never officially accepted points b) and c) since the U.S. view does not accept that migration is a trans-border issue demanding "international cooperation." It continues to hold that migration is a domestic national security issue or a law enforcement issue. In order to correct this lack of a precise definition of Mexico's national interests in the issue of undocumented workers, I propose a strategy that includes the following steps:

Step A is agreement by the two national governments to form a Bilateral Commission with three objectives:

A1) to produce a bilateral report that defines and describes legal and undocumented migration, both of Mexican citizens to the United States and U.S. citizens to Mexico;

A2) to discuss and defend this report before representatives of the respective legislatures and before representatives of the major media networks, of key associations from the private sector, and of organized labor from each country;

A3) to act as consultants to the official negotiators of a Migration Treaty between the two countries, with commission members filling this role in their respective countries.

Negotiating such a treaty would be step B, which could only be attempted once the set of objectives outlined above—A1, A2, and A3—had been accomplished.

The irrationality that permeates the mythology of Mexico-U.S. migration leads us to assume that a necessary precondition for reaching agreement on a Labor Migration Treaty would be to de-mythify undocumented immigration. This could be accomplished through a scientific analysis that would be produced and supported bilaterally, making it acceptable and credible on both sides of the border. Under current conditions, it is impossible to reach any agreement that would be acceptable to the respective political institutions and civil societies of Mexico and the United States. It is imperative that these conditions change. This would be the primary objective of the proposed Bilateral Commission. This commission would be made up of one member from each country's respective government sector, and two members each per country from the business sector, organized labor, and academic institutions. It would have a budget with which to finance independent studies on the condition that they be bilaterally directed. Its secretariat or permanent staff would include members from both countries; these individuals would be charged with implementing the decisions of the commission. Once the research efforts had produced their results and the negotiations of the Migration Treaty had begun,

commission members would act as consultants to their respective country's team of negotiators, except in the case of government representatives on the commission, who could serve as members of their country's negotiating team. The complexity of the issue of migration between these two countries is so great that we should not expected its negotiation to be any less intricate than the negotiation of NAFTA. What the United States has to gain from a Labor Migration Agreement is not of a different nature than what is expected to be gained with NAFTA; namely, a neighboring country economically capable to buy more U.S.A.- made products and politically stable to institutionalize similar rules of the game than those of the neighbors to the north, joining strategies on a regional basis in order to compete successfully with the European Community and the Asian countries.

Notes

1. This is the Zapata Canyon Project which basically consists of a survey technique where personal interviews are systematically conducted at the main crossings sites of the Mexican-U.S. border in the cities of Tijuana, Mexicali, Ciudad Juarez, Nuevo Laredo and Matamoros, to a randomly selected sample of individuals on the Fridays, Saturdays and Sundays of every week, ever since September of 1987 to the present. This project has produced the only time series data base on the flows of undocumented migration from Mexico, other than the statistics on apprehensions produced by the U.S. Immigration and Naturalization Service. Previous findings from this project have been reported, among others, in the following publications by the author of this paper: "Undocumented Immigration: Research Findings and Policy Options," in R. Roett, *Mexico and the United States: Managing the Relation*, Boulder, Co.: Westview Press. 1988; "Measuring the Flow of Undocumented Immigrants," in W. Cornelius and J. A. Bustamante eds., *Mexican Migration to the United States: Origins, Consequences and Policy Options*, San Diego-La Jolla, CA: Center for U.S.-Mexico Studies-University of California. 1989; "Undocumented Migration to the United States: Preliminary Findings of the Zapata Canyon Project," in: F. Bean et al. eds., *Undocumented Migration to the United States*, Washington, D.C.: The Rand Corporation and the Urban Institute Press. 1990.

2. Max Weber, *Grundriss der Sozialokonomic*; III Abteilung, *Wirtschaft und Gesellschaft*, Tubingen: Verlag von J. C. B. Mohr (Paul Siebeck). 1925. In the first section entitled "Methodische Grundlagen" (Basic Methodological Premises), section 5, pp. 3-4, Weber makes a dual distinction between two kinds of "understandings," after his famous dictum that "Verstehen" is what sociology is all about. This dual distinction is between a)"aktuelle Verstehen," which refers to the understanding of culturally meaningful behavior directly observable and, b)"erklarendes Verstehen," which refers to the understanding that is reached for explanatory purposes, through the cultural interpretation of social actions. This dichotomy inspired the basic distinction made in this paper where the "cultural dimension" corresponds to an attempt toward b and the interactional dimension corresponds to an attempt toward a.

3. J. A. Bustamante, "Structural and Ideological Conditions of the Undocumented Immigration to the United states." *American Behavioral Scientist*, Vol. 19, No. 3. New York, N.Y.: 1976; "Commodity Migrants: Structural Analysis of Mexican Immigration," in : S. R.

Ross ed., *Views Across the Border: The United States and Mexico*. Albuquerque, N.M.: University of New Mexico Press. 1978; "Mexican Migration; Political Dynamics of Perceptions" in: C. Reynolds and C. Tello eds. Stanford, Ca.: University of Stanford Press. 1983; "Interdependence, Undocumented Migration and National Security" in: Jorge A. Bustamante et al. eds. *Labor Market Interdependence*. Stanford, Ca.: University of Stanford Press. 1992.

4. Documentation in support of this assertion appears in, J. A. Bustamante, "El debate sobre la 'invasion silenciosa'," *Foro Internacional*, Vol. 17, No. 3, El Colegio de México. México, D.F. 1977. pp. 403-417.

5. See note 2.

6. See note 2

7. Such as an individual who is actually crossing the U.S.-Mexico border at a place where there is no inspection by the U.S. authorities. Individual whose behavior can be empirically accounted for in terms of socioeconomic characteristics and statistical categories.

8. Here, the specific reference corresponds to Weber's discussion of this concept in sections 6, 7 and 8 of the first chapter of *Wirtschaft und Gesellschaft*.

9. It is argued here that one of the most serious distortions of Max Weber epistemological approach to the study of social relations comes from Talcott Parsons' translation of "Sinnhaft adaquat" and "Gemeinter Sinn" as "subjectively adequate" and "subjective meaning" respectively. There are few concepts as crucial for the understanding of Weber's sociological theory as the concept of "Sinn" (meaning). My reading of the original writings leads me to interpret this concept as "a cultural sense that is commonly attached to a behavior or a symbol which meaning is intersubjectively shared by the members of a community." That is an interpretation of "Sinn" as a social construct, distinctively independent in origin from the subjective individuality. Parsons' rendition of "Sinn" results closer to his own epistemological approach to the social action which is anchored in the subjective individuality of attitudes. Weber's explicit preoccupation for a legitimate identity of sociology as a field of knowledge, places the datum of "Sinn" in the social nature of the community, whereas Parsons places the datum of "subjective meaning" in the psychological nature of the individual.

10. The second paragraph of section 7 of the first chapter of *Wirtschaft und Gesellschaft*, leaves no doubt of Weber's emphasis on the *overt* behavior as a datum required for the "Kausal adequat" level of scientific understanding of social actions, which is to be understood in contrast to the *cultural* nature of the datum required for the "Sinnhaft adequate" level.

11. This methodological distinction does not mean that cultural elements cannot be counted or that they are not susceptible of statistical analysis. The difference is one of epistemological nature. It has to do more with a still weak scientific development of social sciences where no analytical instruments have been developed yet to grasp and render directly measurable some intersubjective elements of culture, than with a positivistic distinction between "hard" and "soft" data.

12. Wolfang J. Mommsen, *Max Weber und die deutsche Politik 1890-1920*, pp. 23-54, quoted by Dirk Käsler in *Max Weber: An Introduction to His Life and Work* (Chicago: University of Chicago Press, 1988). In this quote Mommsen refers to the detailed studies that Weber made of agriculture in the region of the Elbe River, in which he analyzed in over 12 publications appearing between 1892 and 1894 (still untranslated from the German) the conditions of the agricultural workers, including Polish migrant workers. Many of Weber's ideas that are particularly relevant to labor sociologists appear in this series of

works, commissioned by the Verein fur Sozialpolitik in 1890 to be conducted by Weber, along with Thiel, Conrad, and Sering. My understanding of this part of social and economic theory where Weber most thoroughly develops his sociological notion of a labor market came from a reading of the book by Dirk Käsler, cited above, and Wolfang J. Mommsen's later work, *The Political and Social Theory of Max Weber* (Chicago: University of Chicago Press, 1989).

13. For a thorough analysis of the treatment that Weber gives to the topic of power asymmetry in certain labor relations, see chapter 3, on agricultural workers, in Dirk Käsler's book on Weber, cited in the previous footnote.

14. See note 8. The understanding of this concept was not enhanced by the translation into Spanish done in Mexico by a team headed by José Medina Echavarría at El Colegio de México, first published in 1944, which rendered "Gemeinter Sinn" as "sentido mentado." In a work by the author entitled "The Parsonization of Weber in American Sociology," presented at the annual congress of the American Sociological Association held in Washington, D.C., in 1970, I propose that this concept should be understood as "the cultural sense that a community attach to a behavior or a symbol" which is used or expressed in the interactional process of constructing a social relationship. Only thus is the concept compatible with the epistemological principle on which Weber based his insistence in differentiating psychology from sociology; that is, "Gemeinter Sinn" is not located in, nor does it stem from, the individual psyche but rather from the social surroundings where we find the social constructions that shape the culture of a community.

15. This concept should be understood as used in "labeling theory." See: Bustamante Jorge A., "The Wetback as Deviant, An Application of Labeling Theory," *American Journal of Sociology*, Vol. 7, No.4. University of Chicago. Chicago, Ill.: U. of Chicago Press. 1972. Pp. 706-718.

16. Both the intensity and the extension of the labeling in the way used here, becomes exacerbated in periods of economic recession in the United States when "illegal aliens" become the scape goats of the calamities that afflict American communities, such as unemployment tax burdens, government budget deficit, health problems (from AID's to TV), air pollution in the city of Los Angeles etc., as it has been documented in: Bustamante, J. A. "The Mexicans are Coming: From Ideology to Labor Relations," International Migration Review Vol. XVII, No.2 (summer) 1992.

17. This contradiction appears documented in, Bustamante J. A., "The Mexicans are Coming: From Ideology to Labor Relations," cited in footnote 12. A more current evidence of this contradiction can be found in the contrast between the verses distributed in May of 1993 by Mr. William J. Knight, Assemblyman representing the 36th California district and former mayor of the City of Palmdale, and the table that appear in the following page, showing the persistence of undocumented immigrant labor demands in the last 6 years in spite of the economic recession in the United States.

18. U.S. Congress, Hearings before the Committee on Immigration and Naturalization, 1926. Washington, D.C.: U.S. Government Printing Office. 1926. Pp. 20-24

19. U.S. Senate. Subcommittee of the Senate Committee on the Judiciary, S.1917. Appropriations Hearings. 1953. P. 123 (Senator McCarran).

20. Manuel Gamio, Mexican Immigration to the United States. New York: Dover Publications, 1971.

21. Lyle Saunders and Olen F. Leonard, *The Wetback in the Lower Rio Grande Valley of Texas*. Inter-American Occasional Papers, No. 7 Austin: University of Texas Press, 1951, pp. 16-17.

22. Ibid., p . 18.

23. Here are the final paragraphs of Galarza's book, which support the first hypothesis presented in this paper:

"The picture of the ideal worker drawn by the managers of migration for trade-unionists to contemplate, was that of the man of the barracks, the main in a camp who spent all of his time under supervision if not under surveillance. Occasionally some of these total communities were surrounded by barbed wire, though this was in any event only symbolic. Though invisible, a more effective barrier surrounded them—the social distance created by differences in language, customs and unfamiliar patterns of character and behavior. Outside the barracks the limits of freedom were prescribed, and they were also the limits of the job. Liberty had found its economic determinant.

"No doubt efficiency lay in this direction and not in that of the man of the family; of the spontaneous relationships of the free life after work; of the street corner, back yard and meeting hall talk to discover interests commonly held and perhaps to devise ways in common to protect them, to discover the vital connections between work and citizenship."

The image of the perfect farm laborer that was thus in the making under administered migration was not, unfortunately, one that could be seen only at home. Each time that California's industrial farmers drew heavily on some alien reservoir of cheap labor they called it to the attention of foreign lands.

"It could hardly be avoided. Commercial agriculture, bidding in a world stirred by agrarian revolt, invited inspection. What it had to show, behind its dazzling efficiency, was the managed, not the autonomous, man.

"The trumpet calls of the New Frontier were still echoing when Senator Harrison A. Williams, Jr., chairman of the Senate subcommittee on migratory labor, posed the question: "If a man in an underdeveloped country can point to our migratory farm workers and ask why we have not set our house in order, what answer shall we give him?"

"The answer seemed to come in the words of four patricians of industrial agriculture testifying at a congressional hearing, the Messis. William H. Tolbert, Bruce Sanbom, Jr., George Lyons and Leland J. Yost: 'The same thing was true even in the Roman Empire. When they reached a stage of civilization they had to reach out to other areas where there was a lesser standard of living to bring in those people to do the menial tasks.'

24. Jorge A. Bustamante, "Mexican inmigration to the United States; the Social Relations of Capitalism," Ph.D. dissertation. Department of Sociology and Anthropology, University of Notre Dame. January 10, 1975.

25. I refer to the following works where I developed ana analytical distinction between the economic or "structural" dimension and the ideological or political dimension of undocumented immigration from Mexico to the United States: J. A. Bustamante, "Commodity migrants: Structural Analysis of Mexican Immigration," in: *Views Across the Border: The United States and Mexico,* Stanley Ross (ed.). University of New Mexico Press. 1978. Pp. 183-203; J. A. B. "Condiciones estructurales e ideológicas de la emigración mexicana indocumentada a los Estados Unidos," in: *El Economista Mexicano,* Vol. 12, No. 2, March-April, 1979. Pp. 24-38; J. A. B. "La migración indocumentada México-Estados Unidos:

Relación entre dinámica política y estructuras económicas," in: *Primer encuentro sobre impactos regionales de las relaciones económicas México-Estados Unidos*, vol. 3, Eliseo Mendoza Berrueto (ed.) 1992. Pp. 241-310; J. A. B. "Mexican Migration: Political Dynamics of Perceptions" in: *United States-Mexico Relations: Economic and Social Aspects*, C. Reynolds and C. Tello (eds.) Stanford University Press. 1983. Pp. 259-276; J. A. B. "La migración de los indocumentados," in: *El Cotidiano*, (special issue 1) 1987. Pp. 13-29; J. A. B. "La política de inmigración de Estados Unidos; Un análisis de sus contradicciones," in: *Migracion en el Occidente de México*, El Colegio de Michoacán. 1988. Pp. 19-40.

26. We learn of these conditions through the criticisms and denunciations that writers from the Liberal Party were able to publish in opposition newspapers during the era of Porfirio Díaz. The following paragraph is an eloquent example. It is drawn from one of these publications, "El Colmillo Ilustrado," and was published on March 8, 1905.

"On previous occasions we have referred to the mistreatment suffered by Mexicans who migrate to the United States. The representatives of our government in that country are not in the least concerned about this suffering which is so evident among our fellow countrymen who are in that Republic. Because of their lack of interest, we find that many of our compatriots are wandering, unable to find work, half naked, and dying of hunger. The government of Mexico is to blame when Mexicans abroad are made victims of mistreatment and abuse. This blame accrues because of their lack of vigor in defending these people's rights. Our government must insist that the fundamental rights of our citizens in the United States be respected. The dignity of our nation demands it" (p. 30).

27. See J. A. Bustamante, "El debate sobre la `invasión silenciosa'. *Foro Internacional*, vol. 17, no. 3 (El Colegio de México), 1977. Pp. 403-417.

28. The two best works on the expulsions of Mexicans during the years of the Great Depression are by Mercedes Carreras de Velazco, *Los Mexicanos que devolvió la crisis 1929-1932* (Dirección General de Archivo, México, D.F.: Secretaría de Relaciones Exteriores), and, by Abraham Hoffman, *Unwanted Mexican-Americans in the Great Depression: Repatriation Pressures, 1929-1939* (Tucson: University of Arizona Press, 1974).

29. See Juan Ramón García, *Operation Wetback: The Mass Deportation of Mexican Undocumented Workers in 1954* (Westport: Greenwood Press, 1980); and, Julián Samora, *Los mojados: The Wetback Story* (Notre Dame, Ind.: University of Notre Dame Press, 1971).

30. Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin: University of Texas Press, 1971).

31. Op. cit.

32. Erasmo Gamboa, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1943-1947* (Austin: University of Texas Press, 1990).

33. Op. cit.

34. David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin: University of Texas Press, 1990).

35. María Herrera Sobek, *The Bracero Experience: Elitelore versus Folklore* (Berkeley: University of California Press, 1979).

36. If we had to rely on the research of a single author to prove our first hypothesis, the research conducted by this conscientious scholar from the 1920s through the 1980s would suffice. See Paul S. Taylor, *Labor on the Land: Collected Writings, 1930-1970* (New York: Arno Press, 1981).

37. Op. cit.

38. This concept is used as understood by G. S. Becker in *Human Capital; a Theoretical and Empirical Analysis*. New York, N.Y.: National Bureau of Economic Research. 1975.

39. At least three sources should be consulted for a basic understanding of what Weber meant by an "ideal type": M. Weber, an "ideal type": *Economy and Society*, (edited by Guenther Roth and Claus Wittich) New York, N.Y.: 1968. Pp. 20-22; M. Weber, "The Meaning of Discipline," in: *From Max Weber* (H. H. Gerth and C. Wright Mills (eds.) New York, N.Y.: Oxford University Press. 1958. P. 42 and; M. Weber, "Objectivity in Social Science and Social Policy" in: *The Methodology of Social Sciences*, E. A. Shils and H. A. Finch (eds.). New York, N.Y.: Free Press. 1949. P. 104.

40. This research project was originally submitted to a competition for research projects to be funded by the World Bank and under the conditions of competition established by the World Bank, organized by Mexico's Secretary of Labor and the National Council of Population. The maps are drawn from data corresponding to the first year of this survey 1993-94.

41. For a description of this project see note 1.

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Migration between Mexico and the United States

Migration between Mexico and the United States

Binational Study

Volume 3
Research Reports and Background Materials

Mexico-United States Binational Migration Study

Mexican Ministry of Foreign Affairs
Mexico City

U.S. Commission on Immigration Reform
Washington, D.C.

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FACTORS THAT INFLUENCE MIGRATION

U.S.-Mexican Migration

Philip Martin

Mexico hosts a significant foreign population—some 440,000 foreigners were registered with the National Migration Institute as permanent residents of Mexico in 1995, including 150,000 U.S. citizens.[1]

There is a significant migration between the U.S. and Mexico. Most U.S.-Mexican migration involves Mexican citizens who are returning after seasonal employment in the U.S. In addition, it is believed that many legal Mexican immigrants return to settle in Mexico—return migration may be equivalent to 20 to 30 percent of annual Mexican immigration. Finally, some U.S. citizens—many of Mexican origin—move to Mexico each year, especially after they retire from their U.S. jobs. There were reportedly 150,000 U.S. citizens registered with Mexico's National Migration Institute as permanent residents of Mexico in 1995.

There are also temporary foreign workers in Mexico grouped, as in the U.S., at the extremes of the job ladder. According to press accounts, Mexico issues about 125,000 work permits to foreign workers each year, mostly seasonal permits for Guatemalan farm workers, and there are reportedly "thousands" more unauthorized foreign workers in Mexico (Migration News, January, 1995), including many unskilled Central Americans employed at the bottom of the Mexican labor market picking coffee beans, doing unskilled construction work, or employed in Mexican households as maids and gardeners.

Many of the factors that sustain Mexico-U.S. migration also sustain Central American-Mexican migration, viz, Mexican labor markets that have become dependent on Guatemalan and other foreign workers, workers pushed across the border by significant wage and unemployment gaps, and networks of friends, relatives, and labor contractors who can bridge the border. Early in 1996, it was reported that Mexico was apprehending an average 300 Central Americans and Asians per day, double the number in 1995 (Migration News, January 1996).

There were in 1994 reportedly thousands of professional foreign workers in Mexico, including both legal and illegal "dryback" Americans. Unlike most other Western Hemisphere visitors, who get 30 day tourist visas, Mexico issued 2 million Americans 6 month tourist visas in 1993.[2] Americans who live in Mexico can then simply cross into the United States every 6 months, and get a new tourist visa on their return to Mexico.[3]

The U.S. Department of State estimated that, as of May 1, 1993, some 2.6 million U.S. citizens lived abroad, including 522,000 in Mexico, 335,000 in Canada, 215,000 in the United Kingdom, 160,000 in Germany, 131,000 in the Philippines, 125,000 in Israel, and 103,000 in Italy (Bratsberg and Terrell, 1996, 791).

Notes

1. In the 1990 Mexican Census, some 300,000 residents of Mexico were reportedly born in another country, and 600,000 did not specify a country of birth.

2. In 1994, an estimated 17 million U.S. residents visited Mexico, and they accounted for about three-fourths of Mexico's $7.5 billion tourism revenues.

3. Some U.S. residents of Mexico report that it is easier to live and work "illegally" in Mexico by manipulating tourist visas than it is to obtain the proper residence visa. Americans doing business in Mexico are granted 30-day business visas, and they must prove that they are affiliated with an established U.S. or Mexican company, and that they are not displacing equally-qualified Mexicans, to obtain a longer business visa. American retirees who want to register as Mexican residents must have an income of at least $2,000 a month.

FACTORS THAT INFLUENCE MIGRATION

Mexican Immigrant Workers and U.S. Food Expenditures

Philip Martin

U.S. Food Expenditures

There were about 100 million "consumer units" in the U.S. in 1993, and they spent an average $30,700, up from $29,800 in 1992. The U.S. population in 1993 was 258 million, so the average consumer unit contained about 2.6 persons.

The five largest expenditure items in 1993 were housing, $9600, transportation, $5500, food, $4400, personal taxes, $3000, and personal insurance and pensions, $2900.[1]

Food expenditures included $2700 for food eaten at home, 9 percent of total expenditures, or about $52 per week. The major items consumed at home were meat and poultry, on which spending averaged $735, fruits and vegetables, $445, cereals and bread, $435, and dairy products, $295. In addition, consumer units spent an average $225 on non-alcoholic beverages, and $270 on alcoholic beverages.

About 60 percent or $270 of the fruit and vegetable expenditures were for fresh fruits and vegetables—about $135 for fresh fruits, and $135 for fresh vegetables, the commodities most likely to use immigrant farm labor. Over 52

weeks, this means that the average consumer unit spent $5.20 per week on fresh produce.

Farmers obtained an average 24 percent of the retail price of food consumed at home in 1993—or about $650. The farmer's share of the retail food dollar ranged from a low of about 7 percent for grains used in cereal and bakery products, to 40 to 48 percent for poultry, eggs, and beef.

Farmers received about 19 percent of the average retail price for fresh fruits ($26 of $135), and 23 percent of the retail price of fresh vegetables ($31 of $135), so that farmers get $57 or 21 percent of the $270 average retail expenditures on fresh fruits and vegetables. Farm labor, including supervisory labor, typically represents about one-third of farmers' costs of production for fresh fruits and vegetables, or farm labor represents about $8.60 of the $26 that the average U.S. consumer unit spends on fresh fruit, and $10.20 of spending on fresh vegetables, or a total $19 per consumer unit per year.

Suppose that current levels of immigration hold farm wages 50 percent below the level they would otherwise be, so that current farm worker wages of $5 to $6 per hour would be $7.50 to $9 per hour without additional immigrant workers. And suppose that the entire cost of higher farm wages is passed through to consumers, so that the annual cost of the farm labor used to produce the fresh fruit consumed by the average American household rises from $8.60 to $13, and the cost of farm labor to produce fresh vegetables rises from $10.20 to $15.

If these increased farm labor costs were completely passed through to consumers, spending on fresh fruits and vegetables eaten at home for a typical 2.6 person consumer unit would rise by almost $10, from $270 to $280.

In addition to food eaten at home, the average consumer unit in 1993 spent $1700 on food eaten away from home. It is difficult to calculate the food cost of meals eaten away from home—some of the total cost of restaurant, cafeteria, and airline meals reflects services and atmosphere. If 10 percent of away from home food is for fresh fruits and vegetables, another $170 is spent on them, and if the farm share of fresh produce eaten away from home is 21 percent or $36, and if farm labor represents 33 percent or $12 of this farm share, then a 50 percent increase in farm labor costs would raise spending on fresh fruits and vegetables eaten away from home by $6, from $170 to $176.

The total increase in average consumer unit spending on food if farm wages were to rise by 50 percent as a result of immigration changes, and if all of the increased costs were passed through to consumers, would be about $16 per year. For 2.6 persons, 50 percent higher farm wages would increase individual produce expenditures by $6.

In 1995, the average American ate 712 pounds of fruits and vegetables. About 40 percent or 285 pounds are consumed as fresh produce—including almost 50

pounds of potatoes per person. Consumer units in the Northeast and Midwest spend more on average for fresh fruits and vegetables, as do larger consumer units and those with higher incomes.

Mexican immigrants play important roles throughout the U.S. food and fiber system, so that focusing on fresh fruits and vegetables understates their importance. However, the combination of a small farm share of retail food prices, and a relatively small share of hired labor in farm production costs—in 1992, 98 percent of the 1.9 million U.S. farm operators were non-Hispanic whites—means that farm wages lowered by immigration do not make food and fiber much cheaper for consumers.

For example, in 1993, U.S. farmers paid wages and benefits of $12 billion to farm workers that they hired directly, and an additional $3 billion to contractors to cover the cost of worker wages and benefits as well as contractor profits. The value of farm commodities sold in 1993 was $175 billion—$90 billion in livestock sales, and $85 billion in crop sales.

This means that total labor expenditures were about 8.6 percent of farm sales and, since farmers, on average, obtain about 25 percent of retail expenditures, a $1 purchase at the grocery store includes $0.25 for the farmer, and $0.02 for farm workers.

The Tomato and Raisin Cases

Much of the debate over whether a new guest worker program is needed for U.S. agriculture is a debate over how the farm labor market would adjust if the 20 to 40 percent of the work force that is believed to be unauthorized were prevented from working by stepped up border and interior controls.

According to U.S. farmers, if there are currently 100 workers employed, and 30 are unauthorized, then effective immigration controls would require the growers to find 30 new workers. Since, growers assert, these new workers are not available within the U.S., even at higher wages, growers should have easy access to foreign workers.

Worker advocates counter that the supply of U.S. workers is elastic—at higher wages, more U.S. workers would seek farm jobs, or remain farm workers.

But the history of the U.S. suggests that the key factor in adjusting to fewer workers is the **demand** for labor, not the supply. When wages rise, growers typically find ways to get work done with fewer workers, so that the labor force in agriculture shrinks.

This section reviews two cases: the actual adjustment of processing tomatoes to the end of the Bracero Program, and the likely adjustment of the raisin grape industry to fewer migrant workers.

Tomatoes

In 1979, The California Agrarian Action Project filed suit against UC on behalf of 19 farm workers, charging that university research used public funds to, inter alia, displace farm workers and eliminate small farmers (Superior Court of California, Case 516427-5, September 4, 1979). The federal and state governments were, in the mid-1980s, spending $1 billion per year of public monies on agricultural research, and the suit asked that UC mechanization research be halted until the university created a fund to assist farm workers equal in size to what UC earns from royalties (Martin and Olmstead, 1985, 601).

This "mechanization lawsuit" turned the spotlight on the major U.S. employer of Bracero workers in the early 1960s, and illustrates how the one case of adjustment to fewer Mexican workers in fact occurred. In 1960, a peak 45,000 workers—80 percent of whom were *braceros*—hand-picked 2.5 million tons of the processing tomatoes used to make catsup in California. In 1990, about 5,500 mostly female farm workers were employed to sort 4 times more tomatoes[2] (Mamer and Wilke, 1990). In this case, mechanization reduced the number of jobs for farm workers, and changed the harvesting task from hand-picking tomatoes into field boxes to riding on a machine and sorting machine-picked tomatoes.

In 1960, all processing tomatoes were picked by hand. In 1970, none were. How reliable were the mechanization forecasts of those in the tomato industry? A 1963 report by the Giannini Foundation of Agricultural Economics concluded that, if Bracero tomato pickers were not available, the CA industry would shrink, and that many growers may follow their pickers to Mexico, which would lead to job losses in associated canning and processing. Senator Kuchel (R-CA), representing CA growers, asserted that mechanizing the tomato harvest was "feasible, but 8 to 10 years away" (Congressional Record, August 15, 1963, 15205).

Raisins

The single most labor-intensive activity in North America in the mid-1990s is harvesting raisin grapes. Some 40,000 to 50,000 workers are involved in a four to six-week effort to cut bunches of grapes from 200,000 acres of vines—owned by 5500 small farmers—and lay them on paper trays to dry in the sun (Alvarado, Mason, and Riley, 1995, 379). Many of the workers are recently-arrived and thus unauthorized, and the presumption is that the centuries-old process of paying workers $0.15 to $0.18 per 25-pound tray of grapes picked and laid on paper trays to dry in the sun—in 1995—cannot be changed.

A case study of the raisin industry in the early 1990s noted that the interaction of a "continued and unabated influx" of immigrant workers to replace SAWs, non-enforcement of employer sanctions, and the use of labor contractors to match workers

and jobs left the 94 percent Mexican-born labor force working under some of the "most marginal conditions" in California agriculture sun (Alvarado, Mason, and Riley, 1995, 379-80). Virtually all of the labor contractor-grower arrangements are verbal agreements to have the labor contractor take responsibility for finding and supervising a crew of workers in exchange for a flat fee, a median $0.21 per tray in 1991, or to pay the contractor the agreed upon piecerate to harvest workers—$0.15 to $0.18 per tray—plus 31 percent for payroll taxes and the contractor's expenses and profits (Alvarado, Mason, and Riley, 1995, 383).

There are methods to harvest raisins and other commodities with machines, or to use machines to save much of the labor currently employed in the raisin harvest. One grower, for example, planted twice the number of raisin vines per acre, cut the canes by hand to let the raisins dry on the vine, and then harvested the dried-on-the-vine raisins mechanically—with a machine developed to pick wine grapes at night and thus improve grape quality—by shaking the raisins off the vines.[3] A variety of machines to eliminate most of the hand-harvest labor in raisins are available, at costs ranging from $20,000 to $100,000.

The conventional raisin harvesting system requires an ample supply of workers without other U.S. job options—many of the raisin growers interviewed in 1991 said that they would switch to mechanical raisin grape harvesting if there were a labor shortage. This suggests that, in the raisin case, improving wages and benefits would reduce the demand for labor. The mechanical system, according to the grower who uses it, relies on a handful of well-paid workers (Dan Bryant, "Grower finds the benefits outweigh drawbacks with dried-on-vine raisins," Ag Alert, December 20, 1995).

Notes

1. These food expenditure data are from the Statistical Abstract of the U.S., 1994, 465.

2. There are no consistent data on farm worker employment by commodity. One way to estimate employment by commodity is to ask farm advisors to estimate the hours of regular and seasonal labor required per acre to produce a commodity. This approach was used to generate these employment estimates, but they include often unexplained differences for the same commodity that is produced similarly in 2 counties.

Mamer and Wilke (1990), for example, report that the 40,000 acres of processing tomatoes in Yolo county required 6 regular and 38 temporary hours of labor per acre in 1989, while the 63,000 acres in Fresno county required 22 regular and 31 seasonal hours. These numbers were combined to generate a statewide average 16 regular and 34 seasonal hours per acre.

The major reason for the difference in hours is that in Yolo county, irrigation hours were reported to be 0, while in Fresno, they were 7 hours per acre. The Fresno report also included 5 hours of regular supervisory labor per acre, while the Yolo report had none.

Both county reports estimated that harvesting required 11 to 13 hours per acre, or that harvesting required fewer hours per acre than thinning and weeding (14 hours). At 12 hours

per acre, sorting the tomatoes from California's 330,000 acres in 1990 required 4 million hours of labor. Sorters sometimes work 12 hours per day and 6 day weeks; if they average 72 hours weekly for 10 weeks, they average 720 hours per season. These calculations suggest that a total 5500 sorters would be required; at the usual wage hourly wage of $4.50 in 1993, sorters average $3240 each.

3. Drying raisins on the vine raises yields—high density plantings are expected to be five to six tons of raisins per acre, versus two to 2.5 tons per acre for conventional raisins.

Factors that Influence Migration

Guest Workers: Past and Present

Philip Martin

The Bracero Program

There were three major phases of U.S. government-authorized recruitment of Mexican workers, and each was associated with a wartime emergency. However, "the Bracero Program" usually refers to the agreements between the U.S. and Mexico that permitted 4.6 million Mexican farm workers to enter the United States on a temporary basis to do farm work between 1942 and 1964. Some workers returned year after year; an estimated one to two million Mexicans worked seasonally in the U.S. over these 22 years.

World War I Programs

Between 1885 and 1952, there was no U.S. law that permitted the admission of temporary foreign workers—immigrants had the right to work where they pleased, so that they could not be confined e.g., to a particular employer or to seasonal agriculture. Indeed, the Immigration Act of 1917 went even further, explicitly denying admission to "persons... who have been induced... to migrate to this country by offers or promises of employment," thus preventing the entry of immigrant workers who were recruited to work for particular employers. The 1917 Immigration

Act also imposed a head tax on immigrants and excluded immigrants over 16 who could not read in any language.

The first U.S. government-approved recruitment of Mexican workers occurred in 1917, when the U.S. Department of Labor suspended the contract worker bar, head tax, and the literacy test for Mexican workers coming to work for U.S. farmers for up to one year. Many Mexicans had left the U.S. in the spring of 1917, in part because of rumors that Mexicans would be drafted into the U.S. army, and to replace them, as well as to replace U.S. residents who were drafted, Mexicans were legally admitted.

Mexicans coming to the U.S. under this first Bracero Program had to provide two photos, one for the INS and one for a card that the Mexican worker carried with him, and pay their own transportation to the U.S. Housing and meal arrangements were left to the discretion of employer-worker arrangements and, as a result, some Mexican workers wound up owing money at the end of the season.

Between May 23, 1917 and June 1920, some 51,000 Mexicans entered the United States legally under these exemptions, and 80 percent were farm workers (Fuller, 1942, 19853). Another source reports that 80,000 Mexican workers were admitted between 1917 and 1921, mostly to work "in the sugar beet fields of CA, CO, UT, and ID, and in the cotton fields of TX, Arkansas, and CA" (Scuggs, 1960, 322).

The Mexican workers had to pay for their own round-trip transportation to the U.S., and many lived in farmer-owned housing and bought food from their farmer-employers. Wages were set by farmers, and there was no U.S. government enforcement of farmer wage promise. In some cases, Mexican workers wound up owing their farmer-employers money, and the Mexican government, forced to deal with the repatriation of "stranded" workers, amended its labor law in 1931 to require that foreign employers must pay the round-trip transportation expenses of Mexican workers.

Farmers during World War I did not necessarily want Mexicans: California fruit growers in 1917 approved a resolution that requested, "as a war measure, to permit the introduction of sufficient Chinese or other farm labor... to feed our Allies and prevent them from being starved into surrender" (California Farmer, December 8, 1917). The Los Angeles Times in 1920 was quoted as calling for Chinese farm workers; "who would be injured if 1,000,000 Chinamen were brought to this country to work on the farms or where needed...?" (quoted in California Cultivator, January 17, 1920). An influential survey of farm labor problems in 1918 noted that "Chinese or Orientals" were preferred to Mexicans (Adams and Kelly, 1918, 9).

Many Mexicans were eager to migrate. During the Mexican Revolution (1913-1920), the seven west central states of Mexico—Nuevo Leon, Tamaulipas,

Zacatecas, San Luis Potosi, Guanajuato, Jalisco, and Michoacán—were a battleground between the central government in Mexico City and revolutionaries from Mexican states near the U.S. border. The fighting led most haciendas to reduce their employment. Between 1910 and 1930, by one estimate, 20 percent of the population of the west central states left, including 1.5 million, or 10 percent of Mexico's entire population, who migrated to the United States (Cross and Sandos, 1981, 9-10).

During the 1920s, when the U.S. Border Patrol was established and immigration from the Eastern Hemisphere was limited by national origin quotas, farmers persuaded Congress not to limit immigration from Mexico. Studies and testimony during the 1920s is cited frequently as examples of how farmers thought about labor; "fluid casual labor is [the] farmer's only salvation... the prime necessity of his success... Until Thomas Edison or Henry Ford develop machinery... The Mexican immigrant fills the requirements of farm labor in California and the Southwest as no other laborer could" (Survey, 1928, 8-10). Most U.S. observers agreed with the statement of one Texas Congressman in 1926—"80 percent of the Mexicans that come over for temporary work go back" (Survey, 1928, 13). Farmers asserted that Mexicans have "neither desire nor ambition to become permanent fixture(s) or citizen(s)" (Survey, 1928, 17).

World War II Programs

Repatriations and depression practically stopped Mexico-U.S. migration in the 1930s. During the 1930s, there was an outpouring of literature about the misery caused by a surplus of farm workers, especially in California.

The Depression brought approximately 1.3 million people from other states to California, and at least 150,000 of these new Californians became farm workers. U.S. citizens had been part of California's seasonal farm work force since the 1850s, but it was only in the 1930s that they played the usual role of immigrants—the newest and most desperate additions to the farm work force. Both California farm employers and farm workers complained that too many workers were trying to find farm work, and researchers began to use the term "open-air food factories" to describe large CA farms that hired gangs of farm workers for short harvest periods (Taylor and Vasey, 1936, 419).

The year 1939 was the high water mark of publicity and concern about farm labor problems in California. John Steinbeck asked in *The Grapes of Wrath* how one group of Americans could take such undue advantage of other Americans who were temporarily down-on-their-luck. Carey McWilliams wrote *Factories in the Fields,* and Varden Fuller's thesis, *The Supply of Agricultural Labor as a Factor in the Evolution of Farm Organization in California,* demonstrated that

California farms had more in common with the non-farm factories that were being subjected to federal labor laws than the family farms described in Congressional debates to demonstrate that hired farm workers did not want or need the protections of labor laws.

These reports convinced most Americans that California agriculture was different, and that the labor law protections that had been made available to non-farm workers should be extended to workers on at least the largest farms. However, this reform zeal never took root. War intervened, and some of the young men who may have been active union organizers joined the armed forces, and other men and women found factory jobs. Instead of reforming farm labor markets to make farm jobs acceptable to American workers, the wartime emergency was used to justify the importation of Mexican Bracero farm workers.

In the spring of 1942, California farmers predicted that there would be labor shortages, and they called for the importation of between 40,000 and 100,000 Mexican farm workers for the September harvest. On July 23, 1942, the U.S. and Mexican governments concluded a "farm labor supply agreement" that permitted Mexican workers (*braceros*) to enter the U.S. do farm work on emergency basis when U.S. workers were not available. On September 27, 1942, the first *braceros* entered the U.S. in El Paso, en route to California sugar beet fields.

Reformers complained bitterly that there was no shortage of farm workers. Growers' cries of labor shortages were, they argued, "a mere repetition of the age-old obsession of all farmers for a surplus labor supply" (Craig,1971, 38-39). And many farmers had reservations about the Bracero Program, since it required that a minimum wage of $0.30 per hour be paid, and that Bracero workers be guaranteed work for three-fourths of the period that the farmer promised them work. Farmers feared that such minimum wages and work guarantees would spread from foreign to domestic workers, and so no Texas farmers requested *braceros* in 1942.

The Mexican government, sensitive about the conditions under which some of its nationals had previously worked in the U.S.[1] and, according to Craig, doubtful that there was a real labor shortage in U.S. agriculture, insisted that the U.S. government guarantee the contracts that farmers provided to Mexican workers, including round-trip transportation and the payment of wages equal to those of similar American workers (Craig, 1971, 41). The U.S. government agreed, and Mexican workers were admitted to the United States by establishing an exception to immigration laws for "native-born residents of North America, South America, and Central America, and the islands adjacent thereto, desiring to perform agricultural labor in the United States."

The 1942 agreement allowed *braceros* to bring their families to the U.S., a provision that U.S. employers wanted so that fewer *braceros* would desert their

contracts, and so that spouses and children 14 and older could work. However, no family members of *braceros* were admitted (Congressional Research Service, 1980, 24).

The Bracero Program was small during the war years; admissions peaked at 62,000 in 1944, less than 2 percent of nation's 4 million hired workers. However, *braceros* were concentrated on a few farms in a few states, where their impacts were significant. *Braceros* were employed primarily in the southwestern states, with the majority employed in California, and then only on the largest farms—fewer than 50,000, or 2 percent of the nation's commercial farms, ever employed Braceros. Although the major crop changed during the life of the program, most Braceros picked cotton during the program's first years.

Both the U.S. and Mexican governments hoped that the opportunity to migrate legally would reduce the illegal flow of Mexican workers to the U.S. However, Scruggs concluded that, "the Bracero Program, instead of diverting the flow of wetbacks into legal channels... actually stimulated unlawful emigration" (1961, 151). But Mexico did not send Braceros legally to Texas, and so many Mexicans went illegally to Texas and other states. The Mexican foreign minister on August 8, 1946 suggested that, if the U.S. were to impose "sanctions on American employers who employ illegal entrants, the result would promptly come about that Mexican workers would not in the future" migrate illegally (Congressional Research Service, 1980, 26).

The Bracero Program with the U.S. government as the contractor of Mexican workers lapsed on December 31, 1947, and there followed several years of a constantly revised agreement, but the flow of Mexican workers northward was mostly informal and unlawful. Beginning in 1948, the U.S. employer, not the U.S. government, was the legal contractor of Mexican workers, and the U.S. employer was responsible for paying the Mexican worker's round trip transportation, and the U.S. Employment Service became responsible for certifying that U.S. workers were not available.

Illegal immigration increased in the late 1940 as Braceros learned they did not have to pay bribes to local Mexican officials to get on recruitment lists, and then pay additional bribes at recruitment centers. U.S. farmers were pleased because they could employ Mexican workers without government "red tape," such as having their housing for Braceros inspected and being required to offer them the minimum or government-calculated prevailing wage, whichever was higher. American workers protested that Braceros were being used to break their strikes, as occurred during the 1947 strike of table grape harvesters at DiGiorgio farms in 1947 (Pollit, 1971, 67).[2]

The number of aliens who were legalized after arriving and finding employment illegally far exceeded the number of Mexican workers that U.S. employers

contracted legally in the interior of Mexico. Between 1947 and 1949, for example, 74,600 Mexicans received contracts from U.S. employers at recruitment centers inside Mexico. By contrast, 142,000 "wetbacks" who were illegally in the U.S. were legalized by granting them contracts, a process termed, even in official U.S. government publications, as "drying out the wetbacks" (President's Commission, 1951, p. 53).

The President's Commission on Migratory Labor, established in 1951, was asked to investigate whether Braceros were adversely affecting U.S. workers, and whether additional Mexican workers were needed because of the Korean War emergency. The President's Commission concluded that:

- Bracero labor "depressed farm wages and, therefore, has been detrimental to domestic labor"
- Mexico rather than the U.S. "secured reasonable limitation of numbers and some protection to labor standards"
- "foreign labor importation... should be under the terms of intergovernmental agreements which clearly state the conditions and standards of employment" (President's Commission, 1951, 64-66).

Furthermore, the Commission concluded that "no special measures be adopted to increase the number of alien contract workers beyond the number admitted in 1950," which was 67,500, and that "legislation be enacted making it unlawful to employ aliens illegally in the United States" (President's Commission, 1951, 178).

Korean War Programs

The President's Commission recommendations were not adopted. On July 12, 1951, PL-78, the Mexican Farm Labor Program, became law (Craig, 1971). PL-78 amended the Agricultural Act of 1949 to authorize the U.S. government to negotiate an agreement with Mexico to admit Mexican workers to work seasonally in "essential" U.S. crops until December 31, 1953.

The U.S. Department of Labor administered the program from the U.S. side, by notifying Mexico at least 30 days before Braceros were needed, and then operating reception centers on the border, arranging transportation from the reception centers to U.S. farms, helping Mexican workers and U.S. farmers to negotiate contracts covering wages and working conditions, and enforcing these contracts. Farmers had to reimburse the U.S. government for its costs, up to $15 per worker, and pay an additional fee if the Bracero was not returned to the reception center at the end of the contract. Farmers were expected to pay all the costs associated with PL-78 Braceros except for enforcement costs.

The U.S. Secretary of Labor was prohibited from supplying Mexican workers to U.S. employers unless DOL certified that there were not sufficient domestic workers who were "able, willing, and qualified" to do the work after "reasonable" recruitment efforts, and that the presence of Mexican workers would not "adversely affect the wages and working conditions of domestic agricultural workers similarly employed."

The program operated with the U.S. Department of Labor notifying Mexico 30 days in advance of the number of Mexican workers likely to be needed. The Mexican Interior ministry contacted governors of Mexican states "where Braceros are available"—each Mexican state had a Bracero quota that was to be based on unemployment rates.[3] The governor, in turn, contacted mayors, who "select Braceros from a waiting list on a first-come, first-served basis" (Taylor, 1963, 42).

The Braceros selected had provided their own transportation to one of three reception centers in Mexico—in Ciudad Chihuahua, Empalme, Sonora, and Monterrey, Nuevo Leon—these Mexican reception centers were an average 280 miles from the U.S. border.[4] At these reception centers, Braceros were interviewed to determine if they had farm work experience, examined by Mexican doctors under contract to the U.S. Public Health service for their ability to do farm work, and then checked by the INS for their admissibility as non-immigrants. Mexican workers then received conditional entry permits that permitted them to report to one of several U.S. reception centers on the border, in El Centro, Nogales, El Paso, and Hildalgo.

At these U.S. reception centers, farmers and associations "contracted" Mexican workers, usually by having an association representative sign the contract on their behalf, and then the Bracero, and representatives of the U.S. and Mexican governments, signed as witnesses. Most Braceros were "repeaters"—a survey of 309,000 Braceros in the second half of 1957 found that 78 percent had worked as Braceros at least one year before, and 22 percent were first-time Braceros.

DOL noted that, because of the "volume of workers," it is "impractical to select individuals in response to employer requests" (U.S. Department of Labor, 1953, 7). Braceros were not subject to Social Security or income taxes.

Farmers in most cases offered first-time Braceros minimum six-week contracts, and then offered renewals to Braceros deemed satisfactory (Anderson, 1961). Maximum contracts were for six months, with extensions of at least six week intervals possible. Bracero workers could be "furloughed" without pay for up to 15 days during the life of the contract.

Each worker-employer contract had to include provisions that DOL and the Mexican government required, including the promise to pay the higher of the prevailing or adverse effect wage at least every two weeks, a guarantee of work for at

least three-fourths of the work days in the contract period, free housing that was to be inspected by DOL, either meals provided at cost by the employer or cooking facilities, and workers' compensation insurance to cover expenses if the Bracero was injured at work. At the end of the contract, Braceros were to be given money to cover their transportation and subsistence back to the reception center—they were expected to check in within 5 days of the end of the contract. However, if the Bracero abandoned his job, or did not "give his employer reasonable opportunity to provide transportation," the employer was not required to pay return transportation and subsistence.

Some of the proponents of the Bracero Program argued that the possibility of legal entry would reduce illegal immigration. President Truman, in reluctantly signing PL-78 into law, sent a note to Mexican President Aleman suggesting that the Bracero Program be only six months long to keep up the pressure on Congress to approve an employer sanctions bill.

President Aleman agreed that the U.S. and Mexico should combine "our efforts, in putting a definite stop to the illegal movement of agricultural workers" (quoted in Kiser and Kiser, 1979, 157). In 1951, Mexico's interior ministry announced that it was "adopting new measures to have our border authorities keep a strict vigilance over the departure of our compatriots and prevent the departure of those who are not properly documented," and cooperating with defense and other ministries to "prevent the illegal departure of our compatriots from Mexican Territory" (Kiser and Kiser, 1979, 159-160).

However, in Congressional debate over what became the Immigration and Nationality Act of 1952, an amendment in the Senate to penalize U.S. employers found to employ illegal aliens when the employer had "reasonable grounds to believe a worker was not legally in the U.S." was defeated by a vote of 69-12. Instead, the so-called Texas proviso was included in the INA—the willful importation, transportation, or harboring of illegal aliens became a felony punishable by fines of up to $2000 or five years imprisonment, but "employment of an illegal alien" was specifically exempted from the definition of harboring.

Illegal immigration continued after PL-78 was signed: a Life magazine story entitled "Wetbacks Swarm In" was typical of the era. The Border Patrol had been reduced to 1,000 agents by 1953 and, the U.S. Attorney General pronounced himself "shocked" by the extent of illegal immigration in August 1953. A former General of the Sixth Army was appointed INS Commissioner in the spring of 1954, with orders to "halt the influx."

"Operation Wetback" was launched by the INS in 1954, and resulted in 1.1 million apprehensions during what was then a July 1953-June 1954 fiscal year. Most of these apprehensions occurred at the border in May and June 1954—there

were only 80,000 apprehensions during the height of the June-August 1954 interior sweeps, and most of these apprehensions were recorded in FY55.

The Bracero Program expanded to accommodate more legal Mexican workers, so that the ratio of apprehensions to Braceros was reversed; in 1951-52, there were 5 apprehensions per Bracero admission; by 1956-57, there were 5 Bracero admissions per apprehension.

There was no explicit provision that Braceros be only temporary U.S. residents, so that, by 1959, it was reported that 20,000 "specials" were employed in year-round jobs. Most of these specials received six-month contracts that were renewed, and most were employed in Texas and New Mexico (U.S. Department of Labor, 1959, 5).

The availability of Braceros permitted the southwestern states to become the garden states of the United States. In California, fruit and nut production rose 15 percent during the 1950s, and vegetable production rose 50 percent. New irrigation facilities expanded the acreage available to grow fruits and vegetables, the interstate highway system allowed produce to be shipped cheaply to eastern markets, and new plant varieties and packing technologies made California produce preferred to locally-grown fruits and vegetables in the eastern United States where most Americans lived.

This expansion of farm production in California was not accompanied by higher farm wages. The U.S. Department of Agriculture's estimate of average hourly farm earnings rose 41 percent—slightly more than the 35 percent increase in consumer prices—from $0.85 in 1950 to $1.20 in 1960. In contrast, average factory wages in California rose 63 percent, from $1.60 per hour in 1950 to $2.60 in 1960. Slowly rising farm wages and faster-rising factory wages drew American workers to factory jobs where there were no Braceros.

In addition to Mexican workers, California farmers also imported workers from Japan and the Philippines. Under a program established with Japan in 1956, some 1730 Japanese were employed in December 1960, mostly in Ventura county, and 28 Filipinos were imported, both under provisions of the H-2 program. Asian workers paid their own transportation to California, and the farmer paid their transportation from Los Angeles or San Francisco to the work site. Asian workers got 6-month renewable contracts, and most remained in California for three years (California Assembly, 1965, 9-10).

By the early 1960s, Braceros were essential to harvest only a few crops. As cotton and other geographically dispersed crops were mechanized, the Bracero Program became a non-immigrant program for a handful of farmers, and political support in the U.S. for its continuation weakened. As unions and ethnic groups called for the end of the Bracero Program, growers made familiar arguments to maintain the program: American workers were not available; without the immigrants

crops would rot and food prices would rise; and the admission of Braceros has no adverse effects on U.S. workers (California Senate, 1961).

An influential study in Los Angeles and found that almost half of the unemployed would do farm work if wages and conditions were improved (Schmidt, 1964, 27-28). According to the study, there were no "cultural barriers" to Americans doing farm work, only economic barriers.

The Kennedy Administration, which took office in January 1961, was determined to revise the Bracero Program to better protect U.S. workers by preventing Mexican workers from depressing U.S. farm wages. In October 1961, President Kennedy, "reluctantly" signing a bill to extend the Bracero Program through December 31, 1963, asserted that "the adverse effect of the Mexican farm labor program as it has operated in recent years on the wage and employment conditions of domestic workers is clear and cumulative in its impact" (Congressional Research Service, 1980, 52). Kennedy ordered the U.S. Department of Labor to "prescribe standards and to make the determinations essential for the protection of the wages and working conditions" of U.S. workers (quoted in Congressional Record, August 15, 1963, 15215).

Governor Pat Brown (D-CA) and most Congressional leaders opposed an extension of the Bracero Program. In May 1963, the House of Representatives rejected a two-year extension of the Bracero Program on a 174-158 vote, and then the Senate and House approved simple one-year extensions of the program, until December 31, 1964.

Mexico favored a two-year extension of the Bracero Program, pointing out that Braceros sent about $35 million annually in money orders through the Bank of Mexico, and that total remittances might top $100 million per year (Taylor, 1963, 42). In a June 21, 1963 note, the Mexican government asserted that the Bracero Program was "a result of the migration phenomenon... the absence of an agreement... would give rise to... the illegal introduction of Mexican workers into the United States." Craig credits this Mexican note with tipping the balance in Congress in favor of extending the Bracero Program one more year, until the end of 1964 (1971, 195-6).

Bracero Program Effects

Greencard Commuters

After the Bracero Program ended in 1964, foreign workers could still be imported under the H-2 section of the Immigration and Nationality Act of 1952, which allowed the Attorney General "after consultation with appropriate agencies of the Government" to import needed workers. Employers seeking H-2 workers to fill vacant jobs had to satisfy a double temporary provision—(1) the alien worker

was coming temporarily to the United States to perform temporary services or labor and (2) unemployed persons capable of performing such services cannot be found in this country. Thirdly, the employment of temporary foreign workers was to have no "adverse effects on U.S. workers" (Congressional Research Service, 1980, p. 59).

Many farmers expected to import Mexican workers under the H-2 provisions of the INA. However, the Secretary of Labor published regulations in December 1964 that had the effect of making it much more expensive and difficult to import Mexican farm workers under the H-2 program than it had been to import Braceros.[5] Many U.S. senators were outraged, and an effort to transfer the authority to certify the need for H-2 alien farm workers from the Department of Labor to the Department of Agriculture failed in the Senate only because the Vice-President cast the deciding vote (Congressional Research Service, 1979, p 42).

The U.S. launched efforts in the mid-1960s to find U.S. workers to replace Braceros. For example, in September 1964, Los Angeles county supervisors said that persons able to work and getting food and assistance from the county would be cut off if they refused to do farm work for $1.25 per hour, the adverse effect wage rate that had to be offered to Braceros (U.S. Senate, 1965, 19-20).

The number of migrant farm workers—most of whom were U.S. citizens—reached a postwar peak of 466,000 in 1965, and grower interest in mechanization increased so much that a major study predicted that, by 1975, if a fruit or vegetable could not be harvested mechanically, it would not be grown in the United States (Cargill and Rossmiller, 1970).

Most of the 50,000 to 60,000 Mexican immigrants admitted each year in the mid-1960s were believed to be ex-Braceros who got immigrant status as a result of a U.S. employer offering them jobs. An estimated 80 percent of the 55,000 Mexican immigrants admitted in 1962 were ex-Braceros, and most were admitted at the behest of California farmers (U.S. Senate, 1965, 22).

A 1963 article noted that, since immigrants bound for the U.S. had to prove that they would not become public charges in the U.S., most Mexican immigrants cleared the "public charge" hurdle by providing a letter from a U.S. employer offering the Mexican immigrant a year-round job. Some U.S. employers issued 25 or more letters and, in such cases, the practice was for the U.S. Department of Labor to certify that the employer could not obtain U.S. workers (Gallardo, 1963, 26). California farmers pointed out that it was simpler to get a greencard issued than it was to obtain a Bracero, since there was no housing inspection or requirement that a greencard worker be paid a government-set wage. Many farmers turned to greencard workers as a result of the activities of "consultants," who advised them not to issue more than 25 letters.

According to one report, there were 122,000 Mexican immigrants who provided occupational information between 1949 and 1961—Mexican immigration during the 1950s was 300,000. About 50,000 of these Mexican immigrants with occupations were farm workers, and 30,000 were domestic servants, mostly in California and Texas (Gallardo, 1963, 27). The Mexican ambassador in 1963 estimated that 32,000 farm workers became greencarders in 1961, and another 40,000 in 1962 (Congressional Record, August 15, 1963, 15204). A 1963 California Farmer article reported that 80 percent of the 222,000 immigrants from Mexico between 1957 and 1962 were ex-Braceros (Taylor, 1963, 43).

The Mexican government opposed the greencard program—the Alien Registration Card I-151 was green—pointing out that, while the greencarder was free to leave the farmer who got him immigrant status, greencard workers did not have the protection of wage, housing, and other protections that were included in Bracero contracts. The U.S. Department of Labor similarly testified in 1963 that greencard Mexicans could be used to break strikes, while Braceros could not (Congressional Record, August 15, 1963, 15187).

In 1967, the INS issued regulations that barred the use of a greencard to enter the U.S. to take up employment where a labor dispute was in progress, a response to UFW and other union complaints that greencard workers were being used to break U.S. strikes. In 1968, Senator Edward Kennedy (D-MA) introduced a bill, S2790, that would have required the U.S. Secretary of Labor to determine whether immigrants returning from temporary stays in Mexico or Canada would have an adverse effect on the wages and working conditions of U.S. workers.

Illegal immigration after the Bracero Program ended in 1964: some 110,000 deportable aliens were located in FY65, and almost twice as many, 212,000, in FY68. The number of aliens apprehended almost doubled again, to 420,000, in FY71, and then rose to 788,000 in FY74. In FY68, it was reported that 41,425 illegal Mexican aliens were apprehended while employed in U.S. agriculture (U.S. Senate, 1969, 64).

Economic Effects

There were a number of mid-1960s studies of the effects of ending the Bracero Program on U.S. agriculture and U.S. farm workers, and most came to conclusions similar to those reached by Martin in 1966, viz, that "U.S. agriculture is perfectly able to adjust to a situation without foreign labor without any major production decreases" (1966, 1137). There were $44 billion worth of farm commodities sold in 1965, and losses due to lack of labor for harvesting were estimated to total $17 million, or less than one half of one percent, with most of the losses in California strawberries (1966, 1141).

The 1996 Gallegly-Pombo Guest Worker Proposal

The House on March 21, 1996 rejected by a 242-180 vote an effort by growers to launch a new guest worker program. On March 5, 1996 the House Agriculture Committee approved 25 to 14 an amendment by Rep. Richard Pombo (R-CA) to the House immigration bill that would grant temporary work visas to 250,000 foreign farm workers, with the ceiling to be reduced by 25,000 each year.

The existing temporary farm worker program admitted about 11,400 H-2A farm workers in FY95, including 6100 Mexicans and 4200 Jamaicans, down from 13,200 in FY94, when 6100 Mexicans and 5900 Jamaicans were admitted. The largest group of Mexican H-2As is employed in North Carolina-Virginia tobacco. The Jamaicans were concentrated in the East Coast apple harvest and the Florida sugarcane harvest—U.S. Sugar, the nation's largest employer of H-2A temporary foreign workers for the past 50 years, announced in June, 1995 that it would harvest all of its sugar cane by machine in 1996. U.S. Sugar employed 1,300 Jamaican cane cutters in 1995.

Background

In February 1995, the National Council of Agricultural Employers released a proposal for a supplementary foreign worker program to fill temporary or seasonal U.S. jobs. One year later, Rep Elton Gallegly (R-CA) unveiled the NCAE proposal as the "Alternative Agricultural Temporary Worker Program" or "Temporary Agricultural Worker Amendments of 1995... to provide a less bureaucratic alternative for the admission of temporary agricultural workers."

There are about two million workers employed at some time during a typical year on the nation's crop farms, and the DOL National Agricultural Workers Survey estimates that 25 percent may be unauthorized.

Under the Gallegly-Pombo proposal, growers, labor contractors, or associations wanting to employ foreign farm workers would have had to file at least 25 days before the job was to begin a labor condition attestation (LCA) with their state Employment Service office listing the number of foreigners requested and when work was to begin. Local ES offices would review these LCAs "only for completeness and obvious inaccuracies" within seven days after they were filed. Employers violating their attestations or program rules could be assessed civil money penalties, and be barred from the program.

If the foreign workers the employer wanted to hire were outside the U.S., growers would submit their names to INS and consulates abroad, and these named workers would have been given H-2B visas to enter the U.S. at the consulates or at a port of entry. Growers could recruit foreign workers anywhere and in whatever manner they

wished. Foreign workers would have to leave the U.S. when their jobs end or be subject to deportation, unless another employer promises to hire them within 14 days.

Under the rejected plan, 25 percent of the foreign workers' wages would have been placed into a federal trust fund managed by the INS, which foreign workers would have reclaimed with interest in their country of origin. Foreign workers would have been limited to a maximum two years in the U.S. [Greg Schell of Migrant Farmworker Justice Project in Belle Glade, Florida asserted in early 1996 that 25 percent of the H-2A workers do not return to their countries of origin.]

Program costs would have been financed by employer contributions equivalent to the Social Security and unemployment insurance taxes that would not be paid by growers. Most predictions were that farmers would request the maximum 250,000 guest workers because there was no incentive not to make requests for foreign workers.

The guest worker program would sunset after three years if Congress failed to re-authorize the pilot five-state telephone verification system that the Smith bill establishes to make it easier for employers to determine whether workers are presenting false documents.

The Gallegly-Pombo proposal was essentially an effort to extend the procedure used to admit H-1B temporary foreign professionals to agriculture. Under the current H-1B program, nonfarm U.S. employers "attest" that they are paying prevailing wages and satisfying other conditions so as to have no adverse effects on similar U.S. workers—workers with at least a BA or equivalent—and then the U.S. Department of Labor relies on complaints from U.S. workers and other employers to investigate charges that employers are violating their attestations. H-1B foreign workers can remain in the U.S. for up to six years.

The current H-2A program, by contrast, requires farm employers wishing to employ H-2A temporary foreign workers to take a series of steps to prove that U.S. workers are not available, and then to offer U.S. and foreign workers housing at no cost, contracts that guarantee work for at least three-fourths of the period that the employer asserts workers are needed, and other benefits and protections.

Rep. Lamar Smith (R-Texas), chair of the House Immigration Subcommittee, argued against the growers' guest worker proposal: "once you admit hundreds of thousands of people like this, why not just pull the Border Patrol off the border and let people in?" The Clinton administration opposed the program for fear that it would increase illegal immigration, reduce job opportunities for U.S. workers, and depress wage and work standards for U.S. workers. The Clinton administration also opposed the Gallegly-Pombo, arguing that the current H-2A program is sufficiently flexible to cope with any farm labor shortages.

About 60 farm organizations, from the American Farm Bureau Federation to the Wisconsin Christmas Tree Producers sent a letter to senators and representatives

on February 12,1996 to urge the inclusion of the Gallegly proposal in immigration reform legislation.

Fourteen organizations, from the American Friends Service Committee to the United Methodist Church sent a letter to House Speaker Gingrich on February 14, 1996 opposing the Gallegly proposal, and the effort to include it in the immigration bill without hearings on its features.

On the same day, March 21, 1996, that the House rejected the Gallegly-Pombo proposal, it also voted 357-59 to reject an alternative offered by Rep Robert Goodlatte (R-VA) as a way to defeat Gallegly-Pombo. Goodlatte's proposal would have modified the H-2A program by transferring it from the Labor Department to the Immigration and Naturalization Service, reducing the required period of grower recruitment to 20 days, and capping H-2A admissions at 100,000 per year.

Congressional Hearings: 1995-96

In September and December 1995, the Senate and House, respectively, held hearings on farmers' requests for an alternative non-H-2A guest worker program. None of these hearings focused on bills or concrete proposals, since the Gallegly-Pombo proposal was not yet available. Instead, the hearings typically featured farmers making three arguments, and worker, government, and academic representatives responding.

The three major grower arguments were:

1. That illegal aliens comprise a significant share of the current farm labor force. Growers testified that illegal aliens are 50 to 70 percent of some harvest crews, and they implied that this percentage is typical of the entire hired farm work force despite the legalization of over one million unauthorized workers in the SAW program in 1987-88 (The U.S. Department of Labor estimates that 25 percent of the labor force on U.S. crop farms was unauthorized in 1993-94.)

2. That new control measures under consideration in Congress—more border controls, more interior enforcement, and a more secure work authorization document—would prevent them from continuing to hire unauthorized workers who present fraudulent documents. Effective controls on hiring illegal aliens would leave them with a labor shortage, they asserted.

3. That the current H-2A program is too inflexible to provide them with foreign workers if labor shortages appear—the U.S. workers recruited for employers allegedly do not show up, work hard, or remain with the employer; growers must pay U.S. and H-2A workers the higher of three

wages—prevailing, minimum, or adverse effect wage rate—and provide housing at no charge to the U.S. and temporary foreign workers. In the words of one grower, the H-2A program is "too structured for a labor market that is relatively unstructured."

Worker representatives attacked these grower arguments by asserting that there is no shortage of workers, only a shortage of decent wages, benefits, and working conditions.

Second, worker advocates argued that employers prefer vulnerable foreign workers to U.S. workers. In North Carolina, for example, it was asserted that U.S. citizen-Puerto Rican workers were sent to employers where they would not have work for two weeks, and told that they would have to live at their own expense until the harvest began, while H-2A workers were sent to work immediately. It is no wonder, they assert, that U.S. workers under such circumstances abandoned these farm jobs, while H-2A workers stay with their employers as required by their visas.

Most government representatives opposed the growers proposal. The INS and DOL dislike the lack of control over entries under the growers' proposal, and even the USDA acknowledges that a free agent-attestation guest worker program may not provide workers to isolated areas most in need of migrant farm workers.

Academics generally argued that the U.S. farm labor market could adjust to the absence of immigrant workers—legal, illegal, or guest workers—with very little effects on the average American. Academics testified that:

First, it is unlikely that currently unauthorized workers will be removed quickly from the farm work force.

Second, even if the 20 to 30 percent of the current work force that is illegal were removed from the farm work force, U.S. consumers may not notice their removal in food costs because farm worker wages are, on average, only about 11 cents of a $1 produce item. Farmers receive about one-third of the retail price of most fruits and vegetables, and farm workers receive one-third of the farmer's price. This means, that for a $1 head of lettuce, farmers get an average $0.33, and farm workers $0.11.

Removing 20 to 30 percent of the farm labor force might raise farm wages. If done quickly, as at the end of the Bracero Program, farm wages might rise by 30 to 50 percent—the UFW was able to negotiate a 40 percent one-year wage increase in 1966 because farm wages had been held down by Braceros, and Braceros were no longer available. If farm wages rose 50 percent, from today's $4 to $6 range to $6 to $9 per hour, and if all of the wage increases were passed on to consumers, the head of lettuce would cost consumers $1.05, i.e., a doubling of farm wages leads to a five percent retail price increase.

Retail produce prices may fall rather than rise, as occurred when the end of the Bracero Program encouraged farmers and processors to change the way that tomatoes

were handled. In the tomato case, the end of immigrant labor caused production to rise, and retail prices to fall.

The tomato example illustrates that it is very hard to predict what will happen when the labor supply changes. Many growers in 1963 testified that the tomato industry had no choice but to follow its pickers to Mexico, shifting production there. Instead, the harvest was mechanized, and today almost five times more tomatoes are produced in California. Those closest to the adjustment issue may not have the clearest picture of likely adjustments.

Most of the adjustments to fewer and more expensive workers in agriculture occur on the DEMAND, not the supply side, of the labor market. In other words, in the face of immigration reforms, lasting adjustments are more likely to be found by accelerating labor-saving mechanization, or changing the way farm work is done, or letting production of the commodity shift overseas, not in launching new efforts to recruit U.S. workers, to build housing for migrant workers, or to provide government services to farm workers that raise their effective incomes.

The notion that most adjustments to fewer and more expensive farm workers reduce the demand for farm labor, not increase the supply, reflects experience in the U.S. and elsewhere. This is why, in most societies, development is associated with a smaller percentage of the work force producing food.

Growers and their supporters typically frame the argument in a manner that looks for SUPPLY adjustments. For example, if there are currently 100 workers employed and 30 are unauthorized, effective immigration controls would require the government to find 30 new workers.

The removal of unauthorized or guest workers from the farm work force rarely prompts U.S. workers to replace them. The more common response is for growers to demand fewer workers, often by mechanizing hand-harvest tasks.

Engineers point out that there are alternatives to hand work in agriculture, even to harvest raisin grapes, the crop often associated with recently arrived and illegal workers. One California grower planted twice the number of raisin vines per acre, cut the canes by hand to let the raisins dry on the vine, and then harvested the dried-on-the-vine raisins mechanically by shaking the raisins off the vines. Machines to eliminate most of the 50,000 four-to-eight week hand harvesters are available at a cost of $18,000 to $55,000 each.

In evaluating future agricultural guest worker proposals, three questions might be borne in mind:

First, are there any indications of labor shortages that are putting upward pressure on farm wages?

Second, if farm wages rise, how does the supply of labor respond, e.g., do rising wages encourage more workers to seek farm jobs, or current workers to work more hours?

Third, do rising wages set in motion technological, trade, or other changes that reduce the demand for farm workers?

The rationale for guest workers is that the labor market is not responding properly to market signals such as rising wages, or that government intervention is needed to prevent market adjustments that would have negative effects, such as rising food prices. If a new guest worker program begins before any of these adjustments can be observed, it will never be known how easily the farm labor market can adjust to changes in its labor supply.

Mid-1980s versus Mid-1990s

In the mid-1980s, despite opposition from the Reagan administration and the major sponsors of immigration reform legislation, farmers successfully included in the Simpson-Mazzoli legislation guest worker proposals.

In June 1984, Congress adopted the Panetta-Morrison amendment that would have established a free agent guest worker program for agriculture—what the New York Times termed one of the top ten political stories of 1984 (Leon Panetta, D-CA, who led the fight for the growers in the House, is President Clinton's chief of staff).[6] Then-senator Pete Wilson (R-CA) persuaded the Senate to approve a similar free agent program in 1985.

Mexico-Canada Guest Worker Program

Since 1974, Mexicans have been traveling to Canada to work seasonally in agriculture under a program that is very similar to the Bracero Program. Canadian farm employers—three-fourths in Ontario—get certified by their Department of Labor to have Mexican farm workers admitted, and then the Mexican Department of Labor recruits workers to travel to Canada. In the early 1990s, about 5000 Mexican workers were employed on Canadian farms each year, almost double the 2700 in 1988.

Under the program, Canadian employers offer Mexican workers contracts approved by both governments that, inter alia, guarantee wages of at least $C5 to $C6 per hour, at least 240 hours of work in six weeks, for seasonal earnings of up to $C2000, and free housing and either meals or cooking facilities. Mexican workers, two-thirds of whom are requested by name, pay about $C160 for a Mexican passport and Canadian visa.

When this program was described in October 1995, it was noted that almost 20 percent of the Mexican workers headed to Canada were from Tlaxcala, a Mexican state not noted for significant emigration. Indeed, some Mexican studies suggest that this guest worker program may be leading to a trickle of illegal

immigration—a 1988 survey found at least 13 workers who returned to Canada as illegal workers.

Notes

1. The Mexican government did not permit Braceros to be employed legally in Texas during the war years, 1942-47, because of past abuses and state discrimination against Mexicans. Many Mexicans entered Texas illegally to work on farms.

2. Despite explicit regulations prohibiting Braceros from being used to break strikes, DiGiorgio was able to use them for six weeks of the strike, until the federal government stopped their employment.

3. In some states, including Sonora, Braceros had to pick a certain amount of cotton locally before they were permitted to depart for the U.S. (Taylor, 1963, 43).

4. By the early 1960s, an estimated 85 percent of Braceros sent north had been in the U.S. before.

5. Secretary of Labor Wirtz interpreted the decision to terminate the Bracero Program as signifying congressional intent to reduce or eliminate the presence of temporary foreign workers in U.S. agriculture. Under December 19, 1964 DOL regulations, U.S. employers wishing to receive DOL certification to import H-2 workers had to attempt to recruit U.S. workers at a DOL-established Adverse Effect Wage Rate (AEWR), and to offer such workers free housing, round-trip transportation, and then receive e certification to employ H-2 workers for a maximum of 120 days, because "the only justification for bringing in labor is to meet the peak conditions the highly seasonal agricultural industry" (Congressional Research Service, 1980, p. 65).

6. John Norton, Undersecretary of Agriculture in the mid-1980s and a major lettuce grower, said that "Leon Panetta carried the ball for California on the Panetta-Morrison amendment... He did a superb job of trying to represent California's labor needs... he's been a real champion of the industry." California Farmer, June 21, 1986, 7.

FACTORS THAT INFLUENCE MIGRATION

Proposition 187 in California

Philip Martin

California voters on November 8, 1994 voted 59 to 41 percent to approve Proposition 187, the "Save Our State" Initiative. Proposition 187, if implemented, would create a state-run system to verify the legal status of all persons seeking public education, health care, and other public benefits. The only sections of Prop 187 currently in effect are those that make the manufacture, distribution, or use of false documents to obtain employment or public benefits a state felony.

Proposition 187 primarily creates a state-mandated screening system to prevent unauthorized persons from obtaining public services. In the words of the initiative—no person "shall receive any public social services to which he or she may otherwise be entitled until the legal status of that person has been verified."

A majority of voters in 50 of California's 58 counties supported Prop 187—the exceptions were eight San Francisco Bay Area counties. According to exit polls, 64 percent of whites, 57 percent of Asian-Americans, 56 percent of African-Americans, and 31 percent of Latinos voted in favor of Prop. 187. Some 78 percent of those voting in favor of Prop. 187 agreed that "it sends a message that needs to be sent" and 51 percent agreed that "it will force the federal government to face the issue." Some 40 percent of voters in one exit poll said that they voted primarily because Prop. 187 was on the ballot.

Of those voting against the measure, 60 percent agreed with the statement that it "doesn't solve the problem" and about 40 percent agreed that "it would throw children out of school" and that "it is racist/anti-Latino."

California's population is 57 percent white, 25 percent Latino, nine percent Asian-American, and seven percent African American. However, voters on November 8, 1994 were 75 to 80 percent white, eight to 10 percent Latino, four to five percent Asian-American, and 10 percent African-American.

Proposition 187 may mark the beginning of national efforts to reduce legal and illegal immigration, much as Proposition 13 in 1978 arguably laid the basis for the Reagan-era tax cuts of the early 1980s. On the other hand, Proposition 187 may be turn out to be a largely symbolic expression of frustration with illegal immigration, much as Proposition 63, which made English the state's "official language" in 1986, proved to be.

Provisions

Proposition 187 has five major sections. First, it bars illegal aliens from the state's public education systems from kindergarten through university, and requires public educational institutions to begin verifying the legal status of both students (effective January 1, 1995) and their parents (effective January 1, 1996).

California educational institutions today verify the residence but not the legal status of elementary school pupils and university students. There are no tuition charges for K-12 education. One of California's three higher education systems—the state university system—charges resident illegal aliens lower in-state tuition, while community colleges and UC charge them higher out-of state tuition. Almost 1 in 7 college and university students in the U.S. attends a public institution in CA.

Second, Proposition 187 requires all providers of publicly-paid, non-emergency health care services to verify the legal status of persons seeking services in order to be reimbursed by the state of CA. Persons seeking emergency care must also establish their legal status, but unauthorized persons must be provided emergency health services.

Third, Proposition 187 requires that all persons seeking cash assistance and other benefits verify their legal status before receiving benefits. Unauthorized aliens are generally not eligible for such benefits, so this provision establishes a state-run eligibility system to screen applicants for benefits.

Fourth, all service providers are required to report suspected illegal aliens to California's Attorney General and to the INS. This means that those enrolling children in school, or those determining eligibility for public benefits, are required to report persons they suspect of being unauthorized. State and local police must determine the legal status of persons arrested, and report unauthorized aliens.

Fifth, the making, distribution, and use of false documents to obtain public benefits or employment by concealing one's legal status is now a state felony, punishable by fines and prison terms. Prop 187 does not affect e.g., teenagers who buy or use false documents to obtain alcohol.

Proposition 187 is an initiative statute whose provisions remain state law unless disapproved by a two-thirds vote of the California Legislature or by another initiative. Sections of Prop 187 can be implemented individually. On November 9, 1994, Governor Wilson ordered that state-reimbursed health services for prenatal care be stopped as soon as possible, and that no more unauthorized aliens be enrolled in state-reimbursed long-term health care programs (nursing home care).

Campaign

Proposition 187 initiative began with a huge lead in opinion polls—it had a 37-point lead in July, 1994, and led among likely voters by 62 to 29 percent in mid-September, 1994. However, by early November, polls indicated that as many likely voters opposed as supported SOS. Most politicians and opinion leaders argued that voters should reject Proposition 187 because it was too blunt an instrument to deal with the complex issue of illegal immigration. No major newspaper endorsed Proposition 187.

In the week before the election, Governor Wilson, who was re-elected with 55 percent of the vote, asserted that if Proposition 187 became law, he would require state and local government employees to report suspected illegal aliens as required by the initiative. California Attorney General Dan Lungren, who was also re-elected, promised to develop emergency regulations to implement the initiative immediately, but noted that there was no penalty for persons who do not report suspected illegal aliens.

Wilson's campaign bought the only pro-Proposition 187 TV ads that were aired, while the anti-187 campaign used contributions from doctors and teachers to run anti-Proposition 187 TV ads. Democratic gubernatorial challenger Kathleen Brown ran out of money for TV ads at the end of her campaign, and toured high school and college campuses, urging students to work to defeat Proposition 187.

President Clinton argued against Proposition 187. According to Clinton, "it is not wrong for you [Californians] to want to reduce illegal immigration. And it is not wrong for you to say it is a national responsibility." Clinton said that "the federal government should do more to help to stop illegal immigration and to help California bear the costs of the illegal immigrants who are there," but urged California voters to reject Proposition 187 and allow the federal government to "keep working on what we're doing—stiffening the border patrol, stiffening the sanctions on

employers who knowingly hire illegal immigrants, stiffening our ability to get illegal immigrants out of the work force, increasing our ability to deport people who have committed crimes who are illegal immigrants."

The campaign's final days were marked by large numbers of Hispanic students walking out of high school to protest Proposition 187, and by charges of hypocrisy between U.S. Senate candidates Feinstein and Huffington. Both took tough stands against illegal immigration, and both charged that the other employed an illegal alien maid. Feinstein hired an illegal housekeeper in the early 1980s—before it was unlawful for a U.S. employer to knowingly hire illegal alien workers—and Huffington hired an illegal alien nanny in the late 1980s and early 1990s, when such hiring was unlawful. Feinstein was narrowly re-elected.

The Mexican government actively opposed Proposition 187. In his final state-of-the-nation address, former Mexican President Carlos Salinas de Gortari asserted that "Mexico affirms rejection of this xenophobic campaign, and will continue to act in defense of the labor and human rights of our migrant workers." Ernesto Zedillo, who became Mexico's President on December 1, 1994 asserted during a November, 1994 trip to Washington, DC that Mexico "cannot object to legitimate enforcement of U.S. laws," but Mexico objects to "enforcement [that] might lead to deprivation or violation of basic human rights... [including] education and health care."

Status

On November 20, 1995, a federal judge, in a 72-page opinion (League of United Latin American Citizens v. Wilson, Case No. CV 94-7569 MRP, declared most parts of Prop. 187 unconstitutional. The judge held that "Proposition 187's verification, notification and cooperation/reporting requirements directly regulate immigration [which only the federal government can do] by creating a comprehensive scheme to detect and report the presence and effect the removal of illegal aliens."

The key distinction in most of the ruling is the source of funds for programs. If a program is funded with both federal and state funds, the judge ruled that California could not unilaterally make illegal aliens ineligible for benefits. But if the program is funded with state funds only, then California can make illegal aliens ineligible for benefits. Only in K-12 education is the source of funds irrelevant—in this case, a 1982 U.S. Supreme Court decision requires states to educate illegal alien children. The judge ruled, however, that under federal law California can deny entry and in-state tuition status to illegal aliens seeking entry to colleges and universities.

Attorneys representing California argued that the state has a right and duty to conserve scarce state funds, and to spend them as voters wish. The federal

judge, by contrast, emphasized that only the federal government has the power to regulate immigration.

The California State Attorney General on January 31, 1996 asked the court's permission to exclude illegal aliens from 23 state programs, ranging from state-funded abortion to child abuse prevention programs—wholly state-funded programs.

Reactions

Proposition 187 was based on the theory that changes in immigrant policy can affect immigration flows. According to Governor Wilson, denying public services to unauthorized aliens would discourage them from coming to the U.S., and encourage some who are here to leave.

In March 1996, the U.S. House of Representatives approved, on a 257-163 vote with Speaker Gingrich's support, a so-called "Proposition 187 or Gallegly" amendment to immigration reform legislation that would permit states to deny public education to illegal alien children, and to prohibit states from offering federally financed welfare benefits to illegal aliens. Many experts believe that, if Congress approves the denial of free public education to unauthorized children, the U.S. Supreme Court will reverse the 5 to 4 Plyler vs Doe decision in 1982 that found unconstitutional a 1975 Texas law that kept unauthorized children out of school. In the Plyler decision, the Supreme Court acknowledged that education was not a "fundamental right," but the majority decision emphasized that Texas provided no evidence "suggesting that illegal entrants impose any significant burden on the state's economy."

Bob Dole supported the Gallegly amendment; President Clinton opposed it. There are an estimated 700,000 illegal alien children in K-12 U.S. schools, including 355,000 in California

There was an attempt to put a Save Our State II initiative on the November 1996 ballot, but it failed to secure enough signatures. Save Our State II would have required all applicants for welfare payments or other government benefits in California to present state-issued identification cards proving their U.S. citizenship or legal residency, all persons born in California to be fingerprinted at birth, and all birth certificates to contain information regarding the residency status of the baby's mother.

FACTORS THAT INFLUENCE MIGRATION

Mexican Migration Project Data

Katharine Donato

In this section, we present findings from an analysis of data from the Mexican Migration Project (MMP). Its purpose is to examine the extent to which Mexi can men and women migrate legally and illegally to the United States, trends in the chances of migrating over time, and whether and how migration patterns differ by community of origin. The MMP data were collected in the 1980s and early 1990s from about 200 households in each of 39 communities in western central Mexico, a region of Mexico surrounding the city of Guadalajara from which most U.S. migrants were born (MMP, 1995). The communities range in size from 1000-person ranchos to a section of Guadalajara, which had a 1990 population of 2.9 million (see Table 1).

In each of the 39 communities, households were randomly selected and interviews were conducted in December-January when sojourner U.S. migrants often return to Mexico. Individual migration histories were compiled for all members of the household, including those absent when the interview was conducted.

Interviewers spoke with household heads and obtained information on all children, whether they were present or not, and if absent, whether they were in Mexico or the United States (Massey and Espinosa, 1995, 4). For the household heads, migration histories were compiled for each year after age 15, and they included questions such as did the person migrate to the United States and if so,

Table 1
Characteristics of 39 Mexican Communities Sampled for Study of U.S. Migration

Type of Community and Name	1990 State	1940 Population[a]	Survey Population	Mexico Sample Year	Mexico U.S. Size*	Mexico Sample*
Metropolitan Areas						
Community 24	Jalisco	2,870,000[b]	229,235	1982	200	16
Community 2	Guanajuato	868,000[b]	74,155	1987	200	0
Community 32	S.L.P.	526,000[b]	97,762	1993	200	0
Community 19	Michoacán	493,000[b]	44,304	1991	200	20
Community 15	Guanajuato	363,000[b]	32,377	1991	200	20
Community 29	Michoacán	217,000[b]	20,583	1992	200	13
Community 35	Zacatecas	109,000[b]	26,673	1994	239	10
Community 31	Guerrero	101,000[b]	21,882	1993	100	0
Community 28	Jalisco	74,000[b]	22,170	1992	201	20
Smaller Urban Areas						
Community 1	Guanajuato	52,000	12,015	1987	201	20
Community 38	S.L.P.	42,000	29,556	1994	200	0
Community 26	Guanajuato	34,000	8,341	1992	200	15
Community 9	Michoacán	32,000	5,452	1989	200	20
Community 17	Jalisco	31,000	13,003	1991	200	20
Community 27	Guanajuato	24,000	5,698	1992	200	15
Community 13	Guanajuato	21,000	5,635	1990	200	20
Community 11	Nayarit	20,000	4,720	1990	200	20
Community 4	Guanajuato	17,000	6,159	1988	200	22
Towns						
Community 36	S.L.P.	13,000	13,923	1995	201	0
Community 23	Jalisco	12,000	5,531	1982	200	20
Community 12	Nayarit	12,000	551	1990	200	20
Community 18	Zacatecas	8,000	2,821	1991	365	20
Community 33	Colima	7,000	6,641	1995	200	20
Community 22	Michoacán	7,000	5,131	1982	200	20
Community 14	Michoacán	7,000	3,046	1990	200	20
Community 8	Michoacán	6,000	2,304	1989	200	20
Community 6	Jalisco	5,000	2,167	1988	200	20
Community 3	Jalisco	4,000	1,257	1988	200	22
Ranchos						
Community 7	Jalisco	3,000	615	1988	200	15
Community 20	Jalisco	3,000	1,900	1982	106	14

Table 1 (Continued)

Type of Community and Name	1990 State	1940 Population[a]	Survey Population	Mexico Sample Year	Mexico U.S. Size*	Mexico Sample*
Community 21	Jalisco	2,000	1,128	1982	94	6
Community 10	Michoacán	2,000	808	1989	150	20
Community 5	Guanajuato	2,000	1,630	1988	150	10
Community 34	Zacatecas	2,000	30,894	1995	149	0
Community 30	Zacatecas	1,000	384	1991	187	0
Community 16	Guanajuato	1,000	303	1991	100	10
Community 39	S.L.P.	1,000	29,556	1995	100	0
Community 25	Jalisco	1,000	275	1992	100	7
Community 37	S.L.P.	1,000	13,933	1995	102	0

*Sample size refers to number of households in the sample.

[a]Rounded to nearest thousand

[b]Population of metropolitan area

Source: Mexican Migration Project (1995)

with or without documents. In addition, interviewers collected data from about 20 migration households who had moved to the U.S. in the summer following data collection in Mexico.

Migrating on a First and Subsequent U.S. Trip

To examine the chances of making a first U.S. trip, the key variables are birth dates and when and how each household member took a first trip to the United States by the time of the interview. For each year of life, a household member had three possible choices: (1) not to make a trip, coded as zero; (2) to make an unauthorized trip (either w/o docs or with tourist visas, border crossing cards, or borrowed/false docs, who also had U.S. work experience), coded as one; or (3) to migrate legally, coded two. Once a person migrated, he or she was excluded from subsequent analysis.

Individual life-histories were used to estimate age-period models of migration. For men and women, two types of probabilities are estimated:

(1) the probability that a man/woman aged 20-24 would migrate, legally or illegally, to the United States for the first time in a given year, and

(2) the cumulative probability that men/women by age 40 would have made a first legal or illegal trip to the United States.[1]

We then extended these models to measure recurrent migration, and therefore, estimated two sets of probabilities:

(1) the probability that a young man would migrate, legally or illegally, on a subsequent trip (after making a first trip), and

(2) the cumulative probability that men by age 40 would migrate on a second legal or illegal U.S. trip.[2]

For example, in Community 2, a large metro area in the state of Guanajuato, the chance that a young man aged 20-24 would migrate illegally to the United States was just 1 percent in 1994. Based on the model and year-by-year migration probabilities for all men in the sample, we would expect about 16 percent of men to migrate to the U.S. at least once illegally by age 40.

To better understand trends over time, consider a typical community, say community 11, which in 1990 was a small urban area with a population of 20,000. Table 2 shows that 12 percent of men aged 20-24 in this community took a first illegal trip in 1980. Ten years later, despite high rates of legal migration associated with IRCA's amnesty program, 11 percent of the young men made a first unauthorized trip. However, in 1991, the chance of making an illegal first trip dropped to 5 percent, then rose to 7 percent in 1994, meaning that 7 of 100 young men in community 11 made a first illegal trip to the United States in 1994.

Probabilities for communities 3 and 10, which are much smaller and more typical of the villages that depend on emigration and remittances to supplement earnings from a mostly agricultural economy, illustrate similar patterns. In general, young men were more likely to make a first illegal than legal U.S. trip until 1986. In 1986, the chance of making a first illegal trip from community 10 was 45 percent, twice as high as making a first legal trip. In community 3, the chance of making an unauthorized trip was 38 percent, more than 10 times higher than making a legal trip.

By 1987, the pattern had changed. In community 3, young men still faced higher chances of migrating illegally than legally, but the difference between the two narrowed considerably after 1986. For men in community 10, however, the pattern reversed—beginning in 1987, the chance that a young man would migrate legally was higher than migrating illegally. In 1992, 60 of 100 young men in community 10 made a first authorized trip, representing the highest migration probability recorded since 1980.

The second panel of Table 2 presents cumulative probabilities which answer the question, what is the probability that a young man would have taken at least

Table 2
Predicted Cumulative Probabilities that a Male Household Head Migrates on a First U.S. Trip, for Selected Communities, 1980–94

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Community 2	.00	.01	.00	.00	.01	.00	.00	.01	.02	.01	.02	.01	.02	.01	.01
Community 11	.03	.03	.03	.03	.03	.03	.03	.05	.09	.09	.10	.08	.11	.04	.08
Community 3	.03	.04	.03	.03	.03	.03	.03	.06	.11	.12	.11	.10	.14	.05	.10
Community 10	.23	.25	.23	.23	.23	.21	.21	.37	.52	.57	.51	.53	.60	.34	.51
Without Documents															
Community 2	.01	.01	.01	.01	.02	.02	.02	.01	.01	.01	.01	.01	.01	.00	.01
Community 11	.12	.11	.09	.09	.13	.14	.15	.08	.09	.05	.11	.05	.06	.03	.07
Community 3	.32	.31	.27	.26	.34	.36	.38	.24	.26	.15	.30	.15	.17	.11	.20
Community 10	.38	.37	.33	.33	.40	.43	.45	.25	.22	.13	.25	.14	.13	.13	.18
Cumulative Probabilities by Age 40															
With Documents															
Community 2	.11	.12	.10	.10	.11	.10	.11	.18	.18	.19	.15	.21	.07	.16	.29
Community 11	.18	.20	.20	.21	.18	.15	.15	.35	.55	.41	.50	.58	.31	.46	.52
Community 3	.08	.09	.09	.09	.08	.07	.06	.18	.39	.23	.35	.40	.25	.30	.30
Community 10	.33	.36	.36	.37	.33	.29	.28	.55	.78	.63	.76	.79	.68	.71	.71
Without Documents															
Community 2	.29	.27	.23	.23	.31	.34	.36	.20	.08	.18	.08	.09	.05	.10	.16
Community 11	.81	.79	.77	.76	.81	.84	.85	.63	.35	.56	.37	.36	.33	.44	.47
Community 3	.92	.91	.91	.91	.92	.93	.94	.82	.60	.77	.64	.60	.67	.70	.70
Community 10	.67	.64	.64	.63	.67	.71	.72	.45	.22	.37	.24	.21	.32	.29	.29

one unauthorized or legal trip to the United States by age 40? The probabilities for each community are based on the rates of out migration that were estimated for each community between 1940 and 1992. Young men enter the pool of potential migrants at birth, and leave at age 39 or by death. The pool of those who could migrate—the denominator—is all men in the community under age 40 who have so far not migrated legally or illegally.

Once again, beginning with community 2, men by age 40 had a 29 percent chance of migrating illegally on a first trip in 1980, or about one in three men under 40 in this section of Guadalarja were predicted to have made at least one illegal trip to the U.S. by 1980. By the mid 1980s, the chance that a man would make at least one illegal trip rose to 36 percent but then fell, dropping to 20 percent and in 1988 to just 8 percent. The decline continued through 1992, when the lifetime chance of making a first unauthorized trip was just 5 percent. However, two years later, it had risen to 16 percent.

So far, our results suggest three key findings. First, from some communities, virtually all young men will make an initial U.S. trip by age 40. Second, the chances of migrating illegally and legally vary considerably by origin community—they are lower than in larger metropolitan areas than in smaller rural communities. Third, despite declines immediately after 1986, the probability of making an initial unauthorized U.S. trip by age 40 began to rise again by the 1990s, based on a model that uses migration experience through 1992.

Table 3 presents the same probabilities of migration calculated for women in the four communities. Like those for men, they reveal that: (1) by age 40, most women will migrate to the United States on a first trip; and (2) the incentives to migrate have changed since 1980. However, despite the similarities, year-by-year probabilities show that shifts in the chances of migrating legally and illegally were more gradual than those for men. For example, declines in the chances that a woman would migrate illegally occurred in the 1990s rather than immediately after 1986.

Finally, the probabilities presented in Table 4 suggest that more recent repeat trips to the United States were made with legal documents rather than without them. In communities 2, 11, and 10, the lifetime chance of making a second trip (after making a first) with legal documents was much higher than making an illegal trip in the mid 1990s. Before 1987, however, the chance of making a second unauthorized trip was much higher than migrating legally.

Community Similarities and Differences

To better understand migration trends over a longer period of time for all 39 communities, we estimated the probabilities of migration separately for each year beginning in 1943. From these probabilities (see Appendices 1-3), we derive

Table 3

Predicted Cumulative Probabilities that a Woman Migrates on a First U.S. Trip, for Selected Communities, 1980–94

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Community 2	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.02	.03	.04
Community 11	.11	.12	.12	.14	.12	.13	.13	.13	.14	.14	.15	.17	.20	.25	.32
Community 3	.05	.05	.05	.06	.05	.05	.05	.06	.06	.06	.07	.08	.10	.13	.17
Community 10	.19	.19	.20	.23	.21	.21	.21	.22	.23	.23	.26	.29	.32	.40	.47
Without Documents															
Community 2	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.01
Community 11	.20	.20	.20	.21	.22	.23	.24	.25	.25	.27	.31	.36	.34	.38	.28
Community 3	.12	.12	.13	.14	.14	.15	.15	.16	.16	.18	.21	.26	.25	.30	.22
Community 10	.15	.15	.15	.16	.16	.17	.18	.18	.19	.20	.23	.26	.24	.26	.18
Cumulative Probabilities by Age 40															
With Documents															
Community 2	.25	.26	.27	.31	.28	.29	.30	.31	.20	.24	.29	.32	.45	.51	.69
Community 11	.53	.53	.54	.56	.53	.52	.51	.52	.51	.50	.49	.54	.57	.70	.70
Community 3	.40	.41	.41	.44	.41	.40	.40	.40	.40	.39	.39	.44	.48	.61	.61
Community 10	.72	.72	.73	.75	.72	.71	.71	.71	.70	.70	.69	.73	.75	.84	.84
Without Documents															
Community 2	.13	.14	.14	.15	.15	.16	.17	.17	.10	.12	.14	.13	.16	.11	.16
Community 11	.47	.47	.46	.44	.47	.48	.49	.48	.49	.50	.51	.46	.43	.30	.30
Community 3	.60	.59	.59	.56	.59	.60	.60	.60	.59	.60	.60	.56	.52	.39	.39
Community 10	.28	.28	.27	.25	.28	.29	.29	.29	.29	.30	.31	.27	.25	.16	.16

Table 4

Predicted Cumulative Probabilities that a Man Migrates on a Subsequent U.S. Trip,for Selected Communities, 1980–94*

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Community 2	.02	.02	.02	.02	.02	.02	.02	.03	.04	.05	.08	.06	.08	.03	.09
Community 11	.10	.09	.10	.09	.09	.09	.09	.15	.19	.22	.30	.25	.32	.15	.34
Community 3	.06	.05	.06	.05	.06	.06	.05	.10	.12	.16	.21	.17	.23	.10	.24
Community 10	.37	.35	.39	.35	.37	.36	.34	.52	.58	.68	.73	.68	.76	.55	.75
Without Documents															
Community 2	.05	.05	.04	.05	.05	.05	.06	.04	.05	.02	.04	.03	.03	.03	.05
Community 11	.13	.12	.11	.12	.13	.13	.16	.10	.11	.05	.08	.07	.06	.08	.09
Community 3	.34	.33	.31	.33	.34	.34	.39	.27	.30	.16	.24	.22	.20	.24	.27
Community 10	.36	.36	.32	.36	.36	.36	.41	.24	.23	.12	.14	.15	.11	.21	.14
Cumulative Probabilities by Age 40															
With Documents															
Community 2	.22	.21	.24	.21	.22	.21	.20	.35	.43	.53	.46	.57	.30	.57	.63
Community 11	.41	.39	.45	.39	.41	.40	.36	.59	.78	.78	.75	.82	.62	.78	.78
Community 3	.14	.13	.16	.13	.13	.13	.11	.24	.47	.44	.41	.51	.28	.45	.45
Community 10	.49	.48	.53	.47	.49	.48	.44	.66	.84	.83	.81	.86	.71	.83	.83
Without Documents															
Community 2	.61	.60	.56	.60	.60	.61	.68	.47	.21	.29	.28	.24	.33	.30	.34
Community 11	.59	.60	.55	.60	.59	.60	.64	.41	.20	.22	.24	.18	.36	.22	.22
Community 3	.86	.87	.84	.87	.87	.87	.89	.76	.53	.56	.59	.49	.72	.55	.55
Community 10	.51	.52	.47	.53	.51	.52	.56	.34	.16	.17	.19	.14	.29	.17	.17

*Community 2 represents communities 2 and 24.

Figures 1-15. Figures 1-5 illustrates trends in the chances that a male household head migrates on a first U.S. trip, Figures 6-10 document shifts in the chances that a woman migrates on a first U.S. trip, and Figures 11-15 describe trends in the chances that a male household head makes a second U.S. trip. In each set of figures, the first figure summarizes the probabilities of migrating across all 39 communities in 1943-94, and the next four figures describe the probabilities for communities 2, 11, 3 and 10 in 1971-94.

On the whole, the figures reveal the same difference that we observed earlier between the predicted and cumulative probabilities. The predicted chances that young men migrate on a first illegal or legal trip at age 20-24 was quite low throughout the period, but magnified over 40 years, the chances of migrating were considerably higher.

Figure 1 illustrates how, in the beginning of the Bracero period, the chance that young men would migrate on a first U.S. trip with documents was higher than the probability of migrating illegally. In 1947, young men were more likely to migrate illegally but, after Operation Wetback in 1954, the probabilities reversed again, and legal migration became the norm until the end of the Bracero Program.

After 1964, however, the cumulative probability that young men migrated legally trended downward, while the cumulative probability of a first illegal trip moved up, peaking at 80 percent in these emigration communities in 1983. Since then, the lifetime probability that a young man would migrate on a first legal trip to the United States by age 40 has fluctuated, with legal and illegal probabilities following similar year-by-year patterns, reaching an all-time low of approximately 20 percent in 1990, and then doubling to at least 40 percent by 1994.

These trends are consistent with evidence that stepped up enforcement and the increased legalization of Braceros in the mid-1950s helped lower the chances of illegal first-time entry. As the number of Braceros was reduced in the late 1950s, and reduced to zero after 1964, the chances of illegal entry grew. This upward pattern continued until the mid 1980s, when IRCA produced both a legalization program and a series of incentives explicitly designed to reduce illegal entry to the United States. As a consequence, the probability of first-time illegal migration dramatically declined in the late 1980s, intersected with that for legal migration, and in recent years the chances of legal and illegal migration converged.

Figures 2 through 5 illustrate how the pressures to migrate have changed over time in the four typical communities. Unlike Figure 1 that described the average probabilities across all 39 communities, trends in Figures 2 through 5 document striking differences among the villages in the chances of migrating on a first U.S. trip. For example, the figures show clearly that, in community 2, a less established migrant sending community, the chance of illegal migration was much lower, and less symmetric, than in other communities. In addition, although the chance of

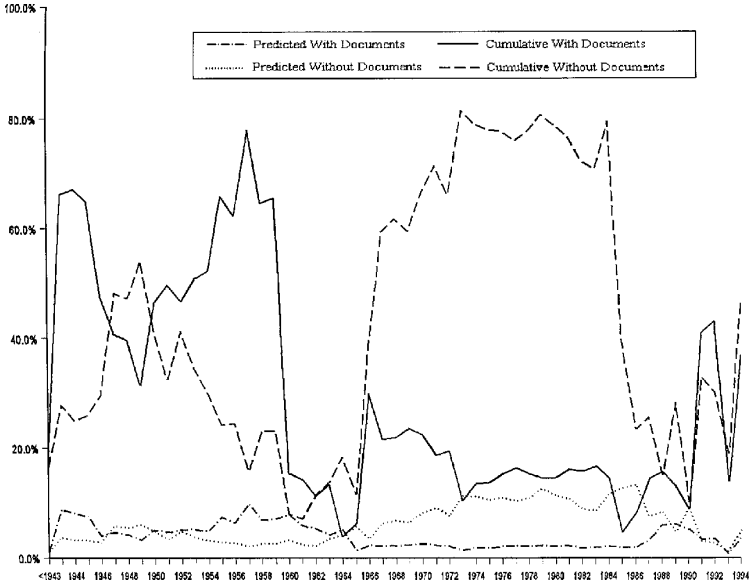

Figure 1. Chances That a Male Household Head Migrates on a First U.S. Trip, for 39 Mexican Communities, 1943–94

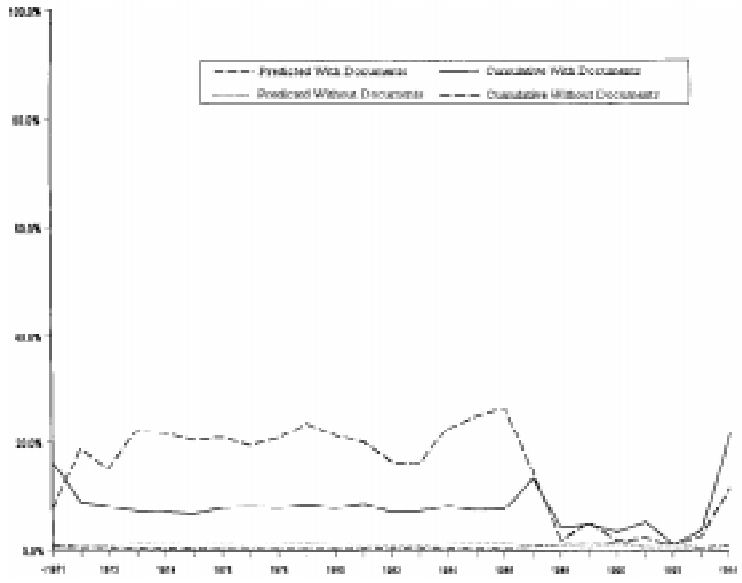

Figure 2. Chances That a Male Household Head Migrates on a First U.S. Trip, for Community 2, 1971–94

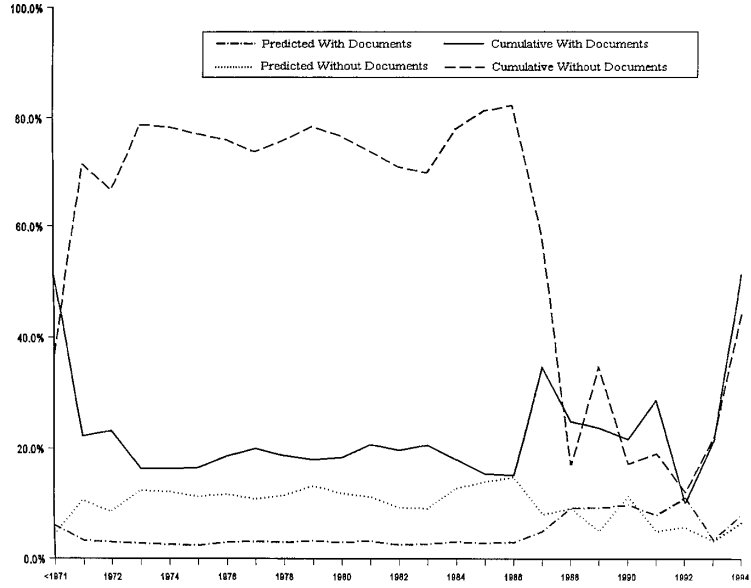

Figure 3. Chances That a Male Household Head Migrates On a First U.S. Trip, for Community 11, 1971–94

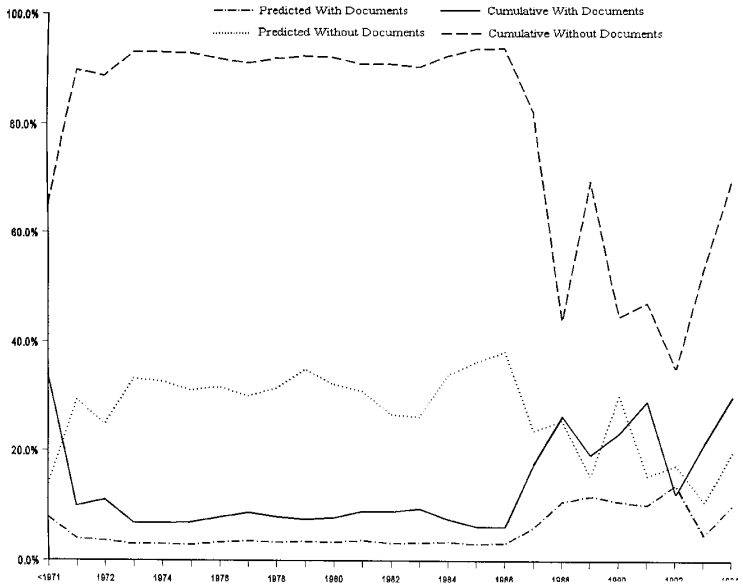

Figure 4. Chances That a Male Household Head Migrates On a First U.S. Trip, for Community 3, 1971–94

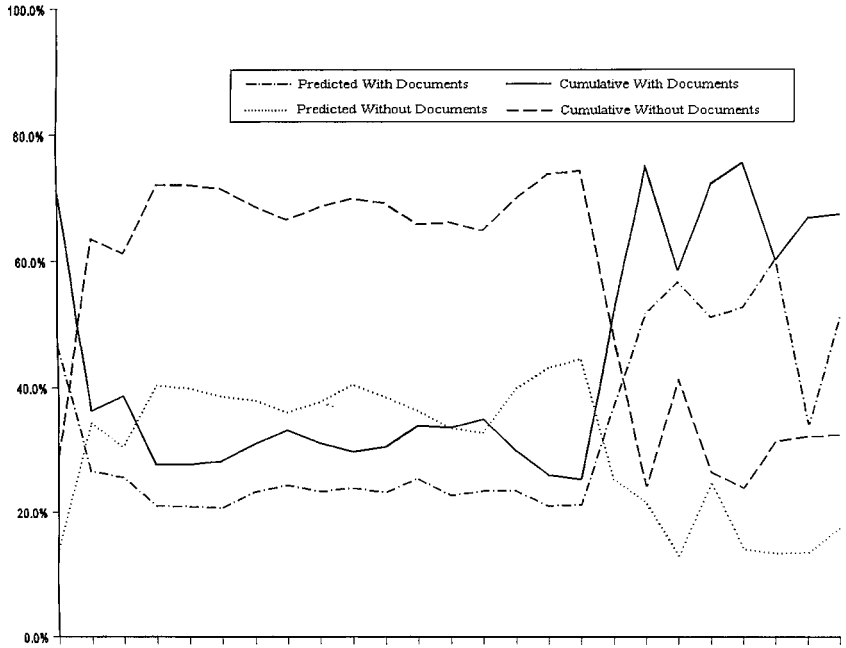

Figure 5. Chances That a Male Household Head Migrates On a First U.S. Trip, for Community 10, 1971–94

making a first illegal trip was higher than a first legal trip from 1971 to 1987 for all communities, since then, differences across communities have emerged. Community 2 is noteworthy in this regard because young men remain more likely to migrate illegally than legally since 1986.

In communities 3 and 10, the most established migrant sending origins from which virtually everyone migrates on a first trip with or without documents, overall trends reveal remarkably high levels of migration and almost perfect symmetry between the two types of cumulative probabilities (see Figures 4 and 5). In 1971, from community 3, the lifetime chance of migrating illegally was close to 90 percent, whereas the chance of illegal migration dropped to roughly 10 percent. In that same year, the cumulative chance of migrating on a first U.S. trip from community 10 was 65 percent for men without documents and 35 percent for those making legal trips.

The chances of migrating continued at the same high levels through 1986, but with an important distinction—migrating legally replaced migrating illegally in these two villages. During the post-IRCA period, the chance of making a legal trip by age 40 grew to a high of 40 percent in community 3, and 80 percent in community 10. In both communities, upward or downward shifts in the chances

of legal and illegal migration essentially mirror each other—a drop in the chance of illegal migration occurred in the same year that the chance of legal migration increased. Despite the shifts, however, the combined chances of migration suggest that virtually everyone will migrate on a first trip by age 40.

Community 10 illustrates Massey et al.'s (1994) view of how migration has become a self-feeding process. Of the 39 communities in the data set, this community has the longest history of U.S. migration. Many residents were legalized in 1987-88, so that the probability of migrating on a first legal trip rose in 1988 and surpassed the chance of making a first unauthorized trip. Later, in the 1990s, with documents themselves, these migrants sponsored the legal migration of their dependents, thus facilitating very high levels of legal migration from this community.

In contrast to the patterns for men, women's chances of migrating on a first legal trip are higher than for a first unauthorized trip throughout the 1943-94 period (see Figure 6). Dramatic increases occurred in two periods. The mid 1960s witnessed the legalization of many Braceros, who in turn sponsored their immediate family

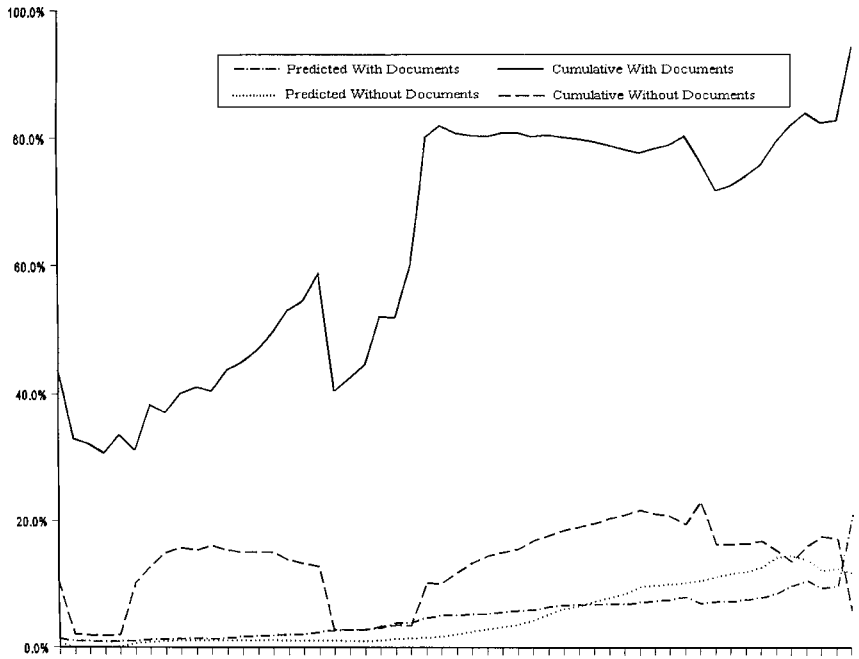

Figure 6. Chances That a Woman Migrates on a First U.S. Trip, for 39 Mexican Communities, 1943–94

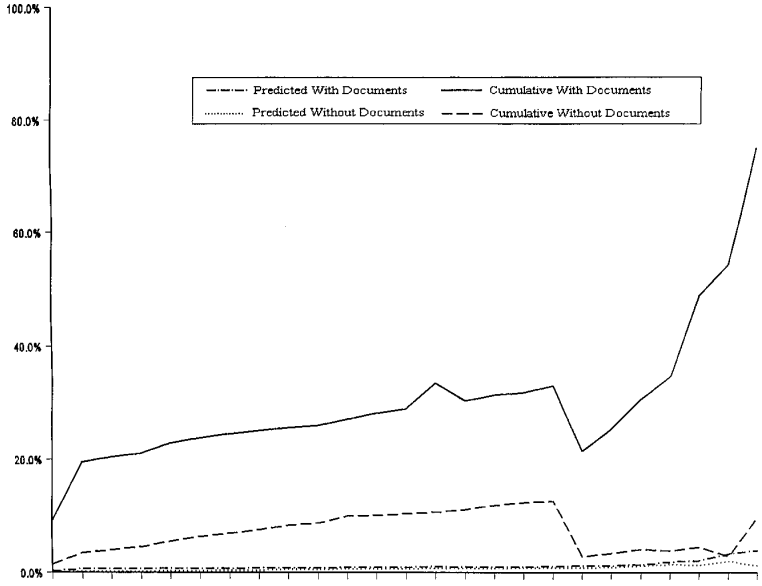

Figure 7. Chances That a Woman Migrates on a First U.S. Trip, for Community 2, 1971–94

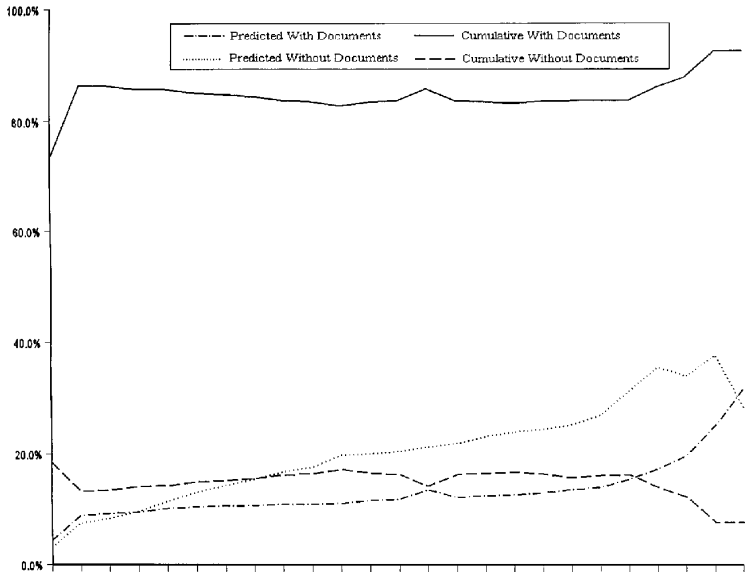

Figure 8. Chances That a Woman Migrates on a First U.S. Trip, for Community 11, 1971–94

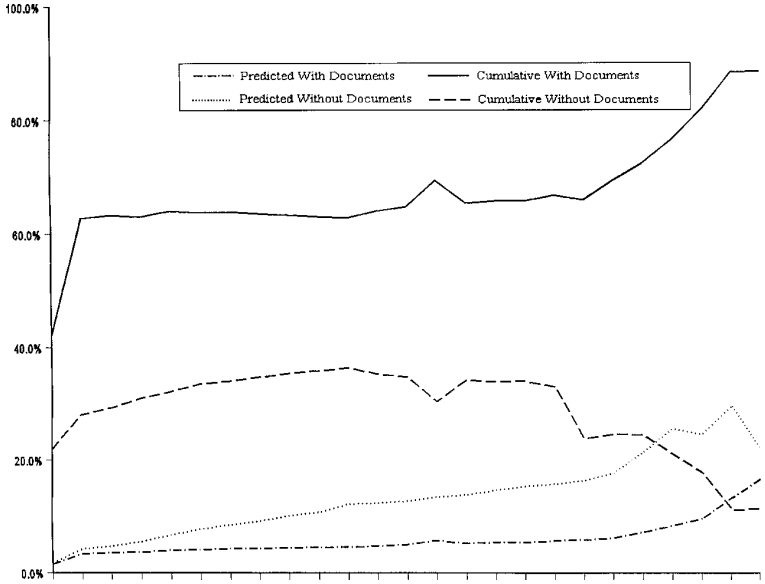

Figure 9. Chances That a Woman Migrates on a First U.S. Trip, for Community 3, 1971–94

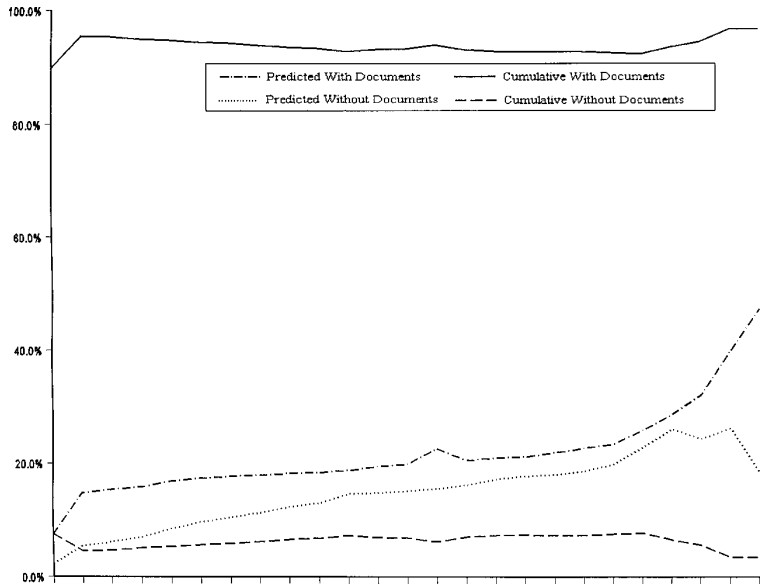

Figure 10. Chances That a Woman Migrates on a First U.S. Trip, for Community 10, 1971–94

members (many of them women) for purposes of family unification (Donato, 1993). In the early 1990s, there was a second peak in a woman's chance to migrate legally as many began to enter as relatives of IRCA's amnesty recipients.

Interestingly, however, Figures 7-10 show that trends in individual communities may differ from Figure 6. For example, community 3 was unusual because here a woman's chance of migrating illegally was higher than migrating legally until 199, when legal migration became the norm. In community 10, the gap in the lifetime chances of legal versus illegal migration was much larger than that observed for all 39 communities.

Finally, Figures 11-15 reveal trends in the chances that men migrate on a second U.S. trip. Across all 39 communities, the cumulative probability of migrating legally was higher than illegal migration during the 1942-64 Bracero period. The crossover year was 1963, when the chances of migrating illegally exceeded those for legal migration. This state of affairs continued until the late 1980s, when the chances of making a second legal trip were higher than making illegal trips. By the early 1990s, however, the two probabilities converged so that roughly 50 percent of men migrated on an illegal or legal second trip.

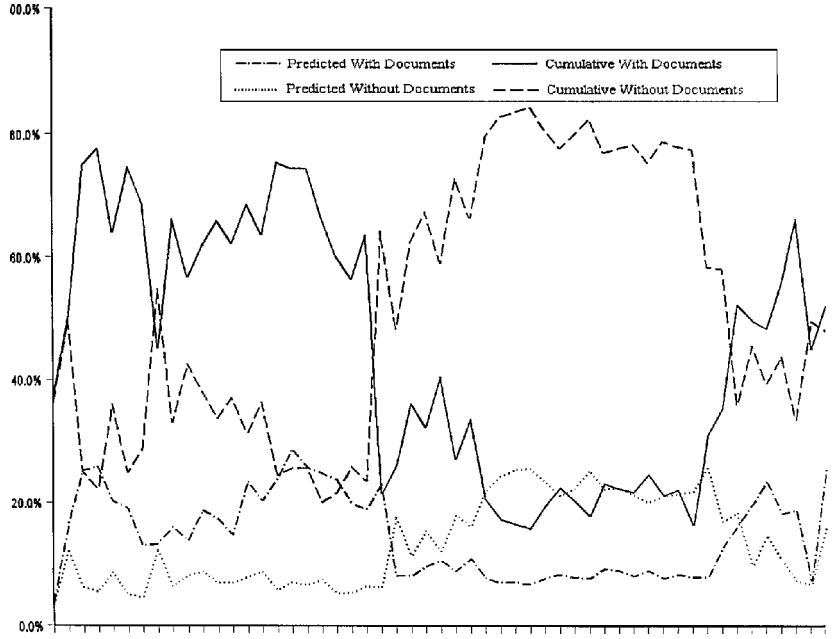

Figure 11. Chances That a Male Household Head Migrates on a Subsequent U.S. Trip, for 39 Mexican Communities, 1943–94

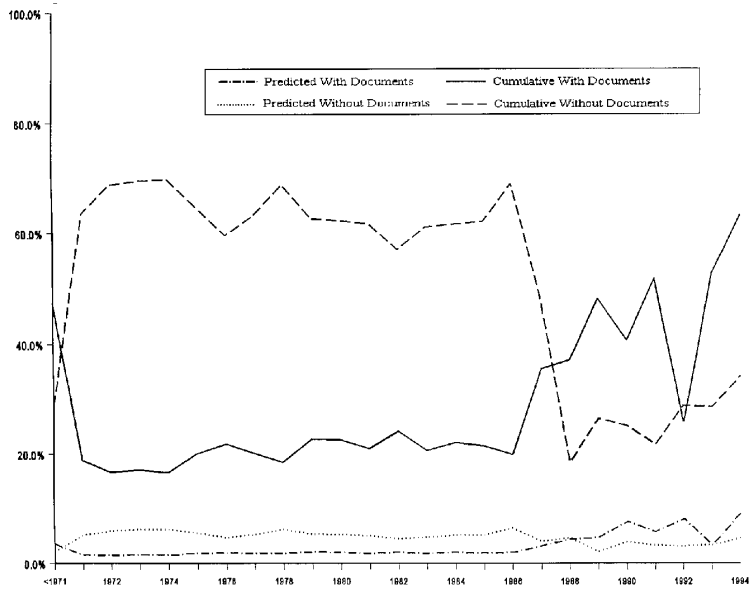

Figure 12. Chances That a Male Household Head Migrates on a Subsequent U.S. Trip, for Community 2, 1971–94

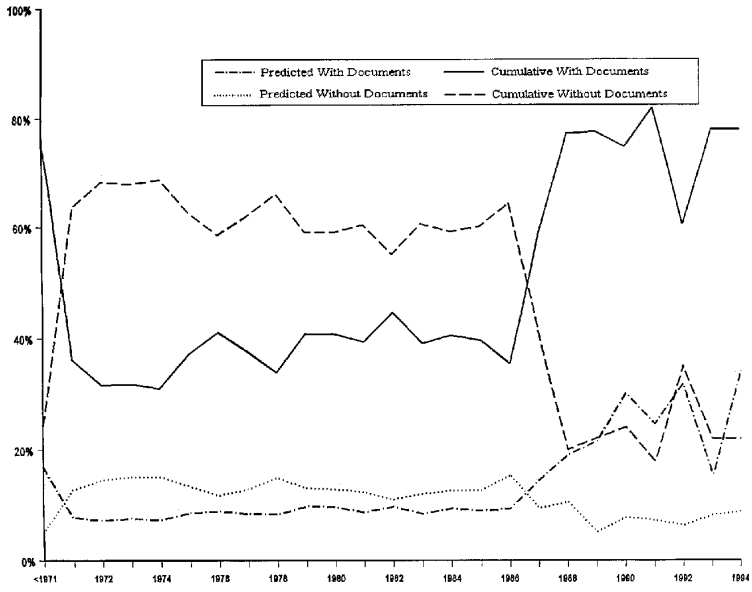

Figure 13. CHances That a Male Household Head Migrates on a Subsequent U.S. Trip, for Community 11, 1971–94

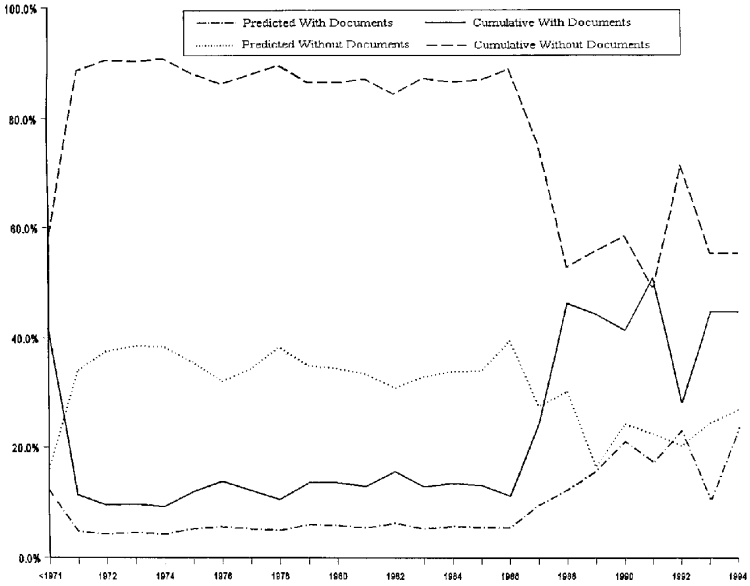

Figure 14. Chances That a Male Household Head Migrates on a Subsequent U.S. Trip, for Community 3, 1971–94

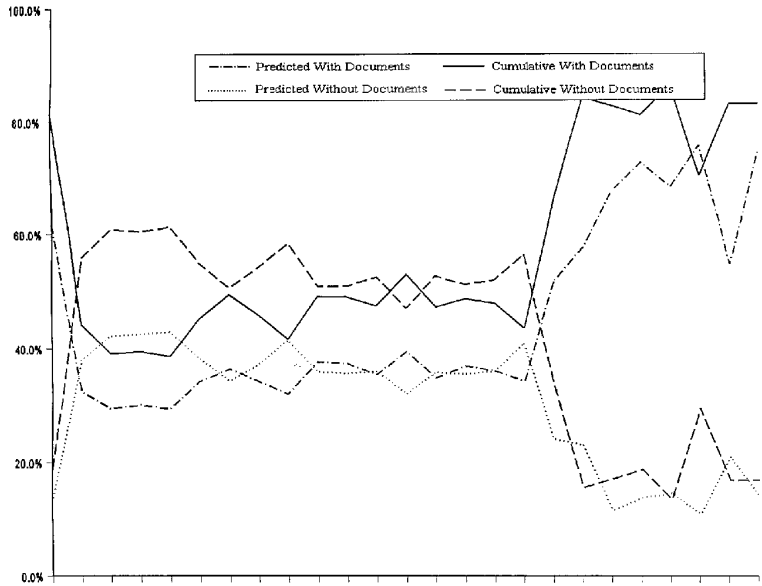

Figure 15. Chances That a Male Household Head Migrates on a Subsequent U.S. Trip, for Community 10, 1971–94

Assessment

These data suggest that the majority of men and women will leave traditional emigration communities west central Mexico on a first U.S. trip by age 40, and that most men will make a subsequent trip. On a year-by-year basis, the major difference was whether Mexicans made their first trips legally or illegally, not whether or not they migrate. Legal status differences were also related to community of origin. From traditional emigration communities, prior high levels of illegal migration have fed on themselves, changing the legal status of newly arriving Mexican migrants without shifting the overall pressures to migrate over the long term. In fact, the present analysis reveals that the chance of migrating on a first trip has begun to rise in the 1990s.

Together with findings from prior community studies, these data suggest that the pressures to migrate are now as high as ever. Although the legalization program appears related to a rapid rise in probabilities of legal migration, it is clear that the overall pressures to migrate in many communities in west central Mexico remain is strong and may be on the rise. So the question is how to get over the current migration peak or hump.[3]

Examination of migration trends suggests that stepped up enforcement and a legalization program for Braceros combined to lower the chances of illegal migration in the mid-1950s. By the early 1990s, a similar two-pronged control policy existed in the United States. Although the legalization program implemented as part of IRCA and several stepped-up border enforcement programs, especially in San Diego and El Paso, also lowered the chances of illegal first-time migration from Mexico, the pressures to migrate have remained high.

Therefore, our re-analysis of these data suggests that recent migration from communities with long trajectories of migration has become a self-feeding process. After 1986, with amnesty and the ability to sponsor their relatives, many more migrants have been entering legally. But at the same time that the incentives to migrate legally and illegally have changed, high levels of migration prevail.

Notes

1. Note that both probabilities derive from weighted models to correct for differences between the U.S. and Mexican samples. Within Mexico, weights are the number of households in the community divided by the number of households in the sample. Within the United States, weights are the number of out migrant households from each community living in the United States divided by the number of households in each community surveyed in the United States. By pooling and weighing the U.S. and Mexican samples, these data provide a representative profile of the total binational population of all communities in the data set.

2. Unfortunately, data are not yet available to estimate probabilities of recurrent migration for women.

3. This conclusion contrasts with that made by Reyes (1997), who analyzed the MMP data and reported that approximately 50 percent of Mexican migrants return to Mexico. Although many do return home, her figure derives from an analysis that is biased in favor of high emigration rates. By including all MMP observations, of which many refer to the 1942-64 period when Mexican workers were recruited by the U.S. government to work in agriculture and then return home, her estimate of return migration is likely to overestimate the extent to which recent migrants (in the last 10-15 years or so) return to Mexico

Appendix 1

Predicted and Cumulative Probabilities that a Male Household Head Migrates on a First U.S. Trip, for 39 Communities, 1980–94

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Metropolitan Areas															
Community 24	.02	.03	.02	.02	.02	.02	.02	.04	.07	.07	.08	.06	.09	.03	.06
Community 2	.00	.01	.00	.00	.01	.00	.00	.01	.02	.01	.02	.01	.02	.01	.01
Community 32	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.00	.01	.00	.00
Community 19	.01	.01	.01	.01	.01	.01	.01	.01	.03	.03	.03	.02	.03	.01	.02
Community 15	.01	.01	.01	.01	.01	.01	.01	.02	.04	.04	.04	.03	.04	.01	.03
Community 29	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.02	.02	.03	.01	.02
Community 35	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01	.01	.01	.00	.01
Community 31	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01	.01	.02	.00	.01
Community 28	.01	.01	.01	.01	.01	.01	.01	.02	.04	.04	.04	.03	.05	.01	.03
Smaller Urban Areas															
Community 1	.01	.01	.01	.01	.01	.01	.01	.02	.03	.03	.04	.03	.04	.01	.03
Community 38	.01	.01	.00	.00	.01	.01	.01	.01	.02	.02	.02	.01	.02	.01	.02
Community 26	.03	.04	.03	.03	.03	.03	.03	.05	.10	.10	.10	.08	.12	.04	.09
Community 9	.06	.07	.06	.06	.06	.06	.06	.10	.18	.19	.19	.16	.22	.08	.17
Community 17	.06	.07	.06	.06	.07	.06	.06	.11	.19	.19	.19	.17	.22	.08	.17
Community 27	.03	.03	.02	.03	.03	.03	.03	.05	.09	.09	.09	.08	.10	.03	.08
Community 13	.02	.02	.02	.02	.02	.02	.02	.04	.07	.08	.07	.07	.09	.03	.07
Community 11	.03	.03	.03	.03	.03	.03	.03	.05	.09	.09	.10	.08	.11	.03	.08
Community 4	.01	.01	.00	.00	.01	.01	.01	.01	.02	.02	.02	.01	.02	.01	.02

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.03	.03	.03	.03	.03	.03	.03	.05	.09	.09	.10	.08	.11	.03	.08
Community 23	.02	.02	.01	.01	.02	.02	.02	.03	.05	.05	.05	.04	.06	.02	.04
Community 12	.01	.01	.01	.01	.01	.01	.01	.02	.03	.03	.03	.03	.04	.01	.03
Community 18	.05	.06	.05	.05	.06	.05	.05	.09	.16	.16	.16	.14	.19	.06	.14
Community 33	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.03	.02	.03	.01	.02
Community 22	.03	.04	.03	.03	.04	.03	.03	.06	.11	.12	.11	.11	.14	.05	.10
Community 14	.01	.01	.01	.01	.01	.01	.01	.02	.03	.03	.03	.03	.04	.01	.03
Community 8	.05	.05	.04	.04	.05	.04	.04	.08	.14	.15	.15	.13	.18	.06	.13
Community 6	.03	.03	.02	.02	.03	.02	.03	.04	.08	.08	.08	.07	.10	.03	.07
Community 3	.03	.04	.03	.03	.03	.03	.03	.06	.11	.12	.11	.10	.14	.05	.10
Ranchos															
Community 7	.01	.02	.01	.01	.01	.01	.01	.02	.04	.04	.05	.04	.05	.02	.04
Community 20	.02	.02	.02	.02	.02	.02	.02	.03	.06	.06	.06	.05	.07	.02	.05
Community 21	.01	.01	.01	.01	.01	.01	.01	.01	.03	.03	.03	.02	.03	.01	.02
Community 10	.23	.26	.23	.23	.23	.21	.21	.37	.52	.57	.51	.53	.60	.34	.51
Community 5	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
Community 34	.08	.09	.08	.08	.08	.07	.08	.14	.24	.26	.24	.23	.29	.12	.22
Community 30	.05	.06	.05	.05	.05	.05	.05	.09	.16	.18	.16	.16	.20	.08	.15
Community 16	.02	.03	.02	.02	.03	.02	.02	.04	.08	.08	.08	.07	.09	.03	.07
Community 39	.01	.01	.01	.01	.01	.01	.01	.01	.03	.03	.03	.02	.03	.01	.02
Community 25	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01	.01	.01	.00	.01
Community 37	.04	.05	.04	.04	.04	.04	.04	.07	.13	.14	.14	.12	.16	.05	.12

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
Without Documents															
Metropolitan Areas															
Community 24	.12	.11	.09	.09	.13	.14	.15	.08	.09	.05	.12	.05	.06	.03	.07
Community 2	.01	.01	.01	.01	.02	.02	.02	.01	.01	.01	.01	.01	.01	.00	.01
Community 32	.02	.02	.01	.01	.02	.02	.02	.01	.01	.01	.02	.01	.01	.00	.01
Community 19	.07	.07	.06	.06	.08	.09	.09	.05	.06	.03	.07	.03	.04	.02	.04
Community 15	.04	.03	.03	.03	.04	.04	.05	.02	.03	.01	.04	.01	.02	.01	.02
Community 29	.09	.08	.07	.07	.09	.10	.11	.06	.07	.04	.09	.04	.04	.02	.05
Community 35	.02	.02	.02	.02	.02	.03	.03	.02	.02	.01	.02	.01	.01	.01	.01
Community 31	.03	.03	.02	.02	.03	.04	.04	.02	.02	.01	.03	.01	.02	.01	.02
Community 28	.08	.08	.06	.06	.09	.10	.10	.06	.07	.04	.08	.04	.04	.02	.05
Smaller Urban Areas															
Community 1	.09	.09	.07	.07	.10	.11	.12	.07	.08	.04	.09	.04	.05	.03	.05
Community 38	.07	.07	.06	.06	.08	.09	.09	.05	.06	.03	.07	.03	.04	.02	.04
Community 26	.08	.07	.06	.06	.08	.09	.10	.05	.06	.03	.07	.03	.04	.02	.04
Community 9	.19	.18	.15	.15	.20	.22	.24	.13	.14	.08	.17	.08	.09	.06	.11
Community 17	.14	.14	.11	.11	.15	.17	.18	.10	.10	.06	.13	.06	.06	.04	.08
Community 27	.11	.11	.09	.09	.12	.13	.14	.08	.09	.05	.11	.05	.06	.03	.06
Community 13	.27	.26	.22	.21	.28	.31	.32	.20	.22	.13	.26	.13	.15	.09	.16
Community 11	.12	.11	.09	.09	.13	.14	.15	.08	.09	.05	.11	.05	.06	.03	.07
Community 4	.03	.03	.03	.03	.04	.04	.04	.02	.03	.01	.04	.01	.02	.01	.02

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.11	.10	.09	.08	.12	.13	.14	.08	.09	.05	.11	.05	.05	.03	.06
Community 23	.07	.07	.06	.06	.08	.09	.09	.05	.06	.03	.07	.03	.04	.02	.04
Community 12	.15	.14	.12	.11	.16	.17	.18	.10	.12	.07	.15	.07	.08	.04	.09
Community 18	.14	.13	.11	.11	.15	.16	.17	.09	.10	.06	.12	.06	.06	.04	.07
Community 33	.08	.07	.06	.06	.08	.09	.10	.05	.06	.03	.08	.03	.04	.02	.04
Community 22	.35	.34	.29	.29	.37	.39	.41	.26	.28	.17	.33	.17	.19	.12	.22
Community 14	.05	.05	.04	.04	.06	.06	.07	.04	.04	.02	.05	.02	.03	.01	.03
Community 8	.25	.24	.21	.20	.27	.29	.30	.18	.19	.11	.23	.11	.13	.08	.15
Community 6	.14	.13	.11	.11	.15	.17	.18	.10	.11	.06	.14	.06	.07	.04	.08
Community 3	.32	.31	.27	.26	.34	.36	.38	.24	.26	.15	.30	.15	.17	.11	.20
Ranchos															
Community 7	.12	.11	.09	.09	.12	.14	.15	.08	.09	.05	.12	.05	.06	.03	.07
Community 20	.15	.14	.12	.11	.16	.17	.18	.10	.12	.06	.14	.06	.07	.04	.08
Community 21	.09	.09	.07	.07	.10	.11	.12	.06	.07	.04	.09	.04	.05	.02	.05
Community 10	.38	.36	.33	.33	.40	.43	.45	.25	.22	.13	.25	.14	.13	.13	.18
Community 5	.03	.03	.02	.02	.03	.04	.04	.02	.02	.01	.03	.01	.02	.01	.02
Community 34	.36	.34	.30	.30	.38	.40	.42	.26	.26	.16	.30	.16	.17	.12	.20
Community 30	.40	.38	.34	.33	.42	.44	.46	.30	.31	.19	.36	.20	.21	.14	.25
Community 16	.09	.09	.07	.07	.10	.11	.11	.06	.07	.04	.09	.04	.04	.02	.05
Community 39	.17	.16	.14	.13	.18	.20	.21	.12	.14	.08	.17	.08	.09	.05	.10
Community 25	.04	.04	.03	.03	.04	.05	.05	.03	.03	.02	.04	.02	.02	.01	.02
Community 37	.22	.21	.18	.18	.24	.26	.27	.16	.17	.10	.21	.10	.11	.07	.13

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
With Documents															
Metropolitan Areas															
Community 24	.15	.17	.16	.17	.15	.12	.12	.29	.20	.19	.18	.24	.08	.17	.45
Community 2	.08	.09	.07	.08	.08	.08	.08	.14	.05	.05	.04	.05	.02	.04	.22
Community 32	.03	.03	.03	.03	.03	.03	.03	.05	.02	.02	.01	.02	.01	.02	.09
Community 19	.09	.10	.09	.09	.09	.08	.07	.17	.08	.08	.07	.10	.03	.07	.28
Community 15	.16	.18	.15	.15	.16	.14	.15	.27	.11	.12	.09	.13	.04	.10	.41
Community 29	.06	.07	.07	.07	.06	.05	.05	.13	.07	.07	.06	.08	.02	.06	.22
Community 35	.06	.07	.06	.06	.06	.06	.06	.11	.04	.04	.03	.04	.01	.03	.17
Community 31	.06	.07	.06	.06	.06	.06	.06	.11	.04	.04	.03	.05	.01	.03	.18
Community 28	.11	.13	.11	.12	.11	.10	.09	.21	.11	.11	.10	.13	.04	.10	.34
Smaller Urban Areas															
Community 1	.09	.10	.09	.10	.09	.07	.07	.18	.10	.10	.08	.12	.04	.08	.29
Community 38	.06	.06	.06	.06	.06	.05	.05	.11	.05	.05	.04	.06	.02	.04	.18
Community 26	.26	.29	.27	.28	.26	.23	.23	.44	.27	.27	.23	.31	.11	.23	.62
Community 9	.22	.24	.24	.25	.21	.18	.18	.41	.44	.38	.39	.48	.21	.38	.57
Community 17	.28	.32	.31	.32	.28	.24	.24	.49	.45	.42	.41	.51	.21	.40	.65
Community 27	.18	.20	.19	.20	.18	.15	.15	.34	.24	.23	.21	.28	.10	.20	.51
Community 13	.06	.07	.07	.08	.06	.05	.05	.15	.19	.14	.16	.21	.08	.15	.26
Community 11	.18	.21	.20	.21	.18	.15	.15	.35	.25	.24	.22	.29	.10	.22	.51
Community 4	.08	.09	.07	.08	.08	.07	.07	.14	.05	.06	.04	.06	.02	.05	.22

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.19	.22	.20	.21	.19	.16	.16	.36	.25	.24	.21	.29	.10	.21	.52
Community 23	.15	.17	.15	.16	.15	.13	.13	.27	.14	.14	.12	.17	.05	.12	.42
Community 12	.05	.06	.06	.06	.05	.04	.04	.11	.08	.08	.07	.10	.03	.07	.20
Community 18	.25	.28	.28	.29	.25	.21	.21	.45	.39	.36	.35	.44	.18	.34	.62
Community 33	.07	.08	.07	.08	.07	.06	.06	.15	.07	.07	.06	.09	.03	.06	.24
Community 22	.07	.09	.08	.09	.07	.06	.06	.17	.27	.19	.24	.29	.13	.21	.29
Community 14	.11	.12	.11	.11	.11	.10	.10	.20	.09	.09	.08	.11	.03	.08	.32
Community 8	.13	.15	.15	.16	.13	.11	.11	.28	.35	.28	.31	.39	.16	.29	.43
Community 6	.14	.16	.15	.16	.14	.12	.11	.28	.22	.20	.19	.25	.09	.19	.44
Community 3	.08	.09	.09	.10	.08	.06	.06	.18	.26	.19	.23	.29	.12	.21	.30
Ranchos															
Community 7	.10	.11	.10	.11	.09	.08	.08	.20	.12	.12	.11	.15	.05	.11	.32
Community 20	.10	.12	.11	.12	.10	.08	.08	.22	.16	.15	.14	.19	.07	.14	.35
Community 21	.07	.08	.07	.08	.07	.06	.06	.14	.08	.08	.07	.09	.03	.07	.24
Community 10	.31	.34	.34	.35	.30	.26	.25	.52	.75	.59	.72	.76	.60	.67	.68
Community 5	.01	.01	.01	.01	.01	.01	.01	.02	.01	.01	.01	.01	.00	.01	.03
Community 34	.15	.17	.17	.18	.15	.12	.12	.30	.49	.35	.45	.52	.27	.41	.46
Community 30	.09	.10	.10	.11	.09	.07	.07	.20	.35	.23	.31	.37	.18	.28	.33
Community 16	.19	.21	.20	.21	.19	.16	.16	.35	.21	.21	.18	.25	.08	.18	.52
Community 39	.04	.05	.05	.05	.04	.03	.03	.10	.08	.07	.07	.09	.03	.07	.17
Community 25	.05	.05	.04	.05	.05	.04	.04	.09	.03	.04	.03	.04	.01	.03	.14
Community 37	.14	.16	.16	.17	.14	.11	.11	.29	.33	.27	.29	.37	.15	.28	.44

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
Without Documents															
Metropolitan Areas															
Community 24	.80	.77	.74	.73	.81	.84	.85	.63	.18	.36	.18	.20	.12	.23	.49
Community 2	.21	.20	.17	.17	.23	.25	.27	.15	.02	.05	.02	.03	.01	.03	.12
Community 32	.26	.24	.20	.20	.27	.30	.32	.18	.03	.06	.03	.03	.02	.04	.15
Community 19	.71	.68	.62	.61	.73	.77	.79	.55	.12	.26	.12	.14	.08	.15	.45
Community 15	.43	.41	.36	.35	.46	.49	.52	.30	.05	.13	.05	.06	.04	.07	.23
Community 29	.77	.75	.68	.68	.79	.82	.84	.62	.14	.30	.14	.16	.09	.18	.52
Community 35	.33	.31	.26	.26	.35	.38	.40	.23	.04	.09	.04	.04	.02	.05	.19
Community 31	.42	.40	.34	.33	.44	.47	.50	.30	.05	.12	.05	.06	.03	.07	.25
Community 28	.73	.70	.65	.64	.75	.79	.80	.56	.13	.28	.13	.15	.08	.17	.46
Smaller Urban Areas															
Community 1	.78	.76	.70	.69	.80	.83	.85	.62	.15	.32	.15	.17	.10	.19	.52
Community 38	.72	.70	.63	.62	.75	.78	.80	.57	.12	.26	.12	.14	.08	.15	.48
Community 26	.62	.59	.56	.54	.64	.68	.70	.44	.11	.24	.11	.12	.08	.14	.31
Community 9	.78	.75	.75	.74	.79	.82	.82	.59	.24	.44	.24	.25	.19	.31	.43
Community 17	.70	.67	.66	.65	.71	.75	.76	.50	.18	.35	.18	.19	.14	.23	.34
Community 27	.76	.73	.70	.69	.78	.81	.82	.58	.16	.34	.17	.19	.11	.21	.44
Community 13	.93	.92	.92	.91	.94	.95	.95	.85	.39	.66	.39	.43	.29	.48	.73
Community 11	.77	.74	.71	.70	.78	.81	.82	.59	.17	.35	.17	.19	.12	.22	.44
Community 4	.45	.43	.37	.36	.48	.51	.54	.32	.06	.13	.06	.07	.03	.07	.26

Appendix 1 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.75	.72	.69	.68	.76	.80	.81	.56	.16	.33	.16	.18	.11	.21	.42
Community 23	.68	.65	.60	.59	.70	.74	.76	.51	.11	.25	.11	.13	.08	.15	.40
Community 12	.90	.89	.86	.85	.92	.93	.94	.79	.23	.46	.23	.27	.15	.30	.69
Community 18	.73	.70	.68	.67	.74	.77	.78	.53	.18	.35	.18	.19	.14	.23	.37
Community 33	.73	.71	.64	.63	.75	.79	.81	.57	.12	.27	.12	.14	.08	.16	.48
Community 22	.93	.91	.91	.91	.93	.94	.94	.83	.47	.72	.48	.50	.38	.57	.71
Community 14	.59	.56	.50	.49	.61	.65	.68	.43	.08	.19	.08	.10	.05	.11	.35
Community 8	.86	.85	.84	.84	.87	.89	.89	.72	.33	.57	.34	.35	.26	.41	.57
Community 6	.83	.80	.78	.77	.84	.86	.87	.66	.21	.41	.21	.23	.15	.27	.52
Community 3	.92	.91	.91	.90	.92	.94	.94	.82	.44	.70	.45	.47	.35	.54	.70
Ranchos															
Community 7	.83	.81	.76	.75	.84	.87	.88	.67	.18	.37	.18	.21	.12	.23	.56
Community 20	.86	.84	.81	.80	.87	.89	.90	.72	.22	.43	.22	.25	.15	.28	.59
Community 21	.78	.76	.70	.69	.80	.83	.85	.63	.14	.31	.14	.17	.09	.19	.53
Community 10	.69	.66	.66	.65	.70	.74	.75	.48	.24	.41	.26	.24	.31	.32	.32
Community 5	.41	.39	.33	.33	.44	.47	.50	.30	.05	.11	.05	.06	.03	.06	.26
Community 34	.85	.83	.83	.82	.85	.88	.88	.70	.39	.61	.41	.40	.37	.48	.54
Community 30	.91	.90	.90	.89	.91	.93	.93	.80	.49	.72	.50	.51	.43	.59	.67
Community 16	.71	.68	.64	.63	.73	.76	.78	.52	.13	.28	.13	.15	.09	.17	.40
Community 39	.93	.92	.89	.89	.94	.95	.96	.84	.27	.52	.27	.31	.18	.34	.75
Community 25	.50	.48	.41	.40	.52	.56	.59	.37	.06	.15	.06	.07	.04	.08	.31
Community 37	.86	.84	.83	.82	.86	.88	.89	.71	.30	.54	.31	.33	.23	.38	.55

Appendix 2
Predicted and Cumulative Probabilities that a Woman Migrates on a First U.S. Trip, for 39 Communities, 1980–94

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Metropolitan Areas															
Community 24	.05	.05	.05	.06	.05	.06	.06	.06	.06	.06	.08	.09	.10	.14	.18
Community 2	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.02	.03	.04
Community 32	.02	.02	.02	.03	.02	.03	.03	.03	.03	.03	.04	.05	.05	.08	.09
Community 19	.01	.01	.01	.02	.01	.02	.02	.02	.02	.02	.02	.03	.03	.05	.06
Community 15	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.03	.03
Community 29	.02	.02	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.04	.05	.07
Community 35	.02	.02	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.04	.06	.07
Community 31	.01	.01	.01	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.05	.06
Community 28	.08	.08	.08	.10	.09	.09	.09	.09	.10	.10	.11	.13	.15	.20	.25
Smaller Urban Areas															
Community 1	.06	.06	.06	.08	.07	.07	.07	.07	.08	.08	.10	.12	.13	.19	.22
Community 38	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01
Community 26	.15	.16	.16	.19	.17	.17	.18	.18	.19	.20	.22	.25	.28	.36	.43
Community 9	.06	.06	.06	.08	.07	.07	.07	.07	.07	.08	.09	.10	.11	.15	.20
Community 17	.12	.13	.13	.15	.14	.14	.14	.15	.15	.16	.18	.21	.24	.31	.37
Community 27	.04	.04	.04	.04	.04	.04	.04	.04	.05	.05	.06	.07	.08	.12	.14
Community 13	.05	.05	.05	.06	.05	.05	.05	.06	.06	.06	.07	.09	.10	.15	.18
Community 11	.11	.12	.12	.14	.12	.13	.13	.13	.14	.14	.15	.17	.20	.25	.32
Community 4	.02	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.04	.05	.07	.08

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.05	.05	.05	.06	.06	.06	.06	.06	.06	.07	.08	.09	.11	.15	.18
Community 23	.04	.04	.04	.05	.04	.04	.05	.05	.05	.05	.06	.08	.09	.13	.15
Community 12	.08	.08	.08	.10	.09	.09	.09	.09	.10	.10	.11	.12	.14	.19	.24
Community 18	.53	.54	.55	.59	.56	.57	.57	.58	.59	.60	.63	.67	.70	.77	.82
Community 33	.04	.04	.04	.05	.05	.05	.05	.05	.05	.06	.07	.08	.09	.13	.16
Community 22	.23	.24	.24	.28	.25	.26	.26	.27	.27	.28	.30	.33	.37	.44	.53
Community 14	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00
Community 8	.05	.05	.05	.06	.05	.06	.06	.06	.06	.06	.07	.07	.09	.11	.15
Community 6	.02	.02	.02	.03	.02	.02	.02	.03	.03	.03	.03	.04	.05	.07	.09
Community 3	.05	.05	.05	.06	.05	.05	.05	.06	.06	.06	.07	.08	.10	.13	.17
Ranchos															
Community 7	.04	.04	.04	.05	.05	.05	.05	.05	.05	.06	.07	.08	.09	.13	.16
Community 20	.09	.10	.10	.12	.10	.11	.11	.11	.12	.12	.14	.15	.18	.23	.29
Community 21	.08	.08	.08	.09	.08	.09	.09	.09	.10	.10	.12	.14	.16	.22	.27
Community 10	.19	.19	.20	.23	.21	.21	.21	.22	.23	.23	.26	.29	.32	.40	.47
Community 5	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.03	.04
Community 34	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01
Community 30	.07	.07	.07	.08	.07	.07	.07	.08	.08	.08	.09	.10	.12	.15	.20
Community 16	.03	.03	.03	.04	.04	.04	.04	.04	.04	.05	.06	.07	.08	.12	.14
Community 39	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01
Community 25	.01	.01	.01	.02	.01	.01	.01	.02	.02	.02	.02	.02	.03	.04	.05
Community 37	.04	.04	.04	.05	.04	.05	.05	.05	.05	.05	.06	.07	.08	.12	.15

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
Without Documents															
Metropolitan Areas															
Community 24	.10	.10	.10	.11	.11	.12	.12	.13	.13	.14	.17	.21	.20	.25	.18
Community 2	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.01
Community 32	.01	.01	.01	.02	.02	.02	.02	.02	.02	.02	.03	.04	.03	.04	.03
Community 19	.04	.04	.04	.04	.04	.05	.05	.05	.05	.06	.07	.09	.09	.11	.08
Community 15	.01	.01	.01	.02	.02	.02	.02	.02	.02	.02	.03	.03	.03	.05	.03
Community 29	.13	.13	.13	.14	.14	.15	.16	.16	.17	.18	.22	.27	.26	.32	.24
Community 35	.03	.03	.03	.03	.03	.03	.04	.04	.04	.04	.05	.07	.06	.09	.06
Community 31	.03	.04	.04	.04	.04	.04	.05	.05	.05	.05	.07	.09	.08	.11	.08
Community 28	.15	.16	.16	.17	.17	.18	.19	.20	.20	.22	.26	.30	.29	.33	.25
Smaller Urban Areas															
Community 1	.06	.06	.07	.07	.07	.08	.08	.08	.09	.09	.12	.14	.13	.16	.12
Community 38	.04	.04	.04	.04	.04	.05	.05	.05	.05	.06	.08	.09	.09	.12	.09
Community 26	.12	.12	.12	.13	.13	.14	.14	.15	.15	.16	.19	.22	.21	.23	.16
Community 9	.19	.20	.20	.21	.22	.23	.24	.24	.25	.27	.32	.37	.35	.41	.31
Community 17	.11	.11	.11	.12	.12	.13	.13	.14	.14	.15	.18	.21	.20	.23	.16
Community 27	.04	.04	.04	.05	.05	.05	.05	.06	.06	.06	.08	.10	.10	.12	.09
Community 13	.07	.07	.07	.08	.08	.09	.09	.09	.10	.11	.13	.16	.15	.19	.14
Community 11	.20	.20	.20	.21	.22	.23	.24	.25	.25	.27	.31	.36	.34	.38	.28
Community 4	.03	.03	.03	.03	.03	.03	.04	.04	.04	.04	.05	.07	.07	.09	.06

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.09	.09	.09	.10	.10	.11	.11	.11	.12	.13	.16	.19	.18	.22	.16
Community 23	.06	.06	.06	.06	.07	.07	.07	.08	.08	.09	.11	.13	.13	.16	.11
Community 12	.21	.22	.22	.23	.24	.25	.26	.27	.27	.29	.34	.39	.37	.42	.32
Community 18	.09	.09	.09	.08	.09	.10	.10	.10	.10	.10	.12	.12	.11	.10	.07
Community 33	.11	.11	.11	.12	.12	.13	.13	.14	.14	.16	.19	.23	.22	.27	.20
Community 22	.18	.18	.18	.19	.20	.21	.21	.22	.22	.24	.27	.30	.28	.29	.20
Community 14	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.03	.02	.03	.02
Community 8	.27	.28	.28	.30	.30	.32	.33	.34	.35	.37	.42	.48	.46	.52	.42
Community 6	.03	.03	.03	.04	.04	.04	.04	.04	.04	.05	.06	.08	.08	.10	.07
Community 3	.12	.12	.13	.14	.14	.15	.15	.16	.16	.18	.21	.26	.25	.30	.22
Ranchos															
Community 7	.06	.06	.06	.07	.07	.07	.08	.08	.08	.09	.11	.14	.13	.17	.12
Community 20	.17	.17	.18	.19	.19	.20	.21	.21	.22	.24	.28	.32	.31	.35	.26
Community 21	.07	.07	.07	.07	.08	.08	.09	.09	.09	.10	.12	.15	.14	.17	.12
Community 10	.15	.15	.15	.16	.16	.17	.18	.18	.19	.20	.23	.26	.24	.26	.18
Community 5	.02	.02	.02	.02	.02	.02	.02	.02	.03	.03	.04	.05	.04	.06	.04
Community 34	.02	.02	.02	.03	.03	.03	.03	.03	.03	.04	.05	.06	.06	.08	.05
Community 30	.24	.24	.25	.26	.27	.28	.29	.30	.31	.33	.38	.43	.42	.47	.37
Community 16	.01	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.03	.02	.03	.02
Community 39	.11	.11	.11	.12	.12	.13	.14	.14	.15	.16	.19	.24	.23	.29	.22
Community 25	.05	.05	.06	.06	.06	.07	.07	.07	.08	.08	.10	.13	.12	.16	.12
Community 37	.10	.10	.10	.11	.11	.12	.12	.13	.13	.14	.17	.21	.20	.25	.18

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
With Documents															
Metropolitan Areas															
Community 24	.66	.67	.68	.72	.69	.69	.69	.70	.68	.72	.76	.80	.85	.91	.91
Community 2	.27	.28	.29	.34	.30	.31	.32	.33	.21	.25	.31	.35	.49	.54	.75
Community 32	.52	.54	.55	.61	.57	.58	.58	.60	.45	.51	.59	.64	.79	.84	.93
Community 19	.33	.34	.34	.39	.36	.36	.36	.38	.30	.34	.40	.45	.58	.66	.74
Community 15	.21	.22	.23	.26	.24	.25	.25	.26	.17	.21	.25	.28	.40	.46	.63
Community 29	.33	.34	.34	.38	.35	.35	.35	.36	.35	.39	.43	.48	.57	.67	.68
Community 35	.39	.40	.41	.46	.42	.43	.44	.45	.34	.40	.46	.51	.66	.73	.82
Community 31	.34	.35	.36	.41	.37	.38	.38	.39	.31	.36	.41	.46	.60	.67	.76
Community 28	.76	.77	.78	.81	.78	.78	.78	.79	.79	.80	.81	.84	.86	.91	.91
Smaller Urban Areas															
Community 1	.78	.79	.80	.83	.80	.81	.81	.81	.78	.82	.85	.88	.92	.95	.95
Community 38	.07	.08	.08	.09	.08	.08	.08	.09	.07	.08	.10	.11	.16	.19	.25
Community 26	.92	.92	.93	.94	.92	.92	.92	.92	.92	.92	.92	.94	.94	.97	.97
Community 9	.67	.68	.68	.72	.69	.69	.69	.69	.70	.71	.73	.76	.80	.87	.87
Community 17	.90	.90	.90	.92	.90	.90	.90	.91	.90	.91	.91	.93	.94	.96	.96
Community 27	.64	.65	.66	.71	.67	.68	.68	.69	.61	.67	.73	.78	.87	.91	.93
Community 13	.68	.69	.70	.75	.71	.71	.71	.72	.69	.73	.77	.81	.87	.92	.93
Community 11	.83	.83	.84	.86	.84	.84	.83	.84	.84	.84	.84	.86	.88	.92	.92
Community 4	.45	.46	.47	.52	.48	.49	.50	.51	.40	.46	.52	.58	.72	.78	.86

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.68	.69	.70	.75	.71	.71	.71	.72	.70	.74	.78	.81	.87	.92	.92
Community 23	.64	.65	.66	.71	.67	.67	.67	.69	.63	.68	.74	.78	.86	.91	.92
Community 12	.74	.75	.75	.78	.75	.75	.75	.76	.76	.76	.77	.80	.83	.89	.89
Community 18	.99	.99	.99	.99	.99	.98	.98	.98	.98	.98	.98	.99	.99	.99	.99
Community 33	.61	.62	.63	.68	.64	.64	.64	.65	.64	.67	.71	.76	.82	.88	.89
Community 22	.93	.93	.93	.94	.93	.93	.93	.93	.93	.92	.92	.93	.94	.97	.97
Community 14	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01
Community 8	.57	.58	.58	.62	.59	.59	.58	.59	.60	.60	.61	.66	.70	.79	.79
Community 6	.46	.48	.49	.54	.50	.51	.51	.52	.42	.48	.55	.60	.74	.80	.86
Community 3	.63	.64	.65	.69	.65	.66	.66	.67	.66	.69	.72	.77	.82	.88	.89
Ranchos															
Community 7	.65	.66	.67	.72	.68	.69	.69	.70	.65	.70	.75	.79	.87	.92	.92
Community 20	.81	.81	.82	.84	.82	.82	.82	.82	.82	.83	.83	.86	.88	.92	.92
Community 21	.83	.84	.85	.88	.85	.85	.85	.86	.84	.87	.89	.91	.93	.96	.96
Community 10	.93	.93	.93	.94	.93	.93	.93	.93	.93	.92	.92	.93	.94	.97	.97
Community 5	.23	.24	.24	.28	.25	.26	.26	.27	.19	.23	.27	.31	.43	.49	.64
Community 34	.08	.09	.09	.11	.09	.10	.10	.10	.07	.08	.10	.12	.18	.21	.30
Community 30	.67	.68	.69	.72	.69	.69	.69	.69	.70	.70	.71	.75	.78	.86	.86
Community 16	.68	.70	.71	.76	.72	.74	.74	.75	.59	.66	.74	.78	.90	.93	.97
Community 39	.05	.05	.05	.06	.05	.05	.05	.05	.05	.06	.07	.08	.11	.14	.15
Community 25	.29	.30	.30	.34	.31	.32	.32	.33	.27	.32	.37	.41	.54	.61	.67
Community 37	.60	.61	.62	.66	.62	.63	.63	.64	.62	.66	.70	.75	.82	.88	.88

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
Without Documents															
Metropolitan Areas															
Community 24	.33	.32	.31	.27	.31	.31	.31	.30	.20	.20	.20	.17	.15	.09	.09
Community 2	.10	.10	.10	.11	.11	.12	.12	.13	.03	.03	.04	.04	.05	.03	.10
Community 32	.16	.16	.16	.16	.17	.18	.18	.18	.05	.06	.07	.06	.06	.04	.07
Community 19	.42	.42	.42	.42	.44	.45	.46	.46	.15	.18	.21	.19	.20	.13	.25
Community 15	.23	.23	.23	.24	.25	.27	.28	.28	.07	.08	.10	.10	.11	.07	.24
Community 29	.65	.65	.64	.61	.64	.64	.64	.63	.40	.43	.46	.42	.39	.28	.32
Community 35	.32	.32	.32	.32	.34	.35	.36	.36	.11	.13	.15	.14	.14	.09	.17
Community 31	.40	.40	.40	.40	.42	.43	.44	.44	.15	.17	.20	.18	.19	.12	.23
Community 28	.24	.23	.22	.19	.22	.22	.22	.21	.19	.19	.19	.16	.14	.09	.09
Smaller Urban Areas															
Community 1	.20	.20	.19	.16	.19	.19	.19	.18	.11	.12	.11	.10	.08	.05	.05
Community 38	.56	.57	.58	.60	.61	.63	.65	.66	.20	.24	.29	.28	.35	.25	.68
Community 26	.08	.08	.07	.06	.08	.08	.08	.08	.07	.08	.08	.06	.06	.03	.03
Community 9	.33	.32	.32	.28	.31	.31	.31	.31	.27	.27	.27	.23	.20	.13	.13
Community 17	.10	.10	.10	.08	.10	.10	.10	.09	.09	.09	.09	.07	.06	.04	.04
Community 27	.28	.27	.27	.24	.27	.27	.27	.27	.12	.13	.14	.12	.10	.06	.07
Community 13	.29	.29	.28	.24	.28	.28	.28	.27	.16	.16	.17	.14	.12	.07	.07
Community 11	.17	.17	.16	.14	.16	.16	.17	.16	.16	.16	.16	.14	.12	.08	.08
Community 4	.30	.30	.30	.29	.31	.32	.33	.33	.11	.12	.14	.13	.12	.08	.13

Appendix 2 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.30	.29	.29	.25	.28	.28	.28	.27	.18	.18	.18	.15	.13	.08	.08
Community 23	.31	.30	.30	.26	.30	.30	.30	.29	.15	.16	.16	.14	.12	.07	.08
Community 12	.26	.25	.25	.22	.25	.25	.25	.24	.23	.23	.23	.20	.17	.11	.11
Community 18	.01	.01	.01	.01	.01	.02	.02	.02	.02	.02	.02	.01	.01	.01	.01
Community 33	.38	.37	.36	.32	.36	.36	.36	.35	.23	.24	.24	.21	.17	.11	.11
Community 22	.07	.07	.07	.06	.07	.07	.07	.07	.07	.08	.08	.07	.06	.03	.03
Community 14	.20	.21	.21	.23	.23	.25	.26	.27	.06	.07	.09	.09	.12	.08	.42
Community 8	.43	.42	.42	.38	.41	.41	.42	.41	.38	.39	.38	.34	.30	.21	.21
Community 6	.32	.32	.32	.31	.33	.34	.35	.35	.12	.14	.15	.14	.13	.08	.13
Community 3	.36	.35	.35	.30	.34	.34	.34	.33	.24	.25	.25	.21	.18	.11	.11
Ranchos															
Community 7	.30	.30	.29	.26	.29	.29	.29	.29	.15	.16	.16	.14	.12	.07	.08
Community 20	.19	.19	.18	.16	.18	.18	.18	.18	.17	.17	.17	.14	.12	.08	.08
Community 21	.16	.15	.15	.12	.15	.14	.14	.14	.10	.10	.10	.08	.07	.04	.04
Community 10	.07	.07	.07	.06	.07	.07	.07	.07	.07	.08	.08	.07	.06	.03	.03
Community 5	.29	.29	.29	.30	.31	.33	.34	.35	.09	.11	.13	.12	.14	.09	.27
Community 34	.40	.40	.41	.43	.44	.46	.48	.48	.12	.15	.19	.18	.23	.16	.54
Community 30	.33	.32	.31	.28	.31	.31	.31	.31	.29	.29	.29	.25	.22	.14	.14
Community 16	.10	.10	.10	.09	.10	.10	.10	.10	.03	.04	.04	.03	.03	.02	.02
Community 39	.88	.89	.89	.90	.90	.91	.92	.92	.47	.55	.63	.61	.69	.56	.84
Community 25	.54	.54	.54	.53	.56	.57	.58	.58	.22	.26	.30	.27	.28	.19	.32
Community 37	.39	.38	.37	.33	.37	.37	.37	.36	.22	.24	.24	.21	.17	.11	.12

Appendix 3

Predicted and Cumulative Probabilities that a Male Household Head Migrates on a Subsequent U.S. Trip, for 39 Communities, 1980–94*

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
With Documents															
Metropolitan Areas															
Community 2	.02	.02	.02	.02	.02	.02	.02	.03	.04	.05	.08	.06	.08	.03	.09
Community 32	.06	.05	.06	.05	.06	.06	.05	.10	.12	.16	.21	.17	.23	.10	.24
Community 19	.04	.04	.04	.04	.04	.04	.04	.07	.09	.10	.15	.12	.16	.07	.17
Community 15	.12	.11	.12	.11	.12	.11	.11	.18	.23	.28	.36	.30	.38	.20	.40
Community 29	.03	.03	.03	.03	.03	.03	.03	.05	.06	.08	.11	.09	.12	.05	.13
Community 35	.02	.02	.02	.02	.02	.02	.02	.04	.05	.06	.08	.07	.09	.04	.10
Community 31	.00	.00	.00	.00	.00	.00	.00	.00	.01	.01	.01	.01	.01	.00	.01
Community 28	.05	.05	.06	.05	.05	.05	.05	.08	.11	.13	.19	.15	.20	.09	.22
Smaller Urban Areas															
Community 1	.01	.01	.01	.01	.01	.01	.01	.02	.03	.04	.06	.04	.06	.02	.07
Community 38	.03	.03	.03	.03	.03	.03	.03	.05	.07	.08	.12	.09	.13	.05	.14
Community 26	.11	.10	.11	.09	.10	.10	.10	.16	.21	.24	.33	.27	.35	.17	.37
Community 9	.16	.15	.17	.14	.16	.15	.15	.24	.30	.35	.44	.38	.47	.26	.49
Community 17	.18	.16	.18	.16	.17	.17	.17	.26	.32	.37	.47	.41	.49	.27	.51
Community 27	.07	.06	.07	.06	.07	.06	.07	.10	.14	.16	.23	.18	.24	.11	.26
Community 13	.05	.05	.06	.05	.05	.05	.05	.09	.11	.15	.19	.16	.21	.10	.21
Community 11	.10	.09	.10	.09	.09	.09	.09	.15	.19	.22	.30	.25	.32	.15	.34
Community 4	.03	.03	.03	.03	.03	.03	.03	.05	.07	.07	.12	.09	.12	.05	.14

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.07	.06	.07	.06	.06	.06	.06	.10	.14	.16	.23	.18	.24	.11	.26
Community 23	.15	.14	.16	.14	.15	.15	.14	.24	.29	.36	.44	.38	.47	.26	.47
Community 12	.02	.02	.02	.02	.02	.02	.02	.04	.05	.06	.09	.07	.09	.04	.10
Community 18	.14	.13	.14	.12	.14	.13	.13	.21	.26	.31	.40	.34	.43	.22	.44
Community 33	.05	.04	.05	.04	.05	.04	.05	.07	.10	.11	.16	.13	.17	.08	.19
Community 14	.04	.04	.04	.03	.04	.04	.04	.06	.08	.09	.14	.11	.15	.06	.17
Community 8	.06	.05	.06	.05	.06	.05	.05	.09	.12	.15	.20	.16	.22	.10	.23
Community 6	.09	.08	.09	.08	.09	.09	.09	.14	.18	.21	.29	.24	.31	.15	.33
Community 3	.10	.09	.10	.09	.09	.09	.09	.16	.20	.26	.32	.27	.35	.17	.35
Ranchos															
Community 7	.05	.05	.05	.05	.05	.05	.05	.08	.11	.13	.18	.15	.20	.09	.21
Community 20	.06	.06	.07	.06	.06	.06	.06	.11	.14	.18	.23	.19	.26	.12	.25
Community 10	.37	.35	.39	.35	.37	.36	.34	.52	.58	.68	.73	.68	.76	.55	.75
Community 5	.01	.01	.01	.00	.01	.01	.01	.01	.01	.01	.02	.02	.02	.01	.03
Community 34	.18	.17	.19	.16	.18	.17	.16	.28	.33	.43	.49	.44	.53	.30	.52
Community 30	.03	.03	.03	.03	.03	.03	.03	.05	.07	.07	.12	.09	.12	.05	.14
Community 16	.08	.08	.09	.07	.08	.08	.08	.13	.17	.19	.27	.22	.29	.14	.31
Community 39	.03	.03	.04	.03	.03	.03	.03	.06	.07	.09	.13	.10	.14	.06	.15
Community 25	.01	.01	.01	.01	.01	.01	.01	.01	.02	.02	.03	.02	.03	.01	.03
Community 37	.08	.07	.08	.07	.08	.08	.08	.12	.16	.19	.26	.21	.28	.13	.30

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Predicted Probabilities at Age 20-24															
Without Documents															
Metropolitan Areas															
Community 2	.05	.05	.04	.05	.05	.05	.06	.04	.05	.02	.04	.03	.03	.03	.05
Community 32	.34	.33	.31	.33	.34	.34	.39	.27	.30	.16	.24	.22	.20	.24	.27
Community 19	.21	.20	.18	.19	.20	.20	.24	.16	.18	.09	.15	.13	.12	.14	.17
Community 15	.26	.25	.23	.25	.26	.26	.30	.20	.21	.11	.16	.15	.13	.17	.17
Community 29	.23	.22	.20	.21	.22	.22	.27	.18	.20	.11	.17	.15	.14	.16	.19
Community 35	.18	.17	.16	.17	.18	.18	.21	.14	.16	.08	.13	.12	.11	.12	.16
Community 31	.05	.05	.04	.04	.05	.05	.06	.04	.04	.02	.04	.03	.03	.03	.04
Community 28	.21	.20	.18	.20	.21	.21	.25	.16	.18	.09	.15	.13	.12	.14	.17
Smaller Urban Areas															
Community 1	.05	.05	.05	.05	.05	.05	.07	.04	.05	.02	.04	.03	.03	.04	.05
Community 38	.25	.24	.22	.24	.24	.24	.29	.20	.22	.12	.19	.17	.16	.17	.21
Community 26	.14	.14	.12	.13	.14	.14	.17	.11	.12	.06	.09	.08	.07	.09	.10
Community 9	.21	.21	.19	.20	.21	.21	.25	.15	.16	.08	.11	.11	.09	.13	.12
Community 17	.22	.22	.19	.21	.22	.22	.26	.16	.17	.08	.12	.11	.09	.14	.13
Community 27	.13	.13	.11	.12	.13	.13	.16	.10	.11	.06	.09	.08	.07	.09	.10
Community 13	.42	.41	.38	.40	.41	.41	.47	.34	.37	.21	.30	.28	.26	.31	.33
Community 11	.13	.12	.11	.12	.13	.13	.16	.10	.11	.05	.08	.07	.06	.08	.09
Community 4	.03	.03	.03	.03	.03	.03	.04	.02	.03	.01	.02	.02	.02	.02	.02

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.16	.16	.14	.15	.16	.16	.20	.12	.14	.07	.11	.10	.09	.11	.12
Community 23	.37	.37	.34	.36	.37	.37	.43	.29	.30	.16	.21	.21	.17	.25	.23
Community 12	.16	.16	.14	.15	.16	.16	.19	.13	.15	.07	.12	.11	.10	.11	.14
Community 18	.23	.22	.20	.22	.22	.23	.27	.17	.18	.09	.13	.12	.11	.15	.14
Community 33	.04	.04	.04	.04	.04	.04	.05	.03	.04	.02	.03	.03	.02	.03	.03
Community 14	.08	.08	.07	.07	.08	.08	.10	.06	.07	.03	.06	.05	.04	.05	.06
Community 8	.26	.26	.23	.25	.26	.26	.31	.21	.23	.12	.18	.17	.15	.18	.21
Community 6	.14	.14	.12	.13	.14	.14	.17	.10	.12	.06	.09	.08	.07	.09	.10
Community 3	.44	.43	.40	.43	.44	.44	.49	.35	.37	.21	.29	.28	.24	.32	.31
Ranchos															
Community 7	.17	.16	.15	.16	.17	.17	.20	.13	.15	.07	.12	.11	.10	.11	.13
Community 20	.43	.42	.39	.41	.42	.42	.48	.35	.37	.21	.30	.28	.26	.31	.33
Community 10	.36	.36	.32	.36	.36	.36	.41	.24	.23	.12	.14	.15	.11	.21	.14
Community 5	.13	.13	.11	.12	.13	.13	.16	.10	.12	.06	.10	.09	.08	.09	.12
Community 34	.44	.44	.40	.43	.44	.44	.49	.34	.34	.19	.24	.24	.20	.30	.25
Community 30	.03	.03	.03	.03	.03	.03	.04	.02	.03	.01	.02	.02	.02	.02	.03
Community 16	.13	.13	.12	.13	.13	.13	.16	.10	.11	.05	.08	.08	.07	.09	.10
Community 39	.28	.27	.25	.27	.28	.28	.33	.22	.25	.13	.21	.19	.18	.20	.24
Community 25	.09	.08	.08	.08	.09	.09	.11	.07	.08	.04	.07	.06	.06	.06	.08
Community 37	.16	.16	.14	.15	.16	.16	.20	.12	.14	.07	.11	.10	.09	.11	.12

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
With Documents															
Metropolitan Areas															
Community 2	.23	.21	.24	.21	.22	.22	.20	.36	.37	.48	.41	.52	.26	.53	.63
Community 32	.14	.13	.16	.13	.13	.13	.11	.24	.46	.44	.41	.51	.28	.45	.45
Community 19	.15	.15	.18	.15	.15	.15	.13	.27	.46	.47	.44	.54	.29	.48	.48
Community 15	.29	.28	.33	.28	.29	.29	.25	.46	.70	.68	.65	.73	.51	.68	.68
Community 29	.11	.10	.12	.10	.11	.10	.09	.20	.37	.37	.34	.43	.22	.38	.38
Community 35	.10	.10	.12	.10	.10	.10	.08	.19	.32	.35	.31	.40	.19	.36	.37
Community 31	.04	.03	.04	.03	.03	.03	.03	.06	.06	.09	.07	.10	.04	.10	.16
Community 28	.19	.18	.22	.18	.19	.18	.16	.32	.54	.54	.50	.60	.35	.54	.55
Smaller Urban Areas															
Community 1	.17	.16	.18	.15	.17	.16	.15	.28	.28	.38	.32	.41	.19	.42	.54
Community 38	.10	.10	.12	.10	.10	.10	.09	.19	.36	.37	.33	.43	.21	.37	.37
Community 26	.41	.40	.45	.39	.41	.40	.36	.59	.78	.78	.75	.82	.62	.78	.78
Community 9	.41	.40	.45	.40	.41	.40	.36	.59	.80	.78	.76	.82	.63	.78	.78
Community 17	.42	.41	.46	.40	.42	.41	.37	.60	.80	.79	.77	.83	.64	.79	.79
Community 27	.32	.31	.36	.31	.32	.31	.28	.49	.68	.70	.66	.75	.50	.70	.71
Community 13	.10	.10	.12	.10	.10	.10	.08	.19	.39	.37	.34	.43	.22	.37	.37
Community 11	.41	.39	.45	.39	.41	.40	.36	.58	.77	.77	.75	.82	.60	.78	.78
Community 4	.40	.38	.42	.37	.39	.38	.37	.57	.54	.68	.59	.71	.40	.73	.83

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.27	.26	.30	.26	.27	.26	.23	.43	.64	.65	.61	.71	.45	.65	.66
Community 23	.27	.26	.30	.26	.27	.26	.23	.43	.68	.65	.63	.71	.48	.66	.66
Community 12	.11	.11	.13	.11	.11	.11	.09	.21	.33	.37	.33	.42	.21	.38	.40
Community 18	.36	.35	.40	.34	.36	.35	.31	.53	.76	.74	.72	.79	.58	.74	.74
Community 33	.46	.44	.49	.43	.45	.44	.42	.63	.66	.76	.70	.80	.50	.80	.84
Community 14	.31	.29	.33	.29	.30	.30	.27	.47	.56	.65	.58	.69	.41	.67	.70
Community 8	.17	.16	.19	.16	.17	.16	.14	.29	.51	.50	.47	.57	.33	.51	.51
Community 6	.38	.36	.41	.36	.38	.37	.33	.55	.75	.75	.72	.80	.58	.76	.76
Community 3	.17	.16	.19	.16	.17	.16	.14	.29	.53	.51	.48	.57	.33	.51	.51
Ranchos															
Community 7	.22	.21	.25	.21	.22	.21	.18	.36	.56	.58	.54	.64	.38	.59	.59
Community 20	.12	.12	.14	.11	.12	.12	.10	.22	.44	.41	.38	.48	.26	.42	.42
Community 10	.49	.48	.53	.47	.49	.48	.44	.66	.84	.83	.81	.86	.71	.83	.83
Community 5	.04	.04	.04	.04	.04	.04	.03	.07	.11	.13	.11	.15	.06	.14	.17
Community 34	.27	.26	.31	.26	.27	.26	.23	.43	.68	.65	.63	.71	.48	.66	.66
Community 30	.39	.36	.40	.36	.38	.37	.36	.55	.53	.67	.58	.70	.39	.72	.82
Community 16	.37	.35	.41	.35	.37	.36	.32	.54	.73	.74	.71	.79	.56	.75	.75
Community 39	.10	.09	.12	.09	.10	.10	.08	.18	.36	.36	.33	.42	.21	.36	.36
Community 25	.07	.06	.07	.06	.07	.06	.06	.12	.15	.19	.16	.22	.09	.22	.27
Community 37	.31	.30	.35	.30	.31	.30	.27	.48	.69	.69	.66	.75	.51	.70	.70

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Cumulative Probabilities by Age 40															
Without Documents															
Metropolitan Areas															
Community 2	.62	.62	.57	.61	.62	.62	.69	.48	.19	.26	.25	.22	.29	.29	.34
Community 32	.86	.87	.84	.87	.87	.87	.89	.76	.53	.56	.58	.49	.71	.55	.55
Community 19	.84	.85	.82	.85	.85	.85	.87	.73	.46	.51	.53	.44	.65	.51	.52
Community 15	.71	.72	.67	.72	.71	.71	.75	.54	.30	.32	.35	.27	.49	.32	.32
Community 29	.89	.90	.87	.90	.89	.90	.91	.80	.54	.61	.62	.54	.72	.61	.62
Community 35	.89	.90	.88	.90	.89	.90	.91	.80	.50	.60	.60	.53	.68	.61	.63
Community 31	.69	.68	.63	.66	.68	.68	.77	.58	.21	.34	.30	.29	.31	.39	.61
Community 28	.81	.82	.78	.82	.81	.82	.84	.68	.41	.45	.48	.39	.60	.45	.45
Smaller Urban Areas															
Community 1	.66	.65	.61	.64	.65	.66	.73	.53	.20	.30	.28	.25	.31	.33	.41
Community 38	.90	.90	.88	.90	.90	.90	.91	.81	.56	.62	.64	.56	.74	.62	.63
Community 26	.59	.60	.55	.61	.59	.60	.64	.41	.20	.22	.24	.18	.36	.22	.22
Community 9	.59	.60	.55	.60	.59	.60	.64	.41	.20	.22	.24	.18	.36	.22	.22
Community 17	.58	.59	.54	.60	.58	.59	.63	.40	.20	.21	.23	.17	.36	.21	.21
Community 27	.68	.69	.64	.69	.68	.69	.72	.51	.26	.29	.31	.24	.42	.29	.29
Community 13	.90	.90	.88	.90	.90	.90	.92	.81	.61	.63	.66	.57	.78	.63	.63
Community 11	.59	.60	.55	.61	.59	.60	.64	.41	.20	.22	.24	.18	.35	.22	.22
Community 4	.39	.39	.35	.38	.39	.39	.45	.27	.09	.13	.13	.11	.16	.14	.16

Appendix 3 (Continued)

Community and Legal Status	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994
Towns															
Community 36	.73	.74	.69	.74	.73	.74	.77	.57	.31	.34	.37	.29	.49	.34	.34
Community 23	.73	.74	.70	.74	.73	.74	.77	.57	.32	.35	.37	.29	.52	.34	.34
Community 12	.88	.89	.86	.89	.88	.88	.90	.78	.46	.57	.56	.50	.64	.58	.60
Community 18	.64	.65	.60	.66	.64	.65	.69	.47	.24	.26	.28	.21	.42	.26	.26
Community 33	.44	.44	.39	.44	.44	.44	.50	.30	.11	.15	.15	.12	.19	.15	.16
Community 14	.65	.66	.61	.65	.65	.66	.71	.49	.22	.27	.28	.22	.35	.28	.29
Community 8	.83	.84	.81	.84	.83	.84	.86	.71	.46	.50	.52	.43	.66	.49	.49
Community 6	.62	.63	.58	.64	.62	.63	.67	.45	.22	.25	.27	.20	.38	.24	.24
Community 3	.83	.84	.81	.84	.83	.84	.86	.71	.47	.49	.52	.43	.67	.49	.49
Ranchos															
Community 7	.78	.79	.75	.79	.78	.79	.82	.63	.36	.41	.43	.34	.55	.41	.41
Community 20	.88	.88	.86	.89	.88	.88	.90	.78	.56	.59	.62	.52	.74	.58	.58
Community 10	.51	.52	.47	.53	.51	.52	.56	.34	.16	.17	.19	.14	.29	.17	.17
Community 5	.94	.94	.92	.93	.94	.94	.96	.88	.48	.66	.62	.58	.64	.71	.82
Community 34	.73	.74	.69	.74	.73	.74	.77	.57	.32	.35	.37	.29	.52	.34	.34
Community 30	.42	.41	.37	.41	.41	.42	.48	.29	.10	.14	.14	.12	.17	.15	.17
Community 16	.63	.64	.59	.64	.63	.64	.68	.46	.23	.25	.27	.20	.39	.25	.25
Community 39	.90	.91	.88	.91	.90	.90	.92	.82	.59	.64	.66	.57	.76	.64	.64
Community 25	.86	.85	.82	.84	.85	.85	.90	.76	.34	.50	.46	.43	.49	.55	.68
Community 37	.69	.70	.65	.70	.69	.70	.73	.52	.27	.30	.33	.25	.45	.30	.30

* Community 2 represents communities 2 and 24. Community 20 represents communities 20, 21, and 22.

Technical Appendix: MMP Analysis

The MMP data permit us to separately distinguish between the chances of making an initial (first) or subsequent (two or more) trip to the United States. Together these events determine the overall flow of legal and illegal migrants across the border (see Donato et al., 1992). In this report, we examined the chances that male household heads and women migrate on an initial U.S. trip, and for men, the chances that they migrate on a subsequent trip.

For the analysis, we drew on two basic sources of information: the birth date and the date of the first trip to the United States (compiled for all household members) and the history of border crossing (gathered from household heads). Given each subject's date of birth and year of first trip, we first constructed separate year-by-year life histories up to the date of the first U.S. trip for both men and women. That is, we built discrete-time person-year files that followed each subject from birth to the date of the survey or to the first U.S. trip, whichever came first. For the recurrent trip analysis, we built a similar discrete-time person year file but constructed it from year-by-year files that began with the year migrants returned from their first trip up to the year of their next trip.

Because the outcome measure was trichotomous (migrated illegally, legally, or did not migrate), we used multinomial logistic regression to estimate the chance of migrating with and without legal papers versus not migrating at all (the reference category) (Hosmer and Lemeshow, 1989). The multinomial logit equation is given below:

$$g_j(x) = \ln \quad \frac{P(Y = j \mid x)}{P(Y = 0 \mid x)}$$

$$= \beta_{j0} + \beta_{j1}x_1 + \beta_{j2}x_2 + \beta_{j3}x_3$$

where j represents legal status of migration on a first (or subsequent) trip and 0 indicates no migration, and where P (Y = j| x) is the probability of migration with legal status j given a set of characteristics represented by the vector x. The effects of the explanatory variables in time t on the log-odds (g_j (x)) of migrating with legal status j in t + 1 are; age given by β_{j1}, period given by β_{j2}, and community given by β_{j3}. Note that period and age are time varying, whereas community is a fixed variable.

We began by estimating age-period models and age-period-community models (see Technical Appendix Tables 1A-3B). From them, we calculated the conditional chances that male household heads (or women) of a given age migrate, legally or illegally, on an initial U.S. trip using the equation below:

$$P(Y = j \mid x) = \frac{e^{g_j(x)}}{\sum_{k-0}^{2} e^{g_k(x)}}$$

where $\beta_0 = 0$ and hence $g_0(x) = 0$.

Using these probabilities as a baseline, we built life tables that produced the cumulative chances that men by age 40 would make a legal, illegal trip, or not migrate, in a certain year (Shyrock et al., 1976). Technical Appendix Table 5 depicts the lifetime migration experience in community 10 in 1994 by age, assuming the probabilities of Mexican out-migration that prevailed up to 1994. These figures show what would happen if a male household head born into this community were to go through life subject to the probabilities of out-migration prevailing in different years. The hypothetical probabilities begin with the assumption that at birth (age interval$_{x=0}$), the chance of not migrating, P(NM), equals 1 and the probabilities of migrating legally, P(ML), or illegally, P(MIL) equal 0.

At age interval ($_{x+1}$),

(1) the chance of not migrating is

$P(NM)_{x+1} = P(NM)_0 - [P(NM)_0 * (P\ (Y = \text{legal} \mid x \text{ given age} \leq 14) + P(Y = \text{illegal} \mid x \text{ given age} \leq 14)]$;

(2) the chance of migrating legally is

$P(ML)_{x+1} = [P(ML)_0 + (P(NM)_0 * P\ (Y = \text{legal} \mid x \text{ given age} \leq 14)]$; and

(3) the chance of migrating illegally is

$P(MIL)_{x+1} = [P(MIL)_0 + (P(NM)_0 * P\ (Y = \text{illegal} \mid x \text{ given age} \leq 14)]$.

References

Hosmer, David W., and Stanley Lemeshow. 1989. *Applied Logistic Regression.* New York, NY: John Wiley & Sons, Inc.

Technical Appendix Table 1A
Multinomial Age-Period Analysis of the Probability that Male Household Heads from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a First U.S. Trip

	Illegal vs Not Mig		Legal vs Not Mig	
Age and Period	B	SE	B	SE
Age				
< 15	–	–	–	–
15-19	2.908	0.113	3.142	0.156
20-24	3.405	0.111	3.832	0.152
25-29	3.202	0.111	3.834	0.152
30-34	2.926	0.113	3.806	0.153
35-39	2.563	0.115	3.837	0.154
40-44	2.438	0.117	3.806	0.156
45-49	2.434	0.119	3.947	0.157
50-54	1.898	0.130	3.621	0.163
55+	0.946	0.140	3.327	0.160
Period				
Before 1943	–	–	–	–
1943	1.328	0.296	2.222	0.228
1944	1.140	0.302	2.137	0.225
1945	1.133	0.289	2.048	0.222
1946	0.980	0.293	1.388	0.254
1947	1.737	0.229	1.560	0.237
1948	1.667	0.229	1.470	0.236
1949	1.774	0.219	1.201	0.248
1950	1.539	0.226	1.639	0.217
1951	1.159	0.244	1.537	0.218
1952	1.534	0.219	1.643	0.210
1953	1.283	0.229	1.642	0.207
1954	1.075	0.237	1.588	0.206
1955	1.031	0.236	2.029	0.191
1956	0.962	0.238	1.868	0.193
1957	0.696	0.255	2.326	0.183
1958	0.925	0.235	1.936	0.189
1959	0.943	0.231	1.976	0.187
1960	1.167	0.217	2.095	0.183
1961	O.845	0.231	1.771	0.188
1962	0.712	0.238	1.681	0.189
1963	1.187	0.210	1.442	0.194

Technical Appendix Table 1A (Continued)

Age and Period	Illegal vs Not Mig B	Illegal vs Not Mig SE	Legal vs Not Mig B	Legal vs Not Mig SE
1964	1.415	0.200	1.664	0.188
1965	1.673	0.190	0.366*	0.233
1966	1.168	0.206	0.812	0.209
1967	1.793	0.186	0.735	0.211
1968	1.885	0.183	0.816	0.206
1969	1.833	0.184	0.871	0.203
1970	2.093	0.179	1.007	0.197
1971	2.216	0.176	0.878	0.200
1972	2.005	0.179	0.750	0.202
1973	2.422	0.173	0.683	0.204
1974	2.413	0.173	0.666	0.203
1975	2.360	0.173	0.668	0.203
1976	2.411	0.173	0.805	0.196
1977	2.350	0.172	0.833	0.194
1978	2.412	0.172	0.807	0.194
1979	2.566	0.170	0.901	0.191
1980	2.443	0.171	0.793	0.192
1981	2.389	0.171	0.857	0.190
1982	2.175	0.173	0.638	0.194
1983	2.129	0.174	0.667	0.194
1984	2.480	0.171	0.808	0.190
1985	2.574	0.170	0.706	0.193
1986	2.635	0.169	0.749	0.191
1987	1.992	0.176	1.218	0.181
1988	2.152	0.175	1.849	0.174
1989	1.532	0.186	1.851	0.175
1990	2.263	0.176	1.740	0.177
1991	1.051	0.214	1.195	0.190
1992	0.941	0.237	1.226	0.197
1993	0.118*	0.335	-0.362*	0.311
1994	1.573	0.346	1.302	0.291
Intercept	-7.893*	0.186	-8.365*	0.212
Chi-Square		11,183		
Person-Years		218,012		

* Not significant, p > .05

Technical Appendix Table 1B
Multinomial Age-Period-Community Analysis of the Probability that Male Household Heads from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a First U.S. Trip: 1971–94

Age, Period, and Community	Illegal vs Not Mig		Legal vs Not Mig	
	B	SE	B	SE
Age				
< 15	–	–	–	–
15-19	2.912	0.114	3.177	0.156
20-24	3.306	0.111	3.760	0.151
25-29	3.045	0.112	3.625	0.152
30-34	2.769	0.113	3.503	0.153
35-39	2.445	0.116	3.518	0.154
40-44	2.328	0.118	3.447	0.156
45-49	2.323	0.120	3.586	0.157
50-54	1.744	0.131	3.229	0.163
55+	0.617	0.140	2.759	0.160
Period				
Before 1971	–	–	–	–
1971	0.921	0.079	-0.546	0.119
1972	0.687	0.085	-0.697	0.124
1973	1.100	0.071	-0.764	0.126
1974	1.071	0.071	-0.789	0.124
1975	0.996	0.072	-0.848	0.124
1976	1.030	0.070	-0.671	0.112
1977	0.956	0.070	-0.649	0.109
1978	1.022	0.068	-0.671	0.108
1979	1.183	0.064	-0.562	0.102
1980	1.054	0.066	-0.667	0.105
1981	0.999	0.067	-0.597	0.101
1982	0.781	0.071	-0.824	0.109
1983	0.757	0.073	-0.787	0.108
1984	1.137	0.065	-0.609	0.102
1985	1.238	0.063	-0.698	0.106
1986	1.316	0.061	-0.639	0.102
1987	0.661	0.077	-0.168	0.082
1988	0.838	0.075	0.502	0.066
1989	0.194	0.099	0.460	0.067
1990	1.085	0.078	0.595	0.074
1991	0.177*	0.146	0.298	0.102
1992	0.370	0.179	0.667	0.118
1993	-0.310*	0.298	-0.560	0.217
1994	0.474*	0.316	0.333*	0.254

Technical Appendix Table 1B (Continued)

Age, Period, and Community	Illegal vs Not Mig B	Illegal vs Not Mig SE	Legal vs Not Mig B	Legal vs Not Mig SE
Community				
1	–	–	–	–
2	-1.999	0.336	-0.904	0.367
3	1.557	0.151	1.477	0.244
4	-1.068	0.168	-0.728	0.254
5	-1.244	0.439	-2.749	1.488
6	0.475	0.170	0.941	0.247
7	0.232*	0.188	0.284*	0.302
8	1.223	0.133	1.713	0.216
9	0.893	0.124	1.934	0.204
10	2.251	0.159	3.916	0.215
11	0.275	0.133	1.070	0.209
12	0.505	0.135	-0.128*	0.233
13	1.276	0.130	0.949	0.212
14	-0.614	0.178	-0.168*	0.257
15	-1.052	0.187	0.044*	0.238
16	-0.031	0.349	0.846	0.385
17	0.533	0.142	1.908	0.210
18	0.471	0.139	1.688	0.208
19	-0.270*	0.143	-0.217*	0.229
20	0.500	0.225	0.626*	0.326
21	-0.044*	0.264	-0.268*	0.409
22	1.682	0.147	1.549	0.232
23	-0.253*	0.195	0.371*	0.271
24	0.286*	0.328	0.829	0.408
25	-0.956	0.394	-1.214	0.744
26	-0.209*	0.143	1.096	0.210
27	0.222*	0.151	1.004	0.221
28	-0.147*	0.154	0.137*	0.236
29	-0.101*	0.169	-0.416*	0.295
30	1.926	0.161	2.025	0.240
31	-1.200	0.134	-1.033	0.215
32	-1.824	0.224	-1.874	0.350
33	-0.213*	0.151	-0.354*	0.245
34	1.804	0.177	2.488	0.243
35	-1.496	0.208	-1.099	0.300
36	0.194*	0.237	1.046	0.282
37	1.067	0.283	1.581	0.334
38	-0.277*	0.198	-0.702*	0.360
39	0.687	0.198	-0.147*	0.380
Intercept	-6.608	0.164	-7.512	0.249
Chi-Square		20,611		
Person-Years		218,012		

* Not significant, p > .05

Technical Appendix Table 2A
Multinomial Age-Period Analysis of the Probability that Women from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a First U.S. Trip

	Illegal vs Not Mig		Legal vs Not Mig	
Age and Period	B	SE	B	SE
Age				
< 15	–	–	–	–
15-19	1.500	0.031	-0.084	0.017
20-24	2.242	0.028	-0.017*	0.018
25-29	2.382	0.028	0.050	0.019
30-34	2.213	0.030	0.001*	0.021
35-39	2.075	0.032	-0.066	0.024
40-44	1.916	0.036	-0.097	0.027
45-49	1.611	0.042	-0.151	0.031
50-54	1.407	0.050	-0.245	0.038
55+	1.143	0.043	-0.562	0.032
Period				
Before 1943	–	–	–	–
1943	-1.791	0.906	-0.418	0.180
1944	-1.859	0.906	-0.446	0.177
1945	-1.956	0.906	-0.508	0.177
1946	-1.850	0.822	-0.398	0.162
1947	-0.206*	0.364	-0.443	0.162
1948	0.136*	0.306	-0.166*	0.139
1949	0.301*	0.279	-0.193*	0.138
1950	0.407*	0.258	-0.083*	0.128
1951	0.396*	0.252	-0.047*	0.122
1952	0.437*	0.241	-0.067*	0.121
1953	0.430*	0.236	0.040*	0.112
1954	0.422*	0.232	0.078*	0.108
1955	0.450	0.222	0.138*	0.102
1956	0.494	0.214	0.226	0.097
1957	0.457	0.212	0.323	0.091
1958	0.432	0.210	0.357	0.088
1959	0.476	0.203	0.489	0.083
1960	0.451	0.200	0.583	0.078
1961	0.384*	0.200	0.585	0.077
1962	0.406	0.196	0.649	0.074
1963	0.425	0.191	0.719	0.071

Technical Appendix Table 2A (Continued)

Age and Period	Illegal vs Not Mig B	Illegal vs Not Mig SE	Legal vs Not Mig B	Legal vs Not Mig SE
1964	0.740	0.172	0.949	0.065
1965	0.798	0.168	0.948	0.064
1966	0.870	0.162	1.178	0.060
1967	0.940	0.158	1.252	0.058
1968	1.139	0.150	1.255	0.058
1969	1.337	0.144	1.290	0.057
1970	1.475	0.140	1.317	0.056
1971	1.603	0.137	1.372	0.055
1972	1.729	0.134	1.414	0.054
1973	1.890	0.131	1.446	0.053
1974	2.107	0.128	1.534	0.052
1975	2.256	0.127	1.577	0.052
1976	2.354	0.126	1.606	0.051
1977	2.452	0.125	1.632	0.051
1978	2.560	0.124	1.656	0.050
1979	2.622	0.124	1.661	0.050
1980	2.758	0.123	1.698	0.050
1981	2.784	0.122	1.736	0.049
1982	2.815	0.122	1.768	0.049
1983	2.856	0.122	1.842	0.049
1984	2.859	0.122	1.694	0.050
1985	2.936	0.122	1.731	0.050
1986	2.986	0.122	1.748	0.049
1987	3.020	0.121	1.785	0.049
1988	3.092	0.121	1.850	0.049
1989	3.237	0.121	1.954	0.049
1990	3.271	0.121	2.099	0.049
1991	3.222	0.122	2.186	0.050
1992	3.065	0.124	2.032	0.053
1993	3.094	0.125	2.067	0.056
1994	3.183	0.143	2.988	0.068
Intercept	-7.164	0.120	-4.132	0.042
Chi-Square		44,913		
Person-Years		680,574		

* Not significant, p > .05

Technical Appendix Table 2B
Multinomial Age-Period-Community Analysis of the Probability that Women from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a First U.S. Trip: 1971–94

Age, Period, and Community	Illegal vs Not Mig		Legal vs Not Mig	
	B	SE	B	SE
Age				
< 15	–	–	–	–
15-19	1.559	0.031	-0.116	0.019
20-24	2.332	0.028	-0.046	0.019
25-29	2.460	0.028	-0.011*	0.021
30-34	2.281	0.030	-0.084	0.023
35-39	2.124	0.033	-0.195	0.026
40-44	1.991	0.036	-0.242	0.030
45-49	1.683	0.042	-0.326	0.035
50-54	1.484	0.051	-0.445	0.042
55+	1.119	0.044	-0.911	0.036
Period				
Before 1971	–	–	–	–
1971	0.970	0.074	0.816	0.041
1972	1.094	0.069	0.868	0.039
1973	1.251	0.063	0.910	0.038
1974	1.467	0.058	1.011	0.036
1975	1.625	0.054	1.060	0.036
1976	1.723	0.052	1.097	0.034
1977	1.814	0.049	1.124	0.034
1978	1.924	0.047	1.158	0.033
1979	1.984	0.046	1.174	0.033
1980	2.135	0.043	1.230	0.032
1981	2.158	0.043	1.276	0.031
1982	2.186	0.042	1.310	0.031
1983	2.271	0.042	1.492	0.031
1984	2.285	0.042	1.371	0.033
1985	2.365	0.041	1.418	0.032
1986	2.415	0.040	1.438	0.032
1987	2.449	0.040	1.486	0.031
1988	2.504	0.039	1.548	0.031
1989	2.601	0.039	1.615	0.030
1990	2.852	0.040	1.818	0.031
1991	3.106	0.043	2.049	0.035
1992	3.075	0.048	2.198	0.040
1993	3.403	0.052	2.668	0.047
1994	3.026	0.091	2.820	0.075

Technical Appendix Table 2B (Continued)

Age, Period, and Community	Illegal vs Not Mig B	Illegal vs Not Mig SE	Legal vs Not Mig B	Legal vs Not Mig SE
Community				
1	–	–	–	–
2	-2.507	0.306	-2.076	0.160
3	0.715	0.113	-0.210	0.094
4	-0.917	0.110	-1.270	0.079
5	-1.344	0.309	-2.185	0.308
6	-0.761	0.150	-1.190	0.116
7	-0.067*	0.134	-0.435	0.100
8	1.729	0.089	0.057*	0.069
9	1.290	0.085	0.165	0.058
10	1.118	0.111	1.409	0.072
11	1.387	0.086	0.853	0.057
12	1.440	0.087	0.492	0.061
13	0.120*	0.091	-0.283	0.062
14	-1.988	0.175	-6.772	1.163
15	-1.647	0.134	-2.298	0.119
16	-1.892	0.423	-0.730	0.175
17	0.674	0.092	0.842	0.060
18	1.140	0.091	3.009	0.056
19	-0.629	0.097	-1.629	0.079
20	1.179	0.118	0.630	0.083
21	0.090*	0.162	0.243	0.094
22	1.454	0.091	1.751	0.058
23	-0.129*	0.118	-0.498	0.081
24	0.461	0.120	-0.214	0.089
25	-0.217*	0.189	-1.683	0.242
26	0.812	0.088	1.118	0.058
27	-0.448	0.102	-0.594	0.071
28	1.033	0.090	0.373	0.063
29	0.712	0.098	-1.206	0.100
30	1.579	0.105	0.332	0.095
31	-0.675	0.086	-1.585	0.060
32	-1.601	0.123	-1.147	0.078
33	0.546	0.091	-0.338	0.067
34	-1.091	0.196	-3.236	0.357
35	-0.931	0.107	-1.461	0.082
36	0.344	0.123	-0.189*	0.098
37	0.444	0.180	-0.421	0.178
38	-0.583	0.126	-3.280	0.246
39	0.503	0.129	-3.410	0.447
Intercept	-7.104	0.090	-3.861	0.056
Chi-Square		124,004		
Person-Years		680,574		

* Not significant, p > .05

Technical Appendix Table 3A
Multinomial Age-Period Analysis of the Probability that Male Household Heads from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a Subsequent U.S. Trip

	Illegal vs Not Mig		Legal vs Not Mig	
Age and Period	B	SE	B	SE
Age				
< 15	–	–	–	–
15-19	1.937	0.418	2.442	0.445
20-24	1.998	0.411	2.591	0.437
25-29	1.583	0.411	2.030	0.437
30-34	1.301	0.411	1.955	0.437
35-39	1.052	0.412	1.977	0.437
40-44	0.619*	0.413	1.810	0.438
45-49	0.283*	0.415	1.688	0.439
50-54	-0.177*	0.420	1.100	0.443
55+	-1.321	0.427	0.670*	0.442
Period				
Before 1943	–	–	–	–
1943	1.633	0.752	1.811	0.659
1944	0.990*	0.678	2.268	0.472
1945	0.858*	0.614	2.289	0.437
1946	1.271	0.507	2.007	0.428
1947	0.661*	0.556	1.880	0.424
1948	0.471*	0.545	1.402	0.432
1949	1.601	0.444	1.542	0.422
1950	0.868*	0.493	1.671	0.416
1951	1.125	0.458	1.517	0.413
1952	1.273	0.443	1.910	0.397
1953	0.990	0.451	1.784	0.396
1954	0.967	0.450	1.587	0.400
1955	1.225	0.440	2.192	0.387
1956	1.289	0.430	2.010	0.387
1957	0.903	0.447	2.190	0.384
1958	1.183	0.431	2.461	0.379
1959	1.050	0.436	2.300	0.381
1960	1.174	0.428	2.258	0.380
1961	0.771*	0.442	2.169	0.380
1962	0.734*	0.441	1.936	0.382
1963	0.925	0.434	1.890	0.383

Technical Appendix Table 3A (Continued)

Age and Period	Illegal vs Not Mig B	Illegal vs Not Mig SE	Legal vs Not Mig B	Legal vs Not Mig SE
1964	0.941	0.434	2.139	0.380
1965	1.956	0.403	1.052	0.400
1966	1.422	0.414	0.966	0.401
1967	1.803	0.407	1.209	0.396
1968	1.525	0.412	1.265	0.393
1969	1.978	0.403	1.141	0.397
1970	1.868	0.406	1.345	0.392
1971	2.216	0.400	1.045	0.399
1972	2.351	0.398	0.983	0.399
1973	2.415	0.397	1.006	0.399
1974	2.411	0.396	0.948	0.399
1975	2.309	0.397	1.078	0.393
1976	2.181	0.397	1.120	0.390
1977	2.255	0.395	1.077	0.390
1978	2.411	0.393	1.092	0.388
1979	2.265	0.394	1.262	0.384
1980	2.267	0.394	1.219	0.384
1981	2.193	0.394	1.091	0.385
1982	2.126	0.394	1.187	0.383
1983	2.175	0.394	1.040	0.385
1984	2.198	0.393	1.121	0.384
1985	2.220	0.393	1.077	0.384
1986	2.450	0.392	1.139	0.383
1987	1.968	0.395	1.554	0.377
1988	2.116	0.394	1.866	0.375
1989	1.404	0.404	1.988	0.374
1990	1.955	0.401	2.302	0.374
1991	1.488	0.420	1.900	0.382
1992	1.077	0.463	1.900	0.391
1993	0.837*	0.520	0.776*	0.455
1994	2.088	0.519	2.442	0.436
Intercept	-5.388	0.540	-5.853	0.555
Chi-Square		4,134		
Person-Years		48,759		

* Not significant, p > .05

Technical Appendix Table 3B
Multinomial Age-Period-Community Analysis of the Probability that Male Household Heads from 39 Mexican Communities Will Migrate Illegally or Legally (vs. Not Migrating) on a Subsequent U.S. Trip: 1971–94

Age, Period, and Community	Illegal vs Not Mig		Legal vs Not Mig	
	B	SE	B	SE
Age				
≤ 19	–	–	–	–
20-24	0.494	0.100	0.579	0.108
25-29	0.154*	0.100	-0.005*	0.108
30-34	-0.107*	0.100	-0.093*	0.109
35-39	-0.341	0.102	-0.121*	0.109
40-44	-0.789	0.108	-0.360	0.113
45-49	-1.135	0.116	-0.466	0.117
50-54	-1.566	0.131	-1.061	0.132
55+	-2.836	0.152	-1.639	0.127
Period				
Before 1971	–	–	–	–
1971	0.918	0.124	-0.790	0.171
1972	1.070	0.115	-0.843	0.170
1973	1.116	0.113	-0.780	0.168
1974	1.107	0.111	-0.825	0.169
1975	0.994	0.112	-0.668	0.152
1976	0.836	0.114	-0.658	0.145
1977	0.937	0.107	-0.702	0.142
1978	1.115	0.100	-0.693	0.139
1979	0.977	0.101	-0.531	0.126
1980	0.954	0.100	-0.556	0.126
1981	0.900	0.100	-0.670	0.128
1982	0.787	0.102	-0.565	0.122
1983	0.868	0.100	-0.711	0.128
1984	0.924	0.100	-0.595	0.123
1985	0.925	0.100	-0.630	0.124
1986	1.170	0.091	-0.560	0.122
1987	0.671	0.103	-0.126*	0.098
1988	0.858	0.101	0.217	0.090
1989	0.091*	0.136	0.299	0.088
1990	0.693	0.127	0.804	0.091
1991	0.518	0.180	0.510	0.121
1992	0.482*	0.264	0.861	0.152
1993	0.524*	0.336	-0.074*	0.282
1994	0.890	0.365	1.015	0.261

Technical Appendix Table 3B (Continued)

Age, Period, and Community	Illegal vs Not Mig		Legal vs Not Mig	
	B	SE	B	SE
Community				
1	–	–	–	–
2**	-0.013*	0.579	0.334*	0.671
3	2.306	0.332	1.828	0.421
4	-0.602*	0.448	0.789*	0.451
5	0.976*	0.773	-0.873*	2.333
6	1.162	0.371	2.033	0.418
7	1.345	0.358	1.449	0.452
8	1.917	0.326	1.678	0.408
9	1.774	0.318	2.792	0.389
10	3.145	0.331	4.477	0.395
11	1.068	0.327	2.069	0.394
12	1.243	0.330	0.565*	0.428
13	2.617	0.317	1.830	0.394
14	0.442*	0.396	1.053	0.437
15	1.993	0.352	2.491	0.411
16	1.088	0.594	1.921	0.532
17	1.857	0.325	2.910	0.393
18	1.840	0.323	2.633	0.392
19	1.568	0.327	1.241	0.406
20**	2.684	0.408	2.084	0.509
23	2.629	0.600	3.019	0.592
25	0.541*	0.681	-0.653*	1.421
26	1.202	0.334	2.208	0.397
27	1.066	0.339	1.689	0.403
28	1.606	0.343	1.530	0.425
29	1.685	0.350	0.952	0.460
30	2.813	0.341	2.586	0.421
31	-0.511*	0.347	0.774*	0.400
32	-0.130*	0.494	-1.736*	1.003
33	-0.223*	0.406	1.189	0.420
34	3.005	0.343	3.396	0.411
35	1.367	0.380	0.570*	0.515
36	1.318	0.356	1.704	0.417
37	1.334	0.470	1.911	0.488
38	1.803	0.367	1.021	0.508
39	1.970	0.369	1.143	0.508
Intercept	-4.308	0.508	-4.170	0.398
Chi-Square			7,496	
Person-Years			48,791	

* Not significant, p > .05

** Community 2 represents communities 2 and 24. Community 20 represents communities 20, 21, and 22.

Technical Appendix Table 4
Descriptive Statistics

	Person Years Referring to:					
	Men, 1st Trip		Women, 1st Trip		Men, Subsequent Trip	
	Mean	S.D.	Mean	S.D.	Mean	S.D.
Age < 15	.23	.42	.46	.50	.01	.08
15-19	.09	.28	.12	.32	.02	.13
20-24	.11	.31	.10	.30	.08	.27
25-29	.11	.31	.08	.28	.13	.33
30-34	.10	.30	.07	.25	.14	.35
35-39	.09	.28	.05	.22	.13	.34
40-44	.07	.26	.04	.19	.12	.33
45-49	.06	.24	.03	.16	.10	.31
50-54	.05	.21	.02	.14	.09	.28
55+	.09	.30	.04	.19	.18	.39
Period						
Before 1943	.07	.08	.04	.07	.00	.03
1943	.01	.08	.01	.07	.01	.03
1944	.01	.09	.01	.07	.00	.04
1945	.01	.09	.01	.08	.00	.05
1946	.01	.09	.01	.08	.00	.06
1947	.01	.10	.01	.08	.00	.07
1948	.01	.10	.01	.08	.00	.07
1949	.01	.10	.01	.09	.01	.07
1950	.01	.10	.01	.09	.01	.08
1951	.01	.11	.01	.09	.01	.08
1952	.01	.11	.01	.09	.01	.09
1953	.01	.11	.01	.10	.01	.10
1954	.01	.11	.01	.10	.01	.10
1955	.01	.12	.01	.10	.01	.10
1956	.01	.12	.01	.10	.01	.11
1957	.01	.12	.01	.10	.01	.11
1958	.02	.12	.01	.10	.01	.11
1959	.02	.13	.01	.11	.01	.12
1960	.02	.13	.01	.12	.01	.12
1961	.02	.13	.01	.12	.02	.12
1962	.02	.13	.01	.12	.02	.12
1963	.02	.13	.02	.12	.02	.13
1964	.02	.13	.02	.13	.02	.13
1965	.02	.14	.02	.13	.02	.13
1966	.02	.14	.02	.13	.02	.13

Technical Appendix Table 4 (Continued)

	Person Years Referring to:					
	Men, 1st Trip		Women, 1st Trip		Men, Subsequent Trip	
	Mean	S.D.	Mean	S.D.	Mean	S.D.
1967	.02	.14	.02	.14	.02	.13
1968	.02	.14	.02	.14	.02	.13
1969	.02	.14	.02	.14	.02	.14
1970	.02	.14	.02	.14	.02	.14
1971	.02	.14	.02	.15	.02	.14
1972	.02	.14	.02	.15	.02	.14
1973	.02	.15	.02	.15	.02	.15
1974	.02	.15	.02	.16	.02	.15
1975	.02	.15	.03	.16	.02	.15
1976	.02	.15	.03	.16	.03	.16
1977	.02	.15	.03	.17	.03	.16
1978	.02	.15	.03	.17	.03	.17
1979	.02	.16	.03	.17	.03	.17
1980	.03	.16	.03	.17	.03	.18
1981	.03	.16	.03	.17	.03	.18
1982	.03	.16	.03	.18	.04	.18
1983	.02	.16	.03	.17	.04	.19
1984	.03	.16	.03	.17	.04	.19
1985	.03	.16	.03	.17	.04	.19
1986	.03	.16	.03	.17	.04	.20
1987	.03	.16	.03	.17	.04	.20
1988	.02	.16	.03	.17	.04	.20
1989	.02	.14	.03	.16	.03	.18
1990	.02	.14	.02	.15	.03	.17
1991	.02	.12	.02	.14	.02	.15
1992	.01	.10	.01	.11	.01	.12
1993	.01	.08	.01	.09	.01	.09
1994	.01	.07	.01	.08	.01	.09
Community						
1	.03	.18	.03	.18	.03	.18
2	.04	.18	.03	.16	.01	.11
3	.02	.16	.03	.17	.06	.23
4	.04	.18	.03	.17	.02	.12
5	.02	.15	.02	.14	.01	.08
6	.03	.17	.03	.17	.03	.18
7	.03	.17	.03	.17	.03	.16
8	.02	.15	.03	.16	.04	.20
9	.03	.16	.03	.16	.03	.18

Technical Appendix Table 4 (Continued)

	Person Years Referring to:					
	Men, 1st Trip		Women, 1st Trip		Men, Subsequent Trip	
	Mean	S.D.	Mean	S.D.	Mean	S.D.
10	.02	.14	.02	.14	.06	.24
11	.03	.16	.03	.16	.02	.15
12	.03	.16	.02	.15	.02	.14
13	.03	.16	.03	.17	.04	.19
14	.03	.18	.03	.17	.03	.16
15	.03	.18	.03	.17	.01	.11
16	.01	.12	.02	.13	.02	.14
17	.03	.16	.03	.17	.04	.20
18	.05	.22	.05	.22	.10	.29
19	.03	.17	.03	.16	.02	.15
20	.01	.10	.02	.12	.00	.04
21	.01	.11	.01	.12	–	–
22	.01	.11	.03	.17	–	–
23	.15	.12	.02	.15	.00	.03
24	.01	.07	.03	.16	–	–
25	.02	.12	.01	.11	.01	.09
26	.03	.18	.03	.17	.02	.15
27	.03	.16	.03	.17	.04	.19
28	.03	.18	.03	.17	.01	.12
29	.03	.17	.02	.15	.02	.13
Community						
30	.02	.15	.03	.16	.07	.26
31	.01	.12	.01	.11	.00	.06
32	.04	.19	.03	.17	.01	.12
33	.03	.18	.03	.16	.02	.14
34	.02	.13	.02	.14	.04	.19
35	.04	.20	.04	.18	.01	.11
36	.03	.20	.03	.17	.04	.19
37	.01	.12	.02	.12	.04	.20
38	.03	.17	.03	.16	.02	.13
39	.02	.13	.01	.10	.02	.13
% Migrating:						
legally	2.8		3.5		8.2	
illegally	3.8		2.9		8.2	
% Not migrating	93.4		93.6		83.5	
Total Number of Person Years	218,012		680,574		48,791	

Technical Appendix Table 5
Life Table of the Cumulative Probability of Making a First Trip Legally or Illegally (vs. Not Migrating) by Age 40, Given the Probabilities of Legal and Illegal Migration Prevailing in Community 10, 1994

Age	Probability of:		
	Not Migrating	Migrate Legally	Migrate Illegally
0	1.000000	0.000000	0.000000
1	0.944453	0.036120	0.019427
2	0.891991	0.070234	0.037775
3	0.842444	0.102452	0.055104
4	0.795649	0.132881	0.071470
5	0.751453	0.161620	0.086927
6	0.709712	0.188763	0.101526
7	0.670290	0.214397	0.115313
8	0.633057	0.238608	0.128335
9	0.597892	0.261474	0.140633
10	0.564681	0.283070	0.152249
11	0.533315	0.303466	0.163219
12	0.503691	0.322730	0.173579
13	0.475712	0.340923	0.183365
14	0.449288	0.358106	0.192606
15	0.195786	0.537532	0.266682
16	0.085318	0.615721	0.298962
17	0.037179	0.649793	0.313028
18	0.016202	0.664640	0.319158
19	0.007060	0.671111	0.321829
20	0.002204	0.674731	0.323065
21	0.000688	0.675861	0.323451
22	0.000215	0.676213	0.323572
23	0.000067	0.676324	0.323609
24	0.000021	0.676358	0.323621
25	0.729892E-006	0.676368	0.323624
26	0.254462E-006	0.676372	0.323625
27	0.887133E-007	0.676373	0.323626
28	0.309281E-007	0.676374	0.323626
29	0.107825E-007	0.676374	0.323626
30	0.415001E-008	0.676374	0.323626
31	0.159727E-008	0.676374	0.323626
32	0.614766E-009	0.676374	0.323626
33	0.236614E-009	0.676374	0.323626
34	0.910691E-010	0.676374	0.323626
35	0.360454E-010	0.676374	0.323626
36	0.142669E-010	0.676374	0.323626
37	0.564689E-011	0.676374	0.323626
38	0.223506E-011	0.676374	0.323626
39	0.884643E-012	0.676374	0.323626
40	0.366722E-012	0.676374	0.323626

Factors that Influence Migration

Coyotes and Alien Smuggling

Gustavo López Castro

Coyotes or polleros or pateros are persons who, for a fee, assist individuals wishing to enter the U.S. without legal authorization to do so. There have always been coyotes along the Mexico-U.S. border, but their activities became significant only after 1964, when the Bracero Program ended.

The number and range of services provided by coyotes have expanded. We surveyed 6 coyotes in Guanajuato, 2 in Michoacán, and 3 in Tijuana, as well as 3 INS investigators dealing with alien smuggling in California, and one 1 in El Paso. We also interviewed migrants seeking unauthorized entry into the U.S.

Since 1983, we found that most migrants attempting unauthorized entry into the U.S. used coyotes, although even in 1996, there were about one in four migrants who attempted to cross the border with the help of only friends or relatives or on their own.[1] We distinguish between three major types of coyotes: local agents, local and border smugglers, and border-only smuggling businesses, each with a menu of prices and services. The type of coyote used depends on migrant access to networks of friends and family—migrants without access to networks are most likely to arrive at the border by bus, and find a border-area business smuggler to help them to attempt entry into the U.S.

Table 1
Migrant Use of Coyotes

Type of Coyote	Migrants—No Network	Migrants—with Network
Local	9%	16%
Local and Border-Informal	18%	40%
Border-Business	53%	17%
No coyote	20%	27%

Source: questionnaires from the "International Migration in the Bajío project, CER/ColMich

A local coyote normally operates with at most two helpers from the same town or region, and specializes in telling potential migrants who to contact at the border to cross, and where to go once in the U.S. Some migrants go with family members or friends to the border, and make contact with a coyote from their town or region; such a local and border coyote may guide migrants across, have them picked up on the other side, and transport and deliver them to their destination. Such local-border coyotes often involve five to ten people and work with migrants from a particular town or area; many are loosely-structured groups.

The Bracero Program offered legal entry options and reduced coyote activities, but coyotes offered a means of entry for workers with no U.S. job contacts and thus little possibility of entering legally. In the late 1960s, when an offer of employment from a U.S. employer could be used to secure a green card and permanent residence, some workers used coyotes to find U.S. employers who would sponsor them. However, some of the workers who were eligible for green cards never completed the process, and instead continued to migrate seasonally and illegally to the U.S.

Local-Interior Coyotes

In Michoacán and Guanajuato, "everyone knows" where to find coyotes. These coyotes have one or two assistants (usually family members) to help them to organize groups of 5 or 6 migrants, take them to the border, help them cross into the United States, and then transport them to their final destination, which is often the where the coyotes themselves are going. The coyotes may then work in the U.S. for several months before returning to their hometown to organize another group of migrants. Their level of operational sophistication is minimal, and they normally use the same method to smuggle people across the border: crossing the Rio Bravo (in the case of

people from the north of Guanajuato state), or across the mountains of Tijuana and the Arizona desert (in the case of people from Michoacán state).

Once in the U.S., these coyotes use public transportation, including trains, buses and planes. Their failure rate is high—some report four attempts before successful entry, versus a claimed one attempt and your in by border business coyotes—but their commitment to the group means that they make as many attempts as necessary until they succeed in getting across. Paradoxically, when the local coyote himself is captured, he is rarely processed as a smuggler, because he appears to be just another migrant. Those with him are not inclined to denounce him as a smuggler, since they are acquaintances and friends; local coyotes are often considered paisanos or countrymen.[2]

Until the INS launched the IDENT and ENCATS systems in 1994, local coyotes had certain advantages over other coyotes because of their relationship with the people they tried to take across. Things have started to change, however, because at some border crossing points all undocumented workers captured are fingerprinted and photographed, enabling INS to detect local coyotes because of their more frequent apprehensions.

Although the fees charged by the local coyotes are generally lower than those of the other types of coyotes, the new INS identification systems have increased their risks and raised their fees Price differences have narrowed, and made price a less important factor in which type of coyote to use to enter the U.S.

Safety is one of the major reasons to use the services of a local coyote; migrants assume that they will have fewer physical risks if they go with someone they know from their area, someone whose family resides in the region, and someone who can bring news back to the town. This means that the prestige of the local coyote depends not so much on his rate of success in getting people across the border in as few attempts as possible, but upon the safety of the people who travel under his guidance and responsibility.

Economic factors also come into play. It is by not unusual for the family that stays behind to pay the coyote for his services once they are notified that their family member has arrived safely at his/her destination. In this situation, both the reputation and social position of the coyote are important; these will be determining factors in terms of the number of clients that he will be able to attract in the future.

Some local coyotes are part-time operators, taking people across the border only occasionally, or restricting their activities to friends and relatives. Some of these occasional coyotes have legal permission to enter the U.S., so they do not cross the border with migrants. Instead, they travel to the border with the migrants, and help to find a smuggler who will guide the migrants across, and then wait for the migrants inside the U.S. These occasional coyotes do not play a substantive role in the migratory flow.

Local and Border Coyotes

Some coyotes originally from the migrants' area of origin live in border areas, and get referrals from local coyotes or friends and family of past migrants. In many cases, migrants seek border area coyotes using a telephone number, an alias, or the name of a specific restaurant or hotel. With such a border contact, and someone who will take responsibility for the person once they make it into the U.S., migrants from Michoacán, Guanajuato, Zacatecas and Jalisco set out for the U.S.

Local and border coyotes set up loosely-structured groups characterized by a low level of technological sophistication. Most have two or three vehicles (usually vans) and use hotels as "safe rooms." They rarely use cellular telephones, citizen band radios or "beepers," and usually cross the border over the mountains, through ravines or by swimming and wading across the river; they rely on evading the INS rather than understanding its activities and attempting to outwit INS with decoys etc.

Membership in these groups is flexible. There is a leader, but the group is only brought together when there are migrants to be smuggled. Furthermore, the leader generally calls only those members whom he considers ideal for the job, thus minimizing losses and guaranteeing the continuity of his services.

Border Business Coyotes

Business coyotes have a long history in the border area, but smuggling migrants into the U.S. has evolved from a supplementary business to a full-time occupation. However, as the number of Mexicans entering the U.S. increased, and as U.S. employers sent their supervisors to the border area to recruit workers, some coyotes began to specialize in the movement of workers across the border.

Business coyotes developed after the Bracero Program ended in 1964. Some were unauthorized workers who had experience crossing the border, while others developed relatively sophisticated organizations that could recruit migrants as they arrived in the border area and provide a variety of services to them.

All business coyotes have three major elements; recruiters, guides, and U.S. agents or delivery persons. The recruiters linger around the bus and train stations—every day, 125 buses arrive from the interior of Mexico in Tijuana, and two trains arrive in Mexicali—or hotels that provide shelter to the migrants, or hang out in the bars and restaurants frequented by migrants, and make deals with potential migrants. As smuggling has evolved, there has been a shift from the "cash-in-advance" payment system and to the "payment-on-delivery" system—when the migrant reaches his U.S. destination, the migrant tells a family member or friend within the United States to pay the coyote.

The process of the crossing is straightforward: wait until dark, get the group together at a hotel or some other safe place, lead it to the border, cross through

some gap or hole or tunnel under the fence, or jump over the fence. The coyote then guides the group over the countryside on foot, walking, running, and hiding, until it arrives at a prearranged place where a delivery person with a vehicle is waiting to pick up the migrants and take them to a U.S. destination. Once the pollos have been dropped off, payment is made, and the coyote returns to Mexico to share the proceeds with his confederates. There are many variations; the distance to be walked is variable, depending on whether the vehicle meets the migrants in a rural or urban area, and affects the price paid by the migrant—more walking means lower prices.

Migrants do not need to use a coyote to attempt such entries, and some do not. Some know the border area so well that they use public transportation inside the U.S., such as the suburban trolleys in San Diego and then Amtrack to reach Los Angeles, or they take planes away from San Diego, El Paso or Laredo.

Smuggling women is more complicated. Business coyotes began to add women to their organizations, and to offer women and children one contact person from recruitment to guide to delivery. In some cases, the wife of the coyote helps to negotiate the agreement—virtually all are verbal—and then travels with family members to the border to watch the guide take women across. The coyote's wife remains with the family members until the women reached their destination in the U.S. as a form of security and a guarantee of delivery.

Most migrants attempt to elude the border patrol. But stepped up border controls and more women migrants have led more migrants to attempt to enter the U.S. using false documents. Especially during peak traffic periods, inspectors reportedly spend more time looking at the document than the person, so that it is relatively easy to borrow genuine documents and cross, a method preferred by many women. Some coyotes obtain green cards (known as "micas") and distribute them to migrants, taking into consideration physical similarity and ensuring that the migrant using them is older than the person shown on the card. Many coyotes also offer migrants Social Security cards and identification cards like those issued by the Department of Motor Vehicles. In some cases, valid Mexican passports with temporary U.S. visas are used. Children and babies are simpler to smuggle with false documents, because they typically do not require identification or photographs. In some cases, U.S. birth certificates can be used to enter the U.S. at border entry ports until children are 18.

False documents are used to attempt to enter the U.S. on foot or in autos, with the on-foot method preferred because of the risk that the vehicle will be confiscated, and the migrants' fellow passengers accused of smuggling. In most cases, coyotes send migrants, one at a time, and separated by 50 or 100 other crossers, to the port of entry. Once inside the U.S., the migrants report to a telephone booth or some other easily visible spot for further instructions. Walking through the port of

entry is one of the simplest and most expensive smuggling methods, costing as much as $800. Fewer coyotes attempt to conceal migrants inside vehicles, inside cargo containers, or in cars with double trunks; these methods often lead to tragedies, and are used less and less frequently.

Coyotes who have been in business since the 1970s report that there was relatively little demand for their services in the 1970s, because there were too many coyotes for the number of migrants who wanted to be smuggled—it was also easy to enter the U.S. without the help of a smuggler. Most migrants who turned to coyotes in the 1970s had special needs—women, children, the elderly, Central Americans, Asians. IRCA stimulated interest in coming to the U.S., and the possibility of obtaining a green card via the legalization programs led to a huge increase in the demand for coyote services, especially for the service of getting from the border area further inside the U.S. Smuggling people into the U.S., and moving them around within the U.S., proved to be enormously profitable, and made previous training and investments in safe houses and vehicles pay off.

After 1994, the coyote business changed once again. Business coyotes with a network of safe houses and vehicles have an advantage in evading stepped up border controls, and they have been able to charge migrants premium prices of $500 to $1500 because of their superior ability to smuggle them into the U.S.

Business coyotes remain centered in the border area, but they tend to recruit only the most profitable migrants, such as Central Americans and Asians. The smuggling system resembles a series of semi- autonomous links in a chain which extends from Chiapas to Chihuahua, in which the agents decide which transportation systems to use, which links to follow, and when it is most advantageous to "sell" their human cargo to the next agent. A large number of people participate as service providers, and none of them are surprised when 20 Salvadorans or 5 Chinese suddenly show up on their doorstep to eat or to spend the night. The principal objective is to get these (doubly undocumented) migrants into the United States; Central Americans and Asians are especially highly-valued since they pay the most to be smuggled into the U.S.

Conclusions

It is best to think of coyotes as business operators who are breaking both Mexican and U.S. law. Within Mexico, coyotes are considered somewhat shady characters, but they are perceived to be engaged in a business that harms no one. Indeed, many people think that the coyotes are providing a service to Mexico (by alleviating the poverty of thousands of families), and to the United States (providing needed workers). Migrants consider the coyotes to be a "necessary evil"—but one which could

Table 2
Coyotes: Principal Characteristics by Sphere of Operation

Type	Target Population	Logistics	Price Range	System of Payment	Advantages/ Disadvantages
Local only	Relatives; friends; word-of-mouth recommend-ation; limited geographical area	Access to a social network network in hometown; takes migrant to border; arranges crossing; meets migrant on U.S. side and delivers to destination	250-600 USD depend-ing on arrange-ment for crossing	Variable: -by family mem-ber or friend in U.S. upon safe delivery; -by family in hometown upon confirmation of safe delivery; -installments by the migrant him/herself from coyote-related employment	Personal safety; worry-in hometown; modest price range; suitable for the cautious person; possibility to get a job arranged by the coyote himself. High rate of failure
Local-Border	Word-of-mouth recommend-ation; wide geographical area; con-tacts in both hometown and border	Informal organization; contact made in places frequented by migrants (hotels, restau-rants), use of fake documents	400-900 USD depend-ing on arrange-ment of crossing	In almost all cases by family member or friend in U.S. upon safe delivery	Personal safety suitable for women and children. Higher prices.
Border only	Contacted at bus station, train, hotel, restaurant, near the border and other places frequented by migrants	Formal, struc-tured organiza-tion; use of cellular phones, beepers; cont-tact on both sides of border; pick-ups, fake documents, U.S. airports	600-1500 USD depend-ing on arrange-ment for crossing	Generally by family member or friend in US upon safe delivery	High probability of success. Expensive, vul-nerabiity during wait at border; lack of social support network

Source: Fieldwork, Gustavo López Castro, CER/Colmich, 1997

be much worse than it actually is. The local coyotes rank higher than the border coyotes for the obvious reasons of familiarity; but not even the border coyotes are perceived as being particularly nasty. Much more to be feared are nocturnal encounters with bandits or with one of the many groups of police that patrol the border area.

We found no evidence of collaboration between coyotes and drug traffickers in the towns; not even in the drug-producing areas of Michoacán. Interviews carried out with Border Patrol agents towards the end of 1996 also suggested few connections. We were told of cases in which migrants were urged to pay for part of the cost of being smuggled by also taking a small package along, but it is not clear how common this practice is, and it does not seem to be common for migrants to take packages from producing areas to the border.

The local coyotes and local-border groups appear to keep their distance from drug smuggling. Some of those associated with business coyotes may also be involved in drug smuggling, but there appears to be a firm line between the two activities due to the high risks involved in drug smuggling.[3]

Quotes from Smugglers/Migrants

Costs

> People come to us from, say, Leon, Guanajuato and when they get here they say; "Hey, I heard you take people across in airplanes. How much do you charge?" Then, "how much do I need to make it?" Then we say "look, from here to the border its 362 pesos right now, plus another $100 the jump, between $100 and $120 for the airplane ticket and you'd better have fifty or sixty dollars more for your expenses on the other side, like, I mean, for taxis, meals or whatever you need to spend; so we're talking about a total of around $300."

Contacts

> Back in San Felipe a lot of folks say that in Ocampo there are real good coyotes, real quiet, you know, good people. Here and anywhere you look there's lots of them, especially if you have friends or relatives, they'll set you up with one in a flash. Over in San Felipe it looks like they're charging about $500. It's a lot, but if you have good luck, and work hard, cause sometimes you can get caught, but if you work hard, in about three weeks, or at the outside a month, you pay it off; and from there on it's gravy.
>
> I used to make it as a wetback walking across country. It's all a question of finding contacts. The first three times I went I couldn't get any contacts, not even with the people that crossed with me. It'd take me eight or nine days to get to San Antonio, walking day and night; but then I started making contacts about

a three days' walk from here. I'd go to this farmer's place and ask for a chance to call San Antonio by phone. That's right, I'd get there at night and sit on the fence, the dogs would start to bark and the old man, an "old gringo," would come running over and I'd ask him "... gimme a chance to call my boss in San Antonio?" "How many guys are with you?" I'd say "three or four," "ok, bring 'em over, that's all right," and then he'd call and the boss would send someone over to pick us up. That's what I mean by contacts.

Guarantees

Up there at the border there's lots of coyotes, but there's no safer way than going with one right from here, like one's got more guarantee, more safety, it's somebody you know and you're with a group and they take better care of you, cause you never know what it's gonna be like up there. I mean, you always hope things will go well for you, but the way things are right now it's a bitch, and this way you're safe.

Up there, you could find yourself with a bunch of people who are just starting and... that's tough. But these guys from Mezquite come and go and if you don't get across but get caught, they take you back across again. Ya, they've got good contacts. If you got contacts that'll answer for you, you give them the telephone number and they call and then they take you to your house and they pay him there, but you're safe.

People come from all over to use this coyote; from Leon, and other places, they're finding out that these guys are doing well and so they come to look for them and they get comfort and they protect them. They've got their trucks to bring the folks this far; they've got a good setup. They take care of you here, and things are safe, you even go like friends with all the others; the other way you just gotta take your chances alone up there at the border. But here, here they take responsibility. They're good guys, once they take you on as a client, you go under their responsibility; the other way, up there at the border, who'll take you?, who knows?, who guarantees you anything?, who knows?.But these guys give you a guarantee.

My Way

I always like going across by way of Juarez, on a plane, for this reason: that way I don't run any risks, none, cause it's real hard for them to catch me among all the people; with all the people around they'll never grab me; if they get some, they're gonna get some of them, but not me. And if they do get me, they'll just take me like any other illegal migrant.

And when they get caught you just tell them "Know what, if they grab you I'll see it when they get you. Where they send you—there's three bridges or four—and you just stay there around the bridge where they send you back, don't

move, cause I'll go there to pick you up and send you back across again." That is, whoever wants to, right?; cause some say "know what, I'm not going again." So what do you do?, you say "gimme your ticket," you go and change it and then you got your money. But as long as the folks say they want to keep trying to get across, you gotta keep at it.

Papers

You get the cards in El Paso, Texas. They're lost or stolen. The thing is that they gotta look something like the migrant who wants to get across. You get a lot of these things by telephone. Then, when you make a connection you take things as they come... and you take your time cause you don't want to get in with just anybody. I mean, in these cases there are straight people and crooked ones, but with time you come to learn who you can work with and who you can't.

Ethics

Ok, so let's say... it's a crime, right?... but at the same time the person, the illegal migrant, the folks who want to get across, don't see it as a crime, but still they're grateful, they don't say... I mean... the fact is the people are never satisfied, they always say... one thing or another, look you didn't give us anything to eat, like what do I know, right?, but you know you gotta economize as much as you can cause you never know if they're gonna get across or if they're gonna get sent back from the airport.

Notes

1. We have included questions concerning the method chosen to cross the border in various questionnaires used in community studies. Among these we can mention the survey carried out by a group from the Colegio de Michoacán in 1983, 1986, 1988, and 1992 as well as 390 questionnaires which were applied in three towns in Michoacán and two towns in Jalisco in 1996.

2. The village connections explain how some families of migrants can pay off the cost of smuggling with dollar remittances to the family of the local coyote. Such a payment method would not be acceptable to border area coyotes.

3. A coyote in Guanajuato said that he cannot afford to take the risk of sending drugs along with migrants, who would be too nervous during the numerous police stops in Mexico.

Factors that Influence Migration

Factores de la Migración y Redes Migratorias

Jean Papail

El análisis de las corrientes de emigración anuales de algunas ciudades medias de Jalisco (Lagos de Moreno, Ciudad Guzmán, San Juan de los Lagos, Tepatitlán de Morelos) hacia Estados Unidos entre 1976 y 1993, sugiere la existencia de fluctuaciones importantes en la magnitud de estos flujos, estrechamente ligadas a la coyuntura económica. Los periodos de fuerte crecimiento económico en México (1978-81, 1984-85, 1989-92) se caracterizan por flujos de primera migración orientados a la baja o más o menos estables en sus volúmenes, mientras los periodos recesivos (1982-83, 1986-88) que acompañan las crisis monetarias, producen olas migratorias hacia el país fronterizo.

Según este modelo, el periodo actual debería caracterizarse por una nueva ola migratoria, producida por la devaluación de la moneda mexicana en diciembre de 1994, y el contexto recesivo en el cual se desarrolla la actividad en México. En efecto, varios factores inciden en la movilidad geográfica de la mano de obra: tasa de desempleo, diferencial de salarios entre los dos países, evolución del ingreso real.

Por otra parte, las economías norteamericana y mexicana evolucionan muy a menudo de manera desfasada en sus ciclos cortos durante los 20 últimos años, lo

que tiende a regular de cierta manera la magnitud de los flujos migratorios, aun si la tendencia de fondo a largo plazo de estos flujos está orientada a la alza.

En este trabajo nos concentraremos en las modalidades y condiciones de los desplazamientos, y la inserción de los migrantes en Estados Unidos, temas sobre los cuales la literatura disponible es menos abundante. Nuestra principal fuente de datos está constituida por una encuesta aleatoria realizada en diciembre de 1995 en una población de 801 migrantes y ex-migrantes masculinos de 2 ciudades del Estado de Jalisco, escogidas por sus fuertes tasas de emigración.

Para circunscribir mejor el cambio de contexto económico después de la devaluación de diciembre de 1994, hemos agregado a la muestra alrededor de 400 hogares en los cuales ningún miembro es migrante o ex-migrante a Estados Unidos. La elección de migrantes masculinos exclusivamente se debe al hecho de constituir una población homogénea, ya que se considera además que es la componente motriz del conjunto de los flujos, y que se trata esencialmente de migraciones de trabajo.

Ciertos datos de esta encuesta permiten comparaciones útiles con informaciones procedentes de una encuesta realizada a mediados de 1993 sobre las migraciones internacionales en las cuatro ciudades jaliscienses mencionadas anteriormente. Así, nos referiremos a veces a resultados de la encuesta de 1993, particularmente cuando se detectan cambios significativos en diversos aspectos de la migración.

Por fin hay que subrayar que la población estudiada aquí no pretende representar al conjunto de los flujos mexicanos. En varias regiones proveedoras de migrantes existen ciertas especificidades en cuanto a la relación rural/urbano, a la participación femenina en la composición de los flujos, a los lugares de destino en el país fronterizo (determinados en gran parte por la historia de sus redes migratorias), a las actividades desempeñadas por los migrantes del otro lado de la frontera, etc. Sin embargo pensamos que ciertos cambios importantes en los últimos años en la emigración urbana jalisciense pueden contribuir a aclarar transformaciones más globales que están apareciendo en ciertos aspectos en los flujos mexicanos.

El contexto socioeconómico actual (1994-95)

Los dos indicadores más importantes (actividad e ingreso) en materia de movilización de la mano de obra mexicana hacia Estados Unidos sufrieron fuertes cambios con la crisis económica que estalló con la devaluación de la moneda mexicana en diciembre de 1994.

Después de un corto periodo de relativa estabilidad del ingreso real (1991-1994), la devaluación crea una nueva ruptura en la evolución de este indicador. El índice de salario mínimo real nacional que se ubicaba en 44.1 en febrero de 1989 (base 100 en 1980), 40.0 en noviembre de 1991 y 38.7 en noviembre de 1994, se

reduce al 31.2 en noviembre de 1995.[1] Por otra parte, la tasa de desempleo abierto a nivel nacional, que oscilaba entre 2.5 y 3.5% durante los primeros años de la década, alcanza 7.3% en septiembre de 1995.

Los datos de la encuesta sobre migraciones que levantó el INSER-U de G/ ORSTOM en diciembre de 1995 ilustran el cambio del contexto socioeconómico entre 1994 y 1995:

- Se observa un estancamiento del ingreso promedio mensual por hogar entre estos dos años (mil 791 pesos en 1994 y mil 837 pesos en 1995), lo que corresponde en términos reales a un fuerte deterioro del nivel de vida de estos hogares (cuadro 1). Más de la mitad de los hogares consideran que sus ingresos se quedaron al mismo nivel o disminuyeron entre estos dos años (cuadro 2). En este contexto, el nivel del monto de las remesas enviadas por los migrantes internacionales se vuelve un elemento cada vez más importante en la estructura de los ingresos de los hogares (cuadro 3).

Cuadro 1
Ingresos promedios mensuales por hogar (pesos)

	1994	**1995**
Hogares de no migrantes	1423	1478
Hogares de migrantes y de ex-migrantes	1791	1837
	1659	1708
(N)	(1082)	(1080)

Cuadro 2
Percepción de los ingresos del hogar en 1995 respecto a 1994

Tipo de hogar	bajaron	estables	aumentaron	total	(N)
sin migrantes	24.8	27.7	47.5	100	(383)
con migrantes actuales	13.2	39.6	47.1	100	(280)
con ex-migrantes	25.9	32.2	41.9	100	(401)

Cuadro 3
Monto de las remesas promedios mensuales de los migrantes

	1994	1995	
En pesos (N)	1414 (196)	2010 (220)	(335 dólares cambio = 6P/1USD)

- Se observa igualmente un nivel elevado de desempleo que se manifiesta por el hecho de que en cada hogar se perdió en promedio cerca de 0.5 empleos durante el año 1995. El porcentaje de hogares afectados por el desempleo de uno o más miembros del grupo familiar se avecina al 30%; lo que explica en gran parte la evolución observada del ingreso hogareño.

Unicamente alrededor del 30% de los desempleados pudieron encontrar un nuevo empleo durante el año de 1995 en su ciudad de residencia. Un reflejo de esta situación se encuentra en la proporción de desempleados entre los migrantes internacionales en el momento del primer desplazamiento a Estados Unidos. Este indicador se ubicaba en 11.1% durante el periodo 1985-1989; 12.9% durante los años 1990-1993 y subió al 17.5% durante los dos últimos años (1994-1995).

Se puede presentar esta situación de manera sintetizada. La relación del tamaño promedio del hogar respecto a sus miembros económicamente ocupados; la relación que fluctuaba entre 3.1 y 3.4 miembros por ocupado durante el periodo 1985-1993 se deterioró fuertemente durante los dos últimos años cuando alcanzó el valor de 4 miembros por ocupado (cuadro 4).

El crecimiento del desempleo y el estancamiento de los ingresos hubieran podido ser agravados por eventuales situaciones de endeudamiento respecto al sistema bancario u otras instituciones por la fuerte alza de las tasas de interés que produjo la devaluación y el fuerte incremento de la inflación que la siguió. Sin embargo se observa que apenas 10% de los hogares están endeudados a fines del 95, de los

Cuadro 4
Relación promedio entre el tamaño del hogar y el número de activos ocupado por periodo

1985-1989	1990-1991	1992-1993	1994-1995
3.4	3.1	3.4	4.0

cuales un tercio renegoció sus deudas o lo están haciendo, y cerca del 10% no considera que este nuevo contexto empeoró su situación en este aspecto.

Esta situación de estancamiento de los ingresos nominales y de incremento del desempleo fue en parte compensada por la incorporación de nuevos miembros de los hogares a los mercados de trabajo locales (adolescentes, mujeres dedicadas anteriormente a los quehaceres domésticos, etc.)

En 1995, en un tercio de los hogares de no migrantes que sufrieron pérdidas de empleos se incorporó por lo menos un miembro suplementario al mercado de trabajo respecto al 23% de los hogares que no sufrieron desempleo de sus miembros (en los hogares de migrantes actuales y de ex-migrantes estos porcentajes se ubican respectivamente en 22 y 18.5%). Esta incorporación de miembros suplementarios al mercado de trabajo representa 0.16 hombres y 0.16 mujeres en los hogares donde no hubo desempleo, y 0.28 hombres y 0.22 mujeres en los hogares donde por lo menos uno de sus miembros sufrió desempleo. Como se puede observar, los miembros femeninos de los hogares fueron muy solicitados para superar el deterioro de la situación económica en 1995 (cuadro 5). Según estos datos el saldo global de las salidas (por desempleo) del mercado de trabajo y de las nuevas incorporaciones a éste, fue ligeramente positivo, gracias sobre todo al componente femenino. Sin embargo, es probable que buena parte de estos nuevos empleos corresponda a trabajos de tiempo parcial y/o mal remunerados

Otra respuesta de las familias al deterioro del contexto económico fue la creación de un negocio familiar que se dio en alrededor de 15% de los hogares. Las pérdidas de empleo no parecen tener mucha influencia en este aspecto. Por otra parte, se observa que solamente alrededor de 8% de los desempleados que lograron emplearse en 1995 lo hicieron bajo el estatuto de “auto-empleo” (por cuenta propia).

Cuadro 5
Promedio de miembros de los hogares recién incorporados al marcado de trabajo por sexo y pérdidas de empleos en 1995

	Hombres	Mujeres
SIN PÉRDIDAS DE EMPLEOS		
hogares de ex-migrantes ctuales	0.13	0.16
hogares de ex-migrantes	0.14	0.13
hogares de no migrantes	0.20	0.19
CON PÉRDIDAS DE EMPLEOS		
hogares de ex-migrantes	0.24	0.19
hogares de migrantes actuales	0.32	0.17
hogares de no migrantes	0.27	0.29

Finalmente una de las consecuencias más importantes del brusco cambio del contexto económico se refleja en la movilización geográfica de la mano de obra, como suele ocurrir en estas situaciones. En 16% de los hogares que no sufrieron desempleo durante el año 1995, se observó emigraciones de las ciudades en las cuales se ubican estos hogares. Esta proporción sube al 27% cuando los hogares tuvieron al menos un miembro desempleado durante 1995.

Se puede comparar la distribución por ramas de los empleos que encontraron los desempleados cuando lograron reinsertarse en los mercados locales de trabajo con las aspiraciones, reflejo de las opiniones sobre las ramas que ofrece las mejores oportunidades de trabajo y/o ingresos (cuadro 6).

Como se puede constatar, las opiniones (o aspiraciones) difieren notablemente de la situación real en 1995. Esta brecha se debe en gran parte a las aspiraciones al auto-empleo (alrededor de 50% de las opiniones respecto al 8% en los casos de reinserción) que se concentra fuertemente en la rama comercio (cerca del 66% de las aspiraciones a establecerse por cuenta propia). Como se demostró en trabajos anteriores, esta aspiración al auto-empleo es un factor relativamente importante de la movilidad territorial en la medida que necesita un cierto periodo de acumulación de capitales que casi exclusivamente se puede realizar en una economía como la de Estados Unidos que ofrece salarios netamente superiores a los de las economías locales. Como lo veremos mas adelante, el diferencial de salarios promedio entre Jalisco y Estados Unidos se ubica en alrededor de 8 a fines de 1995, respecto a 4.5 en 1993 (el salario promedio percibido por los migrantes en Estados Unidos en 1993 equivalía a 4.5 salarios promedios percibidos en los lugares de origen).

Por otra parte, alrededor del 30% de los ex-migrantes —reinstalados para 90% de ellos con más de un año en sus lugares de origen— consideran, en este contexto

Cuadro 6
Ramas de actividades en las cuales se reinsertaron los desempleados y opiniones sobre las ramas que ofrecen las mejores oportunidades de empleo y/o ingresos

	Ramas de actividad						
	Agricultura	Industria	Construcción	Comercio	Servicios	Otras	Total
Reinserción	5.6	20.9	24.5	11.2	35.6	2.1	100
(N)							(143)
Opiniones	7.6	26.2	7.8	36.6	17.5	4.2	100
(N)							(904)

recesivo de la economía mexicana, volver a irse a Estados Unidos. Esta proposición alcanza 39% ente los migrantes de retorno de menos de 4 años.

Del otro lado de la frontera, la recuperación de la economía norteamericana durante los tres últimos años después de la recesión del inicio de la década, que se manifiesta por tasas de crecimiento del orden de 3% anual y tasa de desempleo abierto alrededor del 5.5% reactivó la demanda de trabajo, lo que concurre a estimular la movilización de mano de obra mexicana.

Para concluir, la fuerte recesión de la economía mexicana en 1995 y 1996 produjo un contexto muy propicio al desencadenamiento de una nueva ola migratoria de mano de obra (como ocurrió en 1983-84), a pesar del endurecimiento de la política migratoria por parte de Estados Unidos. No existen señales al inicio de 1996 que se alcanzaron los puntos de inflexión en la evolución de los principales indicadores que utilizamos aquí, que podrían predecir una inversión de tendencia en la evolución de la magnitud de los flujos.

Las modalidades de la migración y las redes migratorias

Las características de los migrantes al momento de la primera migración

La edad promedio a la primera migración osciló alrededor de los 23 años en todos los periodos considerados. Sin embargo parece haber subido fuertemente (27.8 años) durante los dos últimos años, debido a una modificación de la composición de estos flujos. En 1994 y 1995, la proporción de jefes de hogares en los flujos alcanzó 46% mientras se ubicaba alrededor del 35% durante los periodos anteriores. Con una edad al desplazamiento netamente más elevada (30.2 años) que la de los individuos con estatuto de hijos en los hogares de salida (20.1 años), este componente, cuyo peso relativo se refuerza en los flujos, hace subir la edad promedio del conjunto. Esto se refleja en la proporción de casados en los movimientos, que pasa del 32% antes de 1990 al 38% durante los últimos años. Durante este último periodo se observa un fuerte aumento de la proporción de casados entre los jóvenes adultos migrantes (20-24 años). Representan actualmente 36% del grupo de edades contra 11% durante los periodos anteriores.

Por otra parte, se observa también un aumento del tamaño (número de personas) de los hogares cuyos jefes son migrantes desde el inicio de la presente década. El tamaño de estos hogares sube de 4.4 miembros durante el periodo 1985-1989 a 5.5 en 1994-1995, lo que incide, como se mencionó anteriormente en la evolución de la carga consumidores/activos ocupados.

Se puede considerar que la migración retrasa la realización de matrimonios como se observó en otros estudios (R. Pimienta Lastra, 1995). Según nuestros datos

la edad promedio al matrimonio en la población masculina se ubica en 22.3 años cuando estos matrimonios se realizan antes de la primera migración; pero sube al 25.2 años cuando este evento está precedido por el desplazamiento a Estados Unidos.

El nivel educativo de la población migrante subió de manera constante a lo largo de los años pero parece haber retrocedido durante los años 1994-95, lo que se puede asociar en parte a la alza de la proporción de migrantes que provienen de la rama agrícola en los flujos recientes. De manera general este nivel educativo es ligeramente inferior al de la población mexicana en general como lo señalan diferentes estudios (R. Corona, 1995). Es posible que la crisis económica incrementó el nivel de deserción escolar de los adolescentes que participan en los flujos migratorios. La elevación de la edad promedio a la migración influye también en este deterioro del nivel promedio de escolaridad.

Como se mencionó anteriormente, se observa un incremento de la proporción de desempleados en los flujos de salida durante los dos últimos años sobre todo en la población de no jefes de hogares. Entre estos últimos migrantes, la proporción de desempleados se ubicó en 19.4% en 1994-1995 respecto al 12.1% durante los 4 primeros años de la década.

La distribución de las ramas de actividad de los migrantes ocupados según el periodo de salida (cuadro 7) confirma lo que habían revelado estudios anteriores (Papail y Arroyo, 1995): una diversificación progresiva de las actividades de origen de los migrantes, en detrimento de la agricultura que proveía alrededor de la mitad de los flujos migratorios antes de 1980.

La evolución de la estructura de los ingresos percibidos por los activos antes de migrar hace aparecer un mejoramiento sensible: en 1994-1995, 73% de los migrantes percibían ingresos iguales o inferiores a 2 salarios mínimos respecto al 85% entre los migrantes del periodo 1985-1989. Sin embargo se pueden comparar estos datos con los de 1993 (Papail y Arroyo, 1995) concernientes a las mismas ciudades. En esta fecha, alrededor del 60% de los activos ocupados de Ciudad

Cuadro 7
Ramas de origen de los migrantes según el periodo de migración

Periodo	Agricultura	Industria	Construcción	Comercio	Servicios	Otras	Total
Antes 80	49.8	9.6	10.5	9.1	15.5	5.4	100
80-84	22.7	25.3	13.3	10.7	21.3	6.6	100
85-89	16.9	27.3	16.3	11.0	23.8	4.6	100
90-93	11.6	27.5	14.5	15.2	23.2	7.9	100
94-95	16.9	32.3	7.7	13.8	20.0	9.2	100

Guzmán y Lagos de Moreno percibían a lo más 2 salarios mínimos. Los migrantes parecen pues conformar una sub-población con ingresos ligeramente inferiores al promedio de la población de sus ciudades de origen, particularmente los que provienen de la rama agrícola donde se encuentra la fracción más importantes de ingresos inferiores o iguales a 2 salarios mínimos.

Los proyectos que formulan los migrantes al desplazarse a Estados Unidos son relativamente constantes en su distribución entre las diferentes épocas de migración. Alrededor del 20% no tienen proyectos bien definidos. Entre los que tienen un proyecto principal (o prioritario) elaborado, la compra de una casa o de un terreno representa la perspectiva que aparece con más frecuencia (entre 25 y 30%). Entre 8 y 15% según los periodos de migración, manifiestan el deseo de establecerse por cuenta propia a su futuro regreso a su ciudad de origen después de trabajar varios años en el país fronterizo, y 10 a 15% formulan como proyecto prioritario un futuro matrimonio.

Una proporción relativamente importante (20 a 25%) considera el desplazamiento a Estados Unidos como la mejor opción para "progresar", mejorar su situación económica", etc. Naturalmente, los migrantes casados antes de migrar formulan generalmente proyectos mejor definidos que los solteros. El objetivo de comprar una casa o un terreno aparece mucho más frecuentemente en este grupo que entre los solteros. La realización de este objetivo es muy frecuente si se considera que 87% de los jefes de hogares al migrar antes de 1980, que no tenían casa propia antes de desplazarse, son actualmente, después de su regreso, dueños de su vivienda (esta proporción alcanza 61% entre los migrantes de 1980-1984; 56% entre los migrantes de 1985-1989 y 35% entre los que salieron en 1990-1993).

Las condiciones del primer desplazamiento a Estados Unidos

La elaboración del proceso de decisión de migrar a Estados Unidos parecer ser mayoritariamente un proceso personal: alrededor del 75% de los migrantes afirman haber elaborado este proyecto personalmente, tanto entre los jefes de hogares como entre los individuos que tenían el estatuto de "hijo" en el momento del desplazamiento.

La influencia del grupo familiar en la generación del proyecto migratorio aparece en alrededor del 15% de los casos en todos los periodos anteriores a 1993. Su importancia relativa creció considerablemente durante los dos últimos años, representando 24% de los casos en la población de "hijos" en detrimento de la influencia de los amigos. Un aspecto interesante a señalar es que cuando la generación del proyecto migratorio no proviene del migrante mismo, la persona que originó el proyecto reside con mayor frecuencia en Estados Unidos en el

transcurso del tiempo (53% de estas personas residían en el país fronterizo en 1980-1984; 75% en 1990-1993 y 85% en 1994-1995).

Esta intervención externa está frecuentemente asociada a la existencia de un empleo asegurado para el migrante a su llegada a Estados Unidos, generalmente en la agricultura o en la construcción. La seguridad de tener un empleo al llegar del otro lado de la frontera creció fuertemente desde el inicio de la década de los ochenta: 15% de los que salieron en los años1980-1984 se encontraban en esta situación, y respectivamente 20%, 26% y 32% en los periodos 1985-1989, 1990-1993 y 1994-1995, gracias a la fuerte presencia de familiares o amigos en este país. Este aspecto deja entrever igualmente el papel relativamente importante de la demanda de trabajo en la generación de los flujos migratorios.

Desde mediados de los ochenta, la proporción de indocumentados en los flujos de primera migración parece haberse reducido. Del 87% durante los años 1980-1984, esta proporción bajo al 84% en 1985-1989 y 78% y 80% respectivamente en 1990-1993 y 1994-1995. Sin embargo, la distribución de los tipos de documentos con los cuales los migrantes cruzan la frontera muestra el peso preponderante y en progresión constante de las visas turísticas en el transcurso del tiempo. Este tipo de documentación representaban 43% de los documentos requeridos para ingresar legalmente a Estados Unidos en 1980-1984, 66% en 1985-1989, 72% en 1990-1993 y 86% durante los dos últimos años. Esto indica que la migración "legal" de mano de obra es sensiblemente más baja que lo que aparece en los datos brutos de la encuesta.

El endurecimiento de la política migratoria de Estados Unidos, que se manifiesta en particular por la intensificación de la vigilancia de la frontera californiana desde hace unos años parece haber producido una redistribución de los lugares de ingreso a este país. Además de un uso más importante del transporte aéreo por parte de los poseedores de visas turísticas desde 1993, existe una diversificación creciente de los lugares de cruce terrestre de la frontera durante los años 1994-1995. Tijuana, por donde cruzaban 78% de los migrantes indocumentados durante los años 1980-1984, y 95% durante el periodo 1985-1993, no representa más de 56% de los lugares de cruce de los indocumentados que se desplazaron en 1994-1995. Esta diversificación se produce en provecho de Nogales (13% de los cruces de indocumetados en 1994-1995 contra 4 a 6% en los periodos anteriores) y otras ciudades fronterizas no californianas.

Esta diversificación se refleja igualmente en los destinos de los migrantes indocumentados. Mientras California representaba entre 80 y 85% de los destinos de los indocumentados durante la década de los ochenta, su peso relativo en la distribución de los destinos de estos migrantes bajo al 76% en 1990-1993 y 67% durante los dos últimos años.

Son esencialmente otros Estados, Illinois y Texas (que representan con California los destinos tradicionales de la migración jalisciense), los que se

beneficiaron de esta redistribución geográfica. Se observa el mismo fenómeno en el territorio californiano: Los Angeles, San Francisco y San Diego que absorbían generalmente alrededor de 50% de los flujos dirigidos hacia ese Estado, no representan más que un tercio de los destinos de los migrantes mas recientes (1994-1995).

La proporción de indocumentados en la migración dirigida hacia California fue siempre netamente superior a las de los flujos que se dirigen hacia otros Estados, y no parece haber cambios significativos en este aspecto durante los últimos años.

Alrededor de 77% de los migrantes indocumentados usaron los servicios de un pollero para cruzar la frontera durante los años 1980-1993. Parece haberse intensificado este uso desde 1993, si se considera que 86% lo hicieron durante los dos últimos años, a pesar del fuerte aumento de este costo (de 310 dólares en promedio en 1994 a 380 dólares en 1995).

Paradójicamente, el reforzamiento de la vigilancia en la frontera no parece haber producido mayores dificultades para los indocumentados: entre 55% y 60% de estos migrantes lograron cruzar la frontera en su primer intento en 1994 y 1995, proporción ligeramente superior a lo que ocurría en los periodos anteriores (alrededor del 53%).

Los dos últimos años se señalan igualmente por el cambio ocurrido en la estructura del financiamiento del desplazamiento. Hasta 1993, más de la mitad (entre 53% y 58% en todos los periodos) de los costos asociados al desplazamiento estaban financiados por los ahorros del propio migrante. Esta proporción bajó al 38% durante los dos últimos años cuando se usaron más préstamos (29%) otorgados sobre todo por el grupo familiar residiendo en México y otras fuentes de financiamiento (incluyendo regalos). Esta mayor necesidad de financiamiento externo refleja los cambios reciente ocurridos en los destinos (peso relativo más importante de los Estados no fronterizos en el territorio norteamericano) que aumentan los costos del desplazamiento, como el aumento de estos costos después de la devaluación del peso.

Las modalidades de inserción en estados unidos

Cerca del 95% de los migrantes que salieron por primera vez a Estados Unidos en1994-1995 tenían un pariente y/o un amigo en su lugar de destino (76% tenían a un pariente y 55% a un amigo). Esta proporción es constante entre los migrantes desde mediados de los ochenta y era ya relativamente alta al inicio de esta misma década (82%).

Se observa la misma redistribución de los lugares de residencia de los conocidos de los migrantes en el transcurso del tiempo: California que absorbió

alrededor del 75% de los flujos durante la década de los ochenta, no representa más que 65% de los destinos de los familiares y amigos que migraron entre 1990 y 1995; mientras los destinos no tradicionales (otros Estados como Texas e Illinois) captaron 18% de los flujos más recientes respecto al 8-10% durante la década de los ochenta.

Esta presencia de parientes o amigos en el lugar de destino tiene gran importancia porque facilita la inserción del migrante recién llegado en este nuevo contexto.

Una de las formas más frecuentes de ayuda que se le proporciona al recién llegado está representada por el hospedaje. Desde hace una decena de años, la casi totalidad (95%) de los nuevos migrantes se benefician de esta ayuda que les brindan los parientes o amigos que residen en el lugar de destino. Esta facilidad alcanza cerca del 100% de los migrantes que se dirigen a Illinois desde el inicio de la década de los ochenta, expresión de la antigüedad de las redes migratorias en este Estado. En los Estados de destino no tradicional, esta ayuda beneficia actualmente a cerca del 90% de los migrantes.

La mayor parte de los migrantes hospedados a su llegada a Estados Unidos (50 a 60% según los periodos) lo están por una duración superior a un mes, sobre todo entre los documentados. Generalmente el hospedaje proporcionado por los conocidos es gratuito (55% de los casos), pero la participación financiera por parte del migrante se vuelve mayoritaria a partir de los dos meses de hospedaje.

Al hospedaje está estrechamente asociada la alimentación para el recién llegado, y las mismas observaciones (duración, forma) anteriores pueden hacerse respecto a esta otra forma de ayuda.

Alrededor del 75% de los empleos encontrados por los recién llegados lo son por mediación de los parientes o amigos que residen en el lugar de destino. Desde 1985, solamente 10 a 15% de los empleos fueron encontrados por los migrantes sin intervención externa.

Fuera de California y Texas, esta búsqueda personal es muy poco frecuente (sobre todo en Illinois), lo que denota proyectos migratorios mejor preparados (o menos aleatorios) en el aspecto de la inserción profesional por parte de los migrantes que se dirigen hacia estos Estados. Este aspecto se refleja igualmente en la proporción de migrantes que estaban seguros de tener un empleo determinado a su llegada a Estados Unidos. En los dos últimos años por ejemplo, 14% de los migrantes que llegaron a California tenían un empleo asegurado respecto al 57% entre los que se fueron a Illinois y otros Estados (excepto Texas).

La proporción de migrantes documentados que tenían un trabajo asegurado al desplazarse se ubica entre 25 y 30% en todos los periodos. Esta asociación "migrante documentado" "trabajo asegurado" que estaba muy fuerte antes de 1980, sobre todo en la agricultura, se debilitó mucho en el transcurso del tiempo, aun si presenta todavía una relativa importancia en la rama de la construcción.

Por otra parte, se observa una fuerte reducción de la precariedad en este grupo de migrantes en la medida que antes de 1980, por el peso de la agricultura (y la estacionalidad de sus empleos) en la absorción de estos flujos, más de la mitad (60%) de los que tenían un trabajo asegurado al migrar, lo tenían por una duración inferior o igual a 6 meses, mientras son apenas 10% en esta situación los que migraron entre 1990 y 1995.

El tiempo requerido para encontrar un empleo estuvo alargándose desde el inicio de la década de los ochenta hasta 1993: 24% de los recién llegados necesitaban 4 semanas o más para insertarse en el mercado laboral en 1980-1984, respecto al 31% en 1985-1989 y el 35% durante el periodo 1990-1993. Durante los dos últimos años (1994-1995) esta tendencia se invirtió y la inserción profesional se realiza mucho más rápidamente: solamente 25% de estos nuevos migrantes necesitan un mes o más para encontrar un empleo.

Generalmente se puede considerar que la inserción en los mercados locales de trabajo se realizan más rápidamente en Texas y en otros Estados de destino no tradicional. De igual manera los migrantes documentados encuentran más rápidamente un empleo que los indocumentados. Casi 2/3 del primer grupo están trabajando a más tardar 2 semanas después de su ingreso en Estados Unidos respecto al 53% en el segundo grupo durante los dos últimos años.

En términos de ramas de actividad, esta inserción ocurre generalmente mucho más rápidamente en la agricultura y en la construcción aunque en los años recientes únicamente esta última ofrece posibilidades de encontrar un empleo con rapidez, probablemente porque es ahí donde se cuenta la más alta proporción de trabajadores documentados entre todas las ramas que absorben los flujos de mano de obra. Si antes de la década de los ochenta, era en la rama agrícola donde se encontraba la más alta proporción de trabajadores documentados entre su mano de obra, esta rama fue desplazada en este aspecto por la industria durante el periodo 1985-1993, y por la construcción actualmente.

Hubo una diversificación progresiva en la estructura de las ramas de actividad en las cuales se insertan los migrantes en Estados Unidos a partir de la segunda mitad de los años setenta. Antes de esta fecha más de la mitad de los migrantes originarios de las ciudades medias de Jalisco se empleaban en la agricultura a su llegada en el país fronterizo (Papail y Arroyo, 1995). Esta proporción bajó al 16% durante el periodo 1990-1993, pero parece tener un ligero repunte (21%) actualmente (1994-1995). La diversificación se produjo en provecho de la industria, de la construcción, de los restaurantes-hoteles y de los servicios (cuadro 8). Globalmente California destaca por la importancia de sus ramas construcción y servicios en la absorción de sus inmigrantes, Illinois por su industria, y Texas y los otros Estados por su agricultura.

El desplazamiento a Estados Unidos se acompaña generalmente de cambios de actividades entre el lugar de origen y el lugar de destino. Tomando el grupo de ramas

Cuadro 8
Ramas de actividad de los inmigrantes a su llegada a Estados Unidos por periodo de migración

Periodo	Ramas de actividad						
	Agricultura	Industria	Construcción	Comercio	Servicios	Otras	Total
1980	52.3	17.0	9.5	7.1	11.6	2.5	100
80-84	31.1	14.2	19.8	17.0	14.2	3.8	100
85-89	13.8	11.0	24.8	24.3	22.5	3.7	100
90-93	16.0	14.1	25.0	19.9	19.2	5.8	100
94-95	20.6	17.6	30.9	13.2	14.7	2.9	100

constituido por la agricultura, la industria y la construcción, se observa que desde el inicio de los ochenta, solamente entre 26 y 32% de los migrantes provenientes de estas ramas siguen trabajando en las mismas actividades al llegar a Estados Unidos. Es sobre todo en la agricultura donde se observó la retención más importante de mano de obra a través de la migración y en menos medida en la construcción, aún si desde el inicio de los noventa, los migrantes provenientes de la agricultura mexicana tienen una movilidad parecida a los migrantes provenientes de las otras ramas.

Los empleados (o contratistas) de los migrantes son en su mayoría anglo-sajones (alrededor del 42%) o de origen mexicano (mexicanos o chicanos: 43%). El primer grupo es mayoritario en la agricultura y la industria, pero esta sub-representado en los servicios y restaurantes-hoteles. Al contrario se observa una sobre-representación de los contratistas y empleadores de origen mexicano en las ramas de la construcción y de los restaurantes-hoteles. El tercer grupo de empleadores o contratistas en el cual predominan los norteamericanos de origen asiático están muy concentrados en la rama restaurantes-hoteles.

En cuanto a las relaciones de trabajo, los migrantes desempeñan sus actividades en un contexto mayoritariamente latino desde hace mucho tiempo, pues casi 2/3 (64%) de sus superiores directos, y alrededor del 90% de sus colegas de trabajo son de origen mexicano. La presencia de la jerarquía anglosajón aparece esencialmente en la industria. Al contrario, la jerarquía de origen mexicano esta sobre-representada en la agricultura y sobre todo en la construcción y los servicios.

Geográficamente, se observa que los empleadores o contratistas anglosajones son netamente mayoritarios fuera de California, mientras los empleadores de origen mexicano son sub-representados en Texas y en los Estados de destino no tradicional.

Comparando los datos de diciembre de 1995 con los datos concernientes al periodo1991-1993[2] , parece haber ocurrido un aumento sensible de los ingresos

percibidos por los migrantes en Estados Unidos entre las dos fechas. El salario promedio percibido según estas fuentes sube de 5.6 dólares/hora (alrededor de 250 dólares/semana) en 1991-1993 a 8.3 dólares/hora (alrededor de 350 dólares/semana) a fines de 1995. Aparte de posibles diferenciaciones producidas por la técnica de muestreo entre las dos fuentes, varios factores concurren para explicar esta fuerte alza de los ingresos:

- El aumento sensible de la demanda de trabajo a partir de 1993, después de la recesión económica del inicio de la década, sobre todo en California, lo que favorece el incremento de los salarios.
- La modificación de la estructura de las ramas de actividades en las cuales se emplean los migrantes, como beneficio de actividades generalmente mejor remuneradas como en la rama de la construcción.
- El aumento reciente de la edad promedio a la migración, que moviliza mano de obra más experimentada.
- Una posible modificación de la relación documentados/indocumentados en favor del primer grupo (se considera que los indocumentados perciben en general un salario inferior del 20% al salario de un documentado, Papail y Arroyo 1995).

Esta evolución del nivel de los salarios es coherente con la evolución del nivel de las remesas mensuales (alrededor de 260 dólares en 1991-1993 a cerca de 330 dólares en 1995).

En todos los periodos de migración, alrededor del 40% de los migrantes proyectaban quedarse menos de un año en Estados Unidos. La misma proporción (40%) consideraba una estancia de duración indeterminada, mientras una muy débil fracción (3 a 4%) pensaba establecerse definitivamente en el país fronterizo. No se observan variaciones significativas en este aspecto en el transcurso del tiempo. Sin embargo los flujos dirigidos hacia Illinois parecen de más larga duración de estancia o con mayor frecuencia (7%) como de establecimiento definitivo.

El factor que parece tener la influencia más importante en la duración de estancia proyectada en Estados Unidos se refiere a los proyectos elaborados al momento de migrar. Cuando se trata de proyectos bien definidos (casarse, comprar una casa o un terreno, establecerse por cuenta propia al regreso), las duraciones de estancia son relativamente cortas, lo que es paradójico en varios casos. Al contrario el proyecto general (“mejorar”, “progresar”... etc.) está netamente con mayor frecuencia asociado a la duración “indeterminada”, Por otra parte, se observa que los migrantes documentados tienen generalmente proyectos de estancia más cortos. Esto se debe en buena parte a su peso relativo en la rama agrícola donde los requerimientos de mano de obra son a menudo estacionales.

En todos los periodos considerados, alrededor del 60% de los migrantes indocumentados pensaban tramitar la regularización de su presencia en el territorio norteamericano; cualquiera que sea el Estado de residencia, excepto en Texas donde menos del 50% de los migrantes formularon este proyecto.

El hecho de planear la regularización de su situación parece estar relacionado con el proyecto de traer más tarde a parientes o a veces a amigos. En efecto, 46% de los indocumentados que pensaban regularizarse formulaban este proyecto contra 22% entre los que no proyectaban regularizarse. Globalmente, cerca del 40% de los migrantes documentados tenían este proyecto de traer más tarde a parientes a Estado Unidos. Esta proporción no alcanza el 30% entre los indocumentados generalmente, pero parece estar en aumento desde mediados de los ochenta (33%) con la implementación de la ley IRCA.

El proyecto de traer parientes es más frecuente entre los migrantes que residen en Illinois (41%) y en California (37%) que entre los que residen en otros Estados (32%), y aumenta generalmente con el tiempo de estancia proyectado. Los migrantes documentados que piensan traer a parientes se refieren en alrededor del 70% a esposas e hijos, y para los 30% restantes a hermanos (15%) y amigos (15%), mientras los indocumentados distribuyen sus prioridades de manera diferente (55% de esposas e hijos, 28% de hermanos y 17% de amigos).

Los motivos enunciados por los migrantes que quieren traer a sus parientes o amigos se refieren generalmente a la reunificación familiar ("estar juntos") cuando se trata de esposas e hijos (84% de estos casos) o al tema general del mejoramiento de la situación personal ("mejor vida en Estados Unidos", "más oportunidades de trabajo", "ayudar") cuando se trata de hermanos, otros parientes o amigos.

Entre los migrantes que no pensaron traer a parientes o amigos al país fronterizo (64% de los migrantes), los motivos más frecuentes se refieren a condiciones de vida muy difíciles ("sufrimientos", "ambiente peligroso", etc. 37% de los casos), o porque el migrante no pensaba quedarse mucho tiempo en este país (11%) o, a veces porque el migrante atrasaba la formulación de ese proyecto hasta estabilizar su situación allá (acomodarse mejor, empleo menos precario...).

Entre los migrantes actuales (que residen en Estados Unidos en diciembre de 1995), 61% son casados. En este grupo, 41% de las esposas residen igualmente en el país fronterizo. Esta frecuencia es de 23% cuando el matrimonio ocurrió antes de la migración (y apenas 28% cuando el migrante salió por primera vez antes de 1991); pero alcanza la mitad (49.7%) cuando la primera migración precedió el matrimonio[3], lo que refleja la diversidad de los proyectos según el orden cronológico de estos eventos. La presencia de esposas en Estados Unidos es mucho más frecuente entre los migrantes casados documentados (54%) que entre los indocumentados (38%).

Las perspectivas

Entre los migrantes de retorno a sus lugares de origen, la duración de estancia promedio en Estados Unidos se ubica alrededor de 7.5 años en todos los periodos de regreso. Esta estancia en el país fronterizo es mucho más larga (alrededor de 10 años) cuando los migrantes estaban en situación legal que cuando se trata de migrantes indocumentados (alrededor de 6 años). La edad promedio al regreso oscila alrededor de los 30 años en todos los periodos. Generalmente, cerca del 60% de los migrantes se reincorporaron a su regreso en las ramas de actividad en las cuales desempeñaban sus actividades antes de migrar.

Los datos de la encuesta confirman lo que se mencionó en trabajos anteriores (Papail y Arroyo, 1995) sobre el deslizamiento de la distribución de las actividades del sector primario hacia el sector terciario a través del ciclo migratorio (cuadro 9). La agricultura y la industria que proveyeron el 51% de la mano de obra migrante (antes del desplazamiento), no absorben más que el 29% de esos migrantes a su regreso a México. Al contrario el comercio y los servicios que proveyeron 31% de la mano de obra integran 50% de los migrantes de retorno.

Entre los ex-migrantes, alrededor del 30% consideran regresar de nuevo a Estados Unidos debido al contexto recesivo actual de la economía mexicana, proporción que sube a casi 50% entre los migrantes de retorno de menos de 2 años, pero que apenas alcanza el 16% entre los que regresaron hace 6 años o

Cuadro 9
Distribución de las ramas de actividad de los migrantes de retorno según su rama de actividad antes del inicio del ciclo migratorio

	Rama de actividad actual						
Rama antes de migrar	Agricultura	Industria	Construcción	Comercio	Servicios	Otras	Total
Agricultura	40.4	7.7	6.7	27.9	10.6	6.7	100
Industria	3.8	44.9	7.7	15.4	19.2	9.0	100
Construcción	4.7	7.0	82.8	11.6	14.0	0.0	100
Comercio	2.9	11.4	5.7	68.6	8.6	2.9	100
Servicio	1.3	5.2	2.6	11.7	76.6	2.6	100
Otros	0.0	4.3	4.3	17.4	8.7	65.2	100
(N)	13.6	15.3	12.5	23.1	26.7	8.9	100
							(360)

más. Este proyecto es más frecuente entre los solteros (34%) que entre los casados (27%).

La reinserción de los migrantes en las economías locales se produce más o menos fácilmente según el periodo de regreso. Los individuos que regresaron alrededor del año de 1990 se beneficiaron con un contexto más favorable en su reinserción en los mercados de trabajo locales, durante una época de crecimiento sostenido de la economía mexicana y una demanda de trabajo en expansión. Muchos pudieron realizar sus proyectos de establecerse por cuenta propia gracias a la subvaluación de la moneda mexicana durante estos años (Papail y Arroyo, 1995).

Este regreso fue ocasionado en muchos casos por la constitución de nuevos hogares, misma que se había aplazado a causa de la migración laboral; por la compra de casas, y de manera general, por un cierto arraigo que reduce la propensión de "irse a volver" a Estados Unidos.

Las condiciones de reinserción se volvieron mas difíciles, sobre todo a partir de 1993 cuando empezó a contraerse el mercado de empleo con la sobrevaluación del Peso. Hay que subrayar la proporción todavía no despreciable (10 a 16%) entre los que regresaron hace más de 1 año, de los que consideran auto-emplearse o comprarse una casa (cuadro 10). Se observa que los jefes de hogares que tienen casa propia, son individuos que pasaron generalmente 9 o 10 años en promedio en Estados Unidos, duración netamente superior a los jefes de hogares regresados sin tener casa propia actualmente (alrededor de 6 años de estancia), lo que deja entrever que la realización de este tipo de proyecto (tener casa propia) necesita una cierta duración de trabajo en el país fronterizo.

Se puede pues considerar que actualmente existen probabilidades relativamente elevadas de re-emigración entre los ex-migrantes regresados durante los últimos 5 años. Hay que recordar que los primeros años de la década de los noventa se señalaron por una importante ola de regresos a México, lo que sugiere la existencia de un potencial de re-migrantes importantes en esta población.

En la población de migrantes actuales (que residen en 1995 en Estados Unidos), cerca del 80% piensan seguir trabajando en el país fronterizo. La situación migratoria (indocumentados o no) no parece influir mucho en los proyectos de residencia: 83% de los indocumentados manifiestan su interés en seguir trabajando cierto tiempo en Estados Unidos respecto al 76% de los individuos en situación regular.

Los proyectos derivados y asociados al regreso al lugar de origen (establecerse por cuenta propia o comprar una casa) son poco frecuentes y pueden entenderse tal vez como cambios coyunturales de prioridades, ligados a la situación crítica de la economía mexicana que privilegia las solidaridades familiares (uso más importante de las remesas para el sostenimiento de las familia en el lugar de origen) en detrimento de proyectos personales, a pesar

Cuadro 10
Proyectos actuales de los ex-migrantes según la duración de residencia en México (en años) desde su regreso y el Estado Civil

Proyectos	Tiempo transcurrido desde el regreso					Estado Civil	
	0-1	2-3	4-5	6 y más	Total	Casados	Solteros
Regresar a E.U.	47.3	39.4	32.0	16.4	28.3	27.1	34.0
Quedarse aquí	4.2	5.7	9.0	6.8	6.5	6.2	7.0
Poner un negocio aquí	8.3	11.3	10.7	5.8	8.0	8.0	8.0
Comprar una casa aquí	0.0	2.8	5.4	4.3	3.4	3.5	3.0
Mantener a la familia	31.9	31.0	41.0	51.4	42.6	45.5	33.0
Otro	8.3	9.9	1.8	15.3	11.1	9.7	15.9
	100.0	100.0	100.0	100.0	100.0	100.0	100.0
(N)	(72)	(71)	(56)	(190)	(389)	(288)	(100)

del contexto más favorable para la elaboración de estos últimos proyectos (subvaluación del Peso durante 1995).

Se observa en efecto, una brecha muy importante entre los proyectos definidos en el momento de la migración a Estados Unidos entre los que salieron durante los 3 últimos años (alrededor del 20% formulaban la compra futura de una casa como proyecto prioritario, y cerca del 8% proyectaban crear un negocio propio a su regreso a México), y los proyectos que desarrollan actualmente los migrantes que residen en el país vecino.

Actualmente, la duración de estancia en Estados Unidos no parece tener mucha influencia en la propensión a regresar al lugar de origen, contrariamente a lo que se podría pensar (cuadro 11). Si examinamos los proyectos actuales de los migrantes que residen desde hace 8 años y más en el otro país (la estancia promedio entre los ex-migrantes es de 7-8 años), observamos que más de la mitad de ellos (55%) piensan seguir trabajando en Estados Unidos por un tiempo indeterminado; cerca del 10% proyectan instalarse definitivamente allá, y 7% esperan jubilarse para volver a residir en México.

Los proyectos derivados de un eventual regreso a México (establecerse por cuenta propia, compra de casa), toman cierta importancia entre los migrantes que residen desde hace 4 o 7 años en Estados Unidos, es decir entre individuos que teóricamente, programarían actualmente su regreso definitivo a México durante los 2 o 3 próximos años. Sin embargo, se observa también en este grupo una débil propensión a elaborar un proyecto de regreso.

CUADRO 11
Proyectos actuales de los migrantes actuales por duración de estancia en Estados Unidos

Proyectos	Duración de residencia en Estados Unidos (años)			
	0-3	4-7	8 y más	Total
Seguir trabajando en E U	77.8	74.8	55.2	65.1
Instalación definitiva en EU	6.2	5.7	9.5	7.8
Nacionalizarse, llevar a la familia a EU	6.1	0.0	4.8	3.9
Jubilarse para volver a México	1.2	1.1	7.4	4.5
Regresar definitivamente a México	3.7	2.3	5.3	4.2
Poner un negocio en México	3.7	6.9	4.2	4.7
Comprar una casa en México	0.0	3.4	1.6	1.7
Otros proyectos	1.2	5.7	12.1	8.1
	100.0	100.0	100.0	100.0
(N)	(81)	(87)	(190)	(358)

El factor más importante en la elaboración de los proyectos actuales está relacionado con la situación familiar del migrante: su Estado Civil y sobre todo el lugar de residencia de la esposa cuando es casado.

Entre los migrantes casados cuyas esposas residen en Estados Unidos, cerca del 20% manifiestan el deseo de quedarse definitivamente a residir en este país. Esta proporción no pasa del 4% entre los solteros y los migrantes casados cuyas esposas residen en México. Es muy probable que la presencia de hijos nacidos en el país fronterizo en estas familias juega un papel importante en estas distribuciones. De la misma manera, cerca del 10% de los migrantes cuyas esposas residen en Estados Unidos esperan la jubilación para regresar definitivamente en sus lugares de origen, respecto al 3% máximo en los otros grupos (cuadro 12).

Todo parece indicar que una gran parte de los migrantes actuales están en situación de espera respecto a la evolución de la situación económica en México para definir un proyecto preciso y muchos de ellos están atrasando su regreso definitivo a sus lugares de origen.

Conclusiones

Aunque esta encuesta, en la cual se sustenta este trabajo, no fue diseñada para evaluar la evolución de la magnitud de los flujos anuales hacia Estados Unidos, se

Cuadro 12
Proyectos actuales de los migrantes que residen en Estados Unidos según la situación matrimonial

Proyectos	Situación matrimonial		
	Casados		
	Esposa en México	Esposa en Estados Unidos	Solteros
Seguir trabajando en E U	68.5	48.3	73.8
Instalación definitiva en EU	3.1	19.3	3.7
Nacionalizarse, llevar a la familia a EU	5.8	3.3	2.7
Jubilarse para volver a México	3.1	9.7	2.2
Regresar definitivamente a México	6.3	3.2	2.9
Poner un negocio en México	3.1	6.5	5.1
Comprar una casa en México	0.8	2.2	2.2
Otros proyectos	9.4	7.6	7.4
	100.0	100.0	100.0
(N)	(127)	(93)	(137)

puede conjeturar —con fuerte probabilidad— un incremento importante del flujo de emigración desde hace un año. Los principales indicadores (tasa de desempleo, índice de salario mínimo, relación tamaño de hogar/activos ocupados) de la economía mexicana que usamos aquí se deterioraron mucho desde 1994. Por otra parte, la economía norteamericana se encuentra desde hace 3 o 4 años en una fase de crecimiento relativamente sostenido que reactivó la demanda de trabajo y particularmente de mano de obra mexicana en muchas ramas de actividad. Esta reactivación —en desfase con la situación de la economía mexicana en 1995 y 1996— tuvo entre otras consecuencias, una casi duplicación desde 1993, de la relación de salarios promedios percibidos por los trabajadores mexicanos entre sus lugares de origen y los Estados Unidos, lo que volvió mucho más atractivo el desplazamiento hacia el país fronterizo desde el año pasado, a pesar de las dificultades crecientes que encuentran los migrantes al ingresar en ese país.

Esta situación de desfase en la evolución de las 2 economías creó pues un contexto muy favorable al desencadenamiento actual de una nueva ola migratoria, como ocurrió en los años 1983-1984 después del estallido de la crisis mexicana en 1982.

Los desplazamientos actuales movilizan migrantes primerizos (entre los cuales más y más jefes de familias al parecer), y también re-migrantes (componente de fuerte crecimiento en los flujos de salida desde fines de la década de los ochenta),

procedentes de la ola de regresos en México durante los primeros años de los noventa, y entre los cuales existe un fuerte potencial —como lo vimos— de nuevos desplazamientos en este contexto.

Además de la diversificación de las ramas de actividades de origen de los migrantes y de las ramas en las cuales se insertan en Estados Unidos, que tomó consistencia desde los años ochenta, se observa actualmente una diversificación de los Estados de destino de los flujos de salida hacia el país vecino. Esta redistribución geográfica es, en buena parte, una consecuencia del endurecimiento de la política que practican Estados como California respecto al fenómeno migratorio, y del deterioro del clima social (desarrollo de actitudes xenofóbicas por parte de varios sectores de la población norteamericana), pero se debe igualmente a la expansión tradicional de la migración jalisciense. Esto se manifiesta por una fuerte reducción de la parte de los flujos dirigidos hacia California, en provecho de otros Estados en el interior de la Unión Americana.

Por otra parte, los desplazamientos actuales parecen mucho más preparados, o menos aleatorios en cuanto a las condiciones de cruce de la frontera y a la inserción profesional en los lugares de destino. Esta inserción se produce más rápidamente no solamente gracias a una coyuntura económica favorable, sino también por la extensión y el buen funcionamiento de las redes de parientes y amigos que permiten asegurar a los migrantes la consecución rápida de un empleo al llegar a su destino.

Es probable igualmente que la diversificación de los lugares de destino, cuando se apoya en redes establecidas de conocidos, facilita la inserción de la población migrante en regiones y ramas de actividades menos concurridas o menos saturadas.

El fuerte incremento de los costos de desplazamiento (transporte, "pollero") no parece representar un freno al crecimiento del volumen de los flujos en la medida que los migrantes pueden solicitar con mayor frecuencia préstamos familiares en sus lugares de origen, que sustituyen en parte ahorros insuficientes, para financiar estos costos.

El incremento aparente de los salarios promedios percibidos por los migrantes en Estados Unidos desde hace unos años debería teóricamente favorecer los proyectos personales asociados a los regresos definitivos en México (creación de micro empresas o auto-empleo, compra de casa...) en la medida que los migrantes pueden asignar una fracción más importante de sus ahorros a estos proyectos. Sin embargo, a través de los proyectos actuales que planean los migrantes, no se perciben cambios significativos en este aspecto, tal vez porque la crisis económica en México se traduce por una mayor solicitud de recursos a los migrantes, y también porque muchos migrantes, al atrasar su regreso definitivo, esperan una estabilización de la situación económica o un mayor deslizamiento de la moneda mexicana frente al dólar. En este caso se "inflaría" momentáneamente el volumen de migrantes que residen en Estados Unidos actualmente.

Es probable que la paridad del Peso mexicano a mediados de 1996 (7.40 pesos/dólar) se ubica en su zona de equilibrio, pero el fuerte diferencial de inflación entre los dos países, que seguirá por lo menos durante los dos próximos años, puede dejar esperar para muchos, una nueva pérdida de valor de la moneda nacional que seguirá volviendo muy atractiva la migración hacia Estados Unidos.

Sin embargo, a mediano plazo (3-5 años), se puede considerar con cierto realismo una relativa estabilización de la paridad cambiaria, y la eliminación del desfase en la evolución de las dos economías, que borrará sensiblemente los altibajos coyunturales en la magnitud de los flujos migratorios anuales, y "desinflará" el volumen de la población migrante en Estados Unidos.

Notes

1. Indicadores INSER, Carta Económica Regional, INESER, Universidad de Guadalajara, varios números.

2. Encuesta migraciones a Estados Unidos, INSER/ORSTOM, 1993

3. Según datos anteriores (encuesta migraciones a Estados Unidos. INSER-U DE G/ ORSTOM, 1993) alrededor del 10% de las esposas de los migrantes en Estados Unidos.

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Anexo 1

Características generales de la muestra, encuesta migraciones internacionales en 2 ciudades de Jalisco

Hogares encuestados	Hogares de no migrantes	Hogares de migrantes y ex-migrantes
Ciudad Guzmán	201	401
Lagos de Moreno	200	400
	401	801

Tipo de migrantes	
Migrantes actuales	364
Ex-migrantes	437
	801

Parentesco	
Jefe del hogar	68.3
Hijos	29.5
Otros	2.3
	100.0

Edad actual								
- 15	15-19	20-24	25-29	30-34	35-39	40 +	N.S.	Total
0.1	3.6	15.6	21.1	15.0	12.9	31.3	0.4	100.0

Estado Civil			
Soltero	Casado	Otro	Total
28.4	68.1	3.5	100.0

Anexo 2

Cuadro 1
Encuesta migración 1995
INESER/ORSTOM
Número de intentos antes del cruce de la frontera con resultados exitosos, por periodo (indocumentados)

	80-84	85-89	90-93	94-95	Total
Primer intento	48.1	52.9	52.8	59.0	52.5
Segundo intento	26.6	29.9	35.4	25.6	30.3
Tercer intento	10.2	9.2	3.6	7.7	7.7
Cuatro intentos o más	15.1	8.0	8.2	7.7	9.5
	100.0	100.0	100.0	100.0	100.0
	(79)	(174)	(110)	(39)	(402)

Elementos de explicación para entender el aumento del éxito al primer intento en 94-95:

- Uso más frecuente de los polleros en 94-95
- Modificación de la distribución de los lugares de cruce en detrimento de Tijuana donde el cruce es más arriesgado:

	Tijuana	Mexicali-Nogales	(a)
% de éxito al primero intento en 85-89	52.2	60.0	8.6
% de éxito al primer intento en 90-95	52.7	68.8	10.7

(a): % de cruce por Mexicali+Nogales/total 3 ciudades (sube al 23% en 94-95)

Cuadro 2
País de residencia en 1995 de los indocumentados que emigraron en 1987 y 1988 según su intención de regularizar su situación en EU al momento de la migración (indocumentados=cruces terrestres+turistas+estudiantes...)

	Intención de regularización	
	Si	No
Residía en Estados Unidos durante 1995	66.7	41.4
Residía en México durante 1995	33.3	58.6
	100.0	100.0
	(39)	(29)

Anexo 3

Porcentaje de migrantes indocumentados que utilizaron un coyote según el periodo de migración

antes del 80	80-84	85-89	90-93	94-95	Total	Absolutos
72.2	76.1	78.7	76.4	85.5	76.8	628

Fuente: Encuesta sobre migración internacional, INESER/UdeG-ORSTOM, 1995

Número de intentos antes del éxito

	1er éxito	2do éxito	3er éxito	4to éxito	Total	Absolutos
Intentos	0	1	2	3 y más		
Porcentaje	60.7	23.6	6.0	9.7	100	801

Fuente: Encuesta sobre migración internacional, INESER/UdeG-ORSTOM, 1995

IMPACTS OF MIGRATION

The Participation of Mexican-born Households in Means-tested U.S. Welfare Programs

Paul S. Davies & Michael J. Greenwood

Introduction

Participation by the foreign born in welfare programs is the focus of considerable scrutiny in the United States. Presumably motivated by the notion that legal and unauthorized immigrants participate in some sense "too much" in such programs, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. This Act restricts the access of even legal immigrants to welfare utilization. In spite of the passage of this legislation, many questions regarding immigrant utilization of public assistance programs remain only partially answered or unanswered. Precisely which public assistance programs are used relatively much by which entry cohort of which foreign-born group relative to which native-born group? The answers remain obscure. In this paper, we provide an unusually detailed analysis of public assistance utilization by Mexican-born households relative to various control groups of native-born households.

Dramatic changes in the number of immigrants entering the United States, in the source country composition, and in the age composition over the past 25 years have rekindled research interest and policy debate regarding the impact of immigrants on the U.S. economy. For example, what effects do immigrants have on U.S. factor markets, on the education system, and on the health care system? The research conducted here is focused in that it attempts to answer one specific question that stems from this recent immigration policy debate: Do Mexican immigrants use means-tested public programs more intensively than otherwise similar natives? The means-tested programs studied here are Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI). Social insurance programs constitute another type of public program. They refer to programs funded by payroll taxes on working individuals, primarily Social Security.[1] We account for Social Security income in this study, but we do not specifically study participation in the Social Security system.

Significant growth has occurred in immigrant welfare participation since 1970. As reported in Borjas and Trejo (1993), the percentage of households receiving welfare increased substantially for both native and immigrant households between 1970 and 1980. However, as shown in Table 1, the increase in the participation rate for immigrant households (5.9% in 1970 to 8.8% in 1980) was greater than that for native households (6.1% in 1970 to 7.9% in 1980). Table 1 also shows that the participation rate for immigrant households increased again to 9.1% in 1990, whereas that for native households actually decreased to 7.4%. Furthermore, female-headed households, whether native or immigrant, are more likely to receive welfare than male-headed households (Table 1).

Table 1
Percentage of Native and Foreign Born Households Receiving Welfare, 1970-1990

	All Households		Male-headed Households		Female-headed Households	
Year	Natives	Foreign Born	Natives	Foreign Born	Natives	Foreign Born
1970	6.1	5.9	3.7	4.5	14.8	10.4
1980	7.9	8.8	4.8	6.5	16.2	14.5
1990	7.4	9.1	N/A	N/A	N/A	N/A

Source: Borjas and Trejo (1993) and Borjas (1994)

This paper makes two important advances in the analysis of participation in means-tested welfare programs by native-born and Mexican-born households. First, although several previous studies have empirically examined welfare participation by immigrants (e.g., Blau, 1984; Borjas and Trejo, 1991, 1993; Jensen, 1988; Tienda and Jensen, 1986; and Trejo, 1992), only Borjas and Trejo (1993) is based on an explicit, underlying theoretical model. In the section titled "Theoretical Model," a household utility maximization model is developed for the decision to participate in welfare (and social insurance) programs. Drawing from Moffitt (1981, 1983), welfare stigma is incorporated into the utility function and is allowed to vary across immigrant and native households. In the context of the theoretical model, private transfer income also is separated from other non-labor income because households receiving private transfers are likely to display different program participation patterns than households not receiving such transfers.

Second, a seven-equation simultaneous system is developed for empirical analysis that allows for explicit links between head and spouse hours worked, head and spouse wages, household consumption, and household welfare and social insurance participation. This model is more detailed than the models used in previous research and more accurately depicts the household decision-making process.

In the empirical work reported below we not only distinguish female-headed households and male-headed households, but we also separately identify single female-headed households. Single female-headed households have especially high AFDC participation rates. Moreover, within each type of household, we distinguish the age of the head (29 and under, 30-49, 50-64, and 65 and over). This last distinction allows for a better understanding of AFDC users, who tend to be relatively young, and SSI users, who tend to be somewhat older (primarily 65 and over). Finally, the types of models developed here study the foreign born relative to a control group of native-born persons. We consider four different native-born control groups (Mexican ancestry natives, all natives, white natives, and black natives). The various distinctions in the data in combination with the various control groups used in the analysis allow for a more complete understanding of welfare utilization of the foreign born.

The rest of this paper proceeds as follows: the following section, titled "Previous Findings," discusses the previous literature relating to welfare and social insurance participation by the foreign born. The next section lays out the theoretical model. The data set is discussed in the section titled "Data." The empirical model and estimation techniques are described in the section titled "The Model and Estimation Techniques." The next section presents the empirical results, and the final section provides a summary and conclusions.

Previous Findings

Several studies over the past 20 years examine the probability of social program participation by immigrants versus natives in the United States. However, none of these studies include all of the relevant explanatory variables (many times due to data availability problems), nor do they explore the link between hours worked and public program participation, as is done here. In general, previous studies show that immigrant households are less likely than otherwise comparable native households to participate in welfare programs, although the raw data indicate that immigrant households are more likely to participate than natives (Table 1). These studies typically focus on two variables: foreign-born status and year of entry. The foreign-born status variable is generally a simple dummy variable coded as one if the household head or spouse is foreign born and zero if native born. The year of entry variable is usually a series of dummy variables indicating when the head of the foreign-born household entered the U.S.; for example, head entered 0-5 years ago, 6-10 years ago, or head entered between 1975 and 1979 or between 1970 and 1974. These year of entry variables are usually interacted with the foreign-born status variable to examine immigrant participation differences across various entry cohorts. Certain studies, such as Borjas and Trejo (1991) and Jensen (1988), pool data from two U.S. Censuses. This procedure allows for the identification of cohort effects (by examining participation by different entry cohorts), assimilation effects (by examining the relationship between program participation and years since migration), and period effects (by examining participation differences due to being observed in the 1970 vs. 1980 Census), but not all three at once.[2]

A third variable, age at arrival, has rarely been included in empirical analyses of immigrant program participation, although its effect on program participation may be important. If immigrants arrive at younger ages, the majority of their human capital (education, experience, etc.) is accumulated in the U.S. Immigrants arriving at older ages, on the other hand, have little incentive to accumulate U.S.-specific human capital due to the shortness of their remaining work careers. Those immigrating at older ages may therefore place a greater burden on the SSI program, whereas those arriving at younger ages are more probable AFDC participants.

Blau (1984) is the only previous study that examines participation in both welfare and social insurance programs. Using the 1976 Survey of Income and Education, Blau conducts her analysis separately for male-and female-headed households. Focusing on six year of entry groups interacted with foreign-born status and controlling for various personal characteristics, Blau finds that foreign-born male-and female-headed families are initially significantly less likely to participate in both types of programs than are otherwise similar natives. Although length of time in the U.S. and probability of welfare recipiency do not display any consistent

pattern, Blau finds that the probability of immigrant participation in social insurance programs increases with time in the U.S. After residing in the U.S. for 16 (26) years, male (female) immigrants become significantly more likely to participate in social insurance programs than natives.

Borjas and Trejo (1991) pool the 1970 and 1980 Public Use Microdata Sample (PUMS) of the U.S. Census to examine immigrant welfare participation rates, allowing them to identify the cohort and assimilation effects on immigrant welfare usage. Among their findings, Borjas and Trejo (1991) report that more recent immigrant cohorts are more likely to enter the welfare system than are earlier cohorts (cohort effect) and that immigrant households are more likely to use welfare the longer they have been in the U.S. (assimilation effect). Borjas and Trejo also conclude that immigrant welfare participation rates have risen between 1970 and 1980, which is largely attributable to the shift in national origin mix of immigrants from European countries to Asian and Latin American countries. Finally, they calculate that the increased welfare participation of immigrants between the 1950-59 cohort and the 1975-80 cohort has increased welfare costs by over $5 billion.

Most studies account for the effect of Hispanic origin on the probability of program participation by including a dummy variable equal to one if the head is of Hispanic origin. Using such a strategy, Blau (1984), for example, finds that male-headed and female-headed Hispanic households are more likely to receive welfare, but less likely to receive social insurance, than are their otherwise similar non-Hispanic counterparts.[3]

Borjas and Trejo (1993) use the 1980 PUMS to compute unadjusted and adjusted welfare participation rates for 62 source countries for both male-and female-headed households.[4] For immigrants from Mexico, the male-headed participation rates are 8.7% (unadjusted) and 9.6% (adjusted) whereas the female-headed participation rates are 29.3% (unadjusted) and 22.2% (adjusted). By way of comparison, the mean participation rates for immigrants from all 62 countries are 5.1% (unadjusted) and 7.6% (adjusted) for male-headed households and 13.0% (unadjusted) and 16.6% (adjusted) for female-headed households. In all cases, immigrant households from Mexico are more likely welfare participants than are immigrants from all other countries on average.

Tienda and Jensen (1986) and Jensen (1988) analyze welfare participation differences between Hispanic immigrant households and native Hispanic households.[5] Both studies split the Hispanic group into Mexican, Puerto Rican, and other Hispanic households. Tienda and Jensen (1986) use the 1980 PUMS. Whereas the raw data indicate that immigrant Hispanic households are more likely to receive public assistance than native Hispanic households, the estimated model shows otherwise. Hispanic immigrant families are 9% less likely than otherwise

comparable natives to have received public assistance income in 1979. Within the Hispanic group, Mexicans are less likely, and Puerto Ricans more likely, to receive welfare payments than other Hispanics. Furthermore, recent Hispanic immigrants (those entering between 1975 and 1979) are 9% less likely to participate than otherwise similar Hispanic natives. Mexican families that immigrated between 1970 and 1980 are also less likely to participate in public assistance than are other Hispanic immigrant families or native families.

Jensen (1988) conducts essentially the same analysis as Tienda and Jensen (1986); however, he combines 1970 and 1980 Census (PUMS) data to examine differences in participation for each immigrant group both for different entry cohorts (e.g., 0-5 years ago, 6-10 years ago) and across the two time periods. Multivariate logistic regression analyses show that immigrants are generally less likely to use welfare than their native counterparts. Focusing on changes across the two time periods, he concludes that the lower likelihood of Hispanic immigrants using public assistance is specific to 1979. When Jensen (1988) beaks down immigrants by entry cohort, he further concludes that recent Hispanic immigrants in 1970 are more likely to participate, but Hispanic immigrants who entered 0 to 5 and 6 to 10 years ago in 1980 are significantly less likely to participate. Furthermore, recent Mexican immigrants are less likely to receive public assistance income.

Three important shortcomings are evident in nearly all of the studies discussed above. First, with the exception of Borjas and Trejo (1993), none of the studies base their empirical work on an underlying theoretical model. The Borjas-Trejo model, however, is significantly different than that developed in the following section titled "Theoretical Model." The authors model both the decision to immigrate to the U.S. and the decision to participate in a welfare program given immigration. As such, welfare participation becomes a function of source-country characteristics including income, income inequality, and distance from the U.S. (representing the cost of immigration). Participation in social insurance programs is not addressed, nor does the model allow for comparisons between otherwise similar immigrants and natives.

In the present paper, a utility maximization model is constructed following Moffitt (1983), which allows the family to explicitly choose participation or nonparticipation. Whereas the Moffitt model deals only with welfare program participation, the model employed here allows the family to separately choose to participate in welfare and social insurance programs. The model yields a system of equations for welfare program participation, social insurance participation, consumption, and labor supply.

Second, welfare stigma may play an important role in the participation decision, yet this issue is not covered in any previous studies. Moffitt (1981) incorporates stigma into a model of welfare participation by assuming that an individual receives disutility from participation in the AFDC program. Moffitt (1983) takes a

slightly different approach by allowing for a flat component of stigma, resulting from participation in and of itself, as well as for variable stigma, which is related to the size of the welfare benefit received. Given Moffitt's finding that stigma arises from participation and does not vary with the amount of the benefit given participation, the model employed in this paper incorporates only a flat component of stigma. Furthermore, stigma is associated with participation in welfare programs and not with participation in social insurance programs.

Third, private intra-family transfers may provide an important safety-net for families and may therefore influence both participation in and benefit levels received from welfare and social insurance programs. Although several studies (e.g., Cox and Jakubson, 1995; Schoeni, 1991) have examined the extent to which private transfers within families are crowded out by public transfer programs, none has addressed the reverse of this issue: To what extent, and in which direction, does the presence of private intra-family transfers influence the probability of participation in, and the level of payments received from, public transfer programs? For welfare programs, the effect is expected to be negative; however, the effect of private transfers on social insurance participation is more ambiguous.

Some descriptive statistics are illustrative of the importance of private transfers and the differences in private transfer behavior across countries of origin. Cox and Jakubson (1995) use 1979 survey data from the President's Commission on Pension Policy (PCPP). They find that private transfers make up about 10.3% of family income for those families receiving such transfers, while mean public transfers received for these families account for about 19.2% of family income (Cox and Jakubson, 1995, Table 1). In the PCPP survey, 25.9% of the families reported receiving private transfers within the sample time interval. Unfortunately, this sample relates to a very small number of families (4,232 family units were included) and does not make any distinction as to the foreign-born or native-born status of the families surveyed.

In a review article, Cox and Jimenez (1990) present descriptive statistics relating to private transfers in other countries. Private transfers are more prevalent and make up a larger share of total family income in other countries than in the U.S. For example, in rural India, 93% of households reported receiving some form of private transfer, with the average transfer amount accounting for 11% of household income. In Malaysia, between 19% and 30% of households received a private transfer. Here the average transfer amount accounted for 11% of household income. The comparable figures reported for the United States are 15% of households receiving private transfers, making up 1% of household income on average (Cox and Jimenez, 1990, Table 1).

Although the statistics presented above are quite general, they support two claims. First, private intra-family transfers are received by a significant number of

households in both the United States and other countries. If the hypothesis that private transfers affect the propensity to use public transfer programs is correct, then excluding private transfers from the model would be a serious omission. Second, the observed differences in private transfer patterns across countries lend support to the argument that immigrants from various countries may behave differently than natives with respect to public program participation. These differences may stem from cultural differences and therefore would not be detected by simply holding constant such characteristics as age and education.

Only two previous studies, Tienda and Jensen (1986) and Jensen (1988), attempt to control for private transfers. Both do so by including a dummy variable for extended family status as an explanatory variable in the welfare program participation equations. The hypothesis is that extended families are more likely to provide informal support within the family and should therefore exhibit lower propensities to participate in welfare programs, all else equal. Indeed, Wolpin (1980) demonstrates that immigrant families, especially Mexicans and Asians, are more likely to reside in non-nuclear households. However, Tienda and Jensen (1986) and Jensen (1988) both find that extended family status increases the probability of welfare participation. This proxy for the actual presence and amount of private intra-family transfers is clearly not satisfactory, but more satisfactory measures are rarely available in the data.

In this study, private transfers directly enter the utility maximization model as a form of non-labor income in the budget constraint and carry through to become an argument in the demand equations for welfare and social insurance participation. Private transfers should therefore enter the empirical model, although data availability presents a significant constraint here. This issue is discussed further in the section titled "Data."

The results obtained in a number of previous studies are sensitive to the control group of native-born persons that is chosen as the comparison group for the foreign born (Greenwood and McDowell, 1986). For example, a common control group is otherwise comparable native-born persons of the same ancestry as the foreign-born group (e.g., Davies, 1996). However, other control groups also are meaningful to study, such as all native-born persons, white native-born persons, black native-born persons, and even other foreign-born groups. In this study, we examine persons born in Mexico relative to a number of alternative control groups.

Census data on welfare participation do not distinguish the precise program in which the individual or household participated. Thus, Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI) are bundled together in "welfare income." This aggregation is problematic because the two types of programs mainly are used by different types of individuals. For example, AFDC utilization is oriented toward single-parent, female-headed households, whereas

SSI is oriented toward aged persons and the disabled. During 1990 and 1991, of SSI recipients who were lawful resident aliens, almost 65 percent were aged whereas about 35 percent were blind or disabled. A better understanding of participation in means-tested welfare programs by the foreign born thus requires considerable disaggregation of the population. In this study, we distinguish various age groups, and we also specifically identify single-parent households.

Theoretical Model

The model presented below examines the separate decisions of households to participate in welfare programs and social insurance programs. This is a micro-oriented approach to the problem, as opposed to the more macro-oriented model of Borjas and Trejo (1993), and appropriately places the participation decision at the household level, rather than at the individual level. Allowing the household to separately choose welfare and social insurance participation within a single utility maximizing framework represents a significant advance over previous theoretical work in this area.

Furthermore, drawing from Moffitt (1981, 1983), the model incorporates welfare stigma into the utility function and includes a parameter that allows stigma to vary across immigrant and native groups. The foreign-born and native-born may respond differently to the stigma of welfare participation, due to unobservable cultural differences.

Moreover, the model developed here separates private transfer income from other non-labor income, because households receiving such private transfers are presumably less likely to participate in welfare and social insurance programs than otherwise similar households not receiving private transfers. As with welfare stigma, this response is expected to differ between natives and the foreign born. Several papers (e.g., Cox and Jakubson, 1995; Schoeni, 1991) have examined the relationship between private and public transfers. However, these papers are primarily concerned with the crowding out effects of public transfers on private transfers. The effect of private transfers on the propensity to participate in public transfer programs is not examined, nor are differences in such relationships between immigrants and natives explored. Our model remedies these shortcomings.

Our model presented is based on a model developed by Moffitt (1983). However, several modifications make it more amenable to foreign born-native born comparisons of program participation. In Moffitt (1983), the unit of analysis is the individual and the decision of interest is participation or non-participation in a welfare program (namely, AFDC). Because the model presented in this paper is applied to participation in both welfare and social insurance programs, it is more appropriate that the household be the unit of analysis. Specifically, household utility

is specified as a function of consumption by each member of the household, c_i, and labor supply of each member, h_i, where I=1,...,n. The household head is assumed to be the decision maker. The general form of this utility function is

$$(1)\quad U = u(c_1,...,c_n,h_1,...,h_n) - \lambda\phi A_2.$$

Each member's consumption c_i can be thought of as a vector of goods with associated price vectors p_i. Alternatively, each c_i may be considered an individual specific composite commodity with price p_i. The utility function is assumed to be concave.

A distinguishing feature of this utility function is the ($-\phi A_2$) term representing welfare stigma. A_2 is a dichotomous variable equal to 1 if the household participates in a welfare program and equal to 0 if the household does not participate. The stigma parameter ϕ indicates the reduction of utility due to participation in a welfare program. Moffitt (1983) also includes such a term, defined as the flat component of stigma. A variable component of stigma is included by Moffitt (1983) as well, allowing stigma to change with the level of welfare benefits received. However, Moffitt finds this variable component to be insignificant; hence, it is not included in the model developed here.

No stigma is associated with participation in a social insurance program. Participation in such programs is in some sense a right (entitlement) people acquire as a result of tax contributions throughout their working years, whereas welfare program participation many times signifies the inability of a person or family to provide for themselves. The λ parameter attached to ($-\lambda\phi A_2$) is an adjustment parameter allowing the effects of stigma from welfare participation to vary across immigrant and native households. Here, λ will be greater than, equal to, or less than one depending upon whether immigrants attach more, the same, or less stigma, respectively, to participation than natives. For native households, λ is equal to one.

The budget constraint facing the household simply equates expenditures on consumption goods by each member of the household to full household income

$$(2)\quad \sum_{i=1}^{n} p_i c_i = \sum_{i=1}^{n} w_i h_i + N + X + A_1 T + A_2 B,$$

where w_i is member I's wage, N is total household non-labor income, and X is total household private transfer income. Household income from social insurance programs is taken into account by the A_1T term where A_1 is a dichotomous variable equal to 1 if the household receives social insurance benefits and equal to 0 if the household does not receive such benefits. T is the household's benefit from social

insurance programs. Household welfare income enters the budget constraint as A_2B, where A_2 is the dichotomous welfare participation variable and B is the household's welfare benefit.

As noted above, private transfer income is included in the model because households receiving private transfers presumably are less likely to participate in welfare and perhaps social insurance programs. Total private transfers may be defined as $X = X_1 + X_2$, where X_1 denotes private transfers within the household and X_2 is private transfers from other households. A household's participation in a welfare or social insurance program may be influenced more by private transfers from other households than by those within the household. Private transfers within the household do not alter the total resources available to the household, but simply redistribute these resources. Therefore, within-household private transfers should have little effect, if any, on a household's participation in welfare and social insurance programs.

Given that welfare programs are means-tested, providing an income guarantee $\overline{G}$ and taxing earned income at rate t, an additional constraint, defining the welfare program benefit level, must accompany the budget constraint

$$(3) \quad B = \overline{G} - t\sum_{i=1}^{n} w_i h_i.$$

The income guarantee, $\overline{G}$, and the program tax rate, t, are expected to be important variables for the empirical analysis because they can vary greatly by state for welfare programs such as AFDC. For example, state AFDC benefit guarantee levels for a family of two (one adult and one child) in 1989 ranged from a low of $88 per month in Alabama to a high of $752 per month in Alaska, with a mean of $313. The nominal program tax rate is currently set by federal statute at 100%. In other words, AFDC benefits are reduced by $1 for every $1 of earned income (beyond some minimal excludable amount for work-related transportation expenses). However, the effective AFDC program tax rate is much lower and varies greatly by state. Fraker, Moffitt, and Wolf (1985) estimate these effective tax rates over the period 1967 to 1982. In 1979, for example, the effective AFDC tax rate ranged from a low of 13% in Georgia, Mississippi, and South Carolina, to a high of 55% in Illinois, with a mean of 29%. The effective tax rate is the more relevant measure for the empirical analysis because it accounts for income and asset exclusions allowed for under AFDC rules. However, measures of the effective tax rate for 1989 may not be available and may be difficult to estimate due to data limitations. This issue is discussed further in the section titled "Data."

The household's problem is then to maximize (1) subject to (2) and (3). Given that A_1 and A_2 are dichotomous variables (i.e., participate or do not participate), the household can be thought of as first maximizing utility (1) by choosing c_i and h_i for

all I=1,...,n holding A_1 and A_2 constant. A_1 and A_2 are then chosen to maximize (indirect) utility through some combination of participation and non-participation. Solution of the first-order conditions yields a consumption demand equation and a labor supply equation for each household member I. These are standard Marshallian demands with arguments including individual specific prices, (net) wages and family income from sources other than labor:

(4a)
$$h_i = h_i^*(p_1,...,p_n, w_1(1-A_2t),...,w_n(1-A_2t), N + X + A_1T + A_2\overline{G}) \quad \forall i,$$

and

(4b)
$$c_i = c_i^*(p_1,...,p_n, w_1(1-A_2t),...,w_n(1-A_2t), N + X + A_1T + A_2\overline{G}) \quad \forall i.$$

A feature of these demand equations is that the price and wage facing each individual household member is an argument in member I's consumption demand and labor supply functions, which adds some notion of interdependence between household members in making consumption and labor supply decisions.

Substituting (4a) and (4b) into the utility function (1) produces the indirect utility function, given A_1 and A_2

(5)
$$V(p_1,...,p_n, w_1(1-A_2t),...,w_n(1-A_2t), N + X + A_1T + A_2\overline{G}; A_1, A_2)$$
$$= u(c_1^*,...,c_n^*, h_1^*,...,h_n^*) - \lambda\phi A_2.$$

The stigma term ($-\lambda\phi A_2$), which is allowed to vary across immigrant and native groups, is incorporated into the indirect utility function, although it does not appear in the demand equations (4a) and (4b). The object is now for the household head to simultaneously determine social insurance participation (A_1) and welfare participation (A_2) in order to "maximize" household indirect utility.

An important issue to be considered here is that of eligibility for the welfare and social insurance programs under consideration. As discussed by Moffitt (1983), eligibility for the means-tested welfare programs is included in the model by virtue of the benefit level equation (3) and the welfare stigma term ($-\lambda\phi A_2$). Some households may not participate because income is too high to generate a positive benefit level. Others may be eligible based on income, but may choose not to participate due to the reduction of utility through welfare stigma. Eligibility for social insurance programs is a bit more difficult to deal with. In the case of Social Security, for

example, quarters of covered employment and age are the primary determinants of a household's eligibility. Those households not meeting the minimum eligibility requirements may be thought of as facing an additional constraint, eliminating the choice of $A_1 = 1$.

The household head maximizes indirect utility by choosing the combination of A_1 and A_2 that yields the greatest indirect utility. More formally, two threshold functions, A_1^* and A_2^*, are created to represent the demand for participation in each type of program:

(6a)
$$A_1^* = V(p_1,...,p_n, w_1(1-A_2t),...,w_n(1-A_2t), N + X + T + A_2\overline{G}; 1, A_2)$$

$$-V(p_1,...,p_n, w_1(1-A_2t),...,w_n(1-A_2t), N + X + A_2\overline{G}; 0, A_2);$$

and

(6b) $$A_2^* = V(p_1,...,p_n, w_1(1-t),...,w_n(1-t), N + X + A_1T + \overline{G}; A_1, 1)$$

$$- V(p_1,...,p_n, w_1,...,w_n, N + X + A_1T; +A_1 0).$$

If the household head compares indirect utility with participation to indirect utility without participation, the decision rule for each program becomes:

(7a) $A_1 =$
$$\begin{cases} 1 \text{ if } A_1^* > 0 \text{ (participate)} \\ 0 \text{ if } A_1^* \leq 0 \text{ (do not participate);} \end{cases}$$

7b) $A_2 =$
$$\begin{cases} 1 \text{ if } A_2^* > 0 \text{ (participate)} \\ 0 \text{ if } A_2^* \leq 0 \text{ (do not participate).} \end{cases}$$

The choice of participation or non-participation essentially comes down to the question of whether the additional utility received from additional income given participation outweighs the stigma associated with participation. If the utility gain from participation is greater than the utility loss from stigma, then the household participates. If not, it does not participate. The participation decision is a single decision made by the household head on behalf of the entire household. This formulation of the stigma term allows for differing participation behavior across immigrant and native households.

Equations (4a), (4b), (7a), and (7b) can all be combined to form a system of demand equations for estimation purposes.

Demand for social insurance program participation:

$$A_1 = \begin{cases} 1 \text{ if } A_1^* > 0 \\ 0 \text{ if } A_1^* \le 0 \end{cases} \quad \text{where } A_1^* \text{ is given by (6a)}$$

Demand for welfare program participation:

$$(8)\quad A_2 = \begin{cases} 1 \text{ if } A_2^* > 0 \\ 0 \text{ if } A_2^* \le 0 \end{cases} \quad \text{where } A_2^* \text{ is given by (6b)}$$

Demand for consumption:

$$c_i = c_i^*(p_1,...,p_1, w_1(1-A_2t),...,w_1(1-A_2t), N + X + A_1T + A_2\overline{G}) \quad \forall i$$

Labor supply:

$$h_i = h_i^*(p_1,...,p_1, w_1(1-A_2t),...,w_1(1-A_2t), N + X + A_1T + A_2\overline{G}) \quad \forall i.$$

The system (8) is used as the basis of the empirical model of the section titled "The Model and Estimation Techniques."

Data

The data set employed for the empirical analysis is the 5% sample of the 1990 Public Use Microdata Sample (PUMS) of the United States Census (Bureau of the Census, 1992a). This data set contains both household records and person records for the individuals comprising each household. For the entire country, several million observations are available on over 200 different variables. Of particular interest for this study are the geographic identifier variables on the household record and the relationship, place of birth, year of immigration, and income variables on the person records. The geographic identifier variables are important in that they allow identification of the state and the metropolitan statistical area (MSA) in which each household resides. Thus, differences in welfare eligibility rules and benefit payments across states can be taken into account, as can differences in participation behavior in metropolitan and nonmetropolitan areas.

The place of birth and year of immigration variables are clearly of central importance to this study. The sample is designed to include foreign-born households from Mexico and native-born households of Mexican ancestry, as well as various other native-born households. The year of entry variable allows for the identification of eight different year of entry categories for the foreign-born population. These categories are as follows: 1985-90, 1980-84, 1975-79, 1970-74, 1965-69, 1960-64, 1950-59, and before 1950. Use of these year of entry variables is important for several aspects of this study.

Most previous studies have counted as foreign born only those households with a foreign-born head, ignoring the place of birth of the spouse. In this study, we classify as foreign born all households in which either the head or the spouse (if present) was born in another country. This classification method results in more complete coverage of the foreign-born population.

Finally, the income variables are of great importance. For each individual, eight sources of income are identified in the PUMS: wage and salary income; nonfarm self-employment income; farm self-employment income; interest, dividends, and net rental income; social security income; public assistance income; retirement income; and all other income. Each income measure refers to income of that type received in 1989. Public assistance income is the key measure for this study. As noted above, public assistance income includes income from both Aid to Families with Dependent Children (AFDC) and Supplemental Security Income (SSI). A household is classified as a public assistance program participant if it had positive income from the public assistance programs. Because separate measures of AFDC and SSI are not available, we distinguish the groups most likely to receive each by age and other characteristics.

The analysis conducted in this study is a household-level analysis. Individual income measures are combined to yield, at the household level, measures of earned income, nonearned income, social security income, and public assistance income. Several of the individual-level characteristics are preserved, however. Education levels and head and spouse income measures are maintained at the person level for use in estimated wage and hours worked equations.

With aggregation of individual characteristics to the household level, an issue arises concerning which member's characteristics to use for such household characteristics as ancestry, place of birth, and year of entry. The procedure adopted here is to use the characteristics of the head. For example, household ancestry for native-born households is determined by the ancestry of the household head. The foreign-born characteristics such as place of birth and year of entry are determined by the relevant characteristics of the individual conferring foreign-born status on the household. If the head is the foreign-born member, the household's place of birth and year of entry are those of the head. If the household head is native-born,

but the spouse is foreign-born , then the spouse confers foreign-born status on the household and the household's place of birth and year of entry are those of the spouse. Individual-level ancestry, place of birth, and year-of-entry variables also are maintained for the head and the spouse. These are important variables for the estimated wage and hours worked equations. No attempt is made to create a household education-level variable, because this and other characteristics like it are specific to individuals and are maintained as such in the data.

Households with no persons residing in them (presumably vacant households) and households with negative values for any of the income measures are trimmed from the sample, as are institutional units such as prisons, nursing homes, retirement homes, and mental institutions. Households with either the head or the spouse on active military duty also are deleted from the sample because active duty military personnel participate in a different human capital accumulation process than does the non-military population, and are therefore likely to behave differently with respect to program participation. A variable does, however, identify military veterans. This dummy variable is included as an independent variable in all estimated equations to control for any potential behavioral and/or human capital differences of those who have served in the military.

Another important data-related issue has to do with the use of sample weights. Data from the 1980 PUMS are self-weighted, which implies that the sample was a random sample of the entire population. However, the 1990 PUMS contains two different types of weights, a household weight and a person weight. Each household is assigned a unique household weight and each person within each household is also assigned a unique person weight. According to the PUMS documentation, these weights are to be applied when analyzing the data so that estimates can be taken to be nationally representative. In other words, the 1990 PUMS is not a random sample. The weights are designed to correct for over-sampling of certain groups and under-sampling of other groups.

If the analysis utilized only household records, the household weight would be the appropriate choice. Likewise, the person weight would be appropriate if only person records were being analyzed. However, this analysis makes use of both household variables and person variables, some of which have been combined to create household-level characteristics. Given this information, neither the person weights nor the household weights are used in any part of the analysis. This is done for two primary reasons. First, no aggregating is done beyond the household level, so weighting does not seem appropriate. Second, and perhaps more important, the sample properties upon which the household and person weights were derived are in some sense destroyed in the process of eliminating households as described above. Because, for example, individuals on active military duty were deleted, person-weighted estimates will be no more "nationally representative" than the

unweighted estimates. All regression results and descriptive statistics presented below are based on the raw, unweighted data and therefore represent the actual contents of the PUMS data set created and used here.[6]

Several variables necessary for the analysis are constructed from the raw Census data, including years of education, potential labor market experience, the log of head and spouse wages, and head and spouse hours worked. Each of these is briefly discussed in the following paragraphs. For years of education, the 1990 PUMS provides a variable called YEARSCH which has 17 education categories ranging from no completed years of school to doctorate degree. However, the coding of this variable does not allow it to be used as a continuous measure of educational attainment. We therefore assigned a number to each category to represent the number of years of education necessary to reach that level. For example, the category "Bachelor's degree" was assigned 16 years of education. In this way, we created a continuous educational attainment variable called EDUC that is used in several of the estimated equations.[7] The variable EDUC is then used to create a measure of potential labor market experience, EXPER, as typically used in Mincer earnings equations. EXPER is computed as age less education less six.[8] The experience variable also is used in the estimated wage equations.

Head and spouse hours worked and the logarithm of head and spouse wages also are created. Hours worked are defined as the product of number of weeks worked in 1989 and average hours worked per week in 1989, which results in the variables HHOURS for household heads and SHOURS for spouses. Although this is a somewhat imperfect measure of hours worked, it is the best that is available in the 1990 PUMS. The wage is created by dividing wage and salary income in 1989 by HHOURS for household heads and by SHOURS for spouses. The logarithm of the wage is then taken to create head's log wage, LHWAGE, and spouse's log wage, LSWAGE. Various descriptive statistics are reported in Appendix 2.

One final issue to discuss here is that of private transfer income. Private transfer income is referred to in the section titled "Previous Findings" as an important explanatory variable that has been excluded from all previous studies and is included in the theoretical model of the section titled "Theoretical Model." Due to the limitations of the Census data, we are unable to compute a reasonable measure for this variable. Therefore, household private transfer income is excluded from the empirical work of this study.[9]

The Model and Estimation Techniques

The empirical model is derived based on the demand equations from the theoretical model presented above. However, a number of changes were made due to shortcomings of the data set. First, private transfers are not separated from

nonearned income as is done in the theoretical model since no measure of private transfers is available in the 1990 PUMS. Presumably, private transfers received from other family members are included in the "All Other Income" component of nonearned income.

Two other compromises from the theoretical equations are made for the purpose of empirical tractability. Whereas the theoretical model calls for the estimation of a labor supply equation and a consumption equation for each member of the household, the empirical model estimates a labor supply equation only for the household head and spouse (if present) and a single household-level consumption equation. The closest measure of consumption available is gross rent (for renters) and selected monthly owner costs (for owner-occupied homes, condominiums, and mobile homes). These cover primarily rent, mortgage payments, utilities, and insurance (Bureau of the Census, 1992b). These measures are transformed into a measure of annual spending for each household. Admittedly, several problems arise in measuring consumption in this way, perhaps the most important of which is the investment-like features of housing and housing services expenditures. Unfortunately, it is the best measure available in the 1990 PUMS.

The empirical model consists of seven equations for each household: head hours worked, spouse hours worked, head wage, spouse wage, social security participation, public assistance participation, and household consumption. The complete empirical model is as follows:

$$(9)\quad hhours = \beta_0 + \beta_1 sspart + \beta_2 pastpart + \beta_3 shours + \beta_4 lhwage + x_1\psi_1 + \varepsilon_1$$

$$(10)\quad shours = \gamma_0 + \gamma_1 sspart + \gamma_2 pastpart + \gamma_3 hhours + \gamma_4 lswage + x_2\psi_2 + \varepsilon_2$$

$$(11)\quad lhwage \mid (hhours > 0) = \delta_0 + x_3\psi_3 + \delta_1 hmills + \varepsilon_3$$

$$(12)\quad lswage \mid (shours > 0) = \eta_0 + x_4\psi_4 + \eta_1 smills + \varepsilon_4$$

$$(13)\quad sspart = \theta_0 + \theta_1 lhwage + \theta_2 lswage + \theta_3 pastpart + x_5\psi_5 + \varepsilon_5$$

$$(14)\quad pastpart = \pi_0 + \pi_1 lhwage + \pi_2 lswage + \pi_3 sspart + x_6\psi_6 + \varepsilon_6$$

$$(15)\quad yspend = \mu_0 + \mu_1 lhwage + \mu_2 lswage + \mu_3 sspart + \mu_4 pastpart + x_7\psi_7 + \varepsilon_7$$

where the variables are defined in Appendix 1. The vectors x_1 through x_7 are vectors of exogenous explanatory variables which may contain common elements. These explanatory variables include household head characteristics, other household characteristics, area characteristics, and foreign-born characteristics in order to ensure the comparison of "otherwise similar households."

The model is simultaneous due to the appearance of endogenous explanatory variables in the labor supply, program participation, and consumption equations. Given this simultaneity, the system must be identified so that meaningful estimates of the coefficients may be obtained. In order to ensure identification, the rank and order conditions are checked (Kmenta, 1986). The system passes both conditions for identification and can therefore be estimated by any appropriate systems estimation technique.

The estimation technique adopted here is a two-stage procedure. In the first stage, reduced-form equations are estimated for all right-hand-side endogenous variables (i.e., hhours, shours, sspart, and pastpart). These reduced-form equations cannot be estimated by ordinary least squares due to the nature of the dependent variables. Head and spouse hours, for example, are left censored at zero due to the presence of non-working heads and spouses in the sample. Tobit is the appropriate estimation method for the head and spouse hours worked equations. The program participation variables, on the other hand, are dichotomous variables equal to one if the household participates and zero otherwise. With this type of dependent variable, probit is the appropriate estimation technique. The fitted values from these reduced-form equations are retained and renamed by adding the extension "ht" to the variable name.

As part of the first stage, the log-wage equations are estimated for the subsamples of working heads and spouses. The estimated wage equations are run separately for the household head and spouse (if present). Those who did not work in 1989 are initially assigned a wage of zero. However, this cannot be used as their wage in estimating equations (9) through (15) above. As described in the labor supply literature, a wage of zero does not imply that the individual has no market earnings. It means that the wage that individual could command in the labor market, given his or her skills and ability, is less than that individual's reservation wage. This being the case, the individual chooses not to work. For purposes of estimating the model above, a predicted wage must be derived for the subsample of non-working heads and spouses based on his or her human capital and socioeconomic characteristics.

The estimated wage equations take a standard form, including sex, potential market experience and its square, education, work limitation status, ability to speak English, and a vector of foreign-born status indicators as independent variables.[10] The wage equation is run for the subsample of working heads or spouses, including

the inverse Mill's ratio as a correction for sample selection bias. The inverse Mill's ratio is derived from Tobit estimates of the parameters from the head (spouse) hours worked equation. Inserting this inverse Mill's ratio (sometimes called Heckman's lambda) into the estimated wage equation has become a standard method of correcting for sample selection bias.[11] The estimated parameters are applied to the characteristics of the full sample of heads (spouses), both working and not working, to arrive at a predicted or estimated wage for each head (spouse) in the sample. When no spouse is present in the household, the spouse's estimated wage is set equal to zero. The variables LHWAGEHT and LSWAGEHT refer to predicted head and spouse log wages, respectively.

The second stage involves estimating the structural equations of the model (equations 9, 10, 13, 14, and 15) using the first stage fitted values in place of the right-hand-side endogenous variables. The structural equations for head and spouse hours are estimated by Tobit while those for social security and public assistance participation are estimated by Probit. Household consumption is estimated by ordinary least squares (OLS).

A variable is included in the analysis to control for age at entry into the U.S. This variable is constructed as current age less the midpoint of the year group in which entry occurred. For natives, age at entry is set equal to zero. Friedberg (1993), in the context of immigrant labor market assimilation, shows that age at arrival is an important explanatory variable, though it has been excluded from nearly all previous studies. She finds that immigrants arriving at older ages earn less at every stage of assimilation than otherwise similar immigrants arriving at younger ages. Furthermore, controlling for age at arrival reduces the rate at which immigrants close the earnings gap with otherwise similar natives.

In the case of welfare participation, age at arrival may play a similarly important role. For example, foreign-born persons arriving while young may gain greater knowledge of the U.S. welfare system and may therefore be more likely participants than otherwise similar foreign-born persons arriving at older ages. Furthermore, those arriving earlier in their lives may lose the feelings of stigma attached to welfare participation in their home country as they grow up more like Americans. If this is the case, welfare participation and age at arrival will be negatively related. On the other hand, foreign-born persons arriving at younger ages may have made greater earnings progress through the assimilation process than otherwise similar foreign-born persons arriving later in life and may therefore be less likely to participate in welfare programs. These hypotheses are empirically tested below.

Friedberg (1993) also points out an important identification issue when including age at arrival as an explanatory variable. For the foreign born, current age is equal to years since arrival plus age at entry. Including all three explanatory

variables in the same equation leads to perfect colinearity and the parameters are not identified. However, by including both foreign born and natives in the sample, identification of these three parameters is possible because the relation "current age equals years since arrival plus age at entry" does not hold for natives. Friedberg (1993) correctly argues that if one imposes the restriction that the effects of current age on participation are the same for the foreign born and natives, then the parameters on current age, years since arrival, and age at entry can all be identified. This identification method is employed here, although it imposes no true restriction on the model since foreign-born and native households are to be pooled, and a single coefficient is estimated for the current age variable, regardless of the inclusion of the age at entry variable. A simple addition, including the age at entry variable represents an important advance over previous studies of welfare program participation by the foreign born.

Empirical Results

In the results reported below, several types of households are studied: (1) all households; (2) all households, by age (49 or less, 50-64, 65 or over); (3) all female-headed households; (4) all female-headed households, by age (29 or less, 30-49, 50-64, 65 and over); (5) single female-headed households; (6) single female-headed households, by age (29 or less, 30-49, 50-64, 65 and over); (7) male-headed households; (8) male-headed households, by age (29 or less, 30-49, 50-64, 65 and over). For all households, two sorts of models are reported. The first is a "country model" that contains a dummy variable distinguishing household heads (or spouses) born in Mexico. The second is a "country/entry cohort model" that contains a set of dummy variables for Mexican-born household heads indicating the period of their U.S. entry (1985-90, 1980-84, etc.). For other household types, only the country/entry cohort model is reported. The country/entry cohort model provides more detail about the participation behavior of Mexican-born households relative to native-born households. Moreover, four different control groups of native-born households are used: (1) Mexican ancestry natives; (2) all natives[12]; (3) black-headed natives; (4) white-headed natives. The various control groups are used selectively.

The sample splits we have made are motivated by drastic differences in welfare participation rates across the groups as presented in Table 2. For example, female-headed households display participation rates that are more than double those for male-headed households. This difference is even more pronounced for single female-headed households. Although male-headed households tend to have relatively low participation rates, these households are examined due to their large sample sizes relative to female-headed households. Participation rates for the Mexican born and

Table 2
1990 Welfare Participation Rates by Headship Configuration, Foreign-born Status, and Age

Group	All Female-Headed Households	Single Female-Headed Households	All Male-Headed Households	All Households
Mexican-Born	24.2%	28.0%	8.7%	11.8%
Households	(15,445)	(10,524)	(62,126)	(77,571)
29 and under	20.0%	25.5%	5.6%	
	(3,409)	(1,574)	(15,305)	
30-49	22.5%	26.5%	6.7%	9.1%*
	(7,092)	(4,668)	(32,988)	(58,794)
50-64	22.5%	23.0%	12.2%	14.5%
	(2,565)	(2,059)	(9,074)	(11,639)
65 and over	37.0%	37.5%	26.1%	29.8%
	(2,379)	(2,223)	(4,759)	(7,138)
Mexican Ancestry	27.4%	29.5%	8.3%	14.2%
Native Households	(20,739)	(17,378)	(46,244)	(66,983)
29 and under	30.1%	33.6%	6.9%	
	(4,953)	(3,727)	(9,447)	
30-49	23.6%	26.0%	5.8%	12.0%*
	(8,795)	(7,176)	(23,353)	(46,548)
50-64	23.9%	24.7%	10.4%	14.4%
	(3,858)	(3,472)	(9,292)	(13,150)
65 and over	38.1%	38.2%	20.6%	28.1%
	(3,133)	(3,003)	(4,152)	(7,285)
All Native	13.5%	14.3%	4.6%	7.4%
Households	(130,135)	(109,360)	(275,788)	(405,923)
29 and under	17.7%	19.8%	4.0%	
	(18,859)	(13,913)	(36,244)	
30-49	13.0%	14.6%	3.3%	6.5%*
	(43,237)	(33,045)	(124,225)	(222,555)
50-64	13.2%	14.0%	5.0%	7.3%
	(23,561)	(20,081)	(62,519)	(86,080)
65 and over	12.3%	12.5%	7.5%	9.7%
	(44,488)	(42,321)	(52,800)	(97,288)

* Indicates that figures are for 49 and under age group.

Source: Authors' computations from 1990 PUMS. Number of households in each group in parentheses.

for Mexican ancestry natives typically increase from the young to the old, suggesting that SSI usage is quite high among these groups. This pattern is not as strong for the group of all native households.

In the discussion below, we focus primarily on the dummy variable for Mexico (country model) and the set of dummy variables indicating entry cohort (country/entry cohort model). Other variables are discussed selectively. All Probit coefficients reported below have been transformed following Green (1997) so that they may be interpreted as marginal effects.

All Households

Table 3 indicates that households headed by Mexican-born persons are only slightly more likely to participate in welfare than otherwise comparable households headed by native-born persons of Mexican ancestry. Furthermore, they are no more likely to participate than households headed by native-born persons in general. However, they are more likely to participate than native white households, but are less likely to participate than native black households.

Several variables in the models are included to control for eligibility to receive welfare. Among these are the number of household members 17 years old or younger (SHHLE17), the number 65 years old or older (SHHGE65), and the number disabled (SHHDISAB). Each of these variables has been interacted with the MEXICO dummy variable. Relative to each control group, Mexican-born households are more likely to receive welfare, presumably SSI, if they contain persons 65 and over, but they are less likely to receive it (presumably AFDC) if they contain persons 17 or younger. Moreover, they are less likely to receive welfare if the household has a disabled person or persons in it.

The models also include three variables that reflect characteristics of the place of residence: the state's average monthly AFDC payment (AFDCAVG), the state's average SSI payment (SSIAVG), and residence in a metropolitan area (INMA). Relative to all native households and to white-headed native households, Mexican-born households are more likely to receive SSI in states that provide supplements to this national program. Relative to native households of Mexican ancestry and to white-headed native households, they are also more likely to receive AFDC if they reside in states with relatively generous AFDC benefits.

The country/entry cohort models reported in Table 4 provide a more precise depiction of welfare usage by Mexican-born households. Relative to each control group, Mexican-born households are significantly less likely to participate in welfare if they entered the United States more or less recently, which is to say between 1970 and 1990. Because persons are most likely to migrate during their childbearing years, this empirical result suggests that Mexican-born households are less

Table 3
1990 Welfare Participation by All Households, Country Model: Marginal Effects Based on Probit Estimates

Variable	Mexican Ancestry Control	All Native Control	Black Native Control	White Native Control
intercept	-0.187***	-0.129***	-0.219***	-0.120***
lhwageht	-0.047***	0.006***	-0.027***	0.003*
lswageht	-0.002	0.029***	0.027***	0.024***
sspartht	-0.019***	-0.015***	-0.024***	-0.011***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.001	0.003***	0.001	0.000
mexico	0.006*	0.000	-0.015**	0.006***
entage	-0.001***	0.000	-0.001***	0.000
hsex	0.052***	0.033***	0.060***	0.027***
heduc	-0.001***	-0.005***	-0.003***	-0.004***
hage	0.001***	0.000***	0.001***	0.000***
hwrklim	-0.046***	-0.032***	-0.055***	-0.027***
hwrkprev	0.021***	0.008***	0.022***	0.008***
hunemply	0.118***	0.074***	0.143***	0.061***
hwidowed	-0.020***	-0.020***	-0.021***	-0.021***
spouse	-0.037***	-0.059***	-0.100***	-0.044***
seduc	-0.001**	-0.003***	-0.002***	-0.003***
sage	0.000***	0.000***	0.000***	0.000***
sunemply	0.046***	0.026***	0.052***	0.022***
engonly	-0.007***	-0.006***	-0.008*	-0.007***
shhle17	0.034***	0.023***	0.044***	0.018***
shhge65	0.054***	0.013***	0.021***	0.010***
shhdisab	0.082***	0.058***	0.096***	0.051***
mex65	0.019***	0.036***	0.063***	0.034***
mex17	-0.015***	-0.014***	-0.022***	-0.010***
mexdisab	-0.007***	-0.006***	-0.007**	-0.005***
mexwid	0.008	0.026***	0.017***	0.029***
afdcavg	0.000***	-0.000	0.000	0.000***
ssiavg	-0.000	0.000***	-0.000	0.000***
inma	-0.003	-0.011***	-0.012***	-0.014***
N	144,554	483,494	116,722	435,000
log L	-42,722.554	-105,081.311	-38,157.308	-85,919.187

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 4
1990 Welfare Participation by All Households, Country/Entry Cohort Model: Marginal Effects Based on Probit Estimates

Variable	Mexican Ancestry Control	All Native Control	Black Native Control	White Native Control
intercept	-0.160***	-0.124***	-0.196***	-0.115***
lhwageht	-0.047***	0.007***	-0.024***	0.004**
lswageht	0.004	0.028***	0.024**	0.025***
sspartht	-0.012***	-0.015***	-0.017***	-0.010***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	0.000	0.004***	0.002	0.001**
img8590	-0.040***	-0.024***	-0.064***	-0.016***
img8084	-0.023***	-0.017***	-0.047***	-0.010***
img7579	-0.020***	-0.019***	-0.046***	-0.012***
img7074	-0.008*	-0.013***	-0.033***	-0.006***
img6569	0.002	-0.006**	-0.021***	0.000
img6064	0.020***	0.007**	-0.000	0.011***
img5059	0.019***	0.009***	-0.001	0.012***
imgle49	-0.003	0.007***	-0.018***	0.010***
entage	-0.000	0.000***	0.000**	0.000***
hsex	0.051***	0.034***	0.060***	0.027***
heduc	-0.001***	-0.005***	-0.003***	-0.004***
hage	0.000	-0.000***	-0.000*	0.000***
hwrklim	-0.045***	-0.031***	-0.054***	-0.027***
hwrkprev	0.020***	0.008***	0.022***	0.008***
hunemply	0.118***	0.074***	0.143***	0.061***
hwidowed	-0.016***	-0.018***	-0.013***	-0.019***
spouse	-0.039***	-0.055***	-0.085***	-0.041***
seduc	-0.001***	-0.003***	-0.001***	-0.003***
sage	-0.001***	-0.000***	-0.001***	0.000***
sunemply	0.046***	0.026***	0.052***	0.023***
engonly	-0.009***	-0.006***	-0.002	-0.008***
shhle17	0.033***	0.022***	0.042***	0.017***
shhge65	0.056***	0.015***	0.029***	0.012***
shhdisab	0.084***	0.058***	0.099***	0.051***
mex65	0.012***	0.027***	0.051***	0.026***
mex17	-0.014***	-0.012***	-0.020***	-0.008***
mexdisab	-0.012***	-0.010***	-0.013***	-0.008***
mexwid	0.000	0.014***	-0.002	0.019***
afdcavg	0.000***	-0.000	0.000*	0.000***
ssiavg	-0.000*	0.000***	-0.000	0.000***
inma	-0.003	-0.012***	-0.012***	-0.014***
N	144,554	483,494	116,722	435,000
log L	-42,659.366	-104,910.437	-38,097.006	-85,766.813

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

likely to participate in AFDC than the various native-born households, which is a finding further supported by evidence reported below.

More distant Mexican-born cohorts are more likely to receive welfare than most of their native-born counterparts, except blacks. For example, those who migrated between 1950 and 1964 are significantly more likely to participate than otherwise comparable native-born households of Mexican ancestry. Relative to white-headed native households, the same is true for those who entered the United States in 1964 or earlier. The participation of these very distant entry cohorts is almost certainly in the SSI program.

Certain other results are also of some importance. For example, in both the country model and the country/entry cohort model, and relative to all four native control groups, household heads with higher education levels are significantly less likely to participate. The same effect is evident for spouse education. Furthermore, household heads who are widows or widowers are significantly less likely to participate in all cases. Finally, households with an unemployed head or spouse are significantly more likely to receive welfare payments.

For all households, Tables 5 and 6 distinguish three age groups (49 or less, 50-64, 65 or over). The idea behind this distinction is to better identify those groups that are most likely to participate in AFDC (49 or less) and those that are most likely to participate in SSI (65 or over). The tables contain only the country/entry cohort models, and they report findings for two control groups—Mexican ancestry natives (Table 5) and all natives (Table 6).

For the group less than 50 years old, only the most recent entry cohort from Mexico (entered 1985-90) is significantly less likely to participate in welfare than native-born households of Mexican ancestry. Those who entered before 1970 are more likely to participate. The results are similar when all natives form the control group. Mexican-born households in this age class with persons 65 or over are less likely to use welfare than Mexican ancestry natives but more likely to use it than native whites. Relative to both control groups, Mexican-born households with persons 17 or under and with disabled persons are less likely to participate.

For the group 50 to 64 years of age, no statistically significant differences are evident for any entry cohort relative to Mexican ancestry natives. However, relative to all natives, more distant entry cohorts (especially those before 1970) are more likely to participate. Results for the 65 or over age class are similar for recent entry cohorts, except that the foreign-born group is marginally more likely to use welfare than each control group. For more distant entry cohorts, the Mexican-born group is no more likely to participate than all natives.

Where AFDC payments are relatively high, the youngest age group is more likely to participate in welfare, and where SSI payments are generous the oldest group is more likely to participate. This pattern is consistent with the eligibility

Table 5
1990 Welfare Participation by All Households by Age Group Mexican Ancestry Control: Marginal Effects Based on Probit Estimates

Variable	49 and under	50–64	65 and over
intercept	-0.136***	-0.399***	-0.676***
lhwageht	-0.040***	0.076***	0.119***
lswageht	-0.054***	0.016	0.186***
sspartht	-0.052***	-0.021***	0.070**
sothinc2	-0.000***	-0.000***	-0.000***
sextfam	-0.002*	-0.004	0.003
img8590	-0.019***	-0.019	0.035
img8084	-0.007	0.019	0.158**
img7579	-0.006	0.022	0.114**
img7074	0.003	0.010	0.100**
img6569	0.009**	0.021	0.079*
img6064	0.023***	0.019	0.088**
img5059	0.020***	0.014	0.033
imgle49	0.024**	0.020	-0.011
entage	-0.000***	-0.000	-0.001
hsex	0.054***	0.076***	0.107***
heduc	-0.001**	-0.007***	-0.018***
hwrklim	-0.037***	-0.039***	-0.115***
hwrkprev	0.022***	0.055***	0.068***
hunemply	0.103***	0.092***	0.138***
hwidowed	0.004	-0.025***	-0.036***
spouse	0.026**	-0.070*	-0.416***
seduc	0.002***	-0.003**	-0.009***
sunemply	0.043***	0.032***	0.049***
engonly	-0.004*	-0.019**	-0.010
shhle17	0.027***	0.044***	0.064***
shhge65	0.108***	0.088***	0.021
shhdisab	0.078***	0.098***	0.128***
mex65	-0.002***	0.012	0.013
mex17	-0.010***	-0.020***	-0.027***
mexdisab	-0.022***	-0.007	0.006
mexwid	-0.008	0.017	-0.028
afdcavg	0.000***	0.000*	-0.000***
ssiavg	-0.000***	-0.000	0.000***
inma	0.005**	-0.023***	-0.070***
N	105,342	24,789	14,423
log L	-26,542.232	-8,098.710	-7,443.915

Note: *** Indicates significance at the .01 level; ** Indicates significance at the .05 level; * Indicates significance at the .10 level.

Table 6
1990 Welfare Participation by All Households by Age Group, All Native Control: Marginal Effects Based on Probit Estimates

Variable	49 and under	50–64	65 and over
intercept	-0.085***	-0.108***	-0.254***
lhwageht	-0.024***	-0.016	0.027***
lswageht	-0.035***	0.032***	0.091***
sspartht	-0.016***	-0.014***	0.055***
sothinc2	-0.000***	-0.000***	-0.000***
sextfam	0.001**	0.004**	0.017***
img8590	0.004	0.002	0.003
img8084	0.002	0.022*	0.052*
img7579	0.003	0.021*	0.038*
img7074	0.008***	0.017*	0.033*
img6569	0.012***	0.021**	0.028
img6064	0.020***	0.024***	0.032*
img5059	0.019***	0.022***	0.014
imgle49	0.022***	0.022***	-0.004
entage	-0.000***	-0.001***	0.000
hsex	0.030***	0.010*	0.033***
heduc	-0.002***	-0.002***	-0.010***
hwrklim	-0.024***	-0.041***	-0.064***
hwrkprev	0.013***	0.034***	0.030***
hunemply	0.065***	0.045***	0.025***
hwidowed	0.006***	-0.008***	-0.036***
spouse	0.017***	-0.068***	-0.181***
seduc	0.002***	-0.003***	-0.005***
sunemply	0.024***	0.012***	0.009**
engonly	-0.001	-0.003	-0.017***
shhle17	0.017***	0.026***	0.047***
shhge65	0.038***	0.018***	0.003
shhdisab	0.047***	0.061***	0.069***
mex65	0.009***	0.029***	0.007
mex17	-0.008***	-0.014***	-0.035***
mexdisab	-0.017***	-0.008***	0.004
mexwid	-0.011**	0.002	0.012*
afdcavg	0.000***	0.000*	-0.000***
ssiavg	-0.000	0.000**	0.000***
inma	0.004***	0.001	-0.031***
N	281,349	97,719	104,426
log L	-51,161.317	-20,633.389	-31,145.791

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

requirements for participation in each program. As for the results presented above for all households, higher educational attainment by the household head reduces the probability of participation for households in all three age groups. Head and spouse unemployment status are positively related to participation in welfare programs, and this result also is consistent across age groups.

Female-headed Households

The incidence of AFDC usage is far higher among female-headed households than among male-headed households. This is clearly evident in Table 2, which indicates that the 1990 welfare participation rate for native female-headed households is 13.5%. That for native, single female-headed households is 14.3%, and for native male-headed households is 4.6%. Comparable figures for Mexican-born households are 24.2% (female-headed), 28.0% (single female-headed), and 8.7% (male-headed). For two control groups (Mexican ancestry natives and all natives), Table 7 reports the welfare participation results for female-headed households. Moreover, this table includes both the country model and the country/entry cohort model.

Mexican-born, female-headed households are more likely to participate in welfare than otherwise comparable Mexican ancestry natives, but the relationship is only marginally significant. When Mexican-born households are compared to all natives, no statistically significant differences are evident. The country/entry cohort model suggests that these results are due to offsetting tendencies for recent and more distant entry cohorts. Relative to each control group, more recent entry cohorts are less likely to use welfare but more distant cohorts are more likely to use it. These results provide further evidence that Mexican foreign-born households tend to use less AFDC but more SSI than their comparison groups. Again, these findings are reinforced by coefficients on the interaction terms that entail household members 65 or over (MEX65) and 17 or younger (MEX17). When more household members 65 and over are present, the Mexican-born households participate more than the native control group. The opposite is true when more household members 17 and under are present.

Specifically focusing on single, female-headed households narrows the population of welfare users to the broad group with the highest incidence of usage (Table 2). However, the empirical results for single, female-headed households presented in Table 8 are almost identical to those for all female-headed households, which suggests that the former group drives the results of the latter. The only substantive difference is in the country/entry cohort model with all natives as the control group. For all female-headed households, entry cohorts before 1960 participate significantly more than natives, but for single, female-headed

Table 7
1990 Welfare Participation by Female-headed Households Born in Mexico: Marginal Effects Based on Probit Estimates

Variable	Mexican Ancestry Control, Country Model	Mexican Ancestry Control, Country/Entry Cohort Model	All Native Control, Country Model	All Native Control, Country/Entry Cohort Model
intercept	-0.108***	-0.127***	-0.151***	-0.148***
lhwageht	-0.226***	-0.150***	0.025***	0.036***
lswageht	-0.029	-0.094**	0.026**	0.012
sspartht	-0.010	-0.002	-0.029***	-0.028***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.020***	-0.018***	0.001	0.003**
mexico	0.020*	–	0.007	–
img8590	–	-0.116***	–	-0.060***
img8084	–	-0.065***	–	-0.041***
img7579	–	-0.052***	–	-0.039***
img7074	–	-0.015	–	-0.016**
img6569	–	0.002	–	-0.009
img6064	–	0.027*	–	0.006
img5059	–	0.032**	–	0.020***
imgle49	–	0.001	–	0.021***
entage	-0.003***	-0.001**	-0.001***	0.000
heduc	0.005**	0.000	-0.012***	-0.013***
hage	0.001***	0.000	-0.001***	-0.001***
hwrklim	-0.062***	-0.054***	-0.048***	-0.046***
hwrkprev	-0.006	0.005	0.021***	0.020***
hunemply	0.278***	0.279***	0.152***	0.152***
hwidowed	-0.068***	-0.057***	-0.034***	-0.029***
spouse	-0.050	0.068	-0.072***	-0.042***
seduc	-0.002	-0.000	-0.003***	-0.002**
sage	-0.002***	-0.002***	-0.001***	-0.002***
sunemply	0.142***	0.139***	0.079***	0.078***
engonly	-0.012	-0.020***	-0.009***	-0.010***
shhle17	0.079***	0.076***	0.051***	0.050***
shhge65	0.125***	0.122***	0.034***	0.035***
shhdisab	0.143***	0.144***	0.102***	0.101***
mex65	0.016	0.009	0.035***	0.027***
mex17	-0.032***	-0.027***	-0.033***	-0.026***
mexdisab	-0.014*	-0.024***	-0.017***	-0.025***
mexwid	0.045***	0.018	0.044***	0.015***
afdcavg	0.000***	0.000***	0.000	0.000*
ssiavg	-0.000***	-0.000***	0.000***	0.000***
inma	0.014	-0.002	-0.025***	-0.027***
N	36,184	36,184	145,580	145,580
log L	-15,926.659	-15,903.916	-45,271.396	-45,187.061

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 8
1990 Welfare Participation by Single Female-headed Households Born in Mexico: Marginal Effects Based on Probit Estimates

Variable	Mexican Ancestry Control, Country Model	Mexican Ancestry Control, Country/Entry Cohort Model	All Native Control, Country Model	All Native Control, Country/Entry Cohort Model
intercept	-0.030	0.022	-0.184***	-0.174***
lhwageht	-0.403***	-0.381***	0.035***	0.039***
sspartht	-0.015	-0.011	-0.034***	-0.033***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.022***	-0.019***	0.003	0.005**
mexico	0.022	–	0.007	–
img8590	–	-0.192***	–	-0.083***
img8084	–	-0.127***	–	-0.067***
img7579	–	-0.086***	–	-0.056***
img7074	–	-0.040**	–	-0.031***
img6569	–	0.008	–	-0.018*
img6064	–	0.028	–	-0.001
img5059	–	0.038**	–	0.014
imgle49	–	-0.004	–	0.016*
entage	-0.004***	-0.001**	-0.001***	0.000
heduc	0.014***	0.012***	-0.014***	-0.014***
hage	0.003***	0.001**	-0.001***	-0.001***
hwrklim	-0.100***	-0.098***	-0.058***	-0.057***
hwrkprev	-0.024	-0.021	0.021***	0.021***
hunemply	0.329***	0.329***	0.176***	0.176***
hwidowed	-0.081***	-0.067***	-0.040***	-0.035***
engonly	-0.003	-0.010	-0.007**	-0.008***
shhle17	0.088***	0.085***	0.058***	0.057***
shhge65	0.154***	0.150***	0.037***	0.036***
shhdisab	0.164***	0.168***	0.115***	0.116***
mex65	-0.002	-0.004	0.026***	0.023**
mex17	-0.031***	-0.023***	-0.037***	-0.027***
mexdisab	-0.023**	-0.036***	-0.024***	-0.034***
mexwid	0.047***	0.012	0.045***	0.013*
afdcavg	0.000***	0.000***	0.000	0.000
ssiavg	-0.000	-0.000	0.000***	0.000***
inma	0.065***	0.059***	-0.027***	-0.029***
N	27,902	27,902	119,884	119,884
log L	-12,881.819	-12,850.738	-38,199.308	-38,118.723

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

households this is not the case. The probable reason for this difference is that cohorts that entered before 1960 are somewhat older, and older single-female headed households are not likely to have young dependent children present as required for AFDC eligibility.

Tables 9 and 10 provide age-specific welfare participation results for all female-headed households where the respective control groups are Mexican ancestry natives and all natives. Relative to both control groups, recent entry cohorts (since 1975) of Mexican-born females less than 30 years of age are less likely to participate in welfare (AFDC). Relative to all natives, those who entered during the 1960s are more likely to participate. Moreover, those aged 30 to 49 who entered between 1950 and 1969 are more likely to participate than either control group.

Other factors held constant, including entry cohort, age at entry makes a difference in welfare participation. Relative to each control group, Mexican-born females between the ages 30 and 64 are less likely to use welfare if they entered at an older age. However, relative to all natives, those aged 65 and over who entered at older ages are more likely to participate (almost certainly in SSI), suggesting that SSI is being used in place of Social Security by the elderly foreign born who do not qualify for the latter.

Previously, we observed that Mexican-born households are more likely to receive welfare if they contain persons 65 or over, but are less likely to receive it if they have persons 17 or younger or who are disabled. Tables 9 and 10 provide more details. If their households include persons 17 or younger, Mexican-born, female-headed households under the age of 50 are less likely to use welfare than otherwise comparable households of Mexican ancestry natives and of all natives. If their households include persons 65 or older, they are less likely to participate than otherwise comparable households of Mexican ancestry natives and no more likely to participate than the households of all natives. The higher welfare usage of the Mexican-born, female-headed households arises from the group aged 50-64, and this finding holds for each control group.

The availability of AFDC plays an important role in the welfare usage of Mexican-born females below 50 years of age. Moreover, state supplements to SSI exert a significant influence on the welfare usage of those 65 and over.

The age-specific results for single, female-headed households show few significant differences between the Mexican-born population and the native-born control groups in terms of entry cohort (Tables 11 and 12). The only noteworthy coefficients suggest that single, female-headed households from Mexico under the age of 30 are less likely to participate in welfare than their Mexican-ancestry native counterparts if they entered the United States between 1975 and 1990.

Table 9
1990 Welfare Participation by Female-headed Households Born in Mexico by Age Group, Mexican Ancestry Native Control: Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.153***	-0.243***	-0.317***	-0.623***
lhwageht	-0.146***	-0.020	0.003	0.059
lswageht	-0.189***	-0.079*	-0.131**	0.013
sspartht	-0.051	-0.069***	-0.024	0.027
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.017***	-0.020***	-0.015	-0.008
img8590	-0.197***	0.003	0.058	-0.289*
img8084	-0.108**	0.011	0.078	-0.139
img7579	-0.103***	0.023	0.075	-0.113
img7074	-0.035	0.037	0.096	-0.103
img6569	0.026	0.039*	0.079	-0.075
img6064	0.057	0.074***	0.063	-0.055
img5059	-0.082	0.044**	0.089**	-0.069
imgle49	-0.879	0.027	0.055	-0.130*
entage	0.003	-0.002***	-0.004**	0.001
heduc	0.001	-0.004	-0.007**	-0.021***
hwrklim	-0.066*	-0.019	-0.064**	-0.113***
hwrkprev	-0.023	0.006	0.111***	0.080*
hunemply	0.280***	0.269***	0.162***	0.240***
hwidowed	-0.012	-0.017	-0.071***	-0.095***
spouse	0.157*	-0.025	0.084	-0.122
seduc	0.002	0.000	0.007**	-0.008
sunemply	0.161***	0.125***	0.093***	-0.015
engonly	0.013	-0.046***	-0.066***	-0.038
shhle17	0.091***	0.065***	0.077***	0.069***
shhge65	0.202***	0.218***	0.096***	0.050
shhdisab	0.171***	0.139***	0.155***	0.152***
mex65	-0.136**	-0.084***	0.101***	0.055
mex17	-0.037***	-0.020***	-0.028***	-0.063***
mexdisab	-0.055**	-0.033**	-0.035**	0.021
mexwid	0.029	-0.005	0.061***	0.010
afdcavg	0.001***	0.000***	0.000	-0.001***
ssiavg	-0.000***	-0.000***	-0.000	0.000***
inma	-0.006	-0.023*	-0.015	-0.067***
N	8,362	15,887	6,423	5,512
log L	-3,386.361	-6,266.820	-2,759.176	-3,199.684

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 10
1990 Welfare Participation by Female-headed Households Born in Mexico by Age Group, All Native Control: Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.142***	-0.044**	-0.080**	-0.233***
lhwageht	-0.031**	-0.133***	-0.095***	-0.018
lswageht	-0.190***	-0.026*	-0.021	0.092***
sspartht	-0.012	-0.029***	-0.034***	0.125***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.005	-0.001	0.008**	0.018
img8590	-0.099***	-0.023	0.015	-0.058
img8084	-0.049*	-0.014	0.055	0.015
img7579	-0.045**	0.004	0.042	0.027
img7074	0.006	0.024*	0.059	-0.057
img6569	0.042**	0.027**	0.049	-0.038
img6064	0.041*	0.049***	0.037	-0.030
img5059	0.002	0.043***	0.057**	-0.029
imgle49	-0.505	0.016	0.047**	-0.057*
entage	0.002	-0.001**	-0.002***	0.002**
heduc	-0.009***	0.003*	-0.002	-0.011***
hwrklim	-0.031**	-0.055***	-0.069***	-0.085***
hwrkprev	0.015	0.004	0.076***	0.038***
hunemply	0.173***	0.152***	0.096***	0.050***
hwidowed	-0.089***	0.016***	-0.022***	-0.056***
spouse	0.195***	-0.037	-0.060	-0.219***
seduc	0.008***	-0.001	0.003	-0.003
sunemply	0.087***	0.082***	0.033***	0.001
engonly	0.001	-0.004	-0.007	-0.020***
shhle17	0.073***	0.041***	0.052***	0.056***
shhge65	0.055*	0.065***	0.036***	-0.003
shhdisab	0.095***	0.090***	0.103***	0.104***
mex65	-0.026	-0.004	0.068***	0.010
mex17	-0.041***	-0.018***	-0.029***	-0.061***
mexdisab	-0.037***	-0.028***	-0.030***	-0.005
mexwid	0.096**	-0.030***	0.015	0.016
afdcavg	0.000***	0.000***	0.000	-0.000***
ssiavg	-0.000**	-0.000	0.000	0.000***
inma	-0.009	0.024***	0.024***	-0.026***
N	22,268	50,319	26,126	46,867
log L	-7,025.651	-14,233.100	-7,695.962	-15,469.302

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 11
1990 Welfare Participation by Single Female-headed Households Born in Mexico by Age Group, Mexican Ancestry Native Control: Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.129*	-0.117	-0.179	-0.552***
lhwageht	-0.253***	-0.171**	-0.114	0.032
sspartht	-0.021	-0.079**	0.003	-0.038
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	-0.010	-0.018***	-0.021***	-0.012
img8590	-0.295***	-0.110*	-0.177	-0.416**
img8084	-0.197***	-0.087*	-0.117	-0.282
img7579	-0.155***	-0.052	-0.104	-0.237
img7074	-0.069	-0.027	-0.042	-0.159
img6569	0.020	0.022	-0.053	-0.117
img6064	0.072	0.060**	-0.053	-0.086
img5059	–	0.035	0.004	-0.098
imgle49	–	0.033	-0.007	-0.168**
entage	0.005	-0.001	-0.001	0.003
heduc	0.003	0.004	-0.002	-0.020***
hwrklim	-0.173***	-0.052*	-0.067**	-0.145***
hwrkprev	0.020	-0.005	0.073	0.094**
hunemply	0.368***	0.334***	0.171***	0.246***
hwidowed	-0.083	-0.018	-0.086***	-0.090***
engonly	0.024	-0.038***	-0.064***	-0.027
shhle17	0.110***	0.072***	0.085***	0.063***
shhge65	0.215***	0.250***	0.090***	0.063
shhdisab	0.268***	0.151***	0.157***	0.173***
mex65	-0.221**	-0.104***	0.109***	0.063
mex17	-0.037***	-0.014***	-0.026***	-0.057***
mexdisab	-0.102**	-0.045**	-0.052***	0.020
mexwid	0.010	-0.023	0.061**	0.003
afdcavg	0.000***	0.001***	0.000	-0.001***
ssiavg	-0.000	-0.000***	-0.000	0.000***
inma	0.019	0.012	0.014	-0.063***
N	5,301	11,844	5,531	5,226
log L	-2,243.164	-4,921.863	-2,397.253	-3,038.578

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 12
1990 Welfare Participation by Single Female-headed Households Born in Mexico by Age Group, All Native Control
Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.170***	-0.056*	-0.060	-0.244***
lhwageht	0.001	-0.165***	-0.126***	-0.023
sspartht	-0.096**	-0.044***	-0.037***	0.139***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	0.000	-0.000	0.003	0.017***
img8590	-0.051	-0.087***	-0.165**	-0.054
img8084	-0.038	-0.067**	-0.096	0.024
img7579	-0.031	-0.038	-0.098	0.042
img7074	0.024	-0.011	-0.048	-0.075
img6569	0.040	0.022	-0.048	-0.046
img6064	0.011	0.041**	-0.049	-0.037
img5059	–	0.041***	-0.005	-0.034
imgle49	–	0.033	-0.004	-0.066**
entage	-0.001	-0.000	0.001	0.002**
heduc	-0.015***	0.004*	0.000	-0.010***
hwrklim	-0.059***	-0.066***	-0.082***	-0.096***
hwrkprev	0.026	-0.009	0.079***	0.040***
hunemply	0.214***	0.195***	0.110***	0.052***
hwidowed	-0.111***	0.012*	-0.026***	-0.058***
engonly	0.006	-0.003	0.000	-0.021***
shhle17	0.083***	0.052***	0.057***	0.056***
shhge65	0.103***	0.082***	0.049***	-0.004
shhdisab	0.132***	0.107***	0.118***	0.112***
mex65	-0.106*	-0.012	0.061***	0.011
mex17	-0.041***	-0.020***	-0.025***	-0.060***
mexdisab	-0.052**	-0.040***	-0.049***	-0.006
mexwid	0.062	-0.040***	0.015	0.019*
afdcavg	0.000***	0.000***	0.000*	-0.000***
ssiavg	-0.000*	-0.000*	0.000	0.000***
inma	-0.019***	0.032***	0.032***	-0.023***
N	15,487	37,713	22,140	44,544
log L	-4,975.052	-11,118.921	-6,612.380	-14,724.546

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Male-Headed Households

Male-headed households are the final group analyzed. Both the country and country/entry cohort models are estimated using both Mexican ancestry native households and all native households as the control group. The country/entry cohort model is then estimated by age group against both control group. The results generally indicate that the more recent Mexican-born, male-headed entry cohorts are less likely to participate than either native control group (Table 13). The more distant entry cohorts are more likely to participate than the control of male-headed Mexican ancestry natives, but are not statistically different from the control of all native male-headed households. Male-headed Mexican-born households with members 17 years old and younger are less likely to participate than either native control group, whereas those with members 65 years old and older tend to be more likely to participate.

The age-specific results presented in Table 14 (Mexican ancestry native control) and Table 15 (all native control) indicate that male-headed, Mexican-born households in the older three age groups are somewhat more likely to participate in welfare programs than otherwise comparable natives from each control group. For example, all eight entry groups in the 30 to 49 year old group are significantly more likely to participate than Mexican ancestry native households. Seven of the eight in this age group are more likely to participate than households in the all native control. Several of the entry cohorts in the 65 and over age group are significantly more likely to participate than male-headed households in each control group. Mexican-born, male-headed households with members 17 and younger are significantly less likely to participate than otherwise comparable natives. This result is consistent across both control groups and all age groups.

Summary and Conclusions

This paper presents an econometric analysis of participation in means-tested programs by Mexican-born households in the United States. Household-level records are created from the 1990 Public Use Microdata Sample of the U.S. Census. Several control groups are explored, as are several subsamples of the data, in order to provide a more complete analysis of welfare participation differences between Mexican-born and native-born households. Two models are run for most of the subsamples. The country model simply uses a dummy variable to distinguish between Mexican-born and native households. The country/entry cohort model is more detailed, replacing the country dummy with a series of eight entry cohort dummies. Furthermore, the data are separated into age groups for some of the subsamples in order to examine differences in participation behavior between the young and the old. This allows us to examine those

Table 13
1990 Welfare Participation by Male-headed Households Bor in Mexico: Marginal Effects Based on Probit Estimates

Variable	Mexican Ancestry Control, Country Model	Mexican Ancestry Control, Country/Entry Cohort Model	All Native Control, Country Model	All Native Control, Country/Entry Cohort Model
intercept	-0.189***	-0.158***	-0.124***	-0.118***
lhwageht	-0.023***	-0.032***	0.002	0.002
lswageht	0.030***	0.046***	0.040***	0.044***
sspartht	-0.017***	-0.013***	-0.009***	-0.008***
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	0.005***	0.005***	0.004***	0.005***
mexico	-0.002	–	-0.005**	–
img8590	–	-0.025***	–	-0.015***
img8084	–	-0.017***	–	-0.013***
img7579	–	-0.018***	–	-0.017***
img7074	–	-0.011***	–	-0.014***
img6569	–	-0.004	–	-0.008***
img6064	–	0.011**	–	0.002
img5059	–	0.010**	–	0.003
imgle49	–	-0.006	–	0.002
entage	-0.000	0.000**	0.000**	0.000***
heduc	-0.001***	-0.001**	-0.003***	-0.003***
hage	0.001***	0.001***	0.000***	0.000***
hwrklim	-0.038***	-0.039***	-0.027***	-0.027***
hwrkprev	0.023***	0.023***	0.006***	0.006***
hunemply	0.069***	0.069***	0.045***	0.045***
hwidowed	0.017***	0.019***	-0.005***	-0.004**
spouse	-0.023*	-0.040***	-0.021***	-0.023***
seduc	-0.003***	-0.003***	-0.004***	-0.005***
sage	-0.001***	-0.001***	-0.001***	-0.001***
sunemply	0.033***	0.033***	0.018***	0.019***
engonly	-0.006**	-0.007***	-0.005***	-0.005***
shhle17	0.019***	0.018***	0.011***	0.011***
shhge65	0.044***	0.048***	0.010***	0.012***
shhdisab	0.067***	0.069***	0.045***	0.046***
mex65	0.013***	0.007	0.029***	0.022***
mex17	-0.008***	-0.008***	-0.006***	-0.005***
mexdisab	-0.006***	-0.010***	-0.002**	-0.005***
mexwid	0.009	0.002	0.028***	0.020***
afdcavg	0.000	0.000	-0.000	-0.000
ssiavg	0.000	0.000	0.000***	0.000***
inma	-0.008***	-0.009***	-0.012***	-0.012***
N	108,370	108,370	337,914	337,914
log L	-26,242.388	-26,194.498	-58,186.156	-58,084.246

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 14
1990 Welfare Participation by Male-headed Households Born in Mexico by Age Group, Mexican Ancestry Native Control: Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.027	-0.208***	-0.354***	-0.455***
lhwageht	-0.076***	0.030**	0.069**	0.038
lswageht	0.010	0.046***	0.097***	0.178***
sspartht	-0.058***	-0.050***	-0.015**	0.027
sothinc2	-0.000	-0.000***	-0.000***	-0.000***
sextfam	0.002	0.003***	-0.001	0.008
img8590	-0.036**	0.033***	-0.018	0.051
img8084	-0.026**	0.029***	0.021	0.117*
img7579	-0.013	0.013**	0.022	0.114**
img7074	-0.006	0.012**	-0.001	0.121***
img6569	-0.007	0.010**	0.014	0.099**
img6064	0.018	0.015***	0.013	0.100***
img5059	0.070*	0.009*	0.003	0.051*
imgle49	–	0.017*	0.018	0.015
entage	0.001	-0.001***	0.000	-0.000
heduc	0.000	-0.003***	-0.006***	-0.011***
hwrklim	-0.041***	-0.022***	-0.038***	-0.114***
hwrkprev	0.029**	0.036***	0.027***	0.060***
hunemply	0.047***	0.057***	0.074***	0.107***
hwidowed	0.075**	0.037**	-0.009	0.023
spouse	-0.035**	-0.082***	-0.160***	-0.355***
seduc	0.000	-0.003***	-0.006***	-0.009***
sunemply	0.038***	0.028***	0.025***	0.045***
engonly	-0.000	-0.011***	-0.010	0.001
shhle17	0.022****	0.013***	0.034***	0.060***
shhge65	0.054***	0.095***	0.088***	0.030**
shhdisab	0.079***	0.063***	0.086***	0.118***
mex65	0.013	-0.029***	-0.016	-0.004
mex17	-0.008***	-0.004***	-0.017***	-0.020**
mexdisab	-0.042***	-0.014***	0.000	0.002
mexwid	-0.086	-0.009	0.055**	-0.013
afdcavg	0.000***	0.000	0.000	-0.000**
ssiavg	-0.000**	-0.000	-0.000	0.000***
inma	0.005	-0.020***	-0.035***	-0.056***
N	24,752	56,341	18,366	8,911
log L	-5,023.768	-11,229.854	-5,266.798	-4,193.281

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

Table 15
1990 Welfare Participation by Male-headed Households Bor in Mexico by Age Group, All Native Control: Marginal Effects Based on Probit Estimates

Variable	29 and under	30-49	50-64	65 and over
intercept	-0.054***	-0.080***	-0.093***	-0.225***
lhwageht	-0.036***	-0.004	-0.010	0.029**
lswageht	-0.011*	-0.001	0.091***	0.060***
sspartht	-0.034***	-0.011***	-0.010***	0.022
sothinc2	-0.000***	-0.000***	-0.000***	-0.000***
sextfam	0.002**	0.003***	0.001	0.014***
img8590	-0.012	0.009*	0.009	0.005
img8084	-0.007	0.008**	0.024*	0.035
img7579	0.000	0.003	0.021**	0.038*
img7074	0.004	0.005*	0.010	0.045**
img6569	0.004	0.007**	0.015*	0.032*
img6064	0.020***	0.011***	0.018**	0.037**
img5059	0.056**	0.009***	0.013**	0.017
imgle49	–	0.015***	0.019***	0.004
entage	0.000	-0.000***	-0.000**	0.000
heduc	-0.001**	-0.001***	-0.002**	-0.006***
hwrklim	-0.020***	-0.016***	-0.043***	-0.063***
hwrkprev	0.021***	0.015***	0.021***	0.024***
hunemply	0.037***	0.037***	0.033***	0.017***
hwidowed	0.020	0.024***	0.002	-0.016***
spouse	0.003	-0.005	-0.117***	-0.100***
seduc	0.001	-0.001***	-0.008***	-0.005***
sunemply	0.024***	0.015***	0.010***	0.006*
engonly	0.000	-0.002*	-0.001	-0.012***
shhle17	0.017***	0.007***	0.018***	0.039***
shhge65	0.029***	0.029***	0.013***	0.004
shhdisab	0.049***	0.036***	0.056***	0.055***
mex65	0.015	0.005	0.018***	0.007
mex17	-0.009***	-0.002***	-0.009***	-0.023***
mexdisab	-0.027***	-0.010***	-0.003	0.010***
mexwid	-0.030	-0.009	0.022**	0.020*
afdcavg	0.000***	0.000	0.000	-0.000***
ssiavg	-0.000***	0.000	0.000*	0.000***
inma	0.002	-0.003**	-0.014***	-0.025***
N	51,549	15,7213	71,593	57,559
log L	-7,917.711	-20,887.892	-12,670.314	-15,281.022

Note: *** indicates significance at the .01 level; ** indicates significance at the .05 level; and * indicates significance at the .10 level.

households more prone to AFDC usage separately from those households more prone to SSI usage.

The empirical results of this study indicate that Mexican-born households are no more likely to use welfare than either otherwise comparable native-born households of Mexican ancestry or otherwise comparable native-born households in general. However, they are more likely to participate than native whites, but less likely than native blacks. Moreover, recent cohorts from Mexico are less likely to use welfare than any control group, whereas more distant cohorts are more likely users.

Essentially the same basic results hold when households are partitioned into those headed by females and those headed by males. The highest incidence of welfare usage is among single female-headed households, but Mexican-born females in this group are significantly less likely to participate in welfare (AFDC) if they entered the United States in recent cohorts. This finding holds relative to different control groups, and it holds as well for young female household heads (less than 30 years old) born in Mexico.

The same general finding holds for male-headed households from Mexico, as well as for young male-headed households from Mexico. Recent entry cohorts participate less in welfare (AFDC) than otherwise comparable households both of Mexican ancestry and of all natives. However, Mexican-born male-headed households 65 years old and over who entered the U.S. in more distant cohorts show some tendency to use welfare (SSI) significantly more than otherwise comparable native-born households of Mexican ancestry. Although a similar relationship holds relative to all native households 65 and over, it is less strong.

Borjas and Trejo (1993) conclude that immigrants assimilate into welfare. Findings of the present study do not directly address the assimilation issue because we do not employ two Censuses to form synthetic cohorts that are followed through time. However, the present results suggest some caution in drawing conclusions regarding the assimilation of Mexican immigrants into welfare. When they are young, recent entrants in the U.S., the Mexican-born population is less likely to use welfare, which is almost certainly AFDC. When they grow older, or enter at older ages, they are more likely to use SSI.

In studies of this type, in which the foreign born are analyzed relative to a control group of native-born households, investigators may impute behavior to the foreign born when the native-born control is in some sense more responsible for a finding. The apparently higher use of SSI by the Mexican-born population is almost certainly due to their not qualifying for Social Security during their retirement years. The control group of natives has Social Security income available to it, which in turn lessens its reliance on SSI. Indeed, it is not clear whether the results of the present study are due to the lesser use of SSI by older natives or the higher use of SSI by older persons born in Mexico.

Notes

1. Although several other public programs could be analyzed, such as public schooling, and while one could also include Food Stamps and Unemployment Insurance in the welfare program group and Medicaid in the social insurance group, the analysis here is limited to the welfare programs AFDC and SSI and the social insurance program Social Security. This restriction is a direct result of the data set used, the 1990 Public Use Microdata Sample of the U.S. Census. See the section titled "Data" for more details.

2. Assimilation effects are only analyzed in Borjas and Trejo (1991).

3. Blau (1984) also analyzes the level of benefits received given participation. For male-headed Hispanic households, she finds that the level of welfare benefits received is significantly higher, and the level of social insurance benefits received is not significantly different, than that of male-headed non-Hispanic households. For female-headed Hispanic households, the level of welfare benefits received is significantly higher, and the level of social insurance benefits received is significantly lower, than for female-headed non-Hispanic households.

4. The adjusted rates are predicted from OLS welfare participation regressions in which age, education, marital status, year of immigration, and English language proficiency of the head, as well as the number of disabled household members, the age composition of the household, and household size are included as independent variables.

5. Tienda and Jensen (1986) and Jensen (1988) also examine welfare participation for Asian, black, and white immigrant and native households. These results are not discussed here.

6. To test the validity of our choice not to use the sample weights, some regressions have been run both with and without the sample weights. The results from the weighted and unweighted regressions are essentially the same.

7. The EDUC variable actually appears as HEDUC, for head's education, and SEDUC, for spouse's education, in the empirical work.

8. As with the educational attainment variable, in the empirical work below, EXPER appears as HEXPER, for head's experience, and SEXPER, for spouse's experience.

9. Since no explicit measure of private transfer income is available in the 1990 PUMS, we consider the 1990 Survey of Income and Program Participation (SIPP) in an effort to impute private transfer income into the 1990 PUMS. The SIPP is the only data set available that identifies private transfer income and provides detailed variables on foreign-born status. The core records from the 1990 SIPP are combined with the migration history variables from the 1990 Wave 2 Topical Module. Records are excluded and variables are created to as closely as possible match the format of the 1990 PUMS data set created earlier. The primary variable of interest in the 1990 SIPP is "money received from family or friends." This source of income can be identified by households as one of ten income sources from a list of 36 possible sources. If so identified, the dollar amount received in each month of the panel is also reported. These monthly amounts are converted to annual amounts to match the private transfer income definition that is needed in the 1990 PUMS. Descriptive statistics indicate that 404 of the 8663 households analyzed, or 4.7%, report receiving private transfers. Mean private transfer income among these 404 households is $2,177.77 with a standard deviation of $4,034.65 and a range from $3.75 to $30,375.00. By way of comparison, mean household earned income for this same group is $26,538.57.

Following Cox and Jakubson (1995), Cox and Rank (1992), and Cox (1987), a model is developed to explain private transfer receipt and the level of private transfers received.

The following independent variables are included in the model: age of the household head, age squared, education level of the household head, age interacted with education, sex of the household head, a dummy variable indicating the presence of a married spouse, household earned income, dummy variables for the race of the household head (Black, Asian, and Hispanic), a foreign-born dummy variable, and a dummy variable indicating the presence of foreign-born household members other than the head.

The model is estimated by each of two methods. First, a tobit model is fit to explain the amount of private transfers received by all households. The tobit model is appropriate here because it accounts for left censoring of private transfer income at zero dollars. Second, a two-stage model is estimated in which the first stage consists of a probit explaining receipt or non-receipt of private transfers. From this probit, the Mill's ratio is computed. The second stage then involves fitting a least squares equation to the level of private transfers received, with the sample restricted to only those households with positive private transfer income. The Mill's ratio is included as an independent variable in this regression to correct for sample selection bias.

Although both models produce generally significant coefficients of the expected signs, imputing private transfers into the 1990 PUMS based on these estimated coefficients produced negative values for all households. Given this result, private transfer income is not added to the 1990 PUMS data set, nor is it included in the empirical model reported below. However, the estimated coefficients on the foreign-born dummy variables are large, positive, and highly statistically significant. In fact, the foreign-born coefficient from the tobit model indicates that foreign born households receive nearly $1,800 more per year in private transfers than do otherwise similar native-born households. Notwithstanding these findings, private transfer income may be captured in the 1990 PUMS as part of the "all other income" measure included in non-labor income. However, even if this is the case, the effects of private transfer income on welfare participation cannot be separately examined.

10. Killingsworth (1983) discussed wage equations in the labor supply context. Friedberg (1993) analyzes wage and earnings equations including foreign-born characteristics.

11. Killingsworth (1983), Heckman (1979), and Maddala (1983), among others, provide very detailed discussions of this procedure.

12. The all native control represents a 10% random sample of all native-born households in the 1990 PUMS.

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Appendix 1
Variable Definitions

Variable Name	Variable Definition
Household Characteristics	
PASTPART	Public assistance participation dummy (equal to 1 if household participates)
SSPART	Social security participation dummy (equal to 1 if household participates)
SOTHINC2	Sum of household's dividend, interest, and net rental income, retirement income, and all other income
SEXTFAM	Number of extended family members living in the household
SPOUSE	Equal to 1 if a married spouse or unmarried partner is present
ENGONLY	Equal to 1 if English is the only language spoken in the household
SHHLE17	Number of household members less than or equal to 17 years old
SHHGE65	Number of household members greater than or equal to 65 years old
SHHDISAB	Number of household members who are disabled
INMA	Equal to 1 if household is located in a metropolitan area
Head Characteristics	
LHWAGE	Head's log-wage
HSEX	Sex of household head (equal to zero if male, 1 if female)
HAGE	Age of household head
HEDUC	Head's years of completed education
HUNEMPLY	Equal to 1 if head is unemployed or not in the labor force
HWRKLIM	Equal to 1 if head has work limiting disability
HWIDOWED	Equal to 1 if head is a widow or widower
Spouse Characteristics	
LSWAGE	Spouse's log-wage
SAGE	Age of spouse
SEDUC	Spouse's years of completed education
SUNEMPLY	Equal to 1 if spouse is unemployed or not in the labor force
SWRKLIM	Equal to 1 if spouse has work limiting disability
SWRKPREV	Equal to 1 if spouse has work preventing disability

Appendix 1 (Continued)

Variable Name	Variable Definition
Foreign Born Characteristics	
MEXICO	Equal to 1 if household is of Mexican birth
MEX65	MEXICO interacted with SHHGE65
MEX17	MEXICO interacted with SHHLE17
MEXDISAB	MEXICO interacted with SHHDISAB
MEXWID	MEXICO interacted with HWIDOWED
MEXENG	MEXICO interacted with ENGONLY
MEXAFDC	MEXICO interacted with AFDCAVG
MEXSSI	MEXICO interacted with SSIAVG
ENTAGE	"Household's" age at entry into the U.S.
IMG8590	Equal to 1 if household immigrated between 1985 and 1990
IMG8084	Equal to 1 if household immigrated between 1980 and 1984
IMG7579	Equal to 1 if household immigrated between 1975 and 1979
IMG7074	Equal to 1 if household immigrated between 1970 and 1974
IMG6569	Equal to 1 if household immigrated between 1965 and 1969
IMG6064	Equal to 1 if household immigrated between 1960 and 1964
IMG5059	Equal to 1 if household immigrated between 1950 and 1959
IMGLE49	Equal to 1 if household immigrated before 1949
Area Characteristics	
AFDCAVG	State's average monthly AFDC payment
SSIAVG	State's average SSI payment

Appendix 2
Descriptive Statistics

Variable	All	All Natives	Mexican Ancestry Natives	Mexican-Born
n	483,494	405,923	66,983	77,571
hsex	0.30	0.32	0.31	0.20
hage	48.00	49.34	42.74	40.97
	(17.45)	(17.57)	(15.19)	(14.97)
hwrklim	0.15	0.16	0.13	0.09
hwrkprev	0.10	0.11	0.08	0.06
lhwage	1.74	1.75	1.76	1.66
	(1.24)	(1.27)	(1.13)	(1.03)
heduc	11.79	12.51	10.98	8.03
	(3.80)	(3.13)	(3.75)	(4.65)
hunemply	0.33	0.34	0.28	0.25
spouse	0.62	0.60	0.61	0.75
sage	27.29	27.13	24.24	28.15
	(24.36)	(25.16)	(22.08)	(19.64)
lswage	0.79	0.81	0.80	0.73
	(1.10)	(1.12)	(1.08)	(0.99)
seduc	7.36	7.57	6.85	6.25
	(6.32)	(6.49)	(6.03)	(5.20)
sunemply	0.28	0.26	0.26	0.43
mexico	0.16	–	–	1.00
img8590	0.02	–	–	0.12
img8084	0.03	–	–	0.17
img7579	0.03	–	–	0.19
img7074	0.03	–	–	0.17
img6569	0.02	–	–	0.10
img6064	0.01	–	–	0.07
img5059	0.02	–	–	0.09
imgle49	0.01	–	–	0.08
entage	3.68	–	–	22.62
	(9.44)			(10.98)
sothinc2	3,928.40	4,470.49	1,633.42	1,091.64
	(9971.79)	(10634.07)	(5171.11)	(4294.14)
sextfam	0.12	0.06	0.14	0.40
	(0.46)	(0.29)	(0.46)	(0.89)
shhdisab	0.25	0.26	0.23	0.19
	(0.53)	(0.53)	(0.52)	(0.49)

Appendix 2 (Continued)

Variable	All	All Natives	Mexican Ancestry Natives	Mexican-Born
shhle17	0.81	0.64	1.13	1.70
	(1.21)	(1.04)	(1.32)	(1.59)
shhge65	0.10	0.11	0.06	0.07
	(0.32)	(0.32)	(0.26)	(0.27)
sspart	0.26	0.29	0.17	0.13
pastpart	0.08	0.07	0.14	0.12
engonly	0.78	0.92	0.26	0.03
inma	0.66	0.63	0.78	0.86
afdcavg	365.67	352.50	359.93	434.58
	(156.66)	(142.62)	(199.68)	(202.19)
ssiavg	3,060.62	2,951.54	3,236.93	3,631.40
	(785.46)	(666.87)	(1026.95)	(1063.11)

Note: For dichotomous variables, the figures presented are sample proportions. For continuous variables, the figures presented are sample means. Standard deviation appears in parentheses.

IMPACTS OF MIGRATION

Labor Market Implications of Scale, Innovation, and Entrepreneurship

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This paper addresses what is known about the impacts of immigrants on the U.S. economy, with special focus on Mexican immigrants. To stimulate critical thinking about whether Mexican migration warrants special policy consideration, it is necessary to first identify what is unique or distinctive about U.S.-bound Mexican migration. This a fair question because historically U.S. immigration policy has considered national origins in setting admission guidelines. Sometimes administrative policies for immigrants from different countries have been used to reinforce controversial international policies, as in the case of immigrants and asylum seekers from Central America during the 1980s, when refugees from El Salvador and Guatemala were systematically turned away, while refugees from Nicaragua were welcomed (see Teitelbaum and Weiner, 1995). The different treatment of unauthorized migrants from Haiti and Cuba during the 1990s offer another stark example of the intersection of foreign policy and immigration policy.

Our discussion of U.S. immigration begins by recognizing that migrant characteristics differ according to source regions and countries, and that these characteristics directly influence migrants' integration prospects and labor market

impacts in the host society. Most studies about migration make the simplifying assumption that the U.S. is a single, or perhaps divided (high wage and low wage) labor market. Frequently ignored are the reception factors, especially community-level circumstances, that facilitate the integration of new arrivals and organize links between immigrant enterprises and the mainstream economy. Most Mexican immigrants come not to an alien anglo environment, but rather to Mexican American communities within the United States where Spanish is spoken and where the customs and consumer tastes of the neighbors are well understood. This is relevant for understanding the labor market impacts of Mexican along with several additional factors that distinguish Mexican migrants from those who come to the U.S. from other source countries.

Size of the flow. Among the 18 million foreign born people living in the U.S. in 1990, more than 4 million, or 24% came from Mexico (see Table 1). Mexico contributes a larger share to the foreign born population of the U.S. than any other country, and roughly as much as the entire continents of Asia and Europe.

Duration of the flow. In the decade 1911-1920, 219,000 Mexicans legally immigrated to the U.S (Bean and Tienda, 1987). In the 1920s, this flow more than doubled. The 1930s and 1940s were slow times for all kinds of international migration except for war refugees. Migration from Mexico picked up again in the 1950s (299,000), and the flow has steadily increased to more than a million legal Mexican immigrants in the 1980s. The Mexican share of legal migration is lower than the Mexican proportion of foreign-born in the U.S. because the foreign born population also includes undocumented (i.e., illegal) immigrants.

Residential Concentration and "Sister" Communities. For historical reasons, the Mexican origin population is residentially concentrated in the five Southwestern states and Illinois. Within these locations, Mexican immigrants tend to reside in the largest metropolitan areas. Moreover, there are sizable established Mexican American communities in cities such as Los Angeles, Chicago, San Antonio and Houston. In 1990 there are just under 9 million U.S. natives of Mexican descent (see Table 1).

Motives for Migration. The Mexican immigrant flow includes negligible numbers of refugees or political asylum seekers. Virtually all Mexican immigrants seek better economic opportunities in the United States. However, social and familial ties to established Mexican American communities in the U.S. also draw immigrants across the U.S.-Mexico border.

Undocumented Immigration: Mexicans represent the bulk of undocumented migrant flows. Data on undocumented migrants is necessarily sketchy. However, studies of legalization authorized by the Immigration Reform and Control Act (IRCA) of 1986 indicate that 70% of those who were legalized under the amnesty program were of Mexican origin (see Tienda, et al., 1991; Singer, 1994).

Table 1
The Distribution of Foreign- and Native-born Persons,
by Ethnicity from the 1990 Census

A) U.S.--born Population

	California	Florida	Illinois	New York	Texas	Other S.W. AZ+CO+NM	Other US	US Total
Mexican	3,474,080	97,400	280,540	35,540	3,103,620	1,001,400	986,400	8,978,980
Puerto Rican	124,580	230,520	113,120	837,940	42,620	16,240	897,280	2,262,300
Cuban	25,700	147,920	5,900	23,100	7,480	3,080	63,720	276,900
Other Hisp	491,620	136,060	38,980	256,000	195,080	439,900	572,080	2,129,720
Non-Hisp Whites	15,728,680	9,401,480	9,019,020	12,845,480	10,932,720	5,982,780	124,548,880	188,459,040
Non-Hisp Blscks	1,754,560	1,488,600	1,246,180	1,501,800	1,825,560	211,180	16,696,940	24,724,820
Non-Hisp Asian	871,940	39,120	73,580	138,380	72,740	45,280	1,071,460	2,312,500
Non-Hisp Other	329,080	50,660	27,740	68,660	81,840	389,920	1,520,180	2,468,080
Total Persons	22,800,240	11,591,760	10,805,060	15,706,900	16,261,660	8,089,780	146,356,940	231,612,340

Table 1 (Continued)

B) Foreign-born Population

	California	Florida	Illinois	New York	Texas	Other S.W.: AZ+NM+CO	Other US	US Total
Mexican	2,535,300	61,120	234,980	42,140	924,480	234,760	310,640	4,343,420
Puerto Rican	3,480	3,260	1,200	10,780	820	340	6,960	26,840
Cuban	47,460	490,820	9,660	40,020	9,920	1,980	103,860	703,720
Other Hisp	718,440	311,040	45,580	508,120	116,620	24,100	571,840	2,295,740
Non-Hisp Whites	1,143,320	443,060	337,700	974,100	178,240	147,160	2,645,700	5,869,280
Non-Hisp Blacks	59,740	176,660	15,580	356,620	28,140	5,220	288,040	930,000
Non-Hisp Asian	1,772,800	100,120	166,880	453,440	202,560	65,140	1,381,160	4,142,100
Non-Hisp Other	39,440	3,660	1,760	13,380	5,260	2,640	49,280	115,420
Total Persons	6,319,980	1,589,740	813,340	2,398,600	1,466,040	481,340	5,357,480	18,426,520

Source: 1990 U.S. Census Public Use Micro Samples.
Tabulations performed by Emilio Parrado.

Educational Attainment. The Mexican immigrant population comes to the U.S. with low levels of formal education. Male Mexican immigrants average nine years of education (see Table 2), which is substantially less than most other native and immigrant groups, who average a high school education. Because Mexico has been the single largest source of migrants to the U.S. for 30 years, and because migrants from Mexico have low levels of formal education, there has been much concern in recent years about declining skills of recent immigrants, and Mexican streams in particular.

Low Wage Workers. As a corollary to the low educational attainment of Mexican immigrants, Table 2 shows that male Mexican immigrant workers (excluding farm workers) averaged an hourly wage rate of only $8 in 1993, which is considerably lower than most other native and immigrant groups. The annual average wage and salary income of male Mexican immigrant workers hovered around $15,000 in 1993, almost 50% below that earned by non Hispanic white immigrants and 24% below that earned by U.S.-born Mexicans.

Labor Force Participation. Adult male immigrants from Mexico participate in the labor force at a rate of about 80% (see Table 2), which is higher than the average rate of both native and immigrant men of comparable ages. One reason for Mexican immigrants' higher labor force participation than other immigrants is age structure. Mexican immigrants are relatively young: only 1.4% of all Mexican immigrant male adults are retired, as compared with 7.8% for all immigrant male adults, and 12.9% for all native born adult males. Mexican immigrants may also work more in their older years or perhaps may not live long enough to enjoy a lengthy retirement (or may retire back to Mexico); the sample size of the Current Population Survey (on which Table 2 is based) is not large enough to allow for deeper study of this question.

All of these features of U.S.-bound Mexican migration—its volume; history; socioeconomic and demographic composition—would appear both to justify and warrant bilateral policy considerations. This is all the more so because the 2,000 mile shared border facilitates unregulated entry and poses special challenges for both the Mexican and U.S. governments. Because Mexican immigration does not include many refugees (whose entry into the U.S. satisfies humanitarian or global political criteria), it is reasonable, as a first step, to address the policy issues of Mexican immigration as a simple cost and benefit problem for the U.S. economy: if Mexican migrants are beneficial for the U.S. economy, then less restrictive immigration policies would be appropriate. If Mexican immigration is harmful to the U.S. economy, then restrictive policies are justified.

Before turning to a discussion of the different ways that international migration, and Mexican immigration in particular, may effect the U.S. economy, we offer two comments. Our reading of the recent literature about the economic impacts of

Table 2
Wages and Work Force Participation for Males

A) U.S.-born Male Workers

Ethnic group	LFPR	Number of workers in (000)	Workers' mean years education	Mean 1993 wages	Mean number of weeks worked 1993	Hours worked per week	Mean constructed hourly wage
Mexican	73.51%	1,195	12.10	$19,429	44.40	38.90	$10.51
Other Hispanic	67.93%	775	12.50	$20,497	46.00	40.10	$10.59
Non Hispanic Black	63.54%	4,176	12.50	$19,976	44.20	38.50	$10.83
Non Hispanic White	76.92%	48,445	13.50	$27,287	46.00	41.60	$14.68
Non Hispanic Other	73.83%	1,178	13.00	$17,668	37.50	38.70	$15.71
TOTAL	75.65%	55,769	13.37	$26,274	45.65	41.23	$14.27

Table 2 (Continued)

B) Foreign-born Male Workers

Ethnic group	LFPR	Number of workers in (000)	Workers' mean years education	Mean 1993 wages	Mean number of weeks worked 1993	Hours worked per week	Mean constructed hourly wage
Mexican	79.87%	1,427	9.40	$14,855	46.00	38.90	$8.10
Other Hispanic	74.51%	870	12.10	$20,045	44.70	40.80	$10.73
Non Hispanic Black	67.24%	315	14.00	$19,664	44.10	41.90	$10.29
Non Hispanic White	71.72%	1,825	14.00	$28,823	44.70	40.60	$15.51
Non Hispanic Other	80.79%	1,582	14.70	$27,847	46.50	39.70	$15.94
TOTAL	76.20%	6,019	12.82	$23,507	45.45	40.06	$12.90

Source: March, 1994 Current Population Survey.
Labor Force Participation Rates include all adult males. All other columns apply only to nonagricultural adult male workers.

immigration, and our own research (including a survey of households and businesses in the mostly Mexican Chicago neighborhood called Little Village) leads us to believe that immigrants in general, and Mexican immigrants in particular are probably beneficial to the U.S. economy. We will endeavor to justify this assertion in the remainder of this paper.

The second comment relates to the efficacy of restrictive policies toward Mexican immigration. Rather than discuss specific policies in this paper, we simply note that the duration of U.S.-bound Mexican migration and the resultant size and vibrancy of the established Mexican American communities in the U.S. makes control very difficult because migrants can tap into social and familial contacts in the established Mexican American communities (which lowers the cost of migration). Massey, Donato and Liang (1990) have expressed informed skepticism about the deterrent effects of IRCA. Massey's work on immigration has emphasized the strength of social and familial ties as factors that draw Mexican immigrants to the U.S., and the impotence of governmental policies that attempt to restrict immigration after sister communities are established in the United States. Zolberg (1995) has called attention to the perverse effects and unintended consequences of U.S. immigration policies. We raise this point simply as a cautionary note for policy discussions; the complexity of the real world is humbling for those of us who work on policy issues, particularly when framed in narrowly economic terms.

The Economic Impacts of Immigration

Academic studies about the economic impacts of immigration are concerned with various different types of impacts. Accordingly, we adopt Greenwood's (1994) language in which he refers to separate and distinct channels of influence through which immigration impacts the economy of the host society. In this paper we discuss a few these channels of influence, paying special attention to labor market impacts. We will treat only briefly the most commonly studied channel of influence, that is, the direct effect of immigrants on the wages of natives. One common view of immigration sometimes found in the mass media is that immigrants take jobs away from native workers, or exert a downward force on wages by accepting lower wages than comparably skilled native workers. Immigrants, however, also create jobs by their own demand for goods and services, and immigrant workers can be complements as well as substitutes for native workers. The net effects of immigrants on the wages of natives is therefore difficult to measure, although many have tried.

The second most frequently studied channel of influence focuses on the direct fiscal impact of immigrants, and we will again be brief with this topic. Fiscal impacts concern the current account balance between what immigrants pay in taxes and

fees with what they consume in tax-supported amenities and services. Mexican immigrants earn low wages, and therefore pay lower than average income tax. Mexicans also have larger than average family size, so they may consume more in public education services than they pay in local taxes. The issue is complicated, as we note below, by the fact that Mexican (and other) immigrants pay their share of Social Security taxes, a regressive tax, and many immigrants are ineligible for Social Security benefits. We will take up the issue of fiscal channel of influence with a brief literature review below.

Instead of focusing on the labor market channel of influence, or the fiscal channel of influence, both of which have been extensively analyzed, albeit inconclusively, we focus instead on the channels of influence that derive from economies of scale, and the special contributions that immigrants may make through their inventiveness, motivation, and self-selection for willingness to work hard in order to improve their lot in life. The former consideration is important for Mexican immigration because of the sheer volume of the flow, while the later is relevant because the low educational attainment of Mexicans relative to other immigrants and U.S. natives leads to the partly inaccurate inference that Mexican immigrants are unlikely to be entrepreneurial. To make our case on these two points, we draw on a recent survey of entrepreneurship in the Mexican neighborhood of Little Village, Chicago.

The Labor Market "Channel of Influence": A Brief Comment

Borjas and Tienda (1987) summarize many of the empirical studies of wage and labor market impacts of immigration, with the general finding that immigrants' impact on the wages of natives are barely significant, while impacts on the wages of earlier cohorts of immigrants are discernible, albeit small. Greenwood and McDowell (1993) also provide an extensive survey of this literature, therefore we provide only a few comments. The first point is that, as Borjas (1994) notes, there are some methodological and empirical shortcomings of this line of work. Most of the labor market studies use the number of immigrants in a city as a measure of the immigrants' influence in a particular labor market. One problem is that natives may migrate internally in response to immigration (for instance, to avoid immigrants) so that the correlation of immigrant presence with low native wages may simply represent the effect of selective internal migration by natives.

A second problem has been highlighted by Card's (1990) empirical study of the massive and sudden wave of Cuban migration to Miami in 1980, known as the Mariel boat lift. Card has shown that this sudden wave of mostly low skilled migrants, which in the course of 6 months increased Miami's work force by 7% (60,000 people), had no perceptible impact on Miami's labor market for either

natives or for previous Cuban migrants. This surprising result implies that the economic impacts of migrants are not so easily isolated to their city of entry or residence as has been previously assumed. Considering that the Mariel boat lift corresponded to a wave of migration that was a full order of magnitude larger (relative to the work force of Miami) than most of the empirical studies are able to contemplate, and that no impacts were found, Card's study raises fundamental questions about the efficacy of the econometric literature on labor market impacts of migration.

The Fiscal Channel of Influence

Empirical studies about fiscal channels of influence has been weighted down by studies that examine only part of the fiscal picture (i.e., welfare) and studies that examine only local impacts. Simon (1984, 1989, and 1996) has presented a series of analyses based on the most comprehensive data source available, the 1976 Study of Income and Expenditures. He showed that immigrants are net fiscal contributors to the U.S. economy mainly because they contribute to, but do not receive benefits from the Social Security program. This is because immigrants have a high worker to dependent ratio, and because immigrants of retirement age are generally not eligible for benefits. Social Security is a federal program, and Simon points out, as do Greenwood and McDowell (1993), that much of the fiscal burden of immigration is felt by states and localities.

The peculiarities of the distribution of the fiscal effects of immigration implies that local and state governments probably are burdened by immigration, but that this burden is more than balanced by immigrants' support of Social Security. The fiscal burden felt by states and localities in regard to immigration is, therefore, not a real "cost" of immigration, but rather a problem in the fiscal balance between the federal government and the states, and more specifically between the states with few immigrants (whose retirees are partly subsidized by immigrants) and the immigrant receiving states. Precisely because they ignore federal programs like Social Security, studies that focus on local fiscal impacts, such as Mines and Martin (1986), Muller and Espenshade (1985) and McCarthy and Valdez (1986), have left the possibly mistaken impression that immigrants are a fiscal drain on the U.S. economy.

Rothman and Espenshade (1992) were rather critical of Simon's analysis for two reasons. One reason is that Simon aggregated immigrants of all national origins, and the second is that he applied national average figures for taxation and per pupil school expenditure to populations that are not evenly distributed across the country. Neither criticism invalidates Simon's inference that Social Security payments by immigrants make them net fiscal assets to the U.S. economy (although the lack of

national disaggregation does pose some problems for applying Simon's findings to the case of Mexican immigrants only).

In the particular case of Mexican immigrants, the issue of fiscal impacts is complicated by the fact that there are legal and illegal immigrants, who use services and transfers at very different rates, and whose contributions to Social Security and to federal taxes differ depending on whether they are formally or informally employed, and depending on their legal status in the United States.

Heer (1990) and Weintraub and Cardenas (1984) claimed that undocumented Mexicans use fewer services or transfers (because they are either not eligible for them, or are wary of any contact with officials). This implies that undocumented workers are essentially a fiscal windfall for employers and also for state and national coffers (because they do pay taxes). Weintraub and Cardenas (1984) estimated that the state of Texas received a fiscal benefit of at least $120 million per year from undocumented aliens (mostly Mexicans), although Rothman and Espenshade (1992) point out that Weintraub and Cardenas' data is based on a nonrandom interview sample. Undocumented workers occupy a peculiar space in the rhetoric about immigration. Undocumented workers, or illegal immigrants. are the object of much political backlash against migration, yet (if Heer and Weintraub and Cardenas are correct) they may be the most fiscally beneficial of migrants.

Economies of Scale and Innovation

The first modern essay on population growth and the economy is credited to Malthus, who assumed that natural resources were fixed and that therefore a larger population would necessarily mean a lower standard of living for everyone. Simon (1993) notes that Malthus wrote five different editions of his famous essay, and each subsequent edition was less alarmist about the consequences of larger populations. Adam Smith and the other early innovators of modern economic theory took a different view. For Smith, a greater population meant a greater division of labor, which implied greater efficiency and product per person, and therefore increasing returns to scale; twice as many workers would create more than twice as much product. One of Smith's famous examples is the pin factory, where the manufacture of pins is divided into eighteen different tasks, each performed by one person. The assumption is that such specialization (for which a substantial population is a necessary ingredient) leads to greater efficiency, and greater per capita production.

Simon (1993) cites a number of 19th century economists who directly confronted Malthus' initial supposition that natural resources are fixed; he quotes Henry George who wrote "Both the jayhawk and the man eat chickens, but the more jayhawks the fewer chickens, while the more men the more chickens." This same anti- Malthusian

view is developed at some length in Simon (1989). The basic premise is the classical economic notion that the price mechanism ensures that as demand for a given natural resource rises while supply falls, technology and innovation will be applied to find more or to create substitutes for the important resource. Simply put, the greater the human demand for chickens, the more farmers will devote themselves to new and more efficient ways to produce chickens. Technology, in other words, overcomes some of, if not all, the apparent limits of natural resources. Not all resources are as easy to replenish as chickens, of course, and Simon takes his argument considerably further. He argues that, despite the claims of the environmentalists, natural resources from fresh water to forests to oil reserves have never been more plentiful (at least in terms of the resources that are directly accessible by society).

Since the past two centuries of history in the developed world has proven that Malthus' alarmist view of population growth is insufficient, Preston (1989) and Simon (1989) and others have reemphasized the positive economic potential of population growth. Some public goods, such as national defense, do not depend directly on the size of the population. An increase in population ought not to increase the need for national defense, but would increase the number of people paying for defense, thus lowering the cost per capita and lessening the burden on the native residents; this would be experienced as a direct increasing return to scale. Most services are not like national defense in that an increase in population would ordinarily require an increase in services provided (education, police protection, health care, electricity and sewer service to name a few). If the marginal cost of providing a service decreases as the populations grows (holding the quality of the service constant, which is easier to do in theory than in practice), then population growth will lower the per capita cost of that service and everyone will benefit from increasing returns to scale.

In theory (and usually in practice), an increasing population leads to higher population density, and higher density areas receive most services at a lower cost per person. For example, rural electrification costs much more per person served than urban electrification. Some rural schools may be less costly per pupil than urban schools, but unlike the provision of electricity the quality of education services is not easily comparable. Preston (1989) points out that in the United States, which has a relatively low average population density, the majority of the population is crowded around large metropolitan areas, leaving many rural counties almost vacant. Workers in the city earn more than rural workers, and city residents have access to many goods and services that are unavailable in rural areas. The residential settlement patterns of U.S. residents seems to be evidence that economies of scale are a real force drawing people to settle in areas of higher concentration. Both Preston and Simon cite the powerful Japanese economy, with high population density and few natural resources, as an example of the continuing relevance of economies of scale.

The Japanese enjoy minimal transportation and communication costs because their population density is so high.

On the question of returns to scale and economic history, the central figure is Simon Kuznets. Kuznets (1960, [1967] 1973, [1972] 1973) argued that not only are there increasing returns to scale in industry because of greater specialization and because of technological innovation, but that technological innovation itself is subject to a scale economy. The reasoning is as follows: there are a fixed proportion of innovators and geniuses in any population. Because different branches of knowledge are interrelated, and because engineering and technical innovations rest on an established base of knowledge (the cumulative effects of earlier innovations), it stands to reason that larger societies will have a greater number of innovators and geniuses (because of sheer numbers). Furthermore, this larger number of innovators and geniuses will feed off each other's work to create an economy of scale for innovation, which will in turn make the entire society more efficient. As Kuznets writes (1960: 328), "The greatest factor in growth of output per capita is, of course, the increasing stock of tested, useful knowledge."

If there are in fact increasing returns to scale as Kuznets and Simon and the classical economists claimed, the implication for immigration is fairly clear: more people make the whole society more efficient, and immigration, on balance, should be beneficial to the host society. The issue is, of course, more complex because there can also be diseconomies of scale, and because the extent of increasing or decreasing returns to scale is the subject of substantial disagreement in the empirical literature. The question of returns to scale is central, however. The pro-immigration studies generally assume, as Simon (1989) does, a positive return to scale for population growth. And most anti-immigrant work emphasizes over crowding, over use of limited resources, and other implicit decreasing returns to scale for population growth.

The economic literature that employs explicit models for the impacts of immigration, such as Borjas (1995), almost invariably assumes constant returns to scale in the production functions. Despite the fact that the measurement of real returns to scale presents many empirical problems, and therefore the assumption of constant returns to scale is a defensible assumption, we believe that this common assumption builds an inherent bias against possible economic benefits immigration. Kuznets' economic history of the U.S. makes a strong case for the importance of returns to scale over time, and Simon has pointed out that there is little reason to believe these historical arguments are any less relevant today.

The returns to scale issue is further complicated for the case of Mexican immigrants because Mexicans are, on average, the immigrant group with the fewest years of formal education (see Table 2 and also Chiswick, 1986; Borjas 1992; Borjas and Freeman 1992). This means that arguments about the innovative capacity of

Mexican migrants may be a bit harder to make. On the other hand, the size and duration of the flow of migrants from Mexico (and the resultant size, development, and division of labor within the established Mexican American communities) provides many possibilities for scale economies internal to the Mexican American neighborhoods themselves.

As we will see in the vignettes from our Little Village (Chicago) survey, this immigrant Chicago neighborhood has enough Mexicans to support a fully differentiated economy of goods and services. Because the Little Village community is growing, and because the consumer tastes and language of the Little Village residents is best understood by other co-ethnic residents, there are ample opportunities for business, entrepreneurship, and economic innovation in Little Village and in other Mexican American communities. Little Village, in other words, is conducive to a myriad of formal and informal economic activities which are largely invisible to formal accounting systems and surveys. Moreover, there is more economic innovation in these communities than the low level of formal education of the Mexican migrants might lead one to believe.

Arguments about national level diseconomies of scale generally rest on the inefficiency of large enterprises due to inertia and the inability to change and adapt. Robinson (1960) presents multinational data on the cost of national administration (health, education, services and defense), and argues that the large countries (which in most of his samples, means the U.S.) are not necessarily more efficient in providing services than the smaller countries (Great Britain, France, Italy, Jamaica). Robinson's data shows that U.S. spends less per capita on national administration, except for defense where the U.S. spends far more. The problem with this kind of data is that there is no way to account for differences in the quality of the services provided, so one does not know whether India is either a tremendously efficient provider of national services, or a provider of very sparse administrative services (the latter is probably closer to the truth). Robinson (1960: xvii) makes the rather bold claim that 'it seemed to be our general impression that most of the major industrial economies of scale could be achieved by a relatively high- income nation of 50 million,' which would imply, of course, that the U.S. is far too big to enjoy any further advantages from scale economies. The problem, however, is that the 50 million person limit is arbitrary, and no empirical data or sound reasoning is cited to support it.

Jewkes (1960) makes an argument about the diseconomies of scale that seems to contradict Kuznets directly on the issue of economies of scale for innovation. Jewkes argues that although there are some examples of large corporate research and development making technological breakthroughs that would have been impossible for individual inventors to make (he cites the DuPont corporation's invention of Nylon), most inventions are made by individuals working alone. Jewkes

points out that the aircraft jet engine was invented simultaneously by a British air force cadet and a German undergraduate, working by themselves. In terms of Kuznets' theory, what is relevant for our argument is that the inventors of the jet engine lived in the well populated developed countries, and were therefore able to take advantage of a stock of knowledge, and had access to other innovators and ideas that would not have been available to an equally talented inventor living in Costa Rica or Belize. The invention of the jet engine by two separate individuals does not, therefore, undermine the idea of scale economies in knowledge.

When Kuznets refers to innovation and technology as the engines for economic growth (see Kuznets [1972] 1973), he mainly refers to technologies like the steam engine, the light bulb, the telephone, the internal combustion gasoline engine, or the more recent advent of atomic energy. These technological advances have had profound and lasting effects on the economy, without doubt (although the legacy of atomic energy may not be as clear as Kuznets imagined). But Kuznets' emphasis on the highest levels of technological input leave open the question of whether working class immigrants can be considered as advantages in a scale economy of knowledge, which according to Kuznets' examples, would seem to favor mainly the immigration of physicists, engineers, doctors and other highly trained people.

Simon (1989: 175) offers one answer to this question. In his words:

> It cannot be emphasized too strongly that 'technological advance' does not mean only 'science' and scientific geniuses are just one part of the knowledge process. Many technological advances come from people who are neither well educated nor well paid: the dispatcher who develops a slightly better way of deploying the taxis in his ten-taxi fleet; the shipper who discovers that garbage cans make excellent cheap containers; the supermarket manager who finds a way to display more merchandise in a given space; the supermarket clerk who finds a quicker way to stamp prices on cans; the market researcher in the supermarket chain who experiments and finds more efficient and cheaper means of advertising the store's prices and sale items and so on.

Simon appropriately acknowledges that it is not only the Enrico Fermis and Albert Einsteins who contribute to knowledge and hence economic efficiency, but also motivated, entrepreneurial and innovative immigrants who, despite a lack of formal education, may contribute to a society's economic well being. It is well to remember that much of the economic literature assumes that years of schooling is a direct measurement of skill and hence of worker productivity. Simon (1989) argues that immigrants bring with them knowledge based on the experience of how things are done in other places, and may therefore be highly productive in their host society despite a limited formal education. The burgeoning literature on ethnic enterprise in America would appear to support this view.

Supplementary to Simon's argument about working class innovation and entrepreneurship are studies that consider how immigrants may be self-selected for entrepreneurial spirit and work ethic. Chiswick (1978: 901) argues that the good performance (in excess of what their moderate schooling levels would lead one to expect) of immigrants in the U.S. economy is evidence that the immigration process self selects migrants for 'motivation' and 'innate ability.' Chiswick's empirical findings have been repeatedly questioned by Borjas (1992, 1994) who argues that Chiswick confused an assimilation effect with a cohort effect; Borjas' point is that there has been a decline in immigrant skills rather than an assimilation of immigrants over time.

Borjas (1992) refers to the declining skills of recent immigrant cohorts, but his own tables show that overall immigrant educational attainment has risen steadily over time (from 9.5 years in 1940 to 12 years in 1980); U.S. native educational attainment has simply risen faster, so that it is not immigrant skills that are declining but rather U.S. native skills (measured by years of education) that are outpacing the skills of the immigrants, and precisely at a time when the returns to skill have been rising markedly. The educational attainment of Mexican male immigrants to the U.S. has crept up from about 7 years in the 1950s to a bit less than 9 years today (in our Table 2, their educational attainment is reported as 9.4 years, but this is for only non agricultural workers; the full sample of Mexican male immigrants has 8.7 years of education). As such, the "skills" of Mexican immigrants (as measured by education) have not declined over time. The education gap between Mexican immigrants and natives may have increased over time, but Chiswick's analysis still rests on the advantage that immigrants have due to their self-selection for determination and creativity, if not formal schooling. Since both Chiswick and Borjas rely mainly on cross sectional data from the decennial census, it is not entirely possible to adjudicate between their competing conclusions interpretations because neither can adequately model period effects which have greatly altered opportunities for earning a living.

Kao and Tienda (1995) have recently demonstrated a result which bolsters Chiswick's idea that immigrants are self selected for innate skill and motivation. Using the National Education Longitudinal Survey (NELS:88), they showed that the children of first generation immigrants have higher scholastic aspirations and test scores than their native-born counterparts of similar socioeconomic standing. Although the effect that Kao and Tienda measure is strongest for the children of Asian immigrants, the children of Hispanic immigrants also seemed to benefit from this optimism and strong immigrant work ethic.

If Mexican immigrants are self selected for innate skill and motivation, it is partly due to the fact that Mexican immigrants come to the U.S. for economic opportunity rather than fleeing Mexico for political reasons. Political refugees, as

Chiswick (1978) notes, migrate for noneconomic reasons, and therefore would not necessarily represent the most fit, able, or motivated citizens. Economic migrants (like the Mexican migrants), who assume the costs and risks of migration would naturally be most likely to migrate if they considered their own abilities and determination would produce higher returns in the destination country. This, at any rate, is the rationale for believing that economic immigrants might be self selected for innate ability. There is, of course, no direct way to measure innate skills. What we offer, instead, is a glimpse into the Little Village neighborhood of Chicago which shows substantial levels of economic activity and entrepreneurship.

Mexican Immigrants' Entrepreneurship and Innovation

The Little Village Household Survey, hereafter LVHS, consists of in depth interviews from 330 households in Chicago's mostly Mexican Little Village community (see Tienda and Raijman, 1996 for a more detailed description). The survey uncovered considerably higher rates of self employment and informal employment for Mexicans (especially Mexican immigrants) than had been previously found. According to 1980 U.S. Census figures (Fratoe, 1986), 4.9% of all Americans were self employed. Some ethnic groups, such as Russians and Lebanese, were self-employed at rates approaching 10%, while for Mexicans the self-employment rate hovered around 2%. According to the LVHS, self employment rates for Mexicans in Little Village were about 10%. While the higher rate of self employment may be partly due to the urban setting of the Little Village community (which excludes the farm worker population, almost none of whom would be self-employed), the LVHS in-depth interviews also uncovered that much self employment occurs in the informal economy, which is a kind of economic activity that standard surveys seldom detect.

Following Portes and Sassen-Koob (1987), we note that the level of self employment, and especially self employment via informal activities, can be viewed as a source of economic innovation at the margins of a developed economy (there is considerable debate about the value of the informal sector in both developing and developed countries; see Portes and Schauffler 1993 for a review). In fact, according to preliminary analysis of the LVHS, many Mexican migrants have charted a labor market history that starts with low wage employment, proceeds to a mixture of low wage jobs with informal self employment to smooth income levels, and sometimes proceeds to full-time informal self employment. A sizable proportion of the formally self employed Mexican immigrants in Little Village started those businesses in the informal sector, so that the informal economy can also be seen as a pipeline into the formal economy. By definition, informal

businesses do not pay taxes and license fees, which is seldom examined by analyses who estimate the fiscal balance between immigrants and natives. Before going further into the possible benefits and drawbacks that immigrant entrepreneurship entails for the wider economy, we turn to a LVHS interviews themselves for examples. Consider the case of Yolanda (now age 40) who immigrated from the Mexican state of Jalisco to Chicago in 1975. She has a second grade education, and is married with 8 children. The following is a verbatim excerpt from her interview.

> She came to the U.S. with economic necessity and she had always like the fruit business. She went to Maxwell Street where there was a man who sold fruit. She started selling fruit (tomatoes) for the man without him telling her to do so. He like the way she sold fruit and within 3 weeks, he looked for her to ask her to help him sell in the flea market. He paid her $25 per day. One day, he made her cry in front of everyone. He accused her of stealing $25. She held in her anger and stayed there, but she started thinking that maybe she, too, could sell fruit and that way nobody would humiliate her. She told the man she was going to steal whatever she could. Within 3 weeks she stole $100. She returned the money to him to show him that she was no thief. But because he had humiliated her, he gave her the money. Then she began to study the way he sold, where he got his merchandise, how much he sold it for, etc. Then she asked him to pay her with vegetables instead of with money so that she could sell them. She got a grocery cart (she said she found it in the street—she stressed that she didn't steal the cart). She sold the merchandise that he gave her and made almost twice the amount she earned by working with the man. She saved a little and bought whatever she could from the man so that she could sell it. With $250 she set up a stand at Maxwell Street (a flea market in Chicago). In three years she saved $1000, plus $10,000 for a down payment on a house. When she found out that Maxwell Street would be closing, she decided to open up a store. With $1000 she started the store 2 years ago and until now, she has invested $30,000 in it. She has no debts; she didn't ask for loans because she doesn't like debt. She started the business on her own and she continues to develop it on her own.

The first point to be made about Yolanda's story is that, as Simon (1989) has pointed out, economic innovation can originate among persons of all social classes. Yolanda's second grade education and modest income did not keep her from finding a better way to sell tomatoes. The second point concerns how much immigrants "take" from the host society in their endeavors to find a better life for themselves. For this question, we take Yolanda's shopping cart as a metaphor. If, as Yolanda claims, her shopping cart (with which she started her fruit selling business) was indeed simply "found in the street," we see the immigrant taking resources that are

essentially wasted and returning them into the economy by dint of their own hard work and innovative use.

If, for a moment, we imagine that Yolanda (perhaps a different Yolanda) had stolen the cart, we get the other side of the economic argument. If the cart had been stolen, then Yolanda was not contributing to efficiency but simply cutting in on an already existing market for retail fruit, and perhaps undercutting the sales of a legitimate retail fruit store by selling fruit from a stolen cart without paying any sales tax to the state.

The question of fiscal contributions is a bit more complex, but it seems that Yolanda eventually is also contributing through this economic channel of influence. At first, Yolanda works for the other fruit merchant, and we can assume that no income taxes are being paid from Yolanda's $25 a day salary, and no sales taxes are paid from sales in the Maxwell Street flea market. In the second stage, Yolanda is selling fruit from her own cart, and again we can assume that no sales taxes are being paid. In the third and final stage, Yolanda is reinvesting her money into a house and her own fruit store, which denotes a shift from the informal to the formal economy. In the final stage, Yolanda is presumably paying taxes on a business and a property that were capitalized out of her own effort and creativity. Sassen-Koob (1989) describes the tension between immigrant informal economies that innovate, create and incubate entrepreneurial ideas (and are presumably an asset to the overall economy) versus informal sectors that simply represent tax and regulation avoidance by subcontractors tied to larger, formal firms (this kind of informal business is presumably a drain on the overall economy). Both kinds of informal businesses exist in Little Village.

As Yolanda's story is a bit unusual, we offer a few other representative stories taken from the Little Village survey. Hugo, age 48 was born in Mexico and has a U.S. born wife, two children, and a Mexican high school education. His father worked on the railroads in Mexico. Hugo started his own business because he did not want to work for others.

> I started this business in 1985 after working for the Lawndale Bank as a vice president. There I discovered that many people wanted to send documents and letters to Mexico and since no one offered this kind of service I decided to establish this business. It took me a year to acquire sufficient understanding of this area. I decided to start this business because of the demand by the people for the service; in this area there are many people that come to make deposits and I think that if they had more education it would work better but none the less we are growing.

Jesus was born in Mexico, immigrated to Chicago in 1965, and now lives with his wife, one child and his mother in law. Jesus had a third grade education in

Mexico. He had been part owner of a restaurant in Nuevo Laredo, Mexico and sold it to come to the U.S.; he says he thinks about business all the time.

> In 1968, there was no latinos here, I was one of the first. The neighborhood was Polish. I rented a garage in which I sold tortas and food. I began to let them taste my food- tacos and everything and I began to do better and better. It was a small place- a garage. I formed it into a restaurant. I paid rent to a Polish man, when he saw me working hard, he promised to sell it to me. In 1972, the owner of the building financed and sold it to me. It's been 25 years.

José and Efigenia are from Tamaulipas, Mexico and are both over 50 years old. José reports zero formal education. He says he went into business to be independent.

> I came illegally to the U.S. from Mexico where I was a barber. I started working as a barber in my house, and when I had sufficient clientele I rented a small place which was completely equipped, and that's how I got to the first level. After a long time, I got my savings together and started my own business with my own equipment, although I still rent the space.

The modest stories of Hugo, Jesus, José and Efigenia illustrate a few important points about Mexican migration to the U.S. Despite a lack of formal education, both Jesus and José exhibit the traits of entrepreneurship. Both abandoned businesses in Mexico in order to come to the U.S. where, presumably, they expected to receive better returns for their skills. Admittedly, this is circumstantial evidence for the theoretical proposition that immigrants from Mexico, and other non- refugee countries are self selected for innate skill, or entrepreneurial spirit. But absent direct empirical evidence, many have concluded that low education levels are inconsistent with innovation and entrepreneurial activity.

A second point relates to the size of Chicago's Mexican American community, and the differentiated economy that is implied by residential concentration within the city limits. Because Little Village was (or became) populous and diversified, there were ample opportunities for new and innovative kinds of businesses, like Hugo's document and currency transmission service. The information that Hugo needed in order to start his business was an experiential knowledge based on having lived in Mexico and the U.S., and having contact with the consumer needs of households in Little Village, rather than formal education.

Conclusion

The literature on the effects of population growth on economic development is justifiably modest in its claims and predictions. Kuznets himself ([1967] 1973)

readily admitted that increased population could have different impacts on an economy, depending on many factors, and that therefore there is no single "population effect." Mexican migrants to the U.S. are almost always viewed in the recent literature as low wage labor market drones- people who are willing to work picking lettuce or sewing pants in a factory for just a few dollars a day. The bulk of the literature then turns on whether this low wage labor is more beneficial to the U.S., or detrimental because the migrants exert a downward pressure on wages and also use state services. Our point in this paper is that Mexican migrants, despite their low average formal education, may contribute significantly to the U.S. economy through economic and cultural innovations, and returns to scale for a larger population.

Direct national returns to scale may be due to a greater national division of labor, or to a larger number of persons to share fixed costs, such as defense (since the cost of defense does not depend directly on the number of residents, a larger population would presumably lower per capita defense costs). The country as a whole may also benefit from a larger population due to an increased number of technical and practical innovations; this is Kuznets' theory and Simon has reminded us that beneficial innovations can come from people of any class or educational background. While the flow of immigrants from Mexico may provide a somewhat lower yield of scientific innovations (because of the low proportion of Mexican immigrants who have postgraduate education), the Mexican migrants are able to take advantage of a different, local kind of scale economy. Because of the size and duration of the flow of migration from Mexico, Mexican migrants are integrated into the U.S. economy through Mexican American communities that are themselves large enough and diverse enough (especially the urban neighborhoods like Little Village in Chicago) to support innovative new businesses.

Mexican immigrants are workers; their labor force participation is high because they come to the U.S. in their prime working years. Because the flow of Mexican migrants is so heavily weighted toward young workers and contains so few retirees, Mexican immigrants make an especially positive fiscal contribution to the national Social Security program. Mexican migrants may also be self selected for talent, motivation and innate skill, as Chiswick would argue, which would imply that the low educational attainment of Mexican immigrants underestimates their real skill and productivity. We cannot deny, however, that the low educational attainment of Mexican migrants also correlates with low annual and hourly wages, so that the economic returns to this (supposed) high level of innate skill and motivation is not easily detected in the Current Population Survey. Chiswick would argue that the respondents in the CPS (especially the Mexican immigrants) are weighted to the most recent immigrants (because the flow of immigration from Mexico has been increasing over time—see Table 3), and that it takes time for the

Table 3
Historical Trends in Legal Mexican Migration to the U.S.

Period	Number of legal Mexican Immigrants	Total (all countries) legal immigrants	Mexican immigration as % of Total
1901-1910	49,642	8,273,667	0.60%
1911-1920	219,004	5,763,263	3.80%
1921-1930	459,287	4,100,777	11.20%
1931-1940	22,319	531,405	4.20%
1941-1950	60,589	1,044,638	5.80%
1951-1960	299,811	2,519,420	11.90%
1961-1970	453,934	3,313,387	13.70%
1971-1980	640,294	4,509,113	14.20%
1981-1989	974,200	5,801,600	16.79%
1990	680,186	1,536,483	44.27%
1991	947,923	1,827,167	51.88%
1992	214,128	973,977	21.98%
1993	126,642	904,292	14.00%
1994	111,415	804,416	13.85%
1990-1994	2,080,294	6,046,335	34.41%

Source: 1994 Statistical Yearbook of the INS.

Note: From 1989–1994, 2.67 million persons, most of them of Mexican origin, received amnesty due to provisions or IRCA (1986) and were counted as new immigrants for those years.

innate skills of immigrants to lift their earnings to the level of native workers. Chiswick (1986) reports that the earnings of Mexican immigrants exceeds the earnings of native workers when the Mexican immigrants have been in the U.S. labor market for 15 years.

We have not considered migrants' possible effect on the U.S. economy through their consumer purchases. Migrants not only increase the size of the U.S. consumer market but they also have particular tastes and needs that may affect the tastes of natives. Immigrants, as Simon (1989) points out, have throughout history been viewed as the bearers of new ideas, new ideas that have been tested in other societies and contexts. Despite the fact that the effect of population growth on economic

growth is quite resistant to formal quantification because of the myriad ways that population increase can trigger economic effects, we believe that questions about economies of scale ought be considered more systematically. There is no sound reason to think that the U.S. has passed some magic population density that makes it immune to any further benefits from economies of scale. The implications of increasing returns to scale are simply that, other things being equal, a larger population will tend to increase the economic efficiency of the entire society.

Note

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Impacts of Migration

The U.S. Labor Market Impacts of Low-skill Migration from Mexico

*Paul S. Davies, Michael J. Greenwood, Gary L. Hunt, Ulrich Kohli & Marta Tienda**

Introduction

Although in recent years a growing literature has focused on the economic effects of U.S. immigration (Borjas, 1994; Greenwood and McDowell, 1986; LaLonde and Topel, 1997; and Smith and Edmonston, 1997), little research has dealt directly with the migrant group from Mexico. An example of this gap is a recent study of the economic consequences of U.S. immigration by the National Academy of Sciences (Smith and Edmonston, 1997) that makes only passing reference to the Mexico-born population. By estimating the U.S. employment and wage effects of this population, the present study takes a step toward filling this research gap.

Four distinctive characteristics of Mexican migrants to the United States have implications for the nature and magnitude of their labor market impacts. First, the

sheer volume of the migration flow and the size of the Mexico-born population in the United States set this foreign-born group apart. Second, a large share of the undocumented population is of Mexican origin. Third, the Mexico-born population in the United States has low education levels, which although improving have not kept pace with those of the U.S. population. Fourth, the Mexico-born population is highly concentrated in the Southwest and in several large cities.

Mexico contributes a larger share to the U.S. foreign born population than any other country—roughly as much as the entire continents of Asia and Europe. During 1994 alone the United States admitted as legal resident aliens 111,398 persons born in Mexico. Between 1989 and 1993, boosted by legalizations under terms of the Immigration Reform and Control Act of 1986 (IRCA), 2.4 million persons of Mexican birth were legally admitted to the United States. The size of the migrant flow is important for understanding impacts because arguments about scale economies and about magnitudes of impacts derive directly or indirectly from the volume of migration, depending, of course, on residential patterns, return migration rates, and other social and demographic characteristics we discuss below.

Not only is Mexico the single most important source of legal immigrants, it is also the primary source of unauthorized migrants. Data on undocumented migrants are necessarily sketchy. However, studies of legalization authorized by IRCA indicate that 70 percent of those who were legalized under the amnesty program were of Mexican origin (see Tienda, et al., 1991; Singer, 1994). Between 1989 and 1994, the U.S. Border Patrol located 6.4 million entries from Mexico who were deemed deportable. Legal status of migrants is important for understanding the impacts of Mexican migration because public attitudes and behavior toward migrants from Mexico are often driven by images, accurate or not, of undocumented migrants. Employers who fear sanctions for hiring migrants who entered the United States unlawfully may deliberately avoid hiring all workers who look and sound like foreigners. Such behavior could directly affect the employment and wage opportunities of earlier arrivals who entered legally, as well as some native residents who speak English with an accent or "look Mexican." Although these effects are difficult to quantify, there is little disagreement that the presence of a large share of undocumented migrants among the Mexican migrant population shapes the policy and social climate surrounding Mexican migration to the United States.

The Mexican migrant population comes to the United States with low levels of formal education. Male Mexican migrants average nine years of education, which is substantially less than most other native and migrant groups, who average a high school education. Because Mexico has been the single largest source of migrants to the U.S. for 30 years, and because migrants from Mexico have low levels of formal education, recent concerns about admitting immigrants with low skills have focused on migrant streams from Mexico. The skill composition of Mexican migrants

has important implications for a study of impacts because it is central for addressing questions about labor market impacts, and in particular, whether Mexicans compete mainly with other low wage workers (e.g., native-born teens, unskilled women, blacks, Mexican Americans, and migrants who arrived earlier), or whether Mexican migrants fill labor market niches that domestic and other foreign-born workers do not want. In light of recent trends in U.S. wage inequality between skilled and unskilled labor groups, the question of whether large numbers of unskilled Mexican migrants can be absorbed in the labor market remains a central source of controversy about the economic impact of Mexican migrants.

In 1990, of 13.5 million Mexican-origin persons enumerated in the census, 45.3 percent resided in California and 28.8 percent resided in Texas.[1] California's share of national population was 12.0 percent in 1990 and Texas's was 6.8 percent. Such concentrations of Mexican-origin population suggest highly regionalized immediate impacts of the migrants, although several studies suggest that the effects of immigrants are quickly arbitraged across the nation (Borjas, 1994). A major advantage of the approach adopted here is that for simulation purposes we are able to distinguish areas with differing concentrations of Mexico-born persons rather than relying only on nation-wide estimates of the impacts.

The wage and employment impacts of the foreign born on native workers may differ according to race and national origin, but the findings of prior studies are highly variable. The empirical evidence generally indicates that immigrant groups tend to be substitutes for some domestic labor market groups and complements for other domestic workers (Borjas, 1987a). Specifically, Hispanic immigrants appear to be substitutes for white domestic male workers, but complements with native Hispanic workers. Mexican immigrants have a small negative impact on the earnings of both white and black native-born men. However, all immigrants have a sizable negative impact on their own wage levels (Borjas, 1986a, and 1986b). One important implication of earlier studies is that in attempting to assess substitution and complementarity relationships among the foreign born and the native born, investigators should disaggregate the study population as much as possible. The functional form of the production function used in this study allows for the specification of considerably more labor types than is found in the typical production-theory approach (Greenwood, Hunt, and Kohli, 1996; 1997).

This study employs cross-sectional 1990 Census data on metropolitan areas in the context of a production-theory approach that uses the Symmetric Normalized Quadratic functional form and that incorporates eight labor inputs and a measure of capital. The eight labor inputs, whose estimation is allowed by the functional form employed here, permit us to account not only for low-skill Mexico-origin labor, but also for certain skill groups with whom this group is likely to compete in U.S. labor markets (including native, low-skill labor distinguished by sex, as well

as foreign-born, low-skill labor from parts of the world other than Mexico). The incorporation of capital into the empirical model avoids the assumption of separability of labor and capital that has been problematic in several earlier empirical studies. An advantage of cross-section data is that the model can be calibrated and simulated for specific metropolitan areas that differ in terms of their concentration of Mexico-born persons. Moreover, following the work of Greenwood and Hunt (1995), we incorporate into the model certain channels of influence in addition to the production channel. These other channels include labor force participation and aggregate demand.

Workers born in Mexico increase the supply of labor available in the United States. This increased labor supply clearly is not spread evenly across the United States, but rather is concentrated in proximity to the U.S.-Mexico border and in areas that offer those types of employment opportunities that are attractive to migrants from Mexico. Previous studies typically have shown that the wage and employment effects of increased immigration on native-born groups are not great (see Greenwood and Hunt, 1995; Greenwood, Hunt, and Kohli, 1996 and 1997). The largest impacts are on other foreign-born workers (like the immigrants themselves). The results of earlier studies, however, have been based on 1980 census data and on other data sources that are sufficiently old to throw into question their contemporary relevance. Moreover, the various studies that adopt a production function approach usually have not focused specifically on areas of high immigrant concentration.

In this paper, we disaggregate native workers by skill, gender, ethnicity, and nativity, and estimate the impacts of migrants from Mexico at the metropolitan area level in different regions of the U.S. including, especially, areas in the Southwest that are near to Mexico. We consider employment and wage effects stemming from both supply-side and demand-side effects of low-skill Mexican migration. Effects on the rental price of capital services also are explored.

Model Structure—An Overview

The model incorporates one aggregate output and nine inputs.[2] The relatively large disaggregation of inputs reflects the interest of this study in the effects of immigration by origin and skill level on native U.S. workers by skill level, gender, and ethnicity. Eight groups of labor are identified in the model: (1) native, low-skill, Mexican males; (2) native, low-skill Mexican females; (3) native, low-skill non-Mexican males; (4) native, low-skill, non-Mexican females; (5) native, high-skill males and females; (6) foreign-born, low-skill Mexican males and females; (7) foreign-born, low-skill non-Mexican males and females; and (8) foreign-born, high-skill males and females. The ninth input is capital. The methodology is the

same as that reported in Greenwood, Hunt, and Kohli (1997), but the labor inputs are different. In this part of the model substitution and complementarity relationships between the various inputs are estimated.

The model contains 18 endogenous variables. For each of the nine inputs, a factor price equation is specified by setting the factor price of the input equal to the input's value marginal product (VMP). The VMP for each input is derived from production theory as described below. Eight more behavioral equations are specified for the labor force participation rates of the eight groups of labor. These equations also are treated in more detail below, but their basic purpose is to measure the degree to which own-wage changes influence the labor force participation of the various labor groups. Finally, a behavioral equation for aggregate absorption of area output (i.e., area aggregate demand) is specified.

In addition to the 18 equations for the corresponding 18 endogenous variables, the model contains several technical relations, such as an aggregate value added production function and numerous identities. Some of these identities translate variables from their indexed forms used in theoretical specification (e.g., normalized employment), to their more policy-relevant forms (e.g., employment). The model contains 46 such technical relations and identities. Altogether the model contains 64 behavioral equations, technical relations, and identities.

Data

Because it facilitates our later presentation of empirical results, the next section discusses the 1990 data used in this study. This section is followed by a discussion of the model structure. The various components of the model's structure are followed by a discussion of issues relating to econometric estimation, as well as the presentation of the estimates obtained for model parameters.

Factor Inputs and Prices

The 1990 Public Use Microdata Sample (PUMS) of the U.S. Census (U.S. Bureau of the Census, 1992a) is used in the estimation of labor inputs and prices. The five percent (state) sample is used because it contains more observations than the one percent (metropolitan area) sample, while still containing metropolitan area of residence. A number of steps were taken in preparing these data. First, a random sample was drawn from the PUMS for the estimation of Mincerian-style earnings equations. Second, a skill-quantity variable was computed from the earnings equations for all individual observations in the five percent PUMS. This skill-quantity variable is important in making the demographic disaggregations described below. The third step involved aggregating the individual observations

to the Metropolitan Statistical Area (MSA) level to form aggregate area labor inputs and prices. Altogether 273 MSAs are identified from the 1990 PUMS five percent sample. As part of this third step, individual observations were grouped into eight demographic groups based on male/female, Mexican/non-Mexican, native-born/foreign-born, and high skill/low skill status. The criteria for assigning skill level are discussed below.

Earnings Equations

In preparing the data for estimation of earnings equations, a 10 percent random subsample of the five percent PUMS was taken. This was done following the subsampling procedures described in the PUMS Technical Documentation (U.S. Bureau of the Census, 1992b). Only those observations satisfying the following criteria were used: age between 16 and 65, not currently in school, not currently in the military, not self-employed, and 1989 earnings greater than zero. This process yields a national subsample of 456,202 observations.

Using this national subsample, Mincerian-style earnings equations were econometrically estimated separately for males (235,069 observations) and females (221,133 observations). For these earnings equations, an hourly wage variable was created by dividing 1989 earnings by hours worked in 1989 (computed as hours worked per week times weeks worked in 1989). The natural logarithm of the 1989 hourly wage served as the dependent variable.

The independent variables included: educational attainment, potential labor market experience (constructed as age less education less six) and its square, a dummy for metropolitan area residence, race and ethnicity dummies, a foreign-born dummy and its interaction with year of entry dummies, a set of census division dummies, a set of world region of origin dummies, a set of occupation dummies, and a set of industry dummies.

The OLS estimates produce reasonable results. For both males and females, the log of hourly earnings increases with education. It also increases with potential labor market experience, but at a decreasing rate. Foreign-born individuals have log-wages below those of natives, although this effect is not statistically significant. The adjusted-R^2 in the male earnings equation is 0.365 and that in the female equation is 0.252. The equation F-value for males is 2759.75 and for females is 1524.22.

Skill Quantity

Based on the results of the earnings equations, we predicted a "skill-quantity" variable or skill index for all individuals in the subsample. This skill index was

predicted using the estimated coefficients on educational attainment, potential labor market experience and its square, the foreign-born dummy and the interactions between foreign-born and year of entry, and the world region of origin dummies, along with the actual values of each of these variables for each individual in the subsample. This predicted skill-index variable is designed to reflect skill quantity (a proxy for human capital) rather than various aspects of "skill price" such as racial or ethnic discrimination or compensating differentials due to industry, occupation, region of residence, or MSA residence. The skill-quantity estimates are made separately for males and females using the estimated coefficients from the appropriate regression equation.

Each individual in the subsample was coded as being in one of four skill quartiles by ranking all observations by predicted skill quantity and splitting them into four groups of equal size. Each individual was then designated as low skill or high skill depending on how the skill quartiles are grouped. In the analysis conducted in this paper, the lower two skill quartiles are designated as "low skill" whereas the upper two skill quartiles are designated as "high skill." This low skill/high skill segmentation is discussed further below.

Aggregation

Having created the skill quartiles from the earnings equations, we next aggregated the data to the MSA level. To do so, we used the complete five percent 1990 PUMS rather than the subsample used for the earnings equations. Observations were excluded from the data if they did not meet our "selection criteria." The skill-quantity variable was computed for all individuals as described above. The individuals were then coded as belonging to one of the four skill quartiles based on the value of this skill quantity variable and the quartile "break-points" determined from the 10 percent national subsample.

As indicated above, eight demographic groups were created for the Mexican model. Individuals were coded as native-born if they were born in the U.S. or in U.S. outlying areas (e.g., Guam, American Samoa, Puerto Rico). Otherwise, individuals were coded as foreign- born. Individuals were considered to be low-skill if they were in the lower two skill quartiles. The upper two skill quartiles accounted for high-skill individuals. Mexican status is conferred by birth in Mexico for the foreign-born and by Mexican origin (as reported on the PUMS Hispanic origin question) for the native born.

For each demographic group, several variables were created at the MSA level. These include total group population, number employed in the group, group labor force participation rates, total group earned income, total group non-labor income, total group welfare income, total group social insurance income, and total group

hours worked. Furthermore, aggregate MSA population, employment, earnings, and non-labor income were created by summing across all eight demographic groups. The eight demographic groups exhaustively include area population, and therefore employment, earnings, and non-labor income.

This aggregation process was conducted MSA-by-MSA, in all states plus the District of Colombia, yielding 273 MSAs. Ten of these 273 cross state boundaries, and therefore represent the combination of data from multiple states. After deleting those MSAs in which one or more of the eight demographic groups have small or zero populations, we are left with 122 useable MSAs for the analysis conducted below.

Model Structure

Production Function and Factor Prices

We assume that in each metropolitan area, the technology can be represented by an aggregate production function. Let y be the quantity of output and assume J inputs,[3] the quantities of which are denoted by x_j. The production function is written as follows:

$$(1)\quad y = f(x_1, \ldots, x_J).$$

This function is assumed to be twice continuously differentiable, increasing, quasiconcave, and linearly homogeneous. Under profit maximization, we get the marginal product conditions (also known as the inverse input demand equations, or the wage equations) by differentiation:

$$(2)\quad \frac{w_j}{p} = \frac{\delta f(\cdot)}{\delta x_j}, \quad j = 1,\ldots, \ J,$$

where p is the price of output and w_j is the price of the j^{th} input.

To describe the substitution and complementarity relationships between the J inputs, we can use the Hicksian elasticities of complementarity[4]:

$$(3)\quad \psi_{j,k} \equiv \frac{f\, f_{j,k}}{f_j f_k}\ , \quad j,k = 1,\ldots, \ J,$$

where $f_j \equiv \delta f(\cdot)/\delta x_j$, $f_{j,k} \equiv \delta^2 f(\cdot)/(\delta x_j \delta x_k)$, and $f \equiv f(\cdot)$.

Quasiconcavity of the production function implies that $\psi_{j,j} \leq 0$. Furthermore $\psi_{j,k} > 0$ if inputs j and k are Hicksian q-complements, and $\psi_{j,k} < 0$ if inputs j and k are Hicksian q-substitutes.

The Hicksian elasticities of complementarity may seem to be somewhat difficult to assess, and it is sometimes more convenient to use quantity elasticities of inverse demands. These are defined as follows:

$$(4)\quad \eta_{j,k} \equiv \frac{\delta \ln w_j}{\delta \ln x_k}$$

Making use of Equations (2) and (3), one can easily show that:

$$(5)\quad \eta_{j,k} = \psi_{j,k} \cdot s_k,$$

where s_k is the cost share of the k^{th} input: $s_k \equiv x_k w_k /(py)$.

To describe the production function, we use the Symmetric Normalized Quadratic functional form introduced by Diewert and Wales (1987). It is as follows:

$$(6)\quad f(\cdot) = \sum_j a_j x_j = \frac{1}{2}\frac{\sum_j \sum_k b_{jk} x_j x_k}{\sum_j \beta_j x_j}$$

where $b_{jk} = b_{kj}$, $\sum b_{jk} = 0$, $\sum \beta_j = 1 \quad (j,k = 1,...,J)$. As shown by Diewert and Wales (1987), this functional form is flexible, and it is globally concave as long as $B \equiv [b_{jk}]$ is negative semidefinite and $\sum \beta_j w_j > 0$. The negative semidefiniteness of B can be imposed by using the reparameterization of Wiley, Schmidt, and Bramble (1973). That is, we set $B = -TT$ where $T \equiv [\tau_{jk}]$ is a lower triangular matrix. As to $\sum \beta_j x_j$, this term can be interpreted as a Laspeyres input quantity index.

Assuming cost minimization, the inverse input demand functions are obtained by differentiation:

$$(7)\quad \frac{w_j}{p} = a_j + \frac{\sum_k b_{jk} x_k}{\sum_k \beta_k x_k} - \frac{1}{2}\beta_j \frac{\sum_k \sum_m b_{km} x_k x_m}{(\sum \beta_k x_k)^2}, \qquad j = 1, \ldots, J.$$

One difficulty with flexible functional forms is that their number of parameters increases very rapidly with the number of inputs. Even if one assumes linear homogeneity, the number of parameters in a *N*-input model is equal to $N + (N - 1) N / 2$. Thus, if $N = 2$, the number of parameters is 3; if $N = 4$, there are 10 parameters, and if $N = 16$, the number of parameters jumps to 136. This may lead to serious problems of multicollinearity, and it may lead to inefficient estimates. One way around this problem has been suggested by Diewert and Wales (1988),

who introduce the concept of *K*-flexibility, or semiflexibility. A functional form $g(z)$ is said to be semiflexible at some point z^* if it has enough free parameters for $g(z^*)$, its gradient $\nabla g(z^*)$, and its Hessian $\nabla^2 g(z^*)$ to attain arbitrary values, provided that $\nabla^2 g(z^*)$ is restricted to have rank $K < N$. A semiflexible functional form therefore has less parameters than a flexible one, and, although it is not flexible, it does not impose any obvious *a priori* restrictions on the size or the signs of the elasticities of substitution or complementarity.

The concept of semiflexibility rests on some new results obtained by Diewert and Wales (1988). They show that any semi-definite $N \times N$ matrix of rank *K*, where *K* is less than the maximal possible rank *N*, has a *K*-column triangular decomposition. This means that $T \equiv [\tau_{mn}]$ is now such that $\tau_{mn} = 0$ for $1 \leq m < n \leq N$ and for $n = K + 1, \ldots, N$. Thus, *T* now is defined as a lower triangular $N \times N$ matrix which has zeros in its last $N - K$ columns. Note that *T* now has only $N(N + 1)/2 - (N - K)(N - K + 1)/2$ free parameters. This may mean a substantial reduction in the number of parameters to be estimated. Thus, if $N = 8$ and $K = 3$, the number of free parameters is 21, as opposed to 36 in the unrestricted case. This reparameterization applied to *B* in (6) yields the *K*-flexible—or semiflexible—version of the Symmetric Normalized Quadratic production function. In what follows, we will set $K = 3$; indeed, there is ample evidence that there is little to be gained in considering larger values of *K*.[5]

For empirical implementation the factor price equations have to be imbedded within a stochastic framework along with the other behavioral equations. We assume that the inverse input demand equations are stochastic due to errors in optimization. We define the optimization errors in the input demand equations at time *t* as $v_j(t)$ $(j = 1, \ldots, J)$. We assume that the vector of disturbances is identically and independently, joint normally distributed with mean zero and non-singular covariance matrix Ω:

$$(8) \quad E[v(t)v(s)] = \begin{cases} \Omega \ \ \forall\, s,t \ \ if \ \ s = t \\ 0 \ \ if \ \ s \neq t, \end{cases}$$

where Ω is a $J \times J$ positive definite matrix.

The model is estimated by the algorithm of Berndt, Hall, Hall, and Hausman (1974) which is essentially a nonlinear version of the iterative Zellner (1962) method. All estimations were done on a Digital AXP 3000-800S computer, using SHAZAM,[6] version 7.0. The nine inputs of the model are identified above.

Parameter estimates are shown in Table 1. Concavity is imposed globally, and it is therefore satisfied for all observations. Monotonicity is satisfied for all observations but one. Table 2 reports estimates of the Hicksian elasticities of complementarity (ψ_{jk}) at the sample mean, whereas Table 3 gives the sample-

Table 1
Mexican Model
Parameter Estimates (asymptotic t-values in parentheses)

τ_{11}	0.00312	(2.57)	τ_{33}	-0.00492	(-0.42)
τ_{21}	0.01077	(4.01)	τ_{43}	0.11402	(1.85)
τ_{31}	0.02289	(5.05)	τ_{53}	0.04357	(1.95)
τ_{41}	-0.01224	(-0.26)	τ_{63}	-0.00474	(-0.18)
τ_{51}	0.16173	(5.75)	τ_{73}	0.00116	(0.11)
τ_{61}	-0.00376	(-0.48)	τ_{83}	-0.05538	(-2.66)
τ_{71}	0.00155	(0.29)	a_1	0.00182	(30.21)
τ_{81}	0.00359	(0.21)	a_2	0.00475	(32.85)
τ_{22}	0.00400	(0.82)	a_3	0.02457	(114.88)
τ_{32}	-0.00513	(-0.66)	a_4	0.12130	(167.04)
τ_{42}	0.05863	(0.52)	a_5	0.36144	(222.94)
τ_{52}	0.04651	(0.54)	a_6	0.00739	(24.73)
τ_{62}	0.02403	(4.15)	a_7	0.01433	(76.91)
τ_{72}	0.01084	(2.86)	a_8	0.04335	(66.08)
τ_{82}	0.02055	(0.36)	a_9	0.41485	(178.14)

The subscripts refer to the inputs which are defined as follows:
(1) Native, low-skill, Mexican, male labor; (2) Native, low-skill, Mexican, female labor; (3) Native, low-skill, non-Mexican, male labor; (4) Native, low-skill, non-Mexican, female labor; (5) Native, high-skill labor; (6) Foreign-born, low-skill, Mexican labor; (7) Foreign-born, low-skill, non-Mexican labor; (8) Foreign-born, high-skill labor; (9) Capital.

mean values of the quantity elasticities of inverse input demands (η_{jk}). Capital is a Hicksian complement for all categories of labor, except foreign-born high-skill labor. Overall, however, and this is rather surprising, there appears to be far more substitution than complementarity relationships.

Most labor categories seem to be competing with each other. The strongest complementarity links are between native, low-skill men and low-skill migrants, as well as between native, low-skill, non-Mexican women and high-skill migrants. Judging from the elasticities shown in Table 3, an increase in the number of low-skill Mexican migrants would tend to benefit capital and low-skill native males, and hurt all other categories of labor; however, except for low-skill Mexican migrants themselves, these effects are very small.

Labor Force Participation

The modeling of labor force participation rates begins with a reservation wage equation and a market wage equation:

Table 2

Mexican Model

Elasticities of Complementarity (values at the sample mean)

$$\psi_{j,k} = \frac{f \bullet f_{j,k}}{f_j \bullet f_k}$$

	k=1	k=2	k=3	k=4	k=5	k=6	k=7	k=8	k=9
j=1	-2.910	-3.858	-1.585	0.172	-0.761	0.866	-0.184	-0.141	0.769
j=2		-5.820	-1.926	-0.177	-1.117	-1.573	-0.878	-0.584	1.342
j=3			-0.946	0.381	-0.364	1.018	0.073	-0.233	0.294
j=4				-1.121	-0.130	-1.013	-0.428	0.974	0.350
j=5					-0.230	-0.112	-0.155	0.056	0.277
j=6						-11.171	-2.339	-2.304	0.869
j=7							-0.587	-0.263	0.356
j=8								-1.852	-0.068
j=9									-0.401

The subscripts are as defined at the bottom of Table 1.

Table 3

Mexican Model

Quantity Elasticities of Inverse Demand (values at the sample mean)

$$\eta_{j,k} \equiv \frac{\delta \ln w_j}{\delta \ln x_k}$$

	k=1	k=2	k=3	k=4	k=5	k=6	k=7	k=8	k=9
j=1	-0.005	-0.018	-0.039	0.021	-0.277	0.006	-0.003	-0.006	0.321
j=2	-0.007	-0.028	-0.048	-0.022	-0.406	-0.012	-0.013	-0.025	0.560
j=3	-0.003	-0.009	-0.023	0.046	-0.132	0.008	0.001	-0.010	0.123
j=4	0.000	-0.001	0.009	-0.137	-0.047	-0.008	-0.006	0.042	0.146
j=5	-0.001	-0.005	-0.009	-0.016	-0.084	-0.001	-0.002	0.002	0.116
j=6	0.002	-0.008	0.025	-0.124	-0.041	-0.083	-0.034	-0.101	0.363
j=7	-0.000	-0.004	0.002	-0.052	-0.056	-0.017	-0.008	-0.011	0.149
j=8	-0.000	-0.003	-0.006	0.119	0.020	-0.017	-0.004	-0.081	-0.029
j=9	0.001	0.006	0.007	0.043	0.101	0.006	0.005	-0.003	-0.167

The subscripts are defined at the bottom of Table 1.

(9) $S = \gamma_0 + \gamma_1 H + \gamma_2 Z + u_1$

(10) $W = \beta_0 + \beta_1 X + u_2$

where S is the reservation wage (or shadow wage), H is hours worked, Z is a vector of other factors that influence the reservation wage, W is the market wage, and X is a vector of factors that influence the market wage. The gammas and betas are parameters. The u_1 and u_2 terms are zero mean, spherical, normally distributed stochastic errors. Equations (9) and (10) apply to individuals.

Let $\overline{W} = \beta_0 + \beta_1 \overline{X},$ where a bar over variables denotes a mean. Therefore,

(11) $W = \beta_0 + \beta_1 X + \overline{W} - \overline{W} + u_2,$

which implies

(12) $W = \beta_1 (X - \overline{X}) + \overline{W} + u_2.$

Assuming that W=S, Equations (9) and (10) can be equated and the following equation for hours can be derived:

(13) $H = \{[\beta_1 (X - \overline{X}) + \overline{W} - \gamma_0 - \gamma_2 Z]/\gamma_1\}.$

If H>0, then the individual participates. If H≤0, then the individual does not participate.

For participating individuals, H>0 implies that Eq.(13) becomes

(14) $\{[\beta_1 (X - \overline{X}) + \overline{W} - \gamma_0 - \gamma_2 Z]/\gamma_1\} + \{[u_2 - u_1]/y_1\} > 0.$

Equation (14) in turn implies the following:

(15) $\{[u_2 - u_1]/\gamma_1\} < \{[\beta_1 (X - \overline{X}) + \overline{W} - \gamma_0 - \gamma_2 z]/\gamma_1\}.$

Therefore, for participants, H>0, we have

(16) $u_2 - u_1 < \beta_1 (X - \overline{X}) + \overline{W} - \gamma_0 - \gamma_2 z.$

This implies that the probability of participating is

$$(17)\ \Pr ob(H > 0) = \Phi\{[\beta_1(X - \overline{X}) + \overline{W} - \gamma_0 - \gamma_2 z]/\sigma\}$$

where sigma is the standard deviation of $u_2 - u_1$. Each of the eight labor groups has a corresponding Equation (17) structure to represent its labor force participation rate behavior.

The sources of data used to estimate the participation rate equations for each of the eight labor groups are those described above for the labor quantity and price variables and the aggregate area output price variable. Specific variables utilized from the five percent PUMS include a labor force participation dummy variable as the dependent variable; and the following independent variables in the vector X (see Eq. (17)): white, black, years of schooling completed, potential experience and its square (as defined above), foreign-born dummy variable, and immigration cohort 1980-90. The vector Z (see Eq. (17)) contains the following independent variables: family income, black, white, number of children under six years of age present in the household, and number of children six to seventeen years of age present in the household. All income variables, including the average area wage for the labor group, are expressed in real terms by deflating by the aggregate area output price variable described above.

The stochastic assumptions made for the labor force participation rate equations flow from the theoretical discussion presented above. Each of the eight labor group's participation is modeled as a binary probit process. The maximum likelihood estimates of the probit equations for the eight labor groups are presented in Appendix Tables A1 through A8. It is notable that the estimated coefficients on the area average real wage for seven of the eight labor groups are positive and significant. The estimated effect of higher real wages on average is negative and significant only for the group of native, high skill persons.

Each estimated equation contains both area average variables and variables that represent deviations of individual observations from the area averages. The theoretical motivation for this structure is presented above. The deviations are represented by variable names beginning with the letter "D." The variable names in Appendix Tables A1 through A8 are associated with the following variables: AREARW, area real wage of group; RFAMINC, real household income of group; KIDLT6 and KID617, children less than six years of age in household and those between 6 and 17 years of age in household, respectively; BLACK and WHITE, dummy variables representing broad race of individuals; ED, years of schooling completed; X and XSQ, years of potential experience and its square, respectively; IMG8090, immigrant dummy variable interacted with entry cohort of 1980-90. In

each of the eight corresponding tables of estimates, the marginal effects of each independent variable on the probability of participating (=1) or not participating (=0) is presented.

Aggregate Output Quantity and Price

Our methodology requires an index of real output (real value added). Let x_j^h and w_j^h be the quantity and the price of input *j* in region *h*. We first define $\tilde{w}_j$ as the mean price of input *j* across all regions:

$$(18)\ \tilde{w}_j \equiv \frac{\sum_h w_j^h x_j^h}{\sum_h x_j^h}$$

We next define s_j^h as the value-added share of input *j* in region *h*:

$$(19)\ s_j^h \equiv \frac{w_j^h x_j^h}{\sum_j w_j^h x_j^h}$$

We also define $\tilde{s}_j$ as the mean value added share of input *j*, that is the share of input *j* in the total of the value added by all regions:

$$(20)\ \tilde{s}_j \equiv \frac{\sum_h w_j^h x_j^h}{\sum_h \sum_j w_j^h x_j^h}.$$

The price of output in region *h* (p^h) is then calculated as a Tornqvist price index, where the prices in region *h* are compared to the corresponding mean prices:

$$(21)\ p^h = \exp\left[\sum_j \frac{1}{2}(s_j^h + \tilde{s}_j)\ln\frac{w_j^h}{\tilde{w}_j}\right].$$

Finally, the quantity of real value added in region *h* is obtained implicitly as:

$$(22)\ y^h = \frac{\sum_j w_j^h x_j^h}{p^h}.$$

The data used for the labor input quantities and prices are those discussed above. The data used to compute the quantity and price of capital services are a combination of the labor data and gross state product data obtained from the Bureau of Economic Analysis' *Regional Economic Information System (REIS) and a Jorgensonian measure of the cost of capital.* The gross state product data

for each state were scaled to corresponding MSA-level data using one-digit SIC labor earnings at the state and MSA levels. The computation of the rental income for capital then was computed as the difference between MSA value added (i.e., gross product) and labor earnings. The rental price of capital services was estimated as the Jorgensonian user cost of capital services. Division of the rental income by the user cost yielded the estimate of the quantity of capital services used in this study.

The approach taken in Greenwood and Hunt (1995) is taken in specifying the absorption equation. The aggregate demand for real value-added output produced in area h is:

$$(23)\ \ln(y^h) = \alpha_0 + \alpha_1 \ln(p^h) + \alpha_2 \ln[Y^h/(N^h p^h)]$$

where y^h is aggregate demand for real value-added output produced in area h^h, p^h is the corresponding aggregate price index, N^h is area population, Y^h is area household income, "ln" is the natural logarithm operator, and the alphas are parameters. Equation (23) can be expressed in inverse form by solving for $\ln(p^h)$.

The aggregate area output price and quantity variables are those defined above. Aggregate area household income and population are computed from the summation of the corresponding area aggregate group variables across the eight demographic groups delineated above.

In this study, instrumental variables estimation is not entertained. Based on the work of Greenwood and Hunt (1995), the estimation of the aggregate absorption equation requires instrumental variables to obtain the correct sign on the price coefficient. Therefore, the estimates from Greenwood and Hunt (1995) are used in this study with appropriate scaling.

Model Simulations

The model is organized into six blocks of equations: (1) production; (2) labor force; (3) input value shares; (4) income; (5) absorption; and (6) add factors. Block 1 consists of 11 equations. Nine represent the value marginal product equations for each of nine inputs: five categories of native labor, three categories of immigrant labor, and capital. The skill levels are defined as quartiles of the U.S. distribution of skills. The value marginal products are set equal to wage rates (i.e., skill prices). The value added production function is the tenth equation in the first block. The eleventh equation is for aggregate value added output in nominal terms. All of these variables are index numbers. The indexing procedure is discussed below.

Block 2 consists of 33 equations. There are eight labor force identities, one for each of the eight labor groups. These specify labor force size as the product of labor force participation rate and population of labor force age. Eight employment identities define a normalized (i.e., indexed) employment measure, described below, for each of the eight labor groups, and eight additional employment identities for the employment of each of the eight groups of labor. Each of the eight labor groups also has a labor force participation equation specified for it. Finally, there is an identity for aggregated population of labor force age, the sum of the corresponding variable across the eight groups.

Block 3 consists of nine input value share equations, one for each of the eight labor inputs and capital. Block 4 includes an aggregate income identity: the sum of labor earnings and nonlabor income; and it includes eight wage rate equations (actual wage rates and not index numbers). Block 5 consists of an absorption equation written in inverse form so that the area price index is on the lefthand side.

Block 6 consists of 18 equations, one for each of the model's add factors. The add factors are variables that are computed endogenously during the baseline simulation of the model to ensure that the baseline simulation solution values equal the observed sample values. There is an add factor for each structural/behavioral equation in the model. Add factors are not required for identities since the computed values for the corresponding variables will equal the observed sample values if the structural/behavioral variable values are forced (by add factoring) to equal the observed sample values. There are eight add factor equations for the eight labor force participation rate equations. There are nine add factor equations for the value marginal product conditions. Finally, there is an add factor equation for absorption.

The model simulations were accomplished in two steps. The first step was to generate an add-factored baseline simulation. The second step was to increase the "foreign-born, low-skilled, Mexican" labor group by 20 percent in each of the 122 metropolitan areas. Our basic assumption here is that Mexico-born migrants in the United States tend to have relatively low skill levels because, as noted above, they tend to have relatively low levels of education. The difference in the solution values of each of these two steps, in each area, represents our simulated impacts of a 20 percent increase in low-skilled, Mexican migrants.

All blocks of the model are "turned on" in the simulations. Consequently, both supply and demand-side effects on employment and real factor prices are captured. In order to understand the economics of the simulations, it is useful to disaggregate conceptually the simulations into three parts. In the first part, only the effects of immigration on the value marginal products of each input and on output are considered. Consequently, increased immigration results only in factor price effects and an output effect. Only the production block of the model is therefore "turned

on." Consequently, impacts are limited to those operating through the production structure channel of influence.

In the second part, employment effects in addition to factor price effects are considered. This is accomplished by "turning on" the production, labor force, input value shares, and income blocks of the model structure. Impacts are therefore limited to those operating through the production structure and labor force participation channels of influence.

Additional effects are "turned on" in the third part by considering aggregate demand in addition to the effects occurring through the production structure and labor force participation channels. The aggregate demand effects have two aspects. First, the impacts of changes in local wage and nonlabor income on local demand are incorporated. If the sum of changes in local wage and nonlabor income is positive due to immigration, then local demand will rise and the local price level will be supported. Second, the effects of changes in output on the local price level are incorporated. An increase in migration directly results in an increase in labor input locally and therefore to the production of more local output. If the labor force participation effects across all labor groups do not offset this positive direct output effect of increased migration, the level of locally produced output will rise. In parts one and two, such an output increase would be absorbed without a change in the price of locally produced output. In this way, the other two parts represent, by assumption, the operation of a small open economy. In this third part, local price is endogenized and a lower price of local output will be required to get the extra output absorbed, *ceteris paribus*.

Aggregate demand effects operate in two opposing directions on the local price level and therefore on value marginal products. If the local demand effect bolsters the local price level, then this will support value marginal products and factor prices. However, this positive effect could be offset to some extent, or outweighed, by the downward pressure on local price by any extra local output produced with increased immigration. In the simulation of the model, of course, both effects are computed, and the result for factor prices is incorporated. The simulation results presented below incorporate all three of these parts: the production structure channel of influence, the labor force participation channel, and the aggregate demand channel.[7]

In Table 4, the simulated effects on the real wages of the eight groups of labor are presented. For all 122 areas, the average real wage of the migrant group itself falls by 3.0 percent. As shown in Table 5, due to this lower wage rate, workers in this category withdraw from the labor force, so that ultimately employment of this group increases by 19.39 percent and not by 20 percent, which reflects a displacement effect of about 0.6 percent (20.0 percent - 19.4 percent). The wage rates of other labor categories are almost unchanged. For example, native, low-skill females of Mexican ancestry suffer a wage loss of only about 0.3 percent

Table 4

Percentage Change in Real Wage of Various Labor Skill Groups Due to a 20-Percent Increase in Low-skilled, Foreign-born Mexican Labor—Selected MSAs

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
All areas (122)	0.34	-0.34	0.33	-0.15	-3.01	-0.45	0.06	-0.47
California areas (23)	0.75	-0.68	0.59	-0.41	-6.85	-1.05	0.05	-1.16
Texas areas (23)	0.64	-0.68	0.72	-0.16	-5.00	-0.65	0.22	-0.64
Arizona, New Mexico, Colorado areas (11)	0.43	-0.36	0.48	-0.16	-3.69	-0.56	0.12	-0.57
Areas in border states (52)	0.69	-0.66	0.67	-0.28	-5.90	-0.85	0.14	-0.90
Areas of high concentration of foreign born, low-skilled, Mexicans[a] (13)	1.42	-1.27	1.55	-0.23	-11.42	-1.38	0.59	-1.40
Areas of low concentration of foreign born, low-skilled, Mexicans[b] (43)	0.02	-0.02	0.02	-0.02	-0.19	-0.04	-0.00	-0.04
Santa Ana, CA	1.29	-0.48	0.51	-0.68	-7.37	-1.30	-0.39	-1.69
Bakersfield, CA	0.56	-0.72	0.57	-0.44	-8.89	-1.29	0.05	-1.32
Chico-Paradise, CA	0.13	-0.25	0.21	-0.14	-1.83	-0.37	0.00	-0.34
Fresno, CA	1.31	-1.11	1.12	-0.62	-12.24	-1.63	0.25	-1.49
Los Angeles, CA	2.30	-1.36	1.07	-1.59	-13.54	-1.53	-0.56	-3.43
Merced, CA	2.05	-0.94	1.41	-0.24	-14.24	-1.74	0.88	-1.75
Modesto, CA	0.18	-0.80	0.53	-0.36	-7.40	-1.23	0.09	-1.21

Table 4 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Oakland, CA	0.07	-0.25	0.10	-0.21	-1.50	-0.37	-0.09	-0.40
Oxnard-Ventura, CA	0.87	-0.69	0.63	-0.48	-6.98	-1.16	-0.09	-1.23
Redding, CA	0.01	-0.03	0.02	-0.02	-0.24	-0.06	0.00	-0.05
San Bernardino, CA	0.31	-1.24	0.16	-0.52	-7.09	-1.58	-0.16	-1.35
Sacramento, CA	0.11	-0.32	0.11	-0.19	-1.36	-0.30	-0.04	-0.26
Salinas, CA	1.29	-1.04	1.64	-0.42	-13.39	-1.81	0.59	-1.88
San Diego, CA	0.87	-0.81	0.61	-0.56	-5.90	-1.03	-0.14	-1.12
San Francisco, CA	0.15	-0.16	0.16	-0.18	-1.48	-0.27	-0.06	-0.39
San Jose, CA	0.50	-0.54	0.14	-0.38	-3.59	-0.80	-0.13	-0.92
Santa Barbara, CA	0.79	-0.84	0.82	-0.45	-8.80	-1.34	0.09	-1.37
Santa Cruz, CA	0.79	-0.84	0.90	-0.47	-8.82	-1.29	0.09	-1.32
Santa Rosa, CA	0.48	-0.43	0.22	-0.28	-2.63	-0.61	-0.03	-0.61
Stockton-Lodi, CA	0.66	-0.65	0.38	-0.39	-6.45	-1.07	0.05	-1.06
Vallejo, CA	0.22	-0.38	0.19	-0.20	-2.64	-0.51	0.00	-0.50
Visalia-Tulare, CA	2.05	-1.10	1.51	-0.36	-15.17	-1.95	0.73	-1.95
Yuba City, CA	0.23	-0.61	0.57	-0.28	-5.96	-0.98	0.12	-0.98
Abilene, TX	0.25	-0.24	0.18	-0.13	-2.17	-0.35	0.01	-0.30
Amarillo, TX	0.16	-0.25	0.15	-0.14	-1.58	-0.30	0.00	-0.37

Table 4 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Austin, TX	0.30	-0.40	0.32	-0.23	-2.55	-0.46	0.01	-0.42
Beaumont, TX	0.05	-0.08	0.04	-0.04	-0.47	-0.11	-0.01	-0.10
Brazoria, TX	0.17	-0.27	0.11	-0.16	-1.96	-0.36	-0.03	-0.37
Brownsville, TX	2.70	-2.14	3.88	-0.25	-20.34	-1.94	1.68	-1.87
Bryan-College Station, TX	0.21	-0.26	0.27	-0.15	-2.43	-0.41	0.02	-0.43
Corpus Christi, TX	0.21	-0.44	0.23	-0.20	-3.08	-0.48	0.00	-0.47
Dallas, TX	0.69	-0.03	0.60	-0.40	-3.21	-0.57	-0.05	-0.61
El Paso, TX	2.69	-2.89	2.98	0.20	-19.44	-2.04	1.14	-2.09
Ft. Worth-Arlington, TX	0.30	-0.27	0.25	-0.22	-2.47	-0.52	-0.02	-0.42
Galveston, TX	0.13	-0.18	0.14	-0.11	-1.51	-0.28	-0.02	-0.23
Houston, TX	1.02	-0.12	0.79	-0.25	-3.89	-0.48	-0.07	-0.86
Killeen-Temple, TX	0.14	-0.17	0.12	-0.08	-1.47	-0.23	0.01	-0.23
Longview-Marshall, TX	0.14	-0.22	0.11	-0.11	-1.20	-0.32	-0.01	-0.26
Lubbock, TX	0.11	-0.18	0.12	-0.10	-1.13	-0.24	0.00	-0.21
McAllen-Edinberg-Mission, TX	3.75	-4.03	4.33	0.22	-25.44	-1.79	2.29	-2.05
Midland, TX	0.54	-0.64	0.31	-0.32	-4.46	-0.79	-0.04	-0.63
Odessa, TX	0.30	-0.63	0.41	-0.35	-4.49	-0.92	0.04	-0.97

Table 4 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
San Antonio, TX	0.29	-1.28	0.46	-0.37	-4.66	-0.87	0.02	-0.65
Tyler, TX	0.24	-0.45	0.27	-0.21	-3.22	-0.59	0.00	-0.46
Waco, TX	0.25	-0.35	0.27	-0.19	-2.50	-0.47	0.02	-0.46
Wichita Falls, TX	0.06	-0.16	0.14	-0.09	-1.24	-0.34	0.00	-0.24
Yakima, WA	1.55	-0.98	1.32	-0.38	-11.26	-1.67	0.37	-1.61
Yuma, AZ	2.03	-0.91	2.10	-0.26	-15.85	-1.83	0.87	-2.06
Las Cruces, NM	1.06	-0.93	1.47	-0.33	-10.35	-1.43	0.50	-1.68
Richland-Kennewick-Pasco, WA	0.65	-0.64	0.67	-0.32	-6.35	-0.98	0.07	-0.88
Greeley, CO	0.33	-0.43	0.32	-0.25	-3.24	-0.71	0.02	-0.62

[a] Refers to MSAs for which at least 60 percent of the foreign born are low-skilled persons born in Mexico.

[b] Refers to MSAs for which less than 10 percent of the foreign born are low-skilled persons born in Mexico.

Table 5
Percentage Change in Employment of Various Labor Skill Groups Due to a 20-Percent Increase in Low-Skilled, Foreign-born Mexican Labor—Selected MSAs

	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
MSA	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
All areas (122)	0.00	-0.15	-0.01	-0.06	-0.61	-0.17	-0.01	-0.07
California areas (23)	-0.01	-0.39	-0.05	-0.16	-1.30	-0.44	-0.03	-0.19
Texas areas (23)	0.02	-0.24	-0.01	-0.08	-1.11	-0.24	-0.02	-0.11
Arizona, New Mexico, Colorado areas (11)	0.02	-0.13	0.00	-0.05	-0.82	-0.22	-0.01	-0.08
Areas in border states (52)	0.00	-0.30	-0.02	-0.11	-1.22	-0.34	-0.03	-0.15
Areas of high concentration of foreign born, low-skilled, Mexicans	0.07	-0.40	0.01	-0.12	-2.41	-0.51	-0.04	-0.20
Areas of low concentration of foreign born, low-skilled, Mexicans	0.00	-0.01	-0.00	-0.00	-0.04	-0.01	-0.00	-0.01
Santa Ana, CA	-0.08	-0.70	-0.11	-0.27	-1.40	-0.53	-0.05	-0.33
Bakersfield, CA	-0.01	-0.37	-0.03	-0.18	-1.53	-0.44	-0.03	-0.20
Chico-Paradise, CA	0.01	-0.05	0.00	-0.04	-0.43	-0.16	0.00	-0.04
Fresno, CA	0.02	-0.57	-0.06	-0.24	-2.04	-0.87	-0.05	-0.27
Los Angeles, CA	-0.25	-1.96	-0.44	-0.70	-3.06	-0.73	-0.16	-0.76
Merced, CA	0.17	-0.29	0.03	-0.11	-2.53	-0.82	-0.04	-0.22
Modesto, CA	-0.04	-0.32	-0.02	-0.13	-1.45	-0.48	-0.02	-0.18

Table 5 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Oakland, CA	-0.04	-0.20	-0.04	-0.08	-0.40	-0.17	-0.02	-0.08
Oxnard-Ventura, CA	0.02	-0.30	-0.03	-0.16	-1.25	-0.41	-0.02	-0.17
Redding, CA	0.00	-0.01	0.00	0.00	-0.04	-0.03	0.00	-0.01
San Bernardino, CA	-0.13	-0.89	-0.13	-0.29	-1.68	-0.72	-0.05	-0.30
Sacramento, CA	-0.02	-0.16	-0.02	-0.07	-0.33	-0.14	-0.01	-0.06
Salinas, CA	0.05	-0.40	0.00	-0.19	-2.43	-0.67	-0.04	-0.26
San Diego, CA	-0.05	-0.69	-0.11	-0.25	-1.42	-0.46	-0.05	-0.27
San Francisco, CA	-0.02	-0.16	-0.03	-0.07	-0.34	-0.11	-0.01	-0.08
San Jose, CA	-0.03	-0.34	-0.06	-0.14	-0.80	-0.33	-0.02	-0.15
Santa Barbara, CA	0.03	-0.26	0.00	-0.13	-1.51	-0.48	-0.02	-0.18
Santa Cruz, CA	0.03	-0.24	0.01	-0.12	-1.38	-0.41	-0.02	-0.16
Santa Rosa, CA	0.00	-0.17	0.00	-0.07	-0.55	-0.23	-0.01	-0.06
Stockton-Lodi, CA	0.02	-0.30	-0.02	-0.14	-1.20	-0.56	-0.02	-0.16
Vallejo, CA	0.00	-0.10	-0.01	-0.06	-0.54	-0.18	-0.01	-0.07
Visalia-Tulare, CA)	0.12	-0.43	0.02	-0.15	-2.58	-0.78	-0.05	-0.28
Yuba City, CA	0.01	-0.12	0.02	-0.08	-1.00	-0.34	-0.01	-0.12
Abilene, TX	0.02	-0.04	0.01	-0.03	-0.35	-0.10	0.00	-0.04
Amarillo, TX	0.01	-0.04	0.00	-0.03	-0.36	-0.10	0.00	-0.04

Table 5 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
Austin, TX	0.00	-0.12	-0.01	-0.06	-0.47	-0.15	-0.01	-0.07
Beaumont, TX	0.00	-0.02	0.00	-0.01	-0.10	-0.04	0.00	-0.01
Brazoria, TX	0.01	-0.05	0.00	-0.04	-0.37	-0.12	0.00	-0.04
Brownsville, TX	0.13	-0.74	0.03	-0.21	-4.57	-0.66	-0.08	-0.32
Bryan-College Station, TX	0.01	-0.04	0.01	-0.03	-0.43	-0.13	0.00	-0.06
Corpus Cristi, TX	0.00	-0.11	-0.01	-0.06	-0.67	-0.20	-0.01	-0.07
Dallas, TX	-0.01	-0.33	-0.06	-0.15	-0.64	-0.23	-0.04	-0.16
El Paso, TX	0.04	-1.11	-0.06	-0.18	-4.68	-0.97	-0.10	-0.41
Ft. Worth-Arlington, TX	-0.01	-0.18	-0.02	-0.08	-0.47	-0.19	-0.01	-0.08
Galveston, TX	0.01	-0.04	0.00	-0.03	-0.28	-0.08	0.00	-0.03
Houston, TX	-0.05	-0.58	-0.10	-0.18	-0.93	-0.25	-0.05	-0.23
Killeen-Temple, TX	0.01	-0.03	0.00	-0.02	-0.30	-0.08	0.00	-0.03
Longview-Marshall, TX	0.01	-0.03	0.00	-0.02	-0.21	-0.06	0.00	-0.03
Lubbock, TX	0.01	-0.03	0.00	-0.02	-0.29	-0.08	0.00	-0.03
McAllen-Edinberg-Mission, TX	0.13	-1.27	0.05	-0.23	-6.10	-0.77	-0.13	-0.42
Midland, TX	0.05	-0.08	0.01	-0.07	-0.81	-0.22	0.00	-0.06
Odessa, TX	0.02	-0.13	0.01	-0.08	-1.11	-0.26	-0.01	-0.11

Table 5 (Continued)

MSA	Low-skilled						High-skilled	
	Native				Foreign-born			
	Mexican		Non-Mexican					
	Male	Female	Male	Female	Mexican	Non-Mexican	Native	Foreign-born
San Antonio, TX	-0.04	-0.43	-0.05	-0.15	-1.12	-0.34	-0.03	-0.16
Tyler, TX	0.01	-0.03	0.01	-0.04	-0.55	-0.18	0.00	-0.06
Waco, TX	0.01	-0.06	0.01	-0.04	-0.49	-0.17	0.00	-0.05
Wichita Falls, TX	0.00	-0.02	0.00	-0.02	-0.24	-0.08	0.00	-0.03
Yakima, WA	0.09	-0.19	0.04	-0.10	-1.78	-0.49	-0.02	-0.19
Yuma, AZ	0.12	-0.30	0.05	-0.12	-3.44	-0.64	-0.04	-0.23
Las Cruces, NM	0.08	-0.27	0.04	-0.10	-2.57	-0.73	-0.02	-0.19
Richland-Kennewick-Pasco, WA	0.04	-0.14	0.01	-0.07	-1.00	-0.27	-0.01	-0.11
Greeley, CO	0.03	-0.07	0.01	-0.05	-0.61	-0.20	0.00	-0.07

and their employment falls by about 0.2 percent. Thus, for the average U.S. region, even relatively large increases in Mexican-born labor do not appear to have large impacts on native workers.

Metropolitan areas in California and Texas have relatively heavy concentrations both of Mexican-born persons and of native-born persons of Mexican ancestry. Each of these states contains 23 metropolitan areas in the sample. The major impact of a 20-percent increase in foreign born, low-skill Mexican labor in California is on this group, whose wages fall by 6.9 percent (Table 4) and whose employment declines by 1.3 percentage points (20 percent less 18.7 percent) (Table 5). The largest wage impacts on other groups occur to foreign-born, low-skill, non-Mexicans and to foreign-born, high-skill persons, but in each case the effects amount only to about one percent. The labor displacement effect is never more than 0.5 percent for any group (Table 5).

The results for Texas are similar to those for California, but for the most part are slightly more moderate. For example, when their employment is increased by 20 percent, foreign-born, low-skill Mexican workers in Texas suffer a 5.0 percent wage decline (Table 4) and about 1.1 percentage point job displacement (Table 5). Comparable effects for Arizona, New Mexico, and Colorado (11 areas) are a 3.7 percent wage reduction and approximately 0.8 percent displacement. Areas of high concentration of foreign-born, low-skill Mexican workers clearly experience the largest impacts of a 20-percent increase in this labor category. For 13 areas for which this labor group constitutes 60 percent or more of the foreign-born population, the wage effect for a 20-percent increase in this group represents a decline of 11.4 percent. Employment of the group is reduced by 2.4 percentage points. Native, low-skill females of Mexican ancestry suffer a 1.3 percent wage decline and a 0.4 percent job displacement effect. Even these last effects are not large.

Three possibilities have been suggested for the repeated empirical finding that the effects of even relatively large increases in foreign-born labor do not appear to have great impacts on native workers. First, the foreign-born population is a relatively small fraction of the population and the labor force, and thus the effects may not be detectable. The results presented above suggest that even in areas with heavy concentrations of foreign-born, low- skill, Mexican labor, the wage and employment displacement effects of relatively large increases in this labor group are not great either for the native-born groups or for other foreign-born groups. The only noteworthy impact is on the own-wage rate because the members of the group are very good labor market substitutes for one another. A second possible explanation for the relatively small impacts of the foreign born on wages and employment is that offsetting increases occur in labor demand and supply relationships with the effect that the wage changes tend to cancel. A third explanation is that efficient U.S. markets result in the effects quickly arbitraging themselves across the nation, with the result that the effects are difficult to detect.

A closer examination of specific metropolitan areas in California and Texas and of other areas of high foreign-born, low-skilled Mexican concentration, indicate that the simulated wage and employment effects vary substantially. For example, among metropolitan areas in California, the own-wage reduction resulting from the 20-percent increase in foreign-born, low-skilled Mexican workers reaches as high as 15.2 percent in Visalia-Tulare and as low as 0.24 percent in Redding (Table 4). Employment of foreign-born, low-skilled Mexicans is reduced by as much as 3.1 percent in Los Angeles and as little as 0.04 percent in Redding (Table 5).

Similar variation in the magnitude of wage and employment effects is apparent among metropolitan areas in Texas. The wage reduction experienced by foreign-born, low-skilled Mexicans varies between 25.4 percent for McAllen-Edinberg-Mission and 0.5 percent for Beaumont (Table 4). The group experiences employment reductions of between 6.1 percent in McAllen-Edinberg-Mission and 0.1 percent in Beaumont (Table 4). Also of note, wages of foreign-born, low-skilled Mexicans fall by 15.9 percent in Yuma, Arizona, while employment falls by 3.4 percent. Greeley, Colorado, also has a high concentration of foreign-born, low-skilled Mexicans, although the own-wage reduction there is only 3.2 percent and the employment reduction is just 0.6 percent.

The range of the wage and employment effects on other groups resulting from a 20-percent increase in foreign-born, low-skilled Mexican workers is much smaller. Among metropolitan areas in California, the wages of native, low-skilled males (both Mexican and non-Mexican) increase, though this increase is relatively small and varies between 0.0 percent in Redding and 2.3 percent in Los Angeles (Table 4). The wage effect is similar for metropolitan areas in Texas, reaching a high of 4.3 percent in McAllen-Edinberg-Mission. The employment effect on this group varies little across metropolitan areas in California and Texas and is nearly zero in most cases.

To the extent that wages and job opportunities of the native born are influenced by low-skill migrants from Mexico, females and especially Mexican ancestry females bear the impacts. However, these effects are not great even in areas with high concentrations of foreign-born, low-skill Mexicans. For example, in areas where at least 60 percent of the foreign-born population consists of low-skill migrants from Mexico, a 20 percent increase in this population reduces the real wage of native-born Mexican ancestry females by 1.3 percent and their employment by 0.4 percent (Tables 4 and 5).

As discussed above, native, low-skilled females (both Mexican and non-Mexican) and other foreign-born groups tend to suffer wage and employment decreases as a result of the 20-percent increase in foreign-born, low-skilled Mexican workers. Although the effects are quite small on average for metropolitan areas in California and Texas (around 1 percent or less), some areas of high foreign-born, low-skilled Mexican concentration display relatively large effects. For example, in

Los Angeles, California, the wages of foreign-born, high-skilled workers fall by 3.4 percent while employment falls by 0.8 percent. In McAllen-Edinberg-Mission, Texas, the wages of native, low-skilled, Mexican females fall by 4.0 percent, accompanied by a 1.3 percent reduction in employment.

A general presumption is that the two groups most likely to enjoy benefits due to migration from Mexico to the United States are the migrants themselves and their U.S. employers. However, because most models that focus on the U.S. impacts of immigration assume separability of labor and capital, as well as not incorporating capital explicitly in the empirical framework, empirical models typically do not allow any assessment of the returns to capital. In the model described above, we explicitly introduce capital and therefore we are able to perform simulation exercises that relate to the return to capital.

Table 6 reports the percentage change in the real rental price of capital due to a 20-percent increase in foreign-born, low-skilled Mexican labor. Among all of the inputs, capital is the clearest winner. In California areas in general the real rental price of capital increases by 0.82 percent, but the increases are somewhat larger in agricultural areas like Merced (1.7 percent), Salinas (1.7 percent), and Visalia-Tulare (1.4 percent). However, the largest increase (2.5 percent) occurs in Los Angeles. The average increase in the real rate of return to capital in Texas is 0.3, but for many areas close to the border the return is considerably higher (Brownsville—1.4 percent; El Paso—1.6 percent; McAllen-Edinberg-Mission—1.8 percent). Another border area that experiences a large increase in the rate of return to capital is Yuma, Arizona (1.7 percent). These results provide confirmation that the U.S. owners of capital benefit due to low-skill migration from Mexico.

Conclusions

In summary, labor market impacts are the most intensively studied effects of the foreign born in the United States. Although these effects may be mitigated or reinforced through less-highly studied channels of influence, the following conclusions have the strongest support. First, in both 1980 and 1990 the foreign born had a tendency to put downward pressure on the wage rates of the native born and a tendency to displace them from their jobs, but the effects were not large at the national level. The Mexican-born had similarly small impacts at the national level. Second, the foreign born are highly concentrated regionally, and although internal migration and trade tend to distribute the consequences over broader regions, the economic consequences also are concentrated. The largest impacts of low-skilled migration from Mexico are on other low-skilled migrants from Mexico, because the two groups are good labor market substitutes. In areas of high concentration of new migrants from Mexico, such as El Paso, other migrants from Mexico suffer

Table 6
Percentage Change in the Real Rental Price of Capital Due to a 20-Percent Increase in Foreign-born, Low-skilled Mexican Labor—Selected Areas

Area	Percentage Change
All areas (122)	0.27
California areas (23)	0.82
Texas areas (23)	0.33
Arizona, New Mexico, Colorado areas (11)	0.30
Areas in border states (52)	0.56
Areas of high concentration of foreign-born, low-skilled, Mexicans (13)	0.88
Areas of low concentration of foreign-born, low-skilled, Mexicans (43)	0.02

Santa Ana, CA	1.31	Beaumont, TX	0.06
Bakersfield, CA	0.74	Brazoria, TX	0.12
Chico-Paradise, CA	0.12	Brownsville, TX	1.44
Fresno, CA	1.04	Bryan-College Station, TX	0.14
Los Angeles, CA	2.54	Corpus Christi, TX	0.12
Merced, CA	1.66	Dallas, TX	0.23
Modesto, CA	0.74	El Paso, TX	1.58
Oakland, CA	0.27	Ft. Worth-Arlington, TX	0.17
Oxnard-Ventura, CA	0.89	Galveston, TX	0.08
Redding, CA	0.02	Houston, TX	0.27
San Bernardino, CA	1.04	Killeen-Temple, TX	0.07
Sacramento, CA	0.15	Longview-Marshall, TX	0.05
Salinas, CA	1.68	Lubbock, TX	0.06
San Diego, CA	0.80	McAllen-Edinberg-Mission, TX	1.75
San Francisco, CA	0.19	Midland, TX	0.25
San Jose, CA	0.69	Odessa, TX	0.26
Santa Barbara, CA	0.45	San Antonio, TX	0.48
Santa Cruz, CA	0.93	Tyler, TX	0.16
Santa Rosa, CA	0.29	Waco, TX	0.13
Stockton-Lodi, CA	0.58	Wichita Falls, TX	0.07
Vallejo, CA	0.31	Yakima, WA	0.81
Visalia-Tulare, CA	1.43	Yuma, AZ	1.66
Yuba City, CA	0.42	Las Cruces, NM	0.70
Abilene, TX	0.10	Richland-Kennwick-Pasco, WA	0.48
Amarillo, TX	0.09	Greeley, CO	0.22
Austin, TX	0.16		

job displacement and significant downward pressure on their wage rates. Such effects impede the upward economic mobility of less-skilled migrants themselves. Finally, owners of capital and land are the primary U.S. beneficiaries from the presence of less-skilled migrants from Mexico.

Based on our econometric results the most surprising finding is probably that Hicksian complementarity relationships are much fewer than one might have expected. One tends to think that an increase in the supply of one factor increases the marginal products of the other factors. Indeed, one common argument in favor of immigration often is that more low-skill immigrants would make most other factors more productive, even if previous low-skill immigrants unavoidably get hurt. On average, Hicksian cross-elasticities of complementarity tend to be positive. Actually, they *must* be positive in the two-input case. They will also be positive, even if there are many inputs, if the functional form is Cobb-Douglas or CES, for instance. Yet, our results indicate that, even though capital is definitely a Hicksian complement for labor, Hicksian substitution relationships by far dominate among the different categories of labor. In the model, some complementarity relationships between various labor categories are evident, but they tend to be scarce and weak. These often involve low-skill native males and females, high-skill native females, and low- and high-skill migrants. As far as an increase in low-skill immigration is concerned, the clear winner is capital, but low-skill males and high-skill females are also likely to benefit.

The simulation results indicate that the largest adverse impacts of additional low-skilled, Mexican migrants falls on low-skilled, Mexican migrants themselves. Although small relative declines and advances are observed in the real wages and employment of other labor groups, the size of these effects is usually small. Capital's real rental price rises in the simulations, with the magnitude varying directly with the concentration of low-skilled, Mexican migrants in the various areas, as does the absolute value of the negative real wage effects on the migrants themselves and the various impacts on the labor market outcomes of other labor groups. These findings highlight the importance of demographic and geographic disaggregation in immigrant impact analyses.

Relative to other foreign-born groups and relative to the native born, persons born in Mexico have relatively low rates of U.S. internal migration (Greenwood, Henning and McDowell, 1997). Indeed, the native born of Mexican ancestry have low rates of internal migration in general. For example, among those household heads born in Mexico who entered the United States between 1970 and 1974, only 4.1 percent made an interstate move between 1985 and 1990. During the same period 5.2 percent of native-born heads of Mexican ancestry made such a move. In contrast, the same entry cohort from other countries of origin had much higher rates of internal migration over the 1985-1990 period. Representative rates of internal migration for these other groups are as follows: Philippines—12.3 percent;

Germany—18.0 percent; United Kingdom—19.7 percent; India—21.7 percent; Korea—15.8 percent; and Vietnam—15.2 percent. Among these countries, only for Mexico do the foreign born have lower rates of internal migration than the native born of each respective ancestry.

Neuman and Tienda (1994) also confirmed that undocumented migrants from Mexico are less likely to move across state lines than undocumented migrants from other regions. An analysis of administrative records (Legalization Application Processing System, or LAPS) revealed that just over one-quarter of amnestied immigrants changed residence at least once between the time of most recent entry and application for amnesty, but the likelihood of inter-state moves as undocumented migrants varied by place of birth. Mexicans were least likely to move subsequent to their initial entry, whereas Asians and Africans were most likely to do so. Specifically, only 19 percent of undocumented Mexicans who applied for legal status had moved across state lines before soliciting amnesty compared to over two-thirds of undocumented migrants from Asia and Africa, and over half of undocumented migrants from other Latin American countries (except Salvadorans, whose inter-state migratory behavior was similar to that of Mexicans).

If secondary migration leads to greater residential dispersion throughout the country, the social impacts of undocumented migration ultimately will be less severe in the states that serve as gateways for initial entry. Overall, unauthorized Mexican migrants who moved across state lines were less residentially concentrated at the time of application for amnesty than were nonmovers. For Mexicans, California and Texas were the main gateways for unauthorized entry. However, limited evidence suggests dispersal of impacts through inter-state moves of unauthorized Mexican migrants; nonmovers were more than twice as likely as movers to have entered through California (three out of four nonmovers from Mexico entered through California compared to just over one-third of movers). Mexicans who entered without inspection through Texas were more likely to have changed their state of residence by the time of application for amnesty, thereby attenuating impacts in this state. Specifically, just over half of Mexican movers entered through Texas compared to more than one-fifth of nonmovers.

These low rates of internal migration among persons born in Mexico are due to many factors, such as relatively low levels of education, lack of English language skills, and strong ties to areas with high concentrations of persons born in Mexico. Like education, migration is a form of investment in human capital and as such migration presumably yields higher future returns. Historically, internal migration has been a mechanism through which Americans have taken advantage of employment and wage opportunities elsewhere to improve their economic status. Thus, the low internal migration rates of both those born in Mexico and those born in the United States of Mexican ancestry may restrict their access to areas that

provide favorable economic opportunities. Lack of internal mobility also perpetuates high concentrations of the Mexican-born population. The continued entry of migrants from Mexico who are good labor market substitutes for earlier migrants results in continued job competition between the groups, which in turn restricts wage growth for them.

Notes

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1. Other foreign-born groups also are highly concentrated. For example, 64.6 percent of the Cuban-origin population resided in Florida in 1990. However, these groups have absolute numbers that are low in comparison to the Mexican-origin population. The Cuban group, for example, numbered 1.0 million in 1990, or 7.7 percent of the Mexican group.

2. We are presently unable to estimate the model with more than nine inputs, but this is five more inputs than is found in the typical production-theory approach.

3. J = 9 in all models.

4. See Hicks (1970), Sato and Koizumi (1972), and Syrquin and Hollender (1982).

5. See Diewert and Wales (1988), Kohli (1994), and Greenwood, Hunt and Kohli (1996).

6. See White (1988).

7. Separate results associated with the opening of each channel are available from the authors on request.

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Appendix Table A1
Mexican Model Labor Force Participation ML Probit Estimates
Native, Lower-skilled, Mexican Males

Parameter	Estimate	Standard Error	t-statistic
AREARW	376.176	258.669	1.45427
RFAMINC	61.3785	13.6618	4.49271
KIDLT6	.265769	.055806	4.76241
KID617	.076358	.054201	1.40879
BLACK	1.01195	1.03761	.975270
WHITE	-.242839	.151583	-1.60202
DBLACK	-.942278	1.07299	-.878178
DWHITE	.327015	.162248	2.01552
DED	.097896	.012121	8.07632
DX	.061153	.980902E-02	6.23438
DXSQ	-.124580E-02	.163513E-03	-7.61896
DIMG8090	1.40544	1.22085	1.15120
C	.631353	.267986	2.35592

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-80.45346	80.45346
RFAMINC	-13.12714	13.12714
KIDLT6	-0.056841	0.056841
KID617	-0.016331	0.016331
BLACK	-0.21643	0.21643
WHITE	0.051936	-0.051936
DWHITE	-0.069939	0.069939
DED	-0.020937	0.020937
DX	-0.013079	0.013079
DXSQ	0.00026644	-0.00026644
DIMG8090	-0.30058	0.30058
C	-0.13503	0.13503

Log of Likelihood Function	=	-1480.12
Number of Observations	=	3808
Number of Positive Observations	=	3198
Fraction of Positive Observations	=	0.839811
Sum of Squared Residuals	=	453.344
R-squared	=	0.115128
Fraction of Correct Predictions	=	0.839548

Appendix Table A2
Mexican Model Labor Force Participation ML Probit Estimates
Native, Lower-skilled, Mexican Females

Parameter	Estimate	Standard Error	t-statistic
AREARW	157.074	111.311	1.41112
RFAMINC	107.314	6.66555	16.0999
KIDLT6	-.370276	.018081	-20.4792
KID617	-.070952	.013506	-5.25354
BLACK	1.13268	.612932	1.84796
WHITE	-.141244	.085478	-1.65239
DBLACK	-1.20283	.635434	-1.89293
DWHITE	.120051	.089450	1.34210
DED	.085264	.558204E-02	15.2746
DX	.024808	.355593E-02	6.97662
DXSQ	-.866736E-03	.740739E-04	-11.7010
DIMG8090	-1.16845	.510514	-2.28878
C	.192903	.118596	1.62655

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-51.34042	51.34042
RFAMINC	-35.07622	35.07622
KIDLT6	0.12103	0.12103
KID617	0.023191	-0.023191
BLACK	-0.37022	0.37022
WHITE	0.046166	-0.046166
DBLACK	0.39315	-0.39315
DWHITE	-0.039239	0.039239
DED	-0.027869	0.027869
DX	-0.0081087	0.0081087
DXSQ	0.00028330	-0.00028330
DIMG8090	0.38191	-0.38191
C	-0.063051	0.063051

Log of Likelihood Function	=	-6993.56
Number of Observations	=	12182
Number of Positive Observations	=	7708
Fraction of Positive Observations	=	0.632737
Sum of Squared Residuals	=	2359.90
R-squared	=	0.166572
Fraction of Correct Predictions	=	0.707273

Appendix Table A3
Mexican Model Labor Force Participation ML Probit Estimates
Native, Lower-skilled, Non-Mexican Males

Parameter	Estimate	Standard Error	t-statistic
AREARW	229.311	99.3298	2.30858
RFAMINC	63.4894	3.83384	16.5603
KIDLT6	.157440	.019434	8.10124
KID617	.079847	.025122	3.17833
BLACK	.202275	.129982	1.55617
WHITE	1.05712	.113347	9.32637
DBLACK	-.361712	.138173	-2.61783
DWHITE	-.795073	.121111	-6.56481
DED	.146418	.396335E-02	36.9430
DX	.068899	.339693E-02	20.2826
DXSQ	-.136488E-02	.589171E-04	-23.1661
DIMG8090	.865882E-02	.088712	.097606
C	-.079648	.162948	-.488793

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-41.73207	41.73207
RFAMINC	-11.55438	11.55438
KIDLT6	-0.028652	0.028652
KID617	-0.014531	0.014531
BLACK	-0.036812	0.036812
WHITE	-0.19238	0.19238
DBLACK	0.065828	-0.065828
DWHITE	0.14469	-0.14469
DED	-0.026646	0.026646
DX	-0.012539	0.012539
DXSQ	0.00024839	-0.00024839
DIMG8090	-0.0015758	0.0015758
C	0.014495	-0.014495

Log of Likelihood Function	=	-14934.2
Number of Observations	=	4472
Number of Positive Observations	=	38642
Fraction of Positive Observations	=	0.863914
Sum of Squared Residuals	=	4440.56
R-squared	=	0.155589
Fraction of Correct Predictions	=	0.867446

Appendix Table A4
Mexican Model Labor Force Participation ML Probit Estimates
Native, Lower-Skilled, Non-Mexican Females

Parameter	Estimate	Standard Error	t-statistic
AREARW	304.171	24.8732	12.2289
RFAMINC	23.8142	1.14345	20.8266
KIDLT6	-.530727	.474732E-02	-111.795
KID617	-.149499	.351399E-02	-42.5440
BLACK	.578658	.061099	9.47082
WHITE	.670588	.058886	11.3880
DBLACK	-.468357	.064083	-7.30856
DWHITE	-.655242	.061658	-10.6270
DED	.104957	.169158E-02	62.0469
DX	.020743	.878380E-03	23.6151
DXSQ	-.104941E-02	.179880E-04	-58.3393
DIMG8090	-.461973	.049749	-9.28605
C	-.305222	.072614	-4.20337

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-93.11224	93.11224
RFAMINC	-7.28994	7.28994
KIDLT6	0.16247	-0.16247
KID617	0.045764	-0.045764
BLACK	-0.17714	0.17714
WHITE	-0.20528	0.20528
DBLACK	0.14337	-0.14337
DWHITE	0.20058	-0.20058
DED	-0.032129	0.032129
DX	-0.0063498	0.0063498
DXSQ	0.00032124	-0.00032124
DIMG8090	0.14142	-0.14142
C	0.093434	-0.093434

Log of Likelihood Function	=	-134647.
Number of Observations	=	248369
Number of Positive Observations	=	170964
Fraction of Positive Observations	=	0.688347
Sum of Squared Residuals	=	45110.8
R-squared	=	0.153350
Fraction of Correct Predictions	=	0.730216

Appendix Table A5
Mexican Model Labor Force Participation ML Probit Estimates
Native, Higher-skilled

Parameter	Estimate	Standard Error	t-statistic
AREARW	-46.0643	20.2122	-2.27903
RFAMINC	19.9034	1.14656	17.3592
KIDLT6	-.194098	.596017E-02	-32.5658
KID617	-.025811	.413460E-02	-6.24266
BLACK	.134839	.070952	1.90042
WHITE	.355892	.062215	5.72038
DBLACK	-.328959	.074482	-4.41660
DWHITE	-.301183	.065311	-4.61152
DED	-.025589	.146034E-02	-17.5228
DX	.019869	.146036E-02	13.6055
DXSQ	-.107197E-02	.278087E-04	-38.5480
DIMG8090	-.322939	.074837	-4.31526
C	1.12338	.084711	13.2614

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	7.57394	-7.57394
RFAMINC	-3.27253	3.27253
KIDLT6	0.031914	-0.031914
KID617	0.0042438	-0.0042438
BLACK	-0.022170	0.022170
WHITE	-0.058516	0.058516
DBLACK	0.054088	-0.054088
DWHITE	0.049521	-0.049521
DED	0.0042074	-0.0042074
DX	-0.0032669	0.0032669
DXSQ	0.00017625	-0.00017625
DIMG8090	0.053098	-0.053098
C	-0.18471	0.18471

Log of Likelihood Function	=	-83604.3
Number of Observations	=	275623
Number of Positive Observations	=	247762
Fraction of Positive Observations	=	0.898916
Sum of Squared Residuals	=	23336.4
R-squared	=	0.684925E-01
Fraction of Correct Predictions	=	0.899257

Appendix Table A6
Mexican Model Labor Force Participation ML Probit Estimates
Foreign-born, Lower-skilled, Mexicans

Parameter	Estimate	Standard Error	t-statistic
AREARW	326.612	188.085	1.73651
RFAMINC	45.8073	5.53054	8.28261
KIDLT6	-.280559	.016288	-17.2252
KID617	-.049781	.010875	-4.57762
BLACK	.201741	.783226	.257577
WHITE	-.450715	.081139	-5.55482
DBLACK	.125994	.807753	.155981
DWHITE	.428945	.084985	5.04731
DED	.018887	.354467E-02	5.32841
DX	.024408	.373495E-02	6.53513
DXSQ	-.782044E-03	.683280E-04	-11.4454
DIMG8090	-.259368	.027825	-9.32129
C	.090804	.156783	.579172

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-121.91581	121.91581
RFAMINC	-17.09870	17.09870
KIDLT6	0.1047	-0.10473
KID617	0.018582	-0.018582
BLACK	-0.075305	0.075305
WHITE	0.16824	-0.16824
DBLACK	-0.047030	0.047030
DWHITE	-0.16011	0.16011
DED	-0.0070502	0.0070502
DX	-0.0091110	0.0091110
DXSQ	0.00029192	-0.00029192
DIMG8090	0.096815	-0.096815
C	-0.033895	0.033895

Log of Likelihood Function	=	-7487.86
Number of Observations	=	11498
Number of Positive Observations	=	6045
Fraction of Positive Observations	=	0.525744
Sum of Squared Residuals	=	2638.10
R-squared	=	0.798307E-01
Fraction of Correct Predictions	=	0.621673

Appendix Table A7
Mexican Model Labor Force Participation ML Probit Estimates
Foreign-born, Lower-skilled, Non-Mexicans

Parameter	Estimate	Standard Error	t-statistic
AREARW	513.323	99.4405	5.16212
RFAMINC	18.8780	2.33006	8.10194
KIDLT6	-.415248	.011742	-35.3655
KID617	-.104216	.795639E-02	-13.0983
BLACK	.272277	.084406	3.22580
WHITE	-.238858	.045165	-5.28853
DBLACK	.025034	.088216	.283778
DWHITE	.053862	.047700	1.12920
DED	.016021	.201185E-02	7.96320
DX	.017073	.209490E-02	8.14958
DXSQ	-.824776E-03	.399819E-04	-20.6288
DIMG8090	-.338545	.015629	-21.6615
C	.103879	.102992	1.00861

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-171.81270	171.81270
RFAMINC	-6.31858	6.31858
KIDLT6	0.13899	0.034882
BLACK	-0.091133	0.091133
WHITE	0.079947	-0.079947
DBLACK	-0.0083790	0.0083790
DWHITE	-0.018028	0.018028
DED	-0.0053623	0.0053623
DX	-0.0057143	0.0057143
DXSQ	0.00027606	-0.00027606
DIMG8090	0.11331	-0.11331
C	-0.034769	0.034769

Log of Likelihood Function	=	-23111.0
Number of Observations	=	39239
Number of Positive Observations	=	25519
Fraction of Positive Observations	=	0.650348
Sum of Squared Residuals	=	7897.68
R-squared	=	0.114888
Fraction of Correct Predictions	=	0.692219

Appendix Table A8
Mexican Model Labor Force Participation ML Probit Estimates
Foreign-born, Higher-skilled

Parameter	Estimate	Standard Error	t-statistic
AREARW	286.908	44.3974	6.46226
RFAMINC	97.4366	4.44469	21.9220
KIDLT6	.100829	.015647	6.44418
KID617	.051002	.999703E-02	5.10176
BLACK	-.206484	.111559	-1.85089
WHITE	-.027063	.066818	-.405023
DBLACK	.151424	.118472	1.27815
DWHITE	.063638	.069625	.914010
DED	.237935E-02	.206830E-02	1.15039
DX	.036828	.236676E-02	15.5603
DXSQ	-.109184E-02	.441550E-04	-24.7274
DIMG8090	-.147804	.019277	-7.66733
C	.505518	.090778	5.56875

Standard Errors computed from analytic second derivatives (Newton)

	dP/dX	
	0	1
AREARW	-42.39572	42.39572
RFAMINC	-14.39800	14.39800
KIDLT6	-0.014899	0.014899
KID617	-0.0075365	0.0075365
BLACK	0.030512	-0.030512
WHITE	0.0039990	-0.0039990
DBLACK	-0.022376	0.022376
DWHITE	-0.0094036	0.0094036
DED	-0.00035159	0.00035159
DX	-0.0054419	0.0054419
DXSQ	0.00016134	-0.00016134
DIMG8090	0.021841	-0.021841
C	-0.074699	0.074699

Log of Likelihood Function	=	-12770.3
Number of Observations	=	46536
Number of Positive Observations	=	42335
Fraction of Positive Observations	=	0.909726
Sum of Squared Residuals	=	3536.00
R-squared	=	0.747712E-01
Fraction of Correct Predictions	=	0.910327

IMPACTS OF MIGRATION

Mexican Immigrants and Mexican American Political Assimilation

*Michael Rosenfeld**

There are many political dimensions of Mexican immigration and Mexican American life in the U.S. Political life in the U.S., as elsewhere, includes the realms of routine electoral politics where candidates seek votes, symbolic politics where images of immigrants may be put to a variety of uses, legislative politics where rights and privileges of different groups may be gained or lost, and so on. The political relationship between Mexican immigrants and Mexican Americans (a term which I will use in this paper to refer to U.S. born persons of Mexican descent) is a multidimensional one that has evolved over time as the Mexican American community has evolved politically, and as U.S. immigration law has changed.

While at first it may seem that immigrants have little direct effect on routine electoral politics in the U.S., because they cannot vote, there are in fact a number of links between immigrants and electoral politics. Immigrants effect electoral politics directly through census enumerations and decennial redistricting. U.S. congressional districts, and all state legislative districts are apportioned on the basis of *persons*, rather than on the basis of citizens or adult citizens because of the wording of article 1, section 2 of the U.S. constitution (the U.S. is quite unusual in

this regard). In the aftermath of the Voting Rights Act of 1965, and subsequent court interpretations (see Guinier, 1991), some legislative districts have been designed to be minority dominated, in order to insure greater minority representation in the various legislative bodies. Because these districts are designed to contain a certain number of people, rather than a certain number of adult citizens, Mexican immigrants contribute to the electoral power of Mexican Americans by the weight of their sheer numbers. Because of the presence of so many Mexican immigrants, Mexican American districts have many fewer potential (and actual) voters than other districts. Table 1 shows that in the 1992 U.S. elections, people of Mexican descent (Mexican immigrants and Mexican Americans) cast only about 16 votes per hundred persons, while non-Hispanic Whites cast about 50 votes per hundred persons. The low number votes by persons of Mexican origin (Mexican immigrants and Mexican Americans) is due to a number of factors: younger population, lower citizenship rates, along with relatively low registration and voting rates, but the most important is the low adult citizenship rate of 54% as compared with 95% for non-Hispanic Whites and 92% for non-Hispanic blacks.

Mexican immigrants also may represent a cost to Mexican Americans if the presence of immigrants induces an anti-immigrant backlash in the non-Hispanic native population. Political organizations that serve the Mexican American community fought against IRCA in 1986 because they feared that a policy of employer sanctions that was intended to deter the employment of illegal Mexican immigrants might lead to wholesale discrimination against Mexican Americans and other Hispanic groups as well. IRCA also included an amnesty provision for long term undocumented residents, a provision which allowed more than 1.5 million Mexican immigrants to legalize their residence in the U.S., so the opposition of the Hispanic political organizations to IRCA ought to be viewed as evidence that immigrants are not the primary constituents of these U.S. based Hispanic organizations. Generally, if the anti-immigrant backlash takes on racial, ethnic, or discriminatory overtones, then such a backlash will necessarily make life more difficult for the non-immigrant coethnics (in this case Mexican Americans). Weintraub (1996) and Espenshade and Belanger (1996) take up such issues as California's Proposition 187, and other well known uses or abuses of the image of immigrants in U.S. popular politics.

Mexican immigrants are incorporated into life in the U.S. through communities or barrios that are already densely settled by Mexican Americans and other Mexican immigrants. In these barrios the Mexican American political organizations, civic organizations and elected officials constitute the local elites. As the Mexican American community has evolved politically over the last 30 years, and in particular as the Mexican Americans have become assimilated into routine electoral politics in the U.S., the nature of the barrios has changed. As the nature of the

Table 1
Demography of Political Participation, 1992

	Mexican Americans	Non-Hisp Blacks	Non-Hisp Whites	Other Non-Hisp	Cubans	Puerto Ricans	Other Hispanics
Persons	15,267,776	32,077,899	192,958,425	8,780,088	1,122,381	2,640,295	4,715,788
(A) Adults/ persons	60%	65%	75%	71%	75%	55%	67%
(B) Adult Citizenship Rate	54%	92%	95%	58%	55%	93%	43%
(C) Registration rate (for adult citizens)	61%	71%	78%	62%	78%	61%	69%
(D) Voting rate (for those registered)	80%	84%	90%	87%	90%	79%	87%
Voters/100 persons (A*B*C*D)	15.76	35.27	49.94	22.28	28.96	24.34	17.34

Source: Case weighted data from the 1992 Current Population Survey, November Voting Supplement

barrios has changed, the political dynamics between the Mexican immigrants and the Mexican Americans has necessarily changed. In this paper I examine the trajectory of Mexican American politics, especially the growth of electoralism, and discuss how these changes may have effected the political dynamics between Mexican immigrants and Mexican Americans.

It is crucial to keep Mexican immigrants and Mexican Americans separate empirically and analytically, especially when studying political issues. Mexican immigrants have long been known to have the lowest levels of naturalization, and the most tenacious maintenance of their native language among all major immigrant groups in the U.S. The attachment of Mexican immigrants to American politics is, therefore relatively low. Surveys of political opinion have revealed that Mexican Americans have a surprisingly low level of political solidarity for immigration issues (see De la Garza et al, 1992). One cannot assume, therefore, that Mexican immigrants and Mexican Americans share a common political perspective, although some processes such as naturalization have undergone tremendous changes since 1994 such that the future political statuses of Mexican immigrants and Mexican Americans are hardly certain (see concluding sections).

Most studies that deal with the political assimilation of Mexican Americans, such as J. Garcia (1987), are methodologically individualistic, that is they address the assimilation of individual persons. In this paper, political assimilation is used the way it is used by Dahl (1961) to mean the political assimilation of minority groups, rather than the assimilation of individuals. The relevant part of Dahl's famous study of New Haven is the section that details the political incorporation of Irish immigrants in the 19th century. Dahl argues that ethnic identity politics and nationalistic politics are a transitional phase for minority groups; in the case of the Irish in New Haven these former immigrants and working class citizens came to hold a share of mainstream political power in the course of three or four generations.

Alvarez (1973) proposed, and M. T. García (1989) explored in greater depth a generational interpretation of recent Mexican American history that has proved to be quite influential. García refers to 1930-1950 generation as the Mexican American generation, and the 1960s as the Chicano generation. The Mexican American generation was typified mainly by assimilationist, legalistic organizations like LULAC (League of United Latin American Citizens), founded in 1929, which held its meetings in English and excluded Mexican nationals from membership. The Mexican American generation was succeeded by the radical Chicano generation of the 1960s.

M. T. García's analysis does not go past the Chicano generation. I. M. García (1996) attempts to fill the void in M. T. García's analysis by suggesting that the recent, post 1975 generation of Mexican Americans is the 'Hispanic generation.' Acuña (1988) refers to the current period as the 'age of the brokers,' by which he

means that since the mid 1970s Mexican American politics have been dominated by elites (businessmen, politicians, bankers) who mediate between the wider American power structure and the Mexican American community. One of the salient changes in Mexican American politics since the Chicano generation has been the growth of Mexican American electoral participation, especially the new presence of Mexican Americans at many levels of elected office. Using data on Hispanic surnamed officials in state legislatures, state executive offices, and the U.S. Congress, I show how Mexican Americans have undergone a quantum leap in electoral politics since 1970.

The emergence of Hispanics as an electoral force has been treated for the case of California (Browning, Marshall and Tabb, 1984; Guerra 1989; Guerra 1991). I extend the analysis to include the rest of the Southwestern U.S., and also offer some new ideas about how electoral representation ought to be measured. De la Garza et al (1982) notes that prior to 1965, there were hardly any Mexican American elected officials in all of the southwestern U.S, and further notes that at the time of publication Mexican Americans were still greatly underrepresented. This paper takes a somewhat different approach, by focusing on a transition from electoral insignificance to electoral significance. For the Mexican Americans in the southwestern U.S., this transition takes place in the 1970s (except in New Mexico, where it took place much earlier). The transition from electoral insignificance to electoral significance has important implications for how immigrant minority groups are assimilated into U.S. culture.

Methodology

The standard measure of electoral representation is the parity score (Robinson and Dye, 1978; Browning, Marshall and Tabb, 1984), which goes by a variety of different names in the literature, but consists simply of this: specific group percentage of total elected officials divided by the same specific group's percentage of total population. A group that makes up 12% of a state's population, but only 6% of that state's elected officials would have a parity score of 0.5.

$$\text{1.a Parity Score} = \frac{(\#\text{of Hispanic elected officials/Total \# of elected officials})}{(\#\text{of Hispanic persons/Total\# of persons})}$$

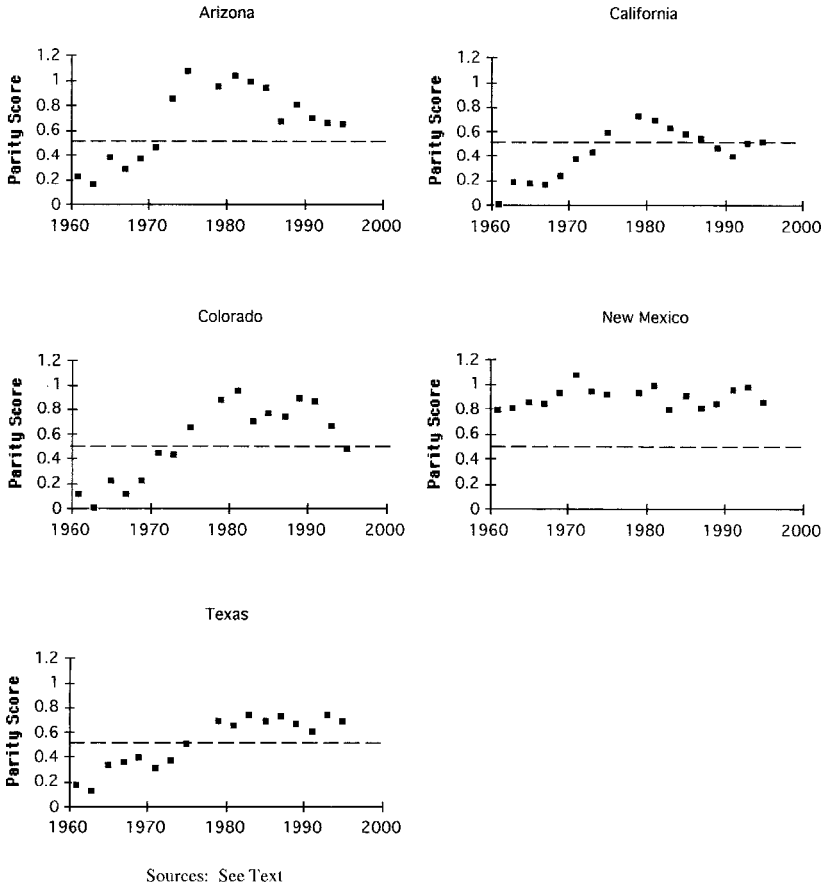
Or

$$\text{1.b Parity Score} = \frac{(\#\text{of Hispanic elected officials/Total \# of elected officials})}{(\#\text{of Hispanic adult citizens/Total\# of adult citizens})}$$

Because of the winner take all election format in the U.S., and because of the established preference of majority white voters for majority white candidates (Guinier, 1991), minority groups are almost always underrepresented (i.e., have parity scores of less than 1). Some authors, most notably Guinier (1991) have questioned the significance of increased numbers of minority elected officials, on the grounds that electoral representation does not guarantee real political gains for the minority group. Browning, Marshall, and Tabb (1984) have made the argument that minority groups may only enjoy the fruits of increased political power if their representatives are part of a governing coalition; clearly electoral representation is a necessary, but not by itself a sufficient condition for minority political empowerment.

Figure 1 shows the parity scores for Hispanic surnamed elected officials for the 5 states with the largest percentage of Mexican Americans (Arizona, California, Colorado, New Mexico, and Texas) from 1960 to 1995. The 1960 starting point is far enough back to capture the entire trajectory of Hispanic electoralism in every state except New Mexico. The universe of elected officials in each state is the following: state wide elected offices (governor, comptroller, lieutenant governor, etc.),´ state legislature (house and senate), U.S. congress and U.S. senate. Hispanic ethnicity of elected officials is determined by surname. Using surname to determine ethnicity is less efficient than individual self identification, but the U.S. census did not fully rely on self identification for Hispanic ethnicity until 1980 (Bean and Tienda, 1987), and national lists of Hispanic elected officials are only available after 1984 (NALEO, 1994 and Brimhall-Vargas, NALEO educational fund, personal communication). Surname identification is therefore the only consistent way to address Hispanic political representation over time, as pre 1984 studies have done (see Lemus, 1974). For the sake of consistency, the official U.S. census lists of Spanish surnames (U.S. Census 1960, U.S. Census 1970, see also Bean and Tienda 1987) were used to determine the Hispanic ethnicity of elected officials, so that whatever biases are built into the list of surnames essentially vanishes as a result of being in both the numerator and the denominator of the parity score[1]. The random error aspect of using Hispanic surname as a marker for Hispanic ethnicity is somewhat controlled by the use of large sample sizes in the political universe—the states average more than 15 Hispanic surnamed officials each by 1995, so the random misidentification of one or two officials does not does not alter the long term trends. Since the long term trends are precisely what are of interest here, the use of larger political universes[2] (larger, for instance, than Browning, Marshall and Tabb, 1984) serves to minimize the influence of the stochastic nature of individual election results.

The second element in the parity scores is the population denominator. In this case I take a different approach from the previous studies by using only adult



Sources: See Text

Figure 1. Hispanic Surnamed Elected Officials in the Southwestern U.S., 1960–1995

citizen population instead of total population. Only adult (over 18 years of age) citizens have the right to vote in the U.S. In a representative democracy, those who do not have the right to vote are not, strictly speaking, represented. Pachon (1991) describes the lack of rights that non-citizens face, and the problem that non-citizenship presents for Hispanic (especially Mexican American) political empowerment. Because the Mexican origin population includes so many immigrant non citizens (although this seems to be changing—see below), previous studies of political representation have overstated the under representation of Mexican Americans by including non-citizens among the minority population. In the studies of Black political representation (like Robinson and Dye, 1978),

very little bias is introduced by using total population instead of adult citizen population because whites and blacks have citizenship rates and age profiles that are very similar (see Table 1). The studies that have measured Hispanic political participation (Browning, Marshall and Tabb, 1984; Guerra 1989; Guerra 1991) have adopted this same strategy of using total population figures, without taking into account the large problem of non-citizenship, and the smaller problem of an Hispanic population that is younger, and therefore has more non voters than the wider society. The data for adult citizen populations comes from the Public Use Micro Samples of the 1960 and 1970 census, and the November Current Population Surveys of 1978-1992.[3]

Findings

California, Texas, New Mexico, Arizona, and Colorado form the dominantly Mexican Southwest[4]. Among these five states, all but New Mexico show a pattern of electoral emergence in the early to mid 1970s[5]. The timing of the emergence of Mexican American electoralism is consistent with de la Garza et al. (1982), as well as with the authors who have reported findings only on California (Browning, Marshall and Tabb, 1984; Guerra 1991). Crucial here is the identification of a general Mexican American entrance into electoral politics, what I will call the Mexican American electoral generation, starting in the early 1970s.[6]

What I endeavor to measure, in Figure 1, is the emergence of Hispanic electoralism, and more specifically Mexican American electoralism in the 5 Southwestern states. This emergence is judged by achievement of a steady level of electoral representation of at least 0.5 on the parity scale. This level corresponds roughly to Robinson and Dye's (1978) findings for the equilibrium level achieved by blacks in city politics in the U.S. Prior to 1970 there were a trickle of Hispanic elected officials. Early pioneers include Raymond Tellez, mayor of El Paso (elected in 1957—see M. Garcia 1989); Henry Gonzalez, congressman from Texas (elected 1960); Edward Roybal, congressman from California (elected 1962), and 'Los Cinco' who were elected to power in Crystal City, Texas in 1963 (see Shockley, 1974). The early pioneers are important historically, but what is more important sociologically is the achievement by a minority group of a steady and significant level of representation throughout the political system. This steady and significant level of electoral representation is both a marker of, and an engine for future political assimilation by the minority group.[7]

It is important to note from the parity scores of Arizona, California, Texas, and Colorado that the gains in Mexican American elected representation that occurred during the 1970s reached a new stable level by 1980. The idea of a new threshold is important: the parity levels (roughly 0.5 to 0.8) reached in Arizona, Colorado,

California and Texas by the end of the 1970s have declined somewhat since 1980 but remained greater than 0.5 for 15 years, and this is what justifies the identification of a distinct phase of Mexican American electoralism.

Discussion

Where are the historical antecedents and causes of the electoral generation? The 1975 extension of special protection under the Voting Rights Act to Hispanics (especially Mexican Americans in Texas—see Thernstrom, 1987) did not have important effects until the next period of decennial legislative redistricting, after 1980. Since Figure 1 shows that the crucial transition in Mexican American electoralism occurred before 1980, the transition cannot be due to the direct effects of the Voting Rights Act. In fact, both Thernstrom (1987) and Skerry (1993) point to the already developed state of Mexican electoralism in 1975 as evidence for their argument that Mexican Americans did not need the Voting Rights Act's substantial special protections. The comparison between the relatively developed state of Mexican American electoralism in 1975, and the abject exclusion of blacks from the electoral process in the American South in 1965 (the specific situation whose amelioration was the original goal of the Voting Rights Act in 1965) is instructive in this regard.

In order to address the origins of the electoral generation (and, by extension, its implications) I turn now to a more historical treatment of Mexican American politics. The starting point for this analysis is the generational view of Mexican American history introduced by Alvarez (1973), explored by García (1989), and implied by Acuña (1988), in which a Mexican American generation dominated by assimilationist organizations (like LULAC) in the 1950s is succeeded by a radical generation in the 1960s, and early 1970s which is in turn succeeded by a more assimilated, moderate period I call the electoral generation.

In its heyday (1968-1974) the Raza Unida Party (RUP) produced a stream of dedicated political cadres who helped to extend the reach of Mexican Americans into the electoral system in the U.S. These early forays into electoral politics included local elections in Crystal City, Texas and three races for governor of Texas. The first Mexican American political candidates in Illinois were both Chicano activists: John Chico in 1969 (see Acuña, 1988) and Rudy Lozano, a leader in the radical Chicano nationalist group CASA[8] (Centro de Acción Social Autónomo—see Taller de Estudios Comunitarios, n.d.) who was narrowly defeated in the Democratic primary for alderman in Chicago's 22nd ward in 1983. Other authors, including Guinier (1991) and Browning, Marshall and Tabb (1984) have noted that many of the first minority politicians have come from activist backgrounds.

Although the radicals played a crucial role in breaching electoral barriers, ironically the new electoral political strength proved to be a counter balance to the influence of the radicals, and groups like the RUP receded from prominence in the 1970s[9]. Ramsey Muñiz, the RUP candidate for governor of Texas got about 200,000 votes in 1972 and again in 1974. In 1978, with the RUP in disarray, their Texas gubernatorial candidate Mario Campean got only 15,000 votes (I. M. García, 1989). As the RUP lost influence, more moderate and mainstream political organizations, like Mexican American Democrats (MAD) stepped in to take their place.

In a classic account, Dahl (1961: 34) describes the emergence in 19th century New Haven of an ethnically based (mostly Irish) immigrant politics that challenged the patrician status quo in that city: "The very success of politicians who use the ethnic approach leads to the obsolescence of their strategy. As assimilation progresses, new unities and cleavages supersede the old...." Portes and Stepick (1993: 215) cite Dahl, and have made the same point with regards to Cuban politics in Miami: "... ethnic politics provides an effective vehicle for convergence because the achievement of political power socializes immigrants into the functioning of mainstream institutions and gives them the necessary 'voice' to feel that they are part of those institutions." Politically assimilationist organizations such as NALEO (National Association of Latino Elected and appointed Officials) and SWVRP (South West Voter Registration Project) were founded in the 1970s, around the time when Mexican American electoralism became entrenched, to register Mexican American citizens, and to promote the idea of civic and electoral participation to Mexican Americans. SWVRP was founded by Willie Velasquez, a former RUP activist (I. M. García, 1989).

The new Mexican American electoral elite face a number of structural barriers in their quest to further integrate their constituents into routine American electoral politics. One barrier is, of course, the continuing stream of new Mexican immigrants. As I noted earlier, Mexican American legislative districts have many fewer potential and actual voters than other districts. The presence of so many electorally non viable adults tends to dilute the community's interest in electoral politics, and limits the strength of the bond between the elected officials and their constituents. This situation, referred to by Skerry (1993: 249) somewhat hyperbolically as the problem of 'rotten boroughs' may increase Mexican Americans' cynicism about electoral politics, but I think it would be hard to demonstrate that Mexican American politicians are any more out of touch with their constituents than other politicians. A second argument that has sometimes been proposed is that Mexican Americans are passive and cynical about electoral politics because of lessons learned from decades of experience with bureaucratic authoritarianism in Mexico. There are, however, millions of immigrants in the U.S. from countries considerably less democratic than Mexico, so this argument may be less than convincing.

The transition to the electoral generation has produced gains, but it has also left gaps in the political avenues open to Mexican Americans. The radical Chicano organizations were much more inclusive of immigrants, both legal and undocumented, in their rhetoric and in their political organizing than is the current spectrum of electorally oriented Mexican American civic organizations. The transition to electoral politics has meant a change from politics based on ethnicity to politics based on U.S. citizenship. The absence of an effective, powerful Chicano nationalist organization (an absence which is a direct legacy of the electoral generation's success) has left the Mexican American community with weakened defenses against attacks, such as California's Proposition 187 which explicitly targeted undocumented Mexican immigrants and also raised the level of xenophobia high enough to represent a threat to Mexican Americans in California.

The enormous flow of immigrants from Mexico represents political benefits as well as costs to the Mexican American community. Since the immigrants of today are often the parents of the Mexican Americans of tomorrow, the current wave of immigration will be the driving force behind a dramatic expansion of the Mexican American electoral base early in the next century. This electoral expansion may have important consequences in the electoral balance of power between whites, blacks and other ethnic groups. Skerry (1993) argues that while Mexican American political organizations tend to identify themselves with a coalition of minority interests, Mexican Americans themselves are deeply ambivalent about their minority status. While Mexican American politicians in the U.S. congress tend to find much common ground with black congressional leaders (both groups are predominantly Democratic, mostly urban, and largely progressive on fiscal issues), on the local level such black-Mexican coalitions have proven much harder to create or sustain. It is by no means certain, therefore, that the explosive growth of the Mexican American population will lead to political empowerment of other minority groups, such as blacks.

In presidential politics, the concentration of Mexican Americans in three important states (California, Texas, and Illinois) could potentially give Mexican American voters an important amount of leverage, but this leverage would depend on the state in question being very closely contested, and on Mexican American voters turning out at a high rate and voting as a block. While Mexican American voters have generally favored Democratic candidates over Republican in presidential elections in proportions almost high enough to qualify as 'block voting,' the low turnout of Mexican Americans, and the lower fund raising potential of the Mexican American community compared to other groups means that national candidates are likely to continue (at least in the short term) to view the Mexican American electorate as a marginal, rather than a central player. DeSipio and Rocha (1992) argued that Dukakis' successful courting of Mexican American

voters and organizations during the 1988 Democratic primaries was a key ingredient in his successful run for the nomination, especially in the Southwest. They also note, however, that once the primaries were over Latino political interests were quickly marginalized.

Finally, the political status of Mexican immigrants both in the U.S. and back home in Mexico has undergone rapid changes in the 1990s with eventual outcomes that are far from certain. There is substantial evidence that the long-standing trend of low naturalization rates for Mexican immigrants is being reversed. Naturalization applications received by the INS had been steadily below 300,000 for many years but rose to more than 500,000 in fiscal year 1995, 1.3 million in fiscal year 1996, and are expected to be even higher in 1997 (Migration News, 4 /97). Three factors seem to be motivating this unprecedented increase. First, the Democratic party in the U.S. applied pressure to speed up the naturalization process prior to the elections of 1996, because immigrants (especially Hispanic immigrants) were viewed as potential supporters of the Democratic party. The deluge of naturalization applications, and the reported pressure by the Clinton administration on the INS to speed the process up led to some embarrassing errors, including the failure to properly screen some applicants for prior criminal records (Migration News, 4 /97). The second factor has been changes in Mexican law which allow Mexicans who naturalize as U.S. citizens to retain their Mexican citizenship (which includes the right to own certain kinds of land in Mexico), and the law will also allow Mexican citizens in the U.S. to vote in Mexican elections as early as the year 2,000 (Migration News, 6 /97). These changes in Mexican law have removed important barriers that previously kept many Mexican immigrants from naturalizing. The third set of factors include the 1996 welfare reform and the general political climate which has targeted immigrants (even legal immigrants) and limited the social services and benefits for which they are eligible. In an anti-immigrant political environment, U.S. citizenship carries more benefits. If the new trend toward naturalization continues, the political power of Mexican Americans will undoubtedly grow because the number of potential voters will grow, and Mexican Americans will move closer towards fulfillment of their potential in electoral politics.

Notes

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1. Bean and Tienda (1987) discuss the fact that the official U.S. census list of Hispanic surnames changed from one census to the next, so that census counts of Hispanics are not strictly comparable.

2. By far the largest survey of Hispanic political representation is NALEO (1994), whose data includes officials down to the school board level, but their data only goes back to 1984 and is therefore of only limited use in studying the long term trends.

3. The Hispanic share of the adult citizen population is much more stable than the Hispanic share of total population, because the latter reflects highly variable and difficult to measure levels of legal and especially illegal immigration. The 1960 census did not ask about citizenship, so citizenship rates for 1960-1970 have been determined by linear extrapolation from the rest of the data set. Hispanic share of adult citizen population in 1993-1995 is set to be equal to the Hispanic adult citizen share in 1992.

4. Among the other in my sample that I do not present here, Illinois has the smallest Hispanic population (just over 4% of total adult citizens in 1992) of the states in our sample and does not cross the 0.5 parity level until 1993. New York, with its heavily Puerto Rican Hispanic population (Hispanics make up about 6.5% of the adult citizen population of New York in 1992), also does not cross the 0.5 parity level until 1993. Both New York and Illinois show signs of a breakthrough into significant electoral representation, but the signs are too recent to allow for any conclusions at this time. Florida, with its mainly Cuban Hispanic population crosses the 0.5 parity level in the late 1980s. There is enough of a pattern in the data to conclude that the Cuban American population, which is located mainly in Florida, has made a transition into the realm of electoral politics. Given this evidence, I can identify a Cuban American electoral generation, beginning in the early to mid 1980s.

5. New Mexican exceptionalism has frequently been commented upon in the literature (Sierra, 1992; Pachon 1991; Padilla and Ramírez, 1974). The New Mexican population consists of Hispanics of Mexican extraction and also of the descendants of the Spanish conquistadors, called Hispanos (see Bean and Tienda, 1987). The citizenship rate of the Spanish surnamed population of New Mexico has fluctuated between 85% and 95% between 1970 and 1992. By comparison, less than 50% of California's Hispanic population are citizens (based on the CPS figures for 1988-1992). Among the other states, only Colorado has citizenship rates equal to those of New Mexico, and these high citizenship rates are also partly due to a centuries old population of Hispanos.

6. Because the data in this study consist of elected officials, the contours of Figure 1 do not describe the years of grassroots political mobilization that may precede the eventual electoral breakthrough.

7. It is assumed that the first electoral gains are probably made at the level of school boards and local offices, which are not captured in this data set. The achievement of sizable elective representation in state legislatures, state executive positions, and the U.S. congress generally represents a subsequent threshold.

8. CASA competed with the RUP for influence in the 1970s, and absorbed some of the RUPs activists when the RUP faded from the scene in the late 1970s.

9. This is not to suggest, of course, that radicalism has disappeared from the Mexican American political spectrum. The tradition of radicalism is far too rich to have disappeared, but it has certainly ceded its central position to the assimilationism of electoral politics.

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IMPACTS OF MIGRATION

Transferability of Skills and the Economic Rewards to U.S. Employment for Return Migrants in Mexico

*Steven S. Zahniser & Michael J. Greenwood**

Introduction

Migration from Mexico to the United States is substantial. Mexico is the single most important source of legal immigration to the United States and the primary source of unauthorized migrants. Between 1989 and 1995, the United States admitted more than 2.5 million persons of Mexican birth as legal resident aliens. Over two million of these immigrants utilized provisions of the Immigration Reform and Control Act of 1986 (IRCA), which gave certain unauthorized entrants to the United States the opportunity to become legal residents. In 1995, the United States admitted as legal resident aliens 89,932 persons born in Mexico, of whom 2,972 were IRCA legalizations.[1] Moreover, between 1989 and 1994, the U.S. Border Patrol located 6.4 million persons from Mexico who were deemed deportable.[2]

Employment and earnings opportunities in the United States relative to Mexico are clearly a primary factor driving the flow of migrants. Massey et al., (1987) document how the costs of later Mexico-U.S. migration are reduced by earlier flows. These cost reductions perpetuate and even increase the flows over time (Massey, 1988). Although large numbers of additional migrants remain more or less permanently in the United States each year, the flow long has been characterized by return migration to Mexico (Massey et al., 1987; Mines, 1984; Ranney and Kossoudji, 1983; and Bustamante, 1977).[3]

Migration is an investment in human capital. As such, migrants themselves may anticipate a differentially higher return to their labor services in the United States than in Mexico. During their residence in the United States, migrants presumably learn new skills and may obtain additional education. For example, an agricultural laborer in Mexico may become an agricultural laborer in the United States, where new and different agricultural skills are acquired. In time, the individual may move to an urban area and work in endeavors that have little direct connection to agriculture, such as in restaurants or factories. If such persons subsequently return to Mexico, they bring with them knowledge and skills not acquired in Mexico. If this newly acquired human capital earns a reward in Mexico, then returning migrants will enjoy higher earnings than otherwise comparable individuals who never have migrated to the United States. Moreover, the anticipation of higher future returns in Mexico resulting from a period of U.S. employment may enter into the decisions of Mexicans regarding whether to migrate to the United States.

For various Mexican communities of origin, a number of case studies have attempted to assess the economic consequences of remittances sent home by migrants in the United States or U.S. savings brought back by returning migrants.[4] For the most part, these studies do not acknowledge that new and different skills are accumulated when the migrant works in the United States, that these skills are more or less transferable back to Mexico, and that U.S.-acquired skills may have a payoff in Mexico. The probable reason for this prior lack of attention to this potentially important channel of influence on source communities is that until fairly recently comprehensive data relating to the income or earnings of Mexican migrants and nonmigrants have been unavailable.

In this paper, we utilize a unique data set collected by the Mexican Migration Project to explore the relationship between U.S. migration experience and the Mexican earnings of return migrants. We present evidence that return migrants reap substantial returns to their U.S. work experience in the Mexican labor market. Moreover, we advance a theoretical argument to explain why this finding is not altogether unexpected. Specifically, if a migrant's reservation wage in the United States is an increasing function of his or her U.S. experience, then the expected

wage in Mexico necessary to induce returning to Mexico is also an increasing function of that experience.

The paper is organized as follows. The following section, "Data," describes the data used in the paper and identifies their source. The section titled "Theoretical Model and Econometrics" lays out the theoretical model that guides our thinking regarding the reservation wage argument and describes the econometric techniques that we employ. The section titled "Empirical Results" discusses our empirical results, and the final section provides a summary and conclusions.

Data

The data for this paper are drawn from the Mexican Migration Project, an ongoing study of the migration experiences of households throughout western and central Mexico. The project, which is headed by Jorge Durand and Douglas Massey, has its roots in a 1982 study of four communities in the states of Jalisco and Michoacán (Massey et al., 1987) which have been the origin of much migration to the United States. Since 1987, the project has visited one or more new communities on an almost annual basis. Although the communities are not chosen at random, an effort is made to examine communities of varied sizes and economic bases in each state of the region. At this time, data are available for 43 communities in eight Mexican states. Table 1 provides an overview of these communities and their prominent features.

Typically the project interviews 200 household heads selected at random in each community. However, some household heads were in the United States at the time that interviews were conducted in their hometowns in Mexico. For this reason, the project traces and interviews about 20 such individuals from each Mexican community in the United States. Thus the overall sample contains persons who have never migrated to the United States, migrants who have returned to Mexico, and migrants who had not returned to Mexico by the time that the Mexican Migration Project visited their respective communities of origin.

Respondents are asked a variety of questions concerning their current demographic characteristics, the monthly income of the household head, and their families' migration experiences. The head of household is also asked to reconstruct his or her employment and migration history, which is used to calculate total U.S. migration experience. The interviews utilized in this paper occurred between 1982 and 1996, and all monthly income figures are converted to 1994 new pesos.

For the purposes of our analysis, we have excluded observations on household heads over 65 years of age. The resulting data set contains 5,273 observations, 4,884 drawn from the 43 communities in Mexico and 389 conducted in the United

Table 1
Sample Information

State/ Community Type	Survey Year	1990 Population	Political Category	Sample Size Mexico	Sample Size U.S.	Observations in Basic Earnings Model
Colima						
Town	1994	7,000	Municipal seat	200	20	149
Guanajuato						
Smaller urban area	1987	52,000	Municipal seat	201	20	56
Metropolitan area	1987	868,000	Municipal seat	200	0	149
Smaller urban area	1988	17,000	Municipal seat	200	22	139
Village	1988	2,000	*Tenencia*	150	10	119
Smaller urban area	1990	21,000	Municipal seat	200	20	137
Metropolitan area	1991	363,000	Municipal seat	200	20	133
Village	1991	1,000	*Tenencia*	100	10	56
Smaller urban area	1992	34,000	Municipal seat	200	15	127
Smaller urban area	1992	24,000	Municipal seat	200	15	152
Guerrero						
Metropolitan area	1993	101,000	Municipal seat	100	0	86
Town	1995	7,000	Municipal seat	153	0	99
Town (1)	1995	35,000	*Tenencia*	100	0	25
Jalisco						
Village	1982	3,000	Municipal seat	106	14	57
Village	1982	2,000	*Tenencia*	94	6	34
Town	1982	12,000	Municipal seat	200	20	100
Metropolitan area	1982	2,870,000	State capital	200	16	84
Town	1988	4,000	Municipal seat	200	22	62
Town	1988	5,000	Municipal seat	200	20	99
Village	1988	3,000	*Tenencia*	200	15	117
Smaller urban area	1,991	31,000	Municipal seat	200	20	115
Village	1992	1,000	*Tenencia*	100	7	60
Metropolitan area	1992	74,000	Municipal seat	201	20	116
Michoacán						
Town	1982	7,000	Municipal seat	200	20	98
Town	1989	6,000	*Tenencia*	200	20	125
Smaller urban area	1989	32,000	Municipal seat	200	20	126
Village	1989	2,000	*Tenencia*	150	20	57
Town	1990	7,000	Municipal seat	200	20	123
Metropolitan area	1991	493,000	State capital	200	20	165
Metropolitan area	1992	217,000	Municipal seat	200	13	134
Nayarit						
Smaller urban area	1990	20,000	Municipal seat	200	20	106
Town	1990	12,000	*Tenencia*	200	20	119
San Luís Potosí						
Metropolitan area	1993	526,000	State capital	200	0	92

Table 1 (Continued)

State/ Community Type	Survey Year	1990 Population	Political Category	Sample Size Mexico	Sample Size U.S.	Observations in Basic Earnings Model
Smaller urban area	1994	42,000	Municipal seat	200	0	112
Town	1995	13,000	Municipal seat	201	0	117
Village	1995	1,000	*Tenencia*	102	0	55
Village	1995	1,000	*Tenencia*	100	0	41
Zacatecas						
Town	1991	8,000	Municipal seat	365	20	176
Village	1991	1,000	*Tenencia*	187	0	39
Metropolitan area	1994	109,000	State capital	239	10	197
Village	1995	2,000	*Tenencia*	149	0	54
Smaller urban area	1995	34,000	Municipal seat	201	0	134
Village	1995	1,000	*Tenencia*	111	0	26

(1) Population figure for this community reflects the population of the entire municipality (similar to a county in the United States) and not just the population of the town. Population figures are rounded to nearest non-zero thousand.

A *tenencia* is a community that is not the seat of government of the municipality to which it belongs.

Sources: Mexican Migration Project, Table 1: Sample Information, web page (http://lexis.pop.upenn.edu/mexmig/sampletable.html), 1997; and INEGI (1993).

States. Of the 4,884 heads of household who were interviewed in Mexico, 4,367 were employed at the time of the interview. These 4,367 individuals are the focus of our investigation, but the information provided by those interviewed in the United States and those not working in Mexico is also used in the analysis.

Sample statistics are reported in Table 2. Of the 4,367 Mexican household heads in the sample who were employed at the time of the interview, 1,341 (30.7 percent) reported U.S. migration experience. This experience ranges from one month to over 45 years, but 72.4 percent of those with migration experience resided in the United States for five years or less. Migration experience also varies considerably by community, since certain communities have had considerable involvement for many years in what is widely seen as a cumulative phenomenon, whereas others have had little or no experience (Massey, 1994). The models described below therefore contain 42 community dummy variables that control for community differences as well as unobserved community characteristics that could influence income or earnings.

Table 2
Means and Standard Deviations for Observations Used in Earnings Regression

Variable	Mean	Standard Deviation
Monthly income (in 1994 new pesos)	1,309.85	2,632.13
Return migrants	1,652.94	4,131.42
Non-migrants	1,229.91	1,156.99
Age (in years)	41.5661	11.6666
Mexican experience (in years)	28.2442	14.1155
U.S. experience (in years)	1.5119	4.0673
Female	0.0753	0.2640
Education (in years)	5.8099	4.7279
College educated	0.1049	0.3064
Married	0.9020	0.2974
U.S. migration experience of father precedes that of individual	0.1800	0.3842
U.S. migration experience of sibling precedes that of individual	0.3151	0.4646
Has relatives in the United States	0.6648	0.4721
Legal U.S. resident	0.0985	0.2980
Agricultural land owned (in hectares)	1.6375	18.1035
Owned agricultural land	0.1044	0.3058
Number of workers in household	1.8425	1.2406
Number of nonworkers in household	3.6011	2.1080
Spouse works	0.1523	0.3593
Business owner	0.2574	0.4372
Street vendor of food	0.0307	0.1725
Street vendor of goods	0.0181	0.1333
Grocery store	0.0369	0.1885
Cattle trader	0.0048	0.0692
Agricultural goods trader	0.0064	0.0798
Manufactured goods trader	0.0121	0.1095
Tortilla mill	0.0050	0.0708
Butcher shop	0.0046	0.0675
Restaurant	0.0073	0.0853
Workshop	0.0348	0.1833
Repair shop or garage	0.0080	0.0892
Small assembly shop	0.0039	0.0623
Other type of business	0.0584	0.2345
Occupational match	0.2214	0.4153

Table 2 (Continued)

Variable	Mean	Standard Deviation
Irregularly employed	0.0426	0.2020
Professional	0.0939	0.2917
Technician or manual laborer	0.0121	0.1095
Office worker	0.0360	0.1712
Salesperson	0.1216	0.3269
Industrial owner or supervisor	0.0048	0.0692
Skilled manual worker	0.2114	0.4083
Unskilled manual worker	0.1161	0.3204
Agricultural worker	0.2386	0.4263
Service worker	0.1287	0.3349

Theoretical Model and Econometrics

Individual *i*'s decision to return to Mexico from the United States involves a comparison of expected utility in the two countries. Let i's expected utility in the United States be

$$(1) \quad u_i = u_i[w_{ius}(usexp_i), oy_{ius}, e_i],$$

and that in Mexico be

$$(2) \quad u_i^* = u_i^*[w_{imx}, oy_{imx} - c_i, e_i],$$

where $w_{ius}(usexp_i)$ is the wage rate in the United States, which is an increasing function of U.S. experience; w_{imx} is the expected wage rate in Mexico; oy_{ius} (oy_{imx}) is income from sources other than labor in the United States (Mexico); c_i is the fixed cost of moving from the United States to Mexico; and e_i measures unobservable taste factors. The individual returns to Mexico if and only if

$$(3) \quad u_i^* > u_i.$$

The probability of returning to Mexico is given by

$$(4) \quad P[i \text{ returns}] = P[u_i^*(w_{imx}, oy_{imx} - c_i, e_i) > u_i(w_{ius}\{usexp_i\}, oy_{ius}, e_i)].$$

If explicit functions are specified for u_i and u_i^* and if these are solved for e_i, the probability of returning to Mexico is given by

(5) $P[i \text{ returns}]=P[e_i > z(w_{imx}, w_{ius}\{usexp_i\}, oy_{ius}, oy_{imx}, c_i)]$.

Now

(6a) $M_i = 1$ iff $e_i > z(.)$, and

(6b) $M_i = 0$ otherwise,

where $M_i = 1$ indicates that individual *i* returned to Mexico and $M_i = 0$ indicates that the individual did not return.
The reservation wage $w_{imx=imx0}$ is the value of w_{imx} for which

(7) $u_i^*[w_{imx}, oy_{imx} - c_i, e_i] = u_i[w_{ius}(usexp_i), oy_{ius}, e_i]$.

Thus the reservation wage is an increasing function of U.S. experience:

(8) $w_{imx=imx0} = f[w_{ius}(usexp_i), oy_{ius}, oy_{imx}, c_i)]$.

Consequently, the more U.S. experience an individual has, the higher the expected wage in the United States, and thus the greater the expected wage in Mexico that is required to induce his or her return. More nonlabor income in the United States, such as from transfer payments, and higher costs of migrating back to Mexico also increase the reservation wage.

The econometric model estimated here is a standard human-capital, log-earnings function that includes variables for education, Mexican experience and its square, and U.S. experience and its square. Education is measured as the number of years of schooling completed. A dummy variable also is included for those who have education beyond the *preparatoria* (12 years of education), which corresponds to a high school education in the United States. In the types of communities included in the sample, individuals with any higher education are fairly rare and may thus earn a differential return due to their possible status as community leaders or, in general, community resources.

The variable for Mexican labor market experience is defined as age less six less years of schooling (less U.S. experience when relevant). U.S. experience is the number of years spent in the United States, which is defined as total months of U.S. experience divided by 12. Unfortunately, the survey instrument does not indicate the number of months that the individual actually worked in the United States,

so we assume that all months spent in the United States entailed work, which clearly overstates actual U.S. labor market experience. Moreover, the number of U.S. migration spells and their pattern of duration could influence the nature of human capital accumulation, but we employ a measure of cumulative months. Finally, if the primary occupation in the United States matches the primary occupation of subsequent employment in Mexico, a higher probability exists that occupation-specific human capital was transferred back to Mexico. The regressions contain a dummy variable that equals one if such a match exists and otherwise equals zero.

U.S. experience may have differential returns to various occupations in Mexico, depending in part on the relevance of the experience to Mexican employment opportunities, which in turn is likely to reflect the general versus specific form of human capital accumulated in the United States. The model therefore contains a vector of dummy variables that indicate the head of household's occupation. To identify specific Mexican occupations that reflect returns to U.S. experience, we interact these dummy variables with predicted U.S. experience.[5] The model also contains demographic characteristics of the household head, including gender (equals one if female and zero if male) and marital status (equals one if married and zero otherwise). Moreover, it contains several household characteristics: a dummy variable that equals one if the household head's spouse works outside the home and otherwise equals zero; the total number of workers in the household; and the total number of nonworkers in the household.

A period of work in the United States may allow an individual to send remittances back to Mexico, or the migrant may return to Mexico with "pocket" savings. Such funds may be used in Mexico to invest in a business or agricultural land, in which instances reported income may include a return to the individual's business endeavors or land holdings. Thus for some observations the measure of reported income may include more than a return to human capital per *se*, since the Mexican Migration Project collects information only on income and not specifically on earnings. As a partial correction, the model includes a set of dummy variables for business ownership, which indicate the specific type of business owned by the household head.[6] It also contains a measure of the amount of agricultural land owned. A cleaner way to examine the relationship between U.S. experience and the return to human capital in Mexico is to estimate the earnings regression only for those household heads with no business or land holdings. These results are reported below. Finally, as noted above, the model contains a set of occupational control variables.

The third control vector is a set of 42 community dummies that identify the various communities in which the Mexican interviews took place. The population size of the survey communities varies greatly, from less than a thousand to almost 2.9 million (based on 1990 census data). Observations from larger communities

may have greater variance and consequently cause heteroskedastic errors. A chi-squared test [$c^2(42) = 864.09$, $p < 0.0001$, in the most basic earnings model] easily rejects the null hypothesis of a homoskedastic error structure. Thus each earnings model contains a set of community dummy variables (whose results are not listed), as well as a correction for community-wise heteroskedasticity.

Mexican income is not observed for those household heads who were in the United States at the time of the interview, nor for those who were in Mexico at the time of the interview but were not working. Table 3 reports the results from two probit models, one for the probability of being interviewed in Mexico and one for the probability of working. Inverse Mills ratios are derived from these probits. The various equations of the model are identified. Unlike the income regressions reported below, neither probit contains the detailed business or occupation controls, but all regressions include community controls. Moreover, the probits contain two dummy variables that closely relate to the propensity of migrating to the United States. The first indicates the presence of any family member in the United States, and the second equals one if the individual is a legal U.S. resident and otherwise equals zero. Moreover, age and its square are included in the probit for the probability of being interviewed in the United States in place of Mexican experience, U.S. experience, and their squares.

Higher expected wages in the United States are clearly a major force in the flow of migration from Mexico. Moreover, expected wages in Mexico not only enter into decisions to migrate from Mexico to the United States, but they also influence return migration. Indeed, a major hypothesis of this paper is that experience gained in the United States influences the earnings of return migrants to Mexico. In this way, time spent working in the United States may influence the expected wage differential and thus affect the decision to return. Consequently, expected Mexican wages influence time spent working in the United States. For this reason, we treat the U.S. experience variable (and its square) as endogenous. Table 4 displays the results of a first-stage tobit regression from which the predicted values of U.S. experience are derived. All predicted values of U.S. experience less than zero are set to zero in the second-stage earnings regression.

Empirical Results

U.S. experience has a significant payoff in the Mexican labor market. An additional year of U.S. experience yields about an 8.9-percent return in Mexico in terms of monthly income (Table 5). Estimated at the mean income of those who never migrated, this amounts to 109 new pesos per month at 1994 prices, or about 28 U.S. dollars.[7] Given the argument presented above that the reservation wage is an increasing function of U.S. experience, we are not entirely surprised at this

Table 3
Results of Probit Models of Location of Interview and Employment Status

Variable	Location of Interview (Y1)	Employment Status (Y2)
Intercept	1.0563*	1.4580***
Age (in years)	0.0304	
Age squared	-0.0002	
Mexican experience		0.0180*
Mexican experience squared		-0.0006***
U.S. experience		-0.0456**
U.S. experience squared		0.0012*
Female	0.6608***	-1.2141***
Education (in years)	-0.0377***	0.0144
College educated	0.7898***	0.3254
Married	0.6505***	0.2657
Has relatives in the United States	-1.4398***	-0.0573
Legal U.S. Resident	-1.7006***	-0.1416
Agricultural land owned (in hectares)	-0.0016	-0.0009
Number of workers in household	0.0332	0.2245***
Number of nonworkers in household	0.0805***	-0.0655***
Spouse works	-0.6410***	-0.2494*
Business owner	0.3285***	0.0589
N	5,273	5,273
Interviewed in United States (Y1 = 0)	389	389
Interviewed in Mexico (Y1 = 1)	4,884	4,884
Not employed (Y2 = 0)	523	523
Employed (Y2 = 1)	4,750	4,750
Log Likelihood	-727.47	-934.50

Results for dummy variables denoting communities of origin are not reported.

Results of chi-squared test:*** passes at 99-percent level;** passes at 95-percent level;* passes at 90-percent level.

Table 4
Results from First-Stage Tobit Model Used to Generate Fitted Values for U.S. Migration Experience

Vector/Variable	Parameter Estimate
Intercept	-2.1430
Individual characteristics	
Mexican experience (in years)	-0.1633***
Mexican experience squared	-0.0008
Female	-6.0484***
Education (in years)	-0.4951***
College educated	0.5413
Married	1.5676**
Migration networks	
U.S. migration experience of father precedes that of individual	1.8814***
U.S. migration experience of mother precedes that of individual	-1.0431***
Household characteristics	
Agricultural land owned (in hectares)	0.0047
Number of workers in household	0.9829***
Number of nonworkers in household	-0.0494
Spouse works	-3.0323***
Business ownership	
Street vendor of food	2.1945***
Street vendor of goods	1.5294*
Grocery store	3.8777***
Cattle trader	0.8394
Agricultural goods trader	-0.6807
Manufactured goods trader	2.6642***
Tortilla mill	0.5505
Butcher shop	2.5389*
Restaurant	0.5692
Workshop	2.1226***
Repair shop or garage	-2.6355
Small assembly shop	4.1532**
Other type of business	2.1819***
Occupation	
Irregularly employed	4.7324***
Technician or nonmanual laborer	-3.4277**
Office worker	-0.7933

Table 4 (Continued)

Vector/Variable	Parameter Estimate
Salesperson	0.6303
Industrial owner or supervisor	1.1224
Skilled manual worker	0.2427
Unskilled manual worker	0.6816
Agricultural worker	1.7832***
Service worker	0.4894
Mills ratios	
Interview location	10.6165***
Employment status	10.3724***
Scale factor	6.0631
N	4,367
Has U.S. migration experience	1,600
Lacks U.S. migration experience	2,767
Log likelihood	-6218.76

Results for dummy variables denoting community of origin are not reported.

Results of chi-squared test: ***passes at 99-percent level;** passes at 95-percent level; *passes at 90-percent level.

large return. In contrast, an additional year of Mexican experience yields a return of about 1.1 percent, and the square term for Mexican experience has the typical negative sign and is also significant. Thus an additional year of U.S. experience yields a monthly return that is at least eight times higher than that of an additional year of Mexican experience.

An additional year of Mexican education below the *preparatoria* level yields a monthly return in Mexico of 3.6 percent, or less than half the return to an additional year of U.S. experience. However, an additional year of education beyond the p*reparatoria* yields a return of about twice that of U.S. experience. For those who do not plan to continue their education beyond the *preparatoria*, the former results suggest a strong incentive to migrate to the United States at the earliest possible age, return to Mexico with U.S. experience, and enjoy the higher returns in Mexico that are discounted less. This observation also may indicate one reason for the young ages at which many Mexican migrants make their first trip to the United States.[8]

Table 5
Results from Earnings Regressions

Vector/Variable	All Individuals	All Individuals	Business Owners	"Workers"
Intercept	7.0180***	7.0326***	6.9250***	7.2432***
Individual characteristics				
Mexican experience (in years)	0.0106***	0.0100***	0.0092	0.0115***
Mexican experience squared	-0.0001***	-0.0001***	-0.0001	-0.0001**
U.S. experience (fitted, in years)	0.0887***	0.0898**	0.0542*	0.1001***
U.S. experience squared	-0.0002	0.0001	0.0002	0.0010
Female	-0.1944***	-0.2038***	-0.3527***	-0.2553***
Education (in years)	0.0364***	0.0360***	0.0380***	0.0398***
College educated	0.1654***	0.1665***	0.1799*	0.0744
Married	0.1413**	0.1342**	0.1664	0.0134
Household characteristics				
Agricultural land owned (in hectares)	0.0017***	0.0016***	0.0014**	n.a.
Number of workers in household	0.0004	0.0001	(b)	-0.0101
Number of nonworkers in household	0.0082	0.0082	(b)	0.0116*
Spouse works	0.0224	0.0278	(b)	0.0378
Business ownership				
Street vendor of food	-0.0784	-0.0743	-0.0806	n.a.
Street vendor of goods	0.0456	0.0301	0.0740	n.a.
Grocery store	-0.0608	-0.0412	-0.0379	n.a.
Cattle trader	0.6025***	0.6074***	0.4581***	n.a.
Agricultural goods trader	0.1762	0.1637	0.2389*	n.a.
Manufactured goods trader	0.2046**	0.2211***	0.1747*	n.a.
Tortilla mill	0.3246***	0.3212**	0.3642***	n.a.
Butcher shop	0.1658	0.1983	0.0602	n.a.
Restaurant	0.1941	0.1891	0.1559	n.a.
Workshop	0.0633	0.0708	0.1011	n.a.
Repair shop or garage	0.4058***	0.4031***	0.3792***	n.a.
Small assembly shop	-0.3988***	-0.3953***	-0.1953	n.a.
Other type of business	0.1290***	0.1285***	n.a.	n.a.
Occupational match	0.1769***	0.1677***	0.1311*	0.2170***
Occupation interaction terms (a)				
Irregularly employed	n.a.	0.0098	n.a.	n.a.
Technician or nonmanual laborer	n.a.	6.2852	n.a.	n.a.
Office worker	n.a.	-0.0157	n.a.	n.a.
Salesperson	n.a.	-0.0614*	n.a.	n.a.
Skilled manual worker	n.a.	-0.0387	n.a.	n.a.
Unskilled manual worker	n.a.	0.0481	n.a.	n.a.
Agricultural worker	n.a.	0.0057	n.a.	n.a.
Service worker	n.a.	0.0333	n.a.	n.a.
Occupation				
Irregularly employed	-0.4515***	-0.4622***	-0.5662***	-0.5101***
Technician or nonmanual laborer	-0.2079**	-0.2129**	-0.4344**	-0.1462
Office worker	-0.2944***	-0.2887***	-0.7649***	-0.2899***

Table 5 (Continued)

Vector/Variable	All Individuals	All Individuals	Business Owners	"Workers"
Salesperson	-0.2758***	-0.2394***	-0.3721***	-0.4256***
Industrial owner or supervisor	0.5225***	0.5259***	0.1197	0.0182
Skilled manual worker	-0.2822***	-0.2673***	-0.4217***	-0.2957***
Unskilled manual worker	-0.3116***	-0.3416***	-0.5498***	-0.3438***
Agricultural worker	-0.5419***	-0.5444***	-0.5681***	-0.5770***
Service worker	-0.4162***	-0.4197***	-0.5240***	-0.4702***
Mills ratios				
Interview Location	-0.0919	-0.1011	0.1040	-0.2630***
Employment Status	-0.4202***	-0.4224***	-0.2873	-0.4997***
N	4,367	4,367	1,124	2,919
Log likelihood	-4,650.84	-4,632.90	-1,154.42	-2,883.59

n.a. = not applicable.

(a) No industrial owner or supervisor was estimated to possess U.S. migration experience, thus the interaction term for this occupational class was omitted from the model containing occupational interaction terms.

(b) To ensure convergence of the model for business owners only, these three variables were omitted.

Results for dummy variables denoting community of origin are not reported.

*** indicates |t| >= 1.96; ** indicates 1.67 <= |t| < 1.96; * indicates 1.29 <= |t| < 1.67.

The regressions for "all individuals" contains business and land owners as well as "workers." The control variables for certain types of businesses (cattle trader, manufactured goods trader, tortilla mill, repair shop or garage, and small assembly shop) are statistically significant, as is the control for the amount of agricultural land owned. Because the dependent variable entails a measure of income and not just earnings, it may reflect returns to factors of production other than labor. Remittances sent from the United States to Mexico and savings accumulated in the United States and brought back to Mexico could be invested in a business or a farm and thereby yield a return to capital and land. Thus the regression for "workers" may yield a more accurate assessment of the returns to human capital investments. This regression suggests an annual return to an additional year of U.S. experience of 10.0 percent, about nine times the return to the first year of Mexican experience.[9]

Business owners with U.S. migration experience earn more than their counterparts who lack such experience, as is evidenced by the model for business owners only. This model indicates that each year of U.S. experience increases the

income of business owners by 5.4 percent, but the coefficient is only marginally significant. Interestingly, additional experience in Mexico does not appear to raise the income of business owners, as the coefficients for this variable and its square are not statistically significant.[10]

The occupational match variable identifies return migrants who have the same occupation in Mexico as they had in the United States. These individuals enjoy a particularly high return of 17.7 percent. The life histories of these persons reveal that practically all of them also had experience in their present occupation *prior* to their first U.S. migration experience. These individuals therefore possess the distinct advantage of accumulating skills and knowledge in the same occupation over an extended period of time, uninterrupted by their spells as migrants. This characteristic may explain the strikingly high returns to the occupational-match variable.

When the U.S. experience variable is interacted in the regressions for all individuals with the various occupational dummies, the resulting coefficients are not statistically significant, except for the salesperson interaction term. A similar regression for "workers" only, whose results are not reported, does not generate any significant parameter estimates for these terms.

We also implement two alternative econometric specifications, although we do not report their results for want of substantially different results from our basic model. The first of these replaces the Mills ratio pertaining to interview location with a "spliced" Mills ratio vector. Specifically, we estimate two separate probit models to generate an alternative Mills ratio for the interview location in order to distinguish return migrants from non-migrants. One probit model contains the return migrants and the U.S. respondents, and the other contains the non-migrants and the U.S. respondents. We then "splice" together the two vectors of Mills ratios generated by these models to form a single vector and substitute this new vector into the first-stage tobit and second-stage earnings regressions. The motive for this innovation is our concern that the nested, two-tiered selection process experienced by return migrants may influence the results of the income regression, as return migrants first decide to migrate to the United States and then later elect to return to Mexico. However, the substitution of the "spliced" vector causes no noteworthy changes in the results of the earnings regression.

The second alternative incorporates several additional variables related to U.S. immigration status. Mexicans who are legal U.S. residents may possess certain advantages and disadvantages relative to Mexicans without documents. For example, U.S. employers may be more certain of the continuing presence of workers with documents and therefore may be more likely to give them jobs that entail added responsibility. In general, the U.S. employers of workers who are legally entitled to work in the United States have more incentive to train and otherwise invest in these workers than in workers whose continued employment is uncertain.

Similarly, Mexican employers may be less likely to employ and less likely to train workers with legal U.S. residency out of concern that these persons may soon depart for the United States. For these reasons, we estimate an earnings equation that includes a dummy variable equal to one if the individual is predicted to possess legal residency in the United States and zero otherwise. Interaction terms between this variable and U.S. experience and its square are also included. Because the probability of obtaining legal residence in the United States increases with U.S. experience, we treat the documents variable as endogenous and estimate a first-stage probit for this variable. Predicted values of the variable less than or equal to 0.5 are set equal to zero in the corresponding earnings regression, and values greater than 0.5 are set equal to one. However, none of these variables generate statistically significant parameters in the earnings regression.

Summary and Conclusions

Migration from Mexico to the United States may affect the Mexican economy in numerous ways through several potential channels of influence. As a substitute for trade in goods, the flow of labor may reduce exports from Mexico to the United States. Migrant remittances that flow from the United States back to Mexico may affect both consumption patterns and capital accumulation in Mexico. By reducing excess labor supply in Mexico, migration may lessen not only employment and underemployment, but also social tension.

Due to the volume of migration from Mexico to the United States and the circularity of the flow, human capital acquired during a period of employment in the United States and returned to Mexico may be one of the strongest channels through which migration affects the Mexican economy. However, data limitations on the Mexican side of the border have prevented a detailed analysis of this channel of influence. In this study we employ a unique set of survey data to study the impact of migration on the wages of returning migrants relative to a control group of individuals who have never participated in migration to the United States.

Presumably, those Mexicans who migrate to the United States expect to earn a higher return on their labor services in the United States than in Mexico, given their costs of migrating. If they had not participated in U.S. migration, these same individuals also may have earned higher returns in Mexico than their non-migrating counterparts. To control for the possibility that the resulting parameter estimates are tainted by selectivity bias, we perform a Heckman selectivity correction by estimating a probit model for the probability of participating in U.S. migration. This regression is distinguished from the earnings equation by the inclusion of a set of variables relating to possible migration networks that facilitate movement to the United States. The equation yields an inverse Mills ratio that is employed in the

earnings equation. The model also contains a second selectivity correction for participation in the Mexican labor market.

The higher an individual's expected earnings in Mexico, the less time he or she will wish to devote to work in the United States, *ceteris paribus*. Thus potential Mexican earnings and time spent working in the United States are endogenous. To account for this endogeneity, we estimate a first-stage tobit model for total U.S. migration experience. Finally, because observations are drawn at different times from communities of varying size and economic circumstances, we include a set of community dummy variables and provide a correction of community-wise heteroskedasticity.

Empirical results indicate a high return to U.S. experience that is at least eight times as great as the return to Mexican experience. Moreover, for those persons who transfer accumulated occupational skills from the United States to Mexico in the sense of having the same broad occupation in each country, monthly income increases an additional 17 percent. These results suggest that Mexican migration to the United States, in addition to being encouraged by the expectation of higher wages in the United States, may be spurred by the expectation of higher wages in Mexico for those who return. The returns to U.S. experience are about twice as high as the returns to less than 12 years of Mexican education, which gives persons who do not plan to continue their education beyond the *preparatoria* a powerful incentive to migrate at the youngest possible age.

Notes

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1. U.S. Department of Justice, various issues. Immigration statistics are for fiscal years, not calendar years.

2. U.S. Department of Justice (1996), Table 74.

3. Census data place the Mexican-born population in the United States at 759,711 in 1970, 2,199,221 in 1980, and 4,298,014 in 1990 (U.S. Bureau of the Census, 1973, 1984, 1994).

4. Durand and Massey (1992) survey many of these case studies.

5. The occupational dummy variables are listed in Table 5. The excluded comparison group is professionals and administrators.

6. The business dummy variables are listed in Table 5. The excluded comparison group is household heads who do not own a business.

7. The figure in U.S. dollars was calculated using the period-average exchange rate for 1994 in International Monetary Fund (1997).

8. When one considers all members of the households surveyed by the Mexican Migration Project (including the grown offspring of the household heads) who were born between 1961 and 1970, half of those with U.S. experience made their first trip to the United States by the age of 19.

9. As Table 1 indicates, five communities in the sample were surveyed in 1982, and the other 38 between 1987 and 1996. When these first five communities are removed from the sample and the series of models is re-estimated, the results change very little, although the estimated return to U.S. experience is somewhat larger. The coefficient for predicted U.S. experience (0.0963) remains highly significant, as do the coefficients for Mexican experience and its square (0.0121 and -0.0002). In contrast, when two outlying observations with monthly income in excess of 35,000 new pesos are dropped from the sample, the estimated return to U.S. experience is slightly smaller. The coefficients from this re-estimation of the model are also statistically significant: 0.0875 for the fitted value of U.S. experience and 0.0115 and -0.0002 for Mexican experience and its square.

10. A separate model for landowners only failed to converge, presumably due to the small number of observations. An ordinary least-squares regression for this group produced statistically insignificant parameter estimates for U.S. experience and its square.

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Impacts of Migration

Impactos de los cambios económicos en el agro mexicano y en la migración: un análisis micro-multisectorial

Antonio Yúnez Naude[1]

Introducción

El propósito del reporte es estudiar los posibles efectos en la economía rural y en la emigración del campo a las ciudades y a los E.U.A. de algunas de las modificaciones en el contexto macroeconómico de México. Los resultados presentados han sido obtenidos de un proyecto de investigación, cuya base de datos se elaboró a partir de trabajo de campo efectuado entre 1993 y 1996 y de modelos cuantitativos micro- multisecotriales.[2]

Nuestro enfoque trata de superar las limitaciones de los estudios nacionales de impactos mediante una metodología distinta, cuyo sujeto de análisis son las poblaciones rurales y sus hogares. Hace uso de los modelos multisectoriales, pero, en vez de ser aplicados a una economía en conjunto y a su agro, tiene un carácter local y específico. Esto es así porque los estudios macroeconómicos no logran

capturar aspectos fundamentales de sectores rurales caracterizados por la presencia de unidades familiares de producción y consumo. (Taylor y Yúnez-Naude: 1995).

La ausencia de información oficial y las exigencias de datos para capturar las especificidades y heterogeneidad de la economía agropecuaria de países como México hacen necesaria la elaboración de bases de datos construidas a partir de información primaria y directa en base a trabajo de campo. Esto lo hemos hecho a partir de encuestas socioeconómicas detalladas a una muestra representativa de hogares de las poblaciones que hemos estudiado. Las encuestas capturan tanto los flujos monetarios en las economías de los pueblos, como los no monetarios (por ejemplo, el uso de trabajo familiar, no remunerado, en las actividades productivas). La información obtenida en el trabajo de campo se usa para elaborar una matriz de contabilidad social (MCS en adelante) de cada población, que es la base de datos con la que se alimenta el modelo multisectorial para cada una de ellas.

En este documento se presentan los resultados obtenidos al poner en práctica nuestra propuesta a cuatro poblaciones del México rural: Concordia, localizada en el estado de Coahuila, El Chante en el de Jalisco, Napízaro en Michoacán y San Quintín en Baja California. Los pueblos no sólo tienen características socioeconómicas distintas. Además, su diversidad se dá en cuanto a la emigración nacional e internacional de sus habitantes: Napízaro es una comunidad típica de emigrantes a los E.U.A.; aunque El Chante también cuenta con una gran cantidad de personas que trabajan en el país vecino, las remesas que el pueblo recibe son de menor peso para su economia respecto a Napízaro; en contraste, tal tipo de emigración es marginal en Concordia y prácticamente nula en San Quintín (de hecho, el pueblo bajacaliforniano demanda trabajo de emigrantes del resto de México).[3]

Incorporar al estudio del agro y de sus procesos de emigración tal diversidad es de suma relevancia (abajo veremos que el papel que en cada pueblo juega la migración, trae consigo consecuencias importantes en cuanto a los impactos que sobre cada uno de ellos tienen cambios en el contexto macroeconómico de México y en la política agrícola). Además contrasta con los estudios existentes al respecto, que se enfocan casi exclusivamente al análisis de comunidades de alta migración a los E.U.A..

A partir de modelos de multiplicadores calculamos los impactos que sobre los ingresos de cada uno de los cuatro poblados tendrían cambios recientes en el contexto económico del país (reducción del salario real y devaluación del peso), así como en materia de política agrícola (PROCAMPO y dos esquemas alternativos a este programa) y la aplicación del Federalismo a una de las poblaciones estudiadas.

En la sección que sigue se hace una breve descripción de la estructura socieconómica de las cuatro poblaciones. En la tercera se discuten las simulaciones realizadas y en la cuarta los resultados. El texto concluye con una serie de reflexiones

sobre las implicaciones de los hallazgos en cuanto a los fenómenos migratorios y en materia de política económica.

Las características de los pueblos

Concordia es una población ejidal del municipio de San Pedro de las Colonias, localizado en la comarca de La Laguna. El clima predominante de la región —con temperaturas extremas y bajo índice de lluvias— impide el desarrollo de una agricultura de temporal y hace indispensable el sistema de riego.

Hasta los inicios de la década de los noventa el algodón representó el principal producto agropecuario de La Laguna. Esto cambió radicalmente a partir de 1992, ya que la fibra dejó de ser una alternativa rentable para los agricultores. Frente a ello se inició un proceso de sutitución que culminó con la producción casi exclusiva de maíz y frijol. En la actualidad, la producción de básicos en La Laguna (incluyendo a Concordia) es comercial, con elevados rendimientos (de 3.1 ton. por Ha.) y uso de paquetes tecnológicos sofisticados.

El cambio en el contexto agrícola regional también ha llevado a modificaciones en el mercado laboral. En efecto, frente a la reducción de la demanda de trabajo por parte del complejo algodonero y al carácter estacional y breve del ciclo agrícola para el cultivo del maíz y frijol, los habitantes de Concordia se han visto forzados a buscar empleo, agrícola y no agrícola, en las ciudades de la región e incluso en otras zonas del país y en los E.U.A.

El Chante es una población agrícola del Valle de Autlán. Es productora de caña de azúcar y, en menor medida de maíz y ganado. La estructura de la propiedad de su tierra es mixta, con ejidos y propiedad privada. Los ejidatarios se dedican principalmente a la producción de maíz en tierras de buen temporal para el consumo propio o la venta y los productores privados al cultivo de la caña irrigada. La caña es vendida a un ingenio localizado en el Valle, que también es el que provee a los cañeros de insumos y otros recursos para la producción.

Aunque muchos de los habitantes de El Chante tienen parientes que han migrado a los E.U.A. (sobre todo en el período “bracero”), la economía local no depende mucho de sus remesas.

Napízaro es una población ejidal a orillas del lago de Pátzcuaro del Municipio de Erongarícuaro que en los últimos quince años ha pasado de ser de agrícola a ganadera. No obstante, el maíz y el frijol siguen siendo importantes dentro de las actividades locales. La orientación de la economía de Napízaro es mixta, ya que su producción la obtiene en base al trabajo familiar y parte la orienta para el consumo propio (y ahorro familiar) y parte para la venta.

La economía de San Quintín (localizada en el Valle con el mismo nombre, que forma parte del extenso Municipio de Ensenada) es de corte capitalista y

comercial: está dominada por las actividades comerciales, por los servicios de hotelería y restaurantes y por el empaque de productos hortícolas para la exportación a los E.U.A. llevado a cabo por una empresa ubicada en la localidad. Esta última actividad tiene elevadas exigencias de trabajo en la época de cosecha del Valle, por lo que recurre a los servicios de emigrantes de los estados de Oaxaca y Guerrero.

Produccción local

En términos del valor de la producción generada (valor agregado, producto interno bruto o PIB), el tamaño de los pueblos estudiados es disímil: Concordia es 1.15 veces más grande que Napízaro, El Chante es más de 6 veces mayor que Concordia y San Quintín 2.7 más grande que El Chante (ver los totales de los cuadros 1a, 1b, 1c y 1d).

Las tres poblaciones más pequeñas se dedican, básicamente, a la actividad agropecuaria. Sin embargo, difieren en su composición (cuadros 1a, 1b y 1c): la más importante de Napízaro es la ganadera (explica el 61% de su PIB), mientras que la agricultura es la de mayor peso en la oferta local de El Chante y Concordia (49% y 66%, respectivamente). No obstante, su composición difiere entre las dos poblaciones agrícolas: el cultivo más importante de El Chante es la caña y el maíz y el frijol en Concordia. En contraste, San Quintín se dedica a la provisión de servicios (cuyo peso en el PIB local es del 65%) y al procesamiento de hortalizas (35%, cuadro 1d).

Conviene añadir que el comercio —cuyas ventas están compuestas, principalmente, de bienes procesados— es una actividad importante en los cuatro pueblos. Debido a la ausencia de producción manufacturera en ellas, los productos comerciados tienen que ser importados, lo cual indica la dependencia de las economías locales con su exterior (es decir con el resto de México).[4]

La contribución del trabajo familiar en el valor agregado es muy importante en Concordia y El Chante (explica, respectivamente, el 43% y el 50% de su PIB, cuadros 1b y 1c), relativamente importante en Napízaro (21%, cuadro 1a) y no importante en San Quintín (14%, cuadro 1d).[5] No obstante el gran peso del trabajo familiar en las actividades económicas de Concordia y El Chante, ambas también hacen uso de trabajo asalariado (su peso en el valor agregado de la primera población es del 28% y del 23% en la segunda). Esto es así en Concordia por las exigencias de mano de obra en las épocas agrícolas pico y, como veremos, porque muchos de sus habitantes trabajan durante todo el año en otras actividades en la región, pero fuera del pueblo. Por su parte, la producción de caña de El Chante requiere de mano de obra adicional para la cosecha, al grado que utiliza los servicios laborales de emigrantes de Guerrero (los últimos explican casi la mitad

Cuadro 1a
Napízaro: Valor agregado y producto interno bruto
(pesos)

	Trabajo									
	Familiar	(%)	Asalariado	(%)	Capital	(%)	Tierra	(%)	Total	(%)
Agricultura	89,238	25%	17,496	36%	50,802	10%	104,478	13%	262,014	16%
(%)	34%		7%		10%		40%		100%	
Ganadería	107,820	31%	0	0%	267,042	54%	651,528	84%	1,026,390	61%
(%)	11%		0		26%		63%		100%	
Recursos Naturales	74,700	21%	22,470	46%	107,868	22%	22,314	3%	227,352	14%
(%)	33%		10%		47%		10%		100%	
Artesanias	7,068	2%	8,910	18%	19,140	4%	0	0%	35,118	2%
(%)	20%		25%		55%		0%		100%	
Comercio	72,624	21%	0	0%	48,420	10%	0	0%	121,044	7%
(%)	60%		0%		40%		0%		100%	
Total	351,450	100%	48,876	100%	493,272	100%	778,320	100%	1,671,918	100%
(%)	21%		3%		30%		47%		100%	

Fuente: Taylor, J. E. e I. Adelman: 1996

Cuadro 1b
Concordia: Valor agregado y producto interno bruto
(pesos)

	Trabajo									
	Familiar	(%)	Asalariado	(%)	Capital	(%)	Tierra	(%)	Total	(%)
Agricultura	367,782.9	45%	118,746.1	22%	269,428.7	72%	186,201	100%	942,158.7	49%
(%)	39%		13%		29%		20%		100%	
Ganadería	198,584.3	24%	0	0%	685.1	0%	0	0%	199,269.4	10%
(%)	100%		0%		0%		0%		100%	
No agropecuario	94,851.0	12%	61,529.6	11%	5,779.9	2%	0	0%	162,160.5	8%
(%)	58%		38%		4%		0%		100%	
Comercio	158,915.9	19%	359,215.3	67%	100,516.3	27%	0	0%	618,647.5	32%
(%)	26%		58%		16%		0%		100%	
Total	820,134.1	100%	539,491	100%	376,410.0	100%	186,201	100%	1,922,236.0	100%
(%)	43%		28%		20%		10%		100%	

Fuente: Rodríguez G., María del Refugio: 1995

Cuadro 1c
El Chante: Valor agregado y producto interno bruto
(pesos)

	Trabajo						Capital				Tierra						
			Asalariado		Total				Total				Total				(Peso de
	Familiar	(%)	Local	Externo	asalariado	(%)	Local	Externo	capital	(%)	Temoral	Irrigada	tierra	(%)	Total	(%)	cultivos)
Agricultura	3136114	51%	575856	842449	1,418,305	61%	244,181	669,92	913,873	95%	223,944	2,376,808	2,600,752	92%	8,069,044	66%	
(%)	39%		7	10%	18%		3%	8%	11%		3%	29%	32%		100%		
Maíz	-74,106		57,487	38,472	95,959		234,227	0	234,227		203,601	0	203,601		459,681		6%
(%)	-16%		13%	8%	21%		51%	0%	51%		44%	0%	44%		100%		
Caña	3,155,481		509,246	797,872	1,307,118		0	669,692	669,692		0	2,376,808	2376,808		7,09,099		93%
(%)	42%		7%	11%	17%		0%	9%	9%		0%	32%	32%		100%		
Otros Agrícolas	54,739		9,123	6,105	15,228		9,954	0	9,954		20,343	0	20,343		100,264		1%
(%)	55%		9%	6%	15%		10%	0%	10%		20%	0%	20%		100%		
Ganadería	1,458,289	24%	0	211,366	211,366	9%	0	0	0	0%	46148	0	46148	2%	1715,803	14%	
(%)	85%		0%	12%	12%		0%	0%	0%		3%	0%	3%		100%		
No agropecuarios	30,925	1%	0	0	0	0%	0	0	0	0%	0	0	0	0%	30,925	0%	
(%)	100%		0%	0%	0%		0%	0%	0%		0%	0%	0%		100%		
Comercio	1,492,777	24%	24,813	0	24,813	1%	47,641	0	47,641	5%	0	0	0	0%	1,565,231	13%	
(%)	95%		2%	0%	2%		3%	0%	3%		0%	0%	0%	0%	100%		
Otros Servicios*	0	0%	657,482	0	657,482	28%	0	0	0	0%	183,804	0	183,804	6%	841286	7%	
(%)	0%		78%	0%	78%		0%	0%	0%		22%	0%	22%				
Total	6,118,105	100%	1,258,151	1,053,815	2311,966	100%	291,822	669,692	961,514	100%	453,896	2,37,808	2,830,704	100%	12,222,289	100%	
(%)	50%		10%	9%	19%		2%	5%	8%		4%	19%	23%		100%		

* Cruce con trabajo local: maestros en escuelas Gbo. en El Chante, cruce con tierra temporal (PROCAMPO (153,948) y transf. del resto del Valle (29856)

Fuente: Becerril, J., et al.: 1996

Cuadro 1d
San Quintín: Valor agregado y producto interno bruto
(miles de pesos)

	Trabajo-Familiar	Ganancia-Ganancia	Partici-pación	Asalariado	Partici-pación	Capital	Partici-pación	Tierra	Partici-pación	Total	Partici-pación
Comercio y servicios											
Grandes		7,602	50%	6,019	56%	621	9%	0	0%	14,243.15	43%
Participación		53%		42%		4%		0%		100%	
Pequeños	3,809		25%	1,679	16%	660	10%	0	0%	6,148.51	19%
Participación	62%			27%		11%		0%		100%	
Tianguistas	656		4%	557	5%	43	1%	0	0%	1,256.10	4%
Participación	52%			44%		3%		0%		100%	
Empacadora		3,184	21%	2,536	24%	5,282	80%	518	100%	11,522.24	35%
Participación		28%		22%		46%		4%		100%	
Total	15,251		100%	10,791	100%	6,606	100%	518	100%	33,170.00	100%

Nota: el total del VA es algo menor al reportado por Martínez debido a que ella considera a las remesas como actividad

Fuente: Martínez G, A: 1996

del valor agregado proveniente del trabajo asalariado, cuadro 1c). La situación de Napízaro es muy distinta, pues el trabajo asalariado sólo representa el 3% de su valor agregado (la actividad más importante del poblado, la ganadera, se hace a partir del pastoreo en base al trabajo familiar).

Relaciones con el exterior

Un fenómeno de suma importancia en el agro mexicano es la enorme dependencia que las comunidades que lo forman tienen respecto a su exterior (regional, nacional o internacional). Como veremos a continuación, las poblaciones que hemos estudiado no son la excepción, lo cual significa que serán de peso los impactos que sobre ellos tienen cambios en la situación económica y de la política pública de México, así como en las relaciones del país con el resto del mundo (con los E.U.A. en especial).

Fuentes del ingreso de los hogares

Los pueblos tienen fuertes vínculos con mercados de trabajo más allá de la comunidad: Napízaro con los de E.U.A., Concordia y El Chante con los regionales y San Quintín por la demanda que hace de los servicios laborales de trabajadores provenientes de otros estados de la República mexicana. Esto se refleja en los datos sobre el origen del ingreso de los hogares (cuadros 2).

No obstante lo anterior, el peso y las características de tal dependencia varían de poblado a poblado. En efecto, la proporción de los ingresos provenientes del exterior en el total del ingreso de los hogares es mucho mayor en Concordia que en El Chante y Napízaro: 74%, 23% y 23%, respectivamente (cuadros 2a, 2b y 2c).[6] Otra diferencia importante es que la mayor parte del ingreso externo que fluye a los hogares de Concordia proviene de los servicios laborales proporcionados por sus habitantes en la Comarca Lagunera y ciudades aledañas, mientras que para Napízaro éste se compone, principalmente, de las remesas enviadas por los miembros de sus hogares ubicados en los E.U.A. Por su parte, la mitad de los ingresos del exterior recibidos por los hogares de El Chante tienen su origen en el resto de México (la gran mayoría en la región, es decir, en el resto del Valle de Autlán) y la otra mitad proviene de los emigrantes a E.U.A. Como la situación de San Quintín es muy distinta a la de los otros tres pueblos (la empacadora requiere de servicios laborales extraregionales), la vinculación del poblado con el mercado laboral mexicano se refleja en el peso de los ingresos de los hogares de inmigrantes en el total de los ingresos locales de los hogares de San Quintín, que es del 12% (cuadro 2d, séptima fila, segunda columna).

Cuadro 2a
Napízaro: Origen y peso del ingreso de los hogares
(pesos)

	Local		Externo					
	(endógeno)	(%)	del resto México	del resto del mundo	Subtotal	(%)	Total	Peso
De subsitencia	82,062	5%	11,490	17,268	28,758	6%	110,820	5%
(%)	74%			26%		100%		
Peso en total exógeno		40%	60%					
Medianos	767,400	48%	102	221,700	221,802	46%	989,202	47%
(%)	78%			22%		100%		
Peso en total exógeno			0%	100%				
Grandes	761,370	47%	75,120	155,898	231,018	48%	992,388	47%
(%)	77%					23%		100%
Peso en total exógeno			33%	67%				
Total	1,610,832	100%	86,712	394,866	481,578	100%	2,092,410	100%
Distribución por origen	77%				23%		100%	
Peso en total exógeno			33%	67%				

Fuente: Taylor, J. E. e I. Adelman: 1996

Cuadro 2b
Concordia: Origen y peso del ingreso de los hogares
(pesos)

	Local (endógeno)	(%)	Externo del gobierno	Externo del resto de la región	Externo del resto del mundo	Subtotal	(%)	Total	Peso
Agrícolas	1,074,903.0	55%	21,907.3	3,333,149.6	55,762	3,410,819	62%	4,485,7212	61%
(%)	24%				76%		100%		
Peso en total exógeno			1%	98%	2%				
No Agrícolas	864,526.2	45%	58,145.8	1,884,065.0	106,567	2,048,778	38%	2,913,304	39%
(%)	30%					70%		100%	
Peso en total exógeno		3%	92%	5%					
Total	1,939,429.2	100%				5,459,597	100%	7,399,026	100%
Distribución por origen	26%0					74%		100%	
Peso en total exógeno			1%	98%	3%				

Fuente: Rodríguez G., María del Refugio: 1995

Cuadro 2c
El Chante: Origen y peso del ingreso de los hogares
(pesos)

			Exteno						
	Local		del	del resto	del resto		Peso		Peso
	(endógeno)	0%	Valle	México	del mundo	Subtotal	0%	Total	0%
Agrícolas	8,377,740	80%	1,823,312	130,040	352,285	2,305,637	74%	10,683,377	78%
(%)	78%					22%			
Peso en total exógeno			79%	6%	15%				
maiceros	2,487,290	0.30	888,826	67,519	102,031	1,058,376	0.46	3,545,666	0.33
(%)	70%					30%			
Peso en total exógeno			84%	6%	10%				
cañeros	3,591,760	0.43	657,434	48,833	22,813	729,080	0.32	4,320,840	0.40
(%)	83%					17%			
Peso en total exógeno			90%	7%	3%				
mixtos	2,298,690	0.27	277,052	13,688	227,441	518,181	0.22	2,816,871	0.26
(%)	82%					18%			
Peso en total exógeno			53%	3%	44%				
No Agrícolas	2,135,817	20%	390,205	7,359	398,497	796,061	26%	2,931,878	22%
(%)	73%					27%			
Peso en total exógeno			49%	1%	50%				
Total	10,513,557		2,213,517	137,399	750,782	3,101,698		13,615,255	
Distribución por origen	77%					23%			100%
Peso en total exógeno			71%	4%	24%				

Fuente: Becerril, J., et al.: 1996

Cuadro 2d
San Quintín: Origen y peso del ingreso de los hogares
(miles de pesos)

			Externo						
	Local (endógeno)	Partici-pación	del gobierno	del resto de México	del resto del mundo	Total exógeno	Partici-pación	Total	Peso
Migrantes a E.U.	1,743	17%	0	0	282	282	36%	2,025	18%
Participación	86%		0%	0%	14%			100%	
Migrantes al Resto Méx.	312	3%	28	237	0	265	34%	577	5%
Participación	54%		5%	41%	0%			100%	
No migrantes	6,962	68%	227	0	0	227	29%	7,189	65%
Participación	97%		3%	0%	0%			100%	
Inmigrantes	1,190	12%	5	0	0	5	1%	1,195	11%
Participación	100%		0%	0%	0%			100%	
Total	10,207	100%	260	237	282	779	100%	10,986	100%
Distribución por origen	93%					8%		100%	

Nota: Se incluyen las remesas (que Martínez asienta en la MCS como ingreso de las actividades emigratorias).

Fuente: Martínez G, A: 1996

Origen de los insumos

Sin excepción, las actividades de los cuatro poblados dependen marcadamente de los insumos externos: su peso en el total de insumos productivos es del 79% para Napízaro, del 77% para Concordia,[7] del 87% para El Chante y del 98% para San Quintín (cuadros 3). Sin embargo, hay variaciones respecto a su origen: todos los insumos "importados" por Napízaro y Concordia provienen del resto de México, mientras que el 96% de las compras de insumos al exterior de El Chante tienen el mismo origen y el peso de ellas para San Quintín es del 51% (el 4% y 49% restantes, respectivamente, provienen de los E.U.A.).

Las simulaciones

La gran dependencia de las poblaciones del México rural con el exterior es incorporada sistemáticamente en los modelos multisectoriales de multiplicadores. El enfoque es, pues, valioso porque permite cuantificar los posibles impactos en las comunidades de cambios en el contexto económico y en la política pública (es, decir, en las variables exógenas a los pueblos).[8] Al respecto, se han diseñado tres grupos de simulaciones para estimar los efectos que sobre las comunidades estudiadas (y en el agro mexicano en general) tendrían modificaciones en la economía del país. El primero se refiere a la situación macroeconómica de México y consiste en dos experimentos: la reducción del salario real y la devaluación del peso (en general, provocadas por las reformas económicas y por la crisis de finales de 1994). El segundo grupo está relacionado a cambios en materia de política económica y está compuesto por tres ejercicios de simulación: PROCAMPO (uno de los pilares de la política de eliminación de subsidios a la producción de cultivos básicos), el uso alternativo de los recursos de ese programa para la promoción de las actividades productivas y la aplicación del federalismo presupuestal. Por último, se aplicó una simulación a Napízaro, Concordia y El Chante en la que se unen los cambios en el contexto macroeconómico de México (reducción del salario y devaluación) y PROCAMPO.

El conocimiento preciso de la economía de cada uno de los cuatro pueblos y el marcado contraste entre la de Napízaro, Concordia y El Chante frente a la de San Quintín. permite que ello se tome en cuenta en el diseño de las simulaciones. Como la reducción del salario real y PROCAMPO han afectado solamente a las tres primeras comunidades, sólo se le aplicaron tales cambios exógenos a ellas. Es decir, los habitantes de San Quintín no han sufrido tanto de la reducción del salario como los de las otras tres comunidades que trabajan en el resto de México, y el pueblo bajacaliforniano no produce cultivos básicos. Sin embargo, San Quintín aporta más recursos al gobierno de los que recibe de

Cuadro 3a
Napízaro: Origen y Participación sectorial de los insumos productivos
(pesos)

	Local						Externo		
	Agricultura	Ganadería	Recursos Naturales	Artesanias	Comercio	Subtotal local	(del resto de México)	Total	(%)
Agricultura	5,556	172,404	0	0	0	177,960	30,810	208,770	16%
Ganadería	0	0	0	0	0	0	893,484	893,484	70%
Rec. Naturales	0	0	0	0	0	0	33,822	33,822	3%
Artesanias	0	0	0	372	0	372	54,438	54,810	4%
Comercio	40,962	0	0	42,678	0	83,640	0	83,640	7%
Total	46,518	172,404	0	43,050	0	261,972	1,012,554	1,274,526	100%
Participación	4%	14%	0%	3%	0%	21%	79%	100%	

Fuente: Taylor, J. E. e I. Adelman: 1996

Cuadro 3b
Concordia: Origen y Participación sectorial de los insumos productivos
(pesos)

	Local								
	Agricultura	Ganadería	No agro-pecuario	Suma locales	Comercio	Externo (del resto de México)	Suma Comercio y resto Méx.	Total	(%)
Agricultura	339,491.5	2,9821.4	0	369,312.9	50,115.1	1,131,809.3	1,181,924.4	1,551,237.3	42%
Ganadería	0	0	0	0	0	9,062.2	9,062.2	9,062.2	0%
No agrop.	0	0	11,574.6	11,574.6	0	443,070.1	443,070.1	454,644.7	12%
Comercio	23,716	50,710.8	414,494.0	488,920.7	755,385.2	449,237.0	1,204,622.1	1,693,542.9	46%
Total	363,207.5	80,532.2	426,068.6	869,808.3	805,500.3	2,033,178.5	2,838,678.8	3,708,487.1	100%
Participación				23%	22%	55%	77%	100%	

Fuente: Rodríguez G., María del Refugio: 1995

Cuadro 3c
El Chante: Origen y Participación sectorial de los insumos productivos
(pesos)

	Local							Externo				
	Agricultura											
	Maíz	Caña	Otros	Ganadería	No agro-pecuario	Comercio	Suma locales	Del resto de México	Del resto del mundo	Suma externos	Total	Partici-pación
Agricultura												
Maíz	80,935	0	0	83,571	0	69,467	233,973	614,449	0	614,449	848,422	7%
Caña	0	0	0	114,435	0	0	114,435	9,102,016	0	9,102,016	9,216,451	72%
Otros agric.	0	0	0	54,001	0	0	54,001	0	0	0	54,001	0%
Ganadería	0	0	0	0	0	0	0	959,019	436,253	1,395,272	1,395,272	11%
Otros no agrop.	0	0	0	0	0	0	0	74,293	0	74,293	74,293	1%
Comercio	149,506	0	0	1,072,241	43,369	36,062	1,301,178	0	0	0	1,301,178	10%
Total	230,441	0	0	1,324,248	43,369	105,529	1,703,587	10,749,777	436,253	11,186,030	12,889,617	100%
Participación							13%			87%		

Fuente: Becerril, J., et al.: 1996

Cuadro 3d
San Quintín: Origen y Participación sectorial de los insumos productivos
(miles de pesos)

	Locales			Externos					
	Comercios grandes	Empacadora	Suma locales	Del resto del Valle	Del resto de México	Del resto del Mundo	Subtotal externo	Total	Partici-pación
Comercio y servicios	799	0	799	23,852	14,804	163,88	55,044	55,843	69%
Empacadora	0	1,198	1,198	0	1,332	22,743	24,075	25,73	31%
Total	799	1,198	1,997	23,852	16,136	39,132	79,121	81,118	100%
Participación			2%				98%		

Fuente: Martínez G, A: 1996

él y los otros tres pueblos tienen un presupuesto más o menos equilibrado con la federación. Por tal motivo sólo se le aplicó al primer poblado la simulación de la aplicación del federalismo, que equivaldría a PROCAMPO en los tres pueblos restantes. El experimento del federalismo consiste en regresar a los agentes de San Quintín los recursos que aportan al gobierno central, y el de PROCAMPO se basa en la canalización de los pagos por hectárea gubernamentales a los hogares de Napízaro, Concordia y El Chante según la cantidad de tierra que dedican a los cultivos básicos. Se hacen dos ejercicios adicionales para los últimos tres pueblos con el propósito de estimar los impactos de esquemas alternativos a PROCAMPO en las comunidades que reciben estos recursos. Consisten en usar los mismos recursos de PROCAMPO a la promoción de la actividad agrícola o ganadera en vez de usarlos para apoyar directamente el ingreso de los hogares que cultivan básicos.

La forma en que se hizo el experimento de devaluación para Napízaro, Concordia y El Chante también difiere de la aplicada a San Quintín: en los tres primeros pueblos ésta se simula a partir de un aumento en las remesas que los hogares reciben de sus miembros que trabajan en los E.U.A., mientras que para San Quintín consiste en el aumento del valor en pesos de las exportaciones de la principal empresa del pueblo, dedicada a la venta a los E.U.A. de los productos hortícolas que empaca.

Por último, con el fin de evaluar los efectos combinados de la crisis y de la política de apoyo a los productores de cultivos básicos, se hizo una simulación para Napízaro, Concordia y El Chante en la que se unen los cambios exógenos provocados por la reducción del salario real, la devaluación y por la aplicación de PROCAMPO.

En síntesis, los ejercicios de simulación son los siguientes.

1. Cambios en la situación macroeconómica de México

    1.1. Reducción del 20% de los salarios pagados a los miembros de los hogares de Napízaro, Concordia y El Chante que trabajan en el resto de México

    1.2. Aumento en el valor en pesos de las remesas que los hogares de Napízaro, Concordia y El Chante reciben de los miembros que trabajan en los E.U.A. (el aumento equivale al 113% del valor de las remesas, que es la tasa a la que el peso se devaluó entre 1994 y 1996)

    1.3. Aumento del 16% en las exportaciones hortícolas de San Quintín a los E.U.A. (el incremento porcentual es conforme al dato recabado en la encuesta directa y recoje tanto el efecto positivo de la

devaluación del peso en las ventas a los E.U.A. de la empacadora como el negativo por el crecimiento de los costos de los insumos productivos que importa al mismo país)

2. Cambios en materia de política económica

   2.1. PROCAMPO y esquemas alternativos

      a. Pagos directos a los hogares productores de básicos o PROCAMPO (Napízaro, Concordia y El Chante)

      b. Canalización alternativa de los recursos de PROCAMPO: a las actividades agrícolas de Napízaro, Concordia y El Chante y no a sus hogares

      c. Recanalización de los recursos de PROCAMPO a las actividades ganaderas de Napízaro, Concordia y El Chante

   2.2. Aplicación del federalismo a los agentes de San Quintín (el ejercicio consiste en retornar al pueblo los pagos que sus distintos agentes económicos hacen al gobierno federal)

3. Combinación de reducción de los salarios, la devaluación y PROCAMPO en Napízaro, Concordia y El Chante.

Resultados

Los impactos de las modificaciones en el contexto y políticas económicas simulados se encuentran en los cuadros 4, que muestran los efectos relativos de tales cambios en las variables de la base (es decir, de la MCS o del año base) de Napízaro (cuadro 4a), Concordia (cuadro 4b), El Chante (cuadro 4c) y San Quintín (cuadro 4d).

Las primeras líneas de los cuadros 4 (bajo el subtítulo "Ingreso exógeno") muestran los efectos directos de los cambios exógenos en las cuentas de ingresos de cada una de las poblaciones. Por ejemplo: la reducción del 20% del salario real de México significa una disminución directa del 7.99% de los ingresos que los hogares de subsistencia de Napízaro reciben del exterior; la devaluación tiene el efecto contrario pues aumenta directamente los ingresos exógenos de tales hogares en un 66.81%; las transferencias de PROCAMPO los hace crecer en un 36.45% y el efecto combinado de estos tres cambios es el de subir el ingreso exógeno de los hogares mencionados en un 95.26% (cuadro 4a, cuarta fila y segunda, tercera, cuarta y séptima columnas). Las filas restantes (bajo el subtítulo "Ingreso endógeno") reportan los efectos multiplicativos de los cambios exógenos en las cuentas endógenas de cada una de las cuatro poblaciones.

Cuadro 4a
Napízaro: Resultados de los experimentos
(cambios porcentuales respecto a la base)

	Reducción salarios	Devaluación	PROCAMPO	Alternativa A a PROCAMPO	Alternativa B a PROCAMPO	Combinación de los tres primeros experimentos
Ingreso exógeno						
Hogares						
Subsistencia	-7.99	66.81	36.45			95.26
Medianos	-0.01	111.22	37.81			48.93
Grandes	-6.50	75.09	34.79			103.37
Actividades						
Granos básicos				567.09		
Ganadería					19.55	
Ingreso endógeno						
PIB	-0.81	15.78	6.55	13.09	14.06	15.33
Actividades						
Granos básicos	-0.97	18.94	7.88	56.67	12.66	18.20
Ganadería	-0.64	11.01	4.68	3.63	16.44	11.57
Recursos naturales	-1.20	24.00	9.94	7.57	8.00	22.87
Artesanias	-0.38	19.14	7.06	5.35	5.71	12.32
Comercio	-1.27	32.94	13.05	11.54	10.75	27.72
Factores						
Trabajo familiar	-0.97	20.48	8.39	19.61	12.29	19.01
Trabajo asalariado	-0.97	21.31	8.68	24.74	9.25	19.28
Capital	-0.85	17.14	7.08	10.80	13.23	16.34
Tierra	-0.70	12.45	5.26	10.86	15.69	12.79
Hogares						
Subsistencia	-2.66	28.54	14.12	9.17	10.57	35.70
Medianos	-0.63	37.14	13.55	10.25	10.97	22.84
Grandes	-2.14	29.72	13.18	10.47	10.72	35.93
Exógeno total						
Gobierno	-1.39	33.45	13.38	10.33	10.85	29.31
Resto de México	-1.20	29.84	11.90	11.80	11.49	25.71

Fuente: estimaciones propias

Cuadro 4b
Concordia: Resultados de los experimentos
(cambios porcentuales respecto a la base)

	Reducción salarios	Devaluación	PROCAMPO	Alternativa A a PROCAMPO	Alternativa B a PROCAMPO	Combinación de los tres primeros experimentos
Ingreso exógeno						
Hogares						
Agropecuarios	-19.67	1.82	5.24			-12.61
No agropecuarios	-18.96	5.79				-13.17
Actividades						
Granos básicos				15.80		
Ganadería					1,973.58	
Ingreso endógeno						
PIB	-7.24	1.22	1.24	7.99	8.08	-4.78
Actividades						
Granos básicos	-1.38	0.21	0.26	14.56	1.65	-0.91
Ganadería	-15.70	2.69	2.63	2.01	62.71	-10.37
No agropecuarias	-3.99	0.72	0.62	0.50	0.52	-2.65
Comercio	-14.29	2.42	2.43	1.88	2.27	-9.44
Factores						
Familiar	-7.65	1.30	1.30	7.44	16.42	-5.05
Asalariado	-10.27	1.74	1.75	4.51	1.93	-6.79
Capital	-4.89	0.81	0.85	10.93	1.91	-3.23
Tierra	-1.38	0.21	0.26	14.56	1.65	-0.91
Hogares						
Agropecuarios	-16.36	1.62	4.23	2.30	2.16	-10.51
No agropecuarios	-16.06	4.52	0.47	1.74	2.03	-11.06
Exógeno total						
Gobierno	-15.83	2.96	2.35	2.05	2.06	-10.53
Resto de México	-13.79	2.33	2.35	2.38	2.37	-9.10

Fuente: estimaciones propias

Efectos de los cambios en la situación macroeconómica de México

Las modificaciones sufridas por la economía mexicana afectan a todos los pueblos. Sin embargo, el peso y tipo de relaciones con ella hacen que los impactos de la crisis difieran de comunidad a comunidad.

Reducción del salario real

Concordia es, por mucho, el pueblo más afectado por la caída en el salario real de los trabajadores, pues el impacto directo del fenómeno es la reducción de casi el 20% de los ingresos exógenos totales recibidos por sus hogares. Lo anterior ocasiona que el producto interno bruto (PIB) de la comunidad se reduzca en más del 7% (segunda columna del cuadro 4b). En contraste, el impacto de la crisis salarial no es considerable para Napízaro y El Chante: hace que su PIB disminuya, respectivamente, en sólo un 0.8% y un 1.4% segunda columna de los cuadros 4a y 4c). El efecto es mayor para la economía de El Chante respecto a la de Napízaro por el impacto de la reducción salarial en el ingreso de los trabajadores del pueblo jaliciense que prestan sus servicios en las escuelas públicas de la región.

La reducción de los salarios no afecta en gran medida a los ingresos de las actividades y factores productivos de Napízaro (el que más decrece es el comercio, cuya depresión no sobrepasa el 1.3%). Sus hogares resienten un poco más, aunque la depresión de sus ingresos no sobrepasa el 2.7% (segunda columna del cuadro 4a).

La crisis salarial afecta a todos los componentes de la economía de Concordia, pero algunos la resienten más. Son los casos de las actividades ganadera y comercial (cuya producción cae en 16% y 14%, respectivamente); de las retribuciones al trabajo (familiar y asalariado) y del ingreso de los dos tipos de hogar (segunda columna del cuadro 4b).

La economía de El Chante es menos golpeada que la de Concordia por la reducción de los salarios. La excepción son los maestros de las escuelas públicas, afectados por la dismunición del salario real que les paga el gobierno. Esto hace que el ingreso de los asalariados locales disminuya en más del 10.5% y que el de los hogares no agrícolas lo haga en 3.4% (lo último debido a que la mayoría de los maestros son miembros de los hogares no dedicados a las actividades agrícolas, segunda columna del cuadro 4c).

La crisis salarial también repercute negativamente en los ingresos que el gobierno recibe por las contribuciones de los tres pueblos (primera línea de la segunda columna bajo el encabezado “exógeno total” de los cuadros 4a, 4b y 4c). Lo mismo sucede con la demanda que las comunidades hacen a productos del resto de la región y de México.

Cuadro 4c
El Chante: Resultados de los experimentos
(cambios porcentuales respecto a la base)

	Reducción salarios	Devaluación	PROCAMPO	Alternativa A a PROCAMPO	Alternativa B a PROCAMPO	Combinación de los tres primeros experimentos
Ingreso exógeno						
Trabajo asalariado*	-20.00					-20.00
Hogares						
Maizeros	-1.28	10.73	11.67			21.12
Cañeros	-1.34	3.48				2.14
Mixtos	-0.53	48.84	6.87			55.18
Suma Hogares Agric.	-1.13	17.00	7.83			22.77
No agrícolas	-0.18	55.70				55.52
Actividades						
Maíz				25.89		
Ganadería					11.40	
Ingreso endógeno						
PIB	-1.42	1.73	0.24	1.02	1.21	0.55
Actividades						
Maíz	-0.41	1.92	0.30	19.33	0.86	1.81
Caña	-0.01	0.06	0.01	0.01	0.07	0.06
Otros agrícolas	-1.91	9.14	0.60	0.58	2.53	7.83
Total Agricultura	-0.06	0.27	0.03	1.32	0.13	0.25
Ganadería	-0.89	4.66	0.76	0.48	5.47	4.52
No agropecuaria	0.00	-0.00	0.00	0.00	0.00	0.00
Comercio	-1.40	6.97	0.88	1.68	2.74	6.44
Factores						
Familiar	-0.57	2.90	0.40	0.30	2.02	2.73
Asalariado local	-10.52	0.31	0.04	0.92	0.14	-10.16
Asalariado de fuera	-0.21	1.10	0.17	0.81	1.19	1.06
Total Asalariados	-5.82	0.67	0.10	0.87	0.62	-5.05
Capital local	-0.62	2.99	0.41	15.81	1.22	2.77
Capital de fuera	-0.01	0.06	0.01	0.01	0.07	0.06
Total Capital	-0.20	0.95	0.13	4.80	0.42	0.88

Cuadro 4c (Continued)

	Reducción salarios	Devaluación	PROCAMPO	Alternativa A a PROCAMPO	Alternativa B a PROCAMPO	Combinación de los tres primeros experimentos
Tierra local	-0.36	1.74	0.24	8.75	1.05	1.62
Tierra de fuera	-0.01	0.06	0.01	0.01	0.07	0.06
Total Tierra	-0.07	0.33	0.05	1.41	0.23	0.31
Hogares						
Maizeros	-1.80	4.86	3.71	1.99	1.06	6.76
Cañeros	-0.48	1.89	0.18	0.31	0.91	1.59
Mixtos	-0.54	10.60	1.49	0.55	1.12	11.55
Total Hogares Agric.	-0.94	5.17	1.70	0.93	1.02	5.93
No agrícolas	-3.36	16.48	0.19	0.57	0.91	13.31
Exógeno total						
Gobierno	-1.08	4.99	0.70	0.59	0.74	4.62
Resto del Valle	-1.00	5.41	1.08	1.08	1.03	5.50
Resto de México	-1.76	7.98	1.14	1.24	1.66	7.37

* Maestros de escuelas públicas

Fuente: elaboración propia

Devaluación

Los resultados de la investigación constatan el fenómeno ampliamente documentado en la literatura sobre el desarrollo económico; a saber: que la depreciación de la moneda local tiene efectos positivos en la economía rural. En efecto, la devaluación del peso frente al dólar estadounidense impulsa el PIB de las cuatro comunidades estudiadas (tercera columna de los cuadros 4a a 4c y segunda del cuadro 4d). En el caso de Napízaro, Concordia y El Chante el efecto positivo de la depreciación se dá a través de la migración (ya que aumenta el valor en pesos de las remesas y, en consecuencia, el ingreso de sus hogares), mientras que en el caso de San Quintín tal impacto surge del mayor ingreso en pesos proveniente de la exportación de hortalizas de la empacadora.

No obstante, el enfoque adoptado permite hacer las siguientes precisiones.

Entre mayores ingresos netos del exterior (de los E.U.A.), el impacto positivo para la economía local de la devaluación es mayor. Así entonces, Napízaro es la

Cuadro 4d
San Quintín: Resultados de los experimentos
(cambios porcentuales respecto a la base)

	Aumento en las exportaciones	Federalismo	(Distribución de los recursos federales)
Ingreso exógeno			
Empacadora	16.00		
Hogares			
Migrantes a E.U.		46.00	3.46
Migrantes a México		0.21	0.01
No migrantes		285.53	17.19
Inmigrantes		3,057.83	3.94
Actividades			
Negocios grandes		1.16	11.93
Negocios pequeños		6.66	15.00
Empacadora		7.60	48.38
(Suma)			100.00
Ingreso endógeno			
PIB	2.40	2.97	
Actividades			
Negocios			
Grandes	0.49	1.57	
Pequeños	0.75	1.98	
Tianguis	1.18	4.41	
Empacadora	0.74	0.36	
Factores			
Trabajo familiar o ganancia	3.79	5.59	
Asalariado	6.07	5.19	
Capital	12.70	7.25	
Tierra	15.69	7.40	
Hogares			
Migrantes a E.U.	5.04	5.21	
Migrantes a México	3.58	4.32	
No migrantes	3.14	3.80	
Inmigrantes	5.89	4.46	

Fuente: Anabel Martínez: 1996

población en la que los ingresos del exterior son más importantes y es, precisamente, la que más crece a raíz de la devaluación del peso (en casi un 16%, tercera columna del cuadro 4a); le sigue San Quintín, en la que parte importante de su ingreso proviene de los E.U.A., y cuyo PIB crece en 2.4% (tercera columna del cuadro 4d).[9] Por su parte, la devaluación afecta menos a El Chante (su PIB aumenta en sólo un 1.73%, tercera columna del cuadro 4c) y es aún menos significativa para Concordia (el crecimiento de su PIB no pasa el 1.3%, tercera columna del cuadro 4b).

La depreciación del peso provoca un crecimiento en el ingreso de todos los componentes de la economía de Napízaro, destacándose el de los hogares (sobre todo el de los medianos) y el del comercio (tercera columna del cuadro 4a). Los hogares no agropecuarios y el comercio de Concordia son los que más se benefician con la depreciación del peso (tercera columna del cuadro 4b). También es el ingresos de los hogares no agrícolas de El Chante el que más crece, seguido por el de los hogares mixtos y el de las actividades agrícolas distintas a la producción de caña y maíz, del comercio, de los hogares maizeros y de la ganadería (tercera columna del cuadro 4c). Por su parte, aunque el ingreso de todos los componentes de la economía de San Quintín crece por la devaluación, los más beneficiados son los factores y los hogares y, dentro de ellos, los vinculados directamente con las actividades de la empacadora, es decir: la tierra, el capital, el trabajo de los inmigrantes que laboran en ella y las ganancias de la misma (cuadro 4d, columna dos).

Cabe notar que los pequeños impactos de la depreciación del peso en El Chante y, sobre todo, en Concordia se deben al reducido peso de las remesas en los ingresos totales de sus hogares. Sin embargo, el impacto marginal de un aumento absoluto en las remesas es importante en todas las comunidades. Así por ejemplo, no obstante que el peso de las remesas en el ingreso total de los hogares de El Chante es de sólo el 5.5% (cuadro 2c), por cada dólar de inyección a sus hogares, su ingreso total aumenta en 20%; para Concordia el peso es aún menor (del 2.2%, cuadro 2b), pero el ingreso total de sus familias aumenta en 10% por cada dólar que se le inyecta. Otro aspecto importante a notar respecto a los impactos marginales de la devaluación es que, en términos absolutos, son los ingresos totales de los hogares no agrícolas de El Chante los que más crecen, pero en términos marginales los que más se ven afectados positivamente son los de los hogares cañeros.[10]

Por último, los efectos que la devaluación tiene sobre las tres poblaciones hace que sus contribuciones al gobierno aumenten y que su demanda de productos del reso de México también lo haga. Estos resultados muestran cómo la migración —en concreto, el impacto positivo de la devaluación del peso en las remesas— hace que se abran más las comunidades rurales a su exterior, en este caso al nacional.

Efectos de los cambios en materia de política pública

Las inyecciones gubernamentales de recursos benefician a las economías de los cuatro pueblos, sea mediante PROCAMPO, la utilización de los recursos de éste programa para promover a las actividades productivas agropecuarias o a partir de la aplicación del federalismo fiscal. No obstante y al igual que en el caso de las simulaciones anteriores, el peso, la distribución y la magnitud de los efectos varían de pueblo a pueblo y dependen del tipo de política seguida.

PROCAMPO y políticas alternativas de apoyo a la producción agropecuaria

La comunidad más beneficiada por el esquema de apoyo directo a los productores de básicos es Napízaro: el impacto en su PIB es de aumentarlo en un 6.6% (cuadro 4a, cuarta columna). Por su parte, el PIB de las otras dos que producen cultivos básicos (Concordia y El Chante) crece muy levemente (en 1.24% y 0.24%, respectivamente, cuarta columna de los cuadros 4b y 4c). Esto se debe al peso relativo de las inyecciones de recursos gubernamentales a sus hogares agrícolas: en Napízaro sobrepasa el 35% de los ingresos exógenos de sus hogares, en El Chante es de alrededor del 8% y en Concordia es de sólo el 5% (cuadros 4a, 4c y 4b, respectivamente, cuarta columna, líneas bajo el encabezado "ingresos exógenos").[11] En los tres pueblos, los componentes más beneficiados por PROCAMPO son los hogares productores de cultivos básicos (los tres tipos de hogares en Napízaro, los agropecuarios de Concordia y los maizeros y mixtos de El Chante, cuarta columna de los cuadros 4a, b y c, filas que componen el encabezado "ingresos exógenos").

Conviene detenerse un poco para hacer comparaciones entre los efectos diferenciados de la devaluación y de la aplicación de PROCAMPO. Los resultados discutidos indican que la depreciación del peso tiene mayores impactos positivos que el esquema gubernamental de apoyo al agro en la gran mayoría de los componentes de las economías de Napízaro y El Chante, y que lo contrario sucede con los de Concordia. No obstante, y como ya se mencionó, estas conclusiones dependen del peso de la migración y de la producción de básicos en la economía de los pueblos.

El análisis de multiplicadores permite hacer otro tipo de comparaciones al poderse estimar con él los efectos de aumentos equivalentes en el valor en pesos de las remesas y en las transferencias directas de PROCAMPO. Es decir, estos ejercicios de simulación suponen que la devaluación significa un aumento en las remesas a los hogares con migrantes de, digamos 100 Dls u 800 pesos al tipo de cambio vigente, y que PROCAMPO se traduce en un aumento igual en el ingreso (800

pesos), pero de los hogares productores de básicos. Aunque con diferencias relativas pequeñas, en términos generales PROCAMPO tiene efectos más positivos en los PIBs locales que la devaluación en Napízaro y en Concordia, y lo contrario sucede en el caso de El Chante.[12] Los resultados se deben a las diferencias en cuanto al tipo de hogar más beneficiado con los cambios simulados y a las vinculaciones de tales hogares con la economía local. Por ejemplo, es el caso de las familias de subsistencia y grandes de Napízaro, cuyo ingreso aumenta más con PROCAMPO que con una devaluación de un igual monto; como ellos son los que más vinculación tienen con la economía local frente a los hogares medianos (que son los perjudicados al aplicarse PROCAMPO y no la devaluación), el impacto del esquema gubernamental en el PIB de Napízaro es mayor.

Regresando a las simulaciones sobre los cambios exógenos que, de hecho, han sucedido, los resultados de las simulaciones alternativas a PROCAMPO muestran que hay políticas nacionales distintas y mejores. Estas se ilustran en el cuarto y quinto experimentos para Napízaro, Concordia y El Chante (bajo el título de "alternativa A" y "alternativa B" en los cuadros 4a, 4b y 4c), que consisten en canalizar los mismos montos de recursos que usa PROCAMPO a las actividades productivas agrícolas (alternativa A) o pecuarias (alternativa B) y no a los ingresos de los hogares.[13]

La superioridad de los apoyos a la producción es evidente en los resultados para los tres pueblos: con la alternativa A el crecimiento del PIB de Napízaro se duplica respecto al efecto que sobre éste tiene PROCAMPO (13.1% vrs. 6.55%, cuadro 4a, quinta y cuarta columnas, respectivamente) y con la B el PIB del pueblo crece aún más; el aumento del PIB de Concordia se multiplica por más de seis con cualquiera de las dos aternativas (cuadro 4b) y el factor de expansión del PIB de El Chante es de más de cuatro y de cinco con la alternativa A y B, respectivamente (cuadro 4c).

Conviene notar que con los esquemas alternativos a PROCAMPO son las actividades productivas agropecuarias las que más se benefician (y no el ingreso de los hogares), que el ingreso factorial crece más y que, con la excepción de El Chante, las actividades comerciales aumentan menos que con PROCAMPO.

En lo que respecta a las relaciones de los pueblos con el exterior, los resultados indican que las transferencias que Napízaro y Concordia le hacen al gobierno crecen menos con las dos alternativas a PROCAMPO y se reducen con la alternativa A para El Chante. Por su parte, el aumento en la demanda de productos del exterior se mantiene prácticamente inalterada en Napízaro y Concordia con las alternativas A y B respecto a PROCAMPO, mientras que para El Chante su crecimiento es mayor.

Debido a que los comercios locales de los tres pueblos se dedican básicamente a la venta de productos "importados", las comparaciones anteriores indican que, al

menos para Napízaro y Concordia, las alternativas a PROCAMPO tienen un mayor sesgo a favor del agro que el programa puesto en práctica a partir de la Administración del Presidente Salinas.

Federalismo

La aplicación del federalismo fiscal a San Quintín[14] —el único pueblo de los estudiados que aporta más recursos al gobierno de los que recibe— tendría impactos positivos en su economía, ya que crecería en casi un 3% (cuadro 4d, tercera columna). Todos los componentes de la comunidad se verían beneficiados, los inmigrantes, inclusive. Los beneficios de la aplicación del Federalismo en pobalciones exportadoras como San Quintín no sólo serían mayores que los efectos de la devaluación, sino que, de distribuirse entre sus principlaes agentes (cuarta columna del cuadro 4d), beneficiarían a todos sus componentes y de manera más equitativa que con la depreciación del peso (comparar la segunda y tercera columnas del cuadro 4d).

Los efectos de la crisis y de PROCAMPO en Napízaro, Concordia y El Chante

Hay un marcado contraste en las repercusiones que, en los pueblos agropecuarios estudiados, tienen la combinación de la reducción en los salarios reales, la devaluación y la aplicación de PROCAMPO. El fuerte vínculo de Napízaro con el mercado de trabajo estadounidense, su reducida dependencia en los mercados laborales de México y los beneficios de PROCAMPO hacen que los impactos positivos de la devaluación dominen los efectos de l a crisis salarial, por lo que su PIB crece considerablemente (última columna del cuadro 4a). Concordia enfrenta la situación opuesta y su PIB reciente las adversidades de la reducción de los salarios en México al grado que los recursos de PROCAMPO son insuficientes para lograr que su economía no se deprima (cuadro 4b, última columna). La situación de El Chante es intermedia al sufrir parcialmente los embates de la crisis salarial pero, al recibir los apoyos de PROCAMPO y los beneficios de la devaluación, su PIB logra mantenerse más o menos estable.

Reflexiones finales

Los modelos de multiplicadores aplicados a poblaciones del México rural permiten estudiar los impactos que, sobre el agro tienen y podrían tener cambios en la eonomía y en la política gubernamental de desarrollo.

Si se toman por separado, los efectos de las modificaciones del contexto en el que se ubican los pueblos estudiados tienen el mismo signo: la depresión del salario

real los afecta negativamente y la devaluación y políticas de apoyo al agro impulsan su producción o ingresos. No obstante, el detalle de la información usada y las características del enfoque adoptado permiten obtener resultados precisos, con los cuales es posible conocer las diferencias que tales cambios tienen de pueblo a pueblo y, con ello, hacer un esbozo de tipología al respecto y presentar reflexiones en materia de política.

En principio, aquellas poblaciones pequeñas en las que las remesas de los E.U.A. son fuente importante del ingreso de sus hogares saldrían beneficiadas con la devaluación del peso y con la política gubernamental de apoyo a ellos: es el caso de Napízaro. La crisis salarial no afecta mucho a este tipo de comunidades debido a que la fuerte emigración a los E.U.A. de los miembros de sus hogares las aisla de ella: el efecto de la reducción en el salario real de México es más que compensado por el crecimiento en el valor en pesos de las remesas que reciben. Sin embargo, tal aumento no sólo es función de la depreciación del peso, sino de los recursos que les puedan remitir a sus familias los miembros que trabajan en los E.U.A., y los importantes cambios de actitud y políticas hacia los inmigrantes sucedidos en lo reciente en aquel país no ofrecen perspectivas halagüeñas.

Los pueblos más golpeados por la crisis son los que tienen una importante proporción de hogares que dependen de los ingresos obtenidos por la prestación de los servicios laborales de sus miembros fuera de la localidad, en la región o en el resto de México. Es el caso de Concordia, a la que se le unen otras muchas poblaciones rurales. Frente a las escazas o nulas alternativas de ingreso que en la actualidad ofrece la economía del país, la situación está impulsando la emigración de los habitantes del campo a los E.U.A. o conduciendo a la presión de los recursos naturales rurales. [15]

Por su parte, algunos pueblos con fuentes de ingreso muy diversificadas (como El Chante) estarían logrando sortear los embates de la crisis. Sin embargo, una de éstas fuentes son las remesas, por lo que la prolongación de la crisis puede aumentar las presiones a que sus habitantes busquen trabajo en los E.U.A.

A lo último habría que añadir que son muy fuertes los impulsos de la crisis hacia la emigración al país vecino del norte de los habitantes del agro mexicano. Investigaciones que estiman los impactos de la devaluación en tales flujos indican que ésta podría crecer hasta en más de un 20% (Taylor, J. E. et al: 1997). Aunque no es posible hacer este tipo de estimaciones con los modelos de multiplicadores, [16] los resultados de los efectos marginales de la devaluación en el ingreso de los hogares indican que las presiones a migrar pueden ser muy fuertes (por ejemplo, en términos absolutos, serían mayores para El Chante respecto a Napízaro los efectos en los ingresos de sus hogares de un aumento equivalente en las remesas que reciben).

Por su parte, la devaluación (y el Tratado de Libre Comercio Norteamericano o TLCN) tienen consecuencias positivas en poblaciones dedicadas a la exportación

de productos agrícolas intesivos en el uso de mano de obra. Es el caso de San Quintín, cuyos ingresos y demanda de trabajadores del resto de México han crecido a raíz de la devaluación del peso o del TLCN.

Nuestro estudio también permite hacer una consideración, frecuentemente olvidada en los estudios del agro mexicano: ésta se refiere a los efectos que los cambios en la economía rural tienen sobre el resto del país. Los resultados expuestos indican que una de las consecuencias de la crisis es la disminución de los ingresos que el gobierno recibe del agro y de la demanda que el sector hace a los productos manufacturados que produce el sector industrial de México.[17]

Además de contribuir a proporcionar las bases para elaborar una tipología del medio rural y su contexto, nuestro enfoque permite hacer consideraciones en materia de políticas de apoyo al agro. Así pues, PROCAMPO puede ser una medida para reducir la emigración del agro a los E.U.A., pero los resultados de nuestras indagaciones también indican que hay medidas distintas (igual de neutrales y que usan los mismos montos de recursos gubernamentales), cuyos efectos positivos serían aún mayores. Según ellos, un programa como PRODUCE (el esquema de apoyo a la producción agropecuaria de la Adminsitración del Presidente Zedillo) podría ser más eficáz que PROCAMPO para reducir la emigración e impulsar el desarrollo rural.

Hay un último aspecto importante en materia de política que recoje nuestro estudio. Este tiene que ver con la importancia de tomar en cuenta las prioridades y condiciones locales en el diseño de la política de desarrollo rural. Por ejemplo, los resultados expuestos indican que, para Napízaro, la política más eficáz para promover su PIB (o, lo que es lo mismo, su oferta local) sería la de canalizar los recursos de PROCAMPO a la actividad ganadera. Sin embargo, si fuera más prioritario el impulso del ingreso de los factores laborales (trabajo familiar y asalariado) y la reducción de la emigración, la medida más adecuada podría ser aquella que canalizara los recursos de apoyo gubernamental a la producción de cultivos básicos (ver columnas 5 y 6 del cuadro 4a). En contraste, el apoyo estatal a la ganadería de Concordia provocaría el más alto crecimeitno de la economía del pueblo, así como el más elevado aumento de los ingresos al trabajo familiar (columnas 5 y 6 del cuadro 4b).

La importancia de las diferencias que existen en el funcionamiento de la economía de los pueblos remite al federalismo, una cuestión de suma relevancia para el desarrollo político y socioeconómico de México. En efecto, los resultados del estudio (ejemplificados en el párrafo anterior) fundamentan el argumento de que, en parte, la política económica debe de descentralizarse, ya que sería más eficáz en el cumplimiento de sus objetivos si tomara en cuenta las condiciones y prioridades locales. Una conclusión similar se aplicaría a San Quintín, pues en su caso, la puesta en práctica del federalismo fiscal sería muy conveniente a la

economía local. Lo anterior es especialmente válido cuando se toman en cuenta las condiciones de vida de los inmigrantes y el hecho de que el gobierno las puede mejorar al retornar a ellos parte de los ingresos que recibe de la comunidad en donde trabajan.

En síntesis, lo expuesto refleja la importancia de combinar la política nacional de desarrollo rural con las locales y, en especial, de tomar en cuenta la heterogeneidad en las condiciones de funcionamiento de los componentes del medio rural. Una estrategia de tal naturaleza sería más eficaz para impulsar al agro mexicano, para promover la economía nacional y, en consecuencia, para aligerar las necesidades de emigración que tienen los habitamtes del campo mexicano.

Notes

1. Agradezco el apoyo de los Profesores Richard Sexton y J. Edward Taylor para pasar mi año sabático como profesor visitante de la Universidad de California en Davis, así como los comentarios de E. Taylor.

2. El texto contiene resultados de investigaciones dirigidas por el Prof. Taylor y el autor, que han involucrado el esfuerzo de un numeroso grupo de estudiantes y asistentes. Dentro de ellos, los que han contribuido mayormente están mencionados en las referencias como autores o coautores de artículos o tesis. La investigación ha recibido apoyos económicos de CONACYT, de la Fundación Hewlett, del Pacific Rim Research Program, del proyecto sobre la Reforma Ejidal y de UC-Mexus (las tres últimos programas de la Universida de California).

3. Descripciones detalladas se encuentran, respectivamente, en: Rodríguez González, María del Refugio: 1995, Becerril García, J.: 1995, Taylor, J. E. e I. Adelman: 1996 y Martíbez Guzmán, A.: 1996.

4. En la subsección “Relaciones con el exterior” veremos que el fenómeno se hace más agudo al considerar la recurrencia de los hogares y de las actividades productivas de los pueblos al exterior como fuente de ingreso y de insumos.

5. De hecho, la cifra de 14% para San Quintín es menor, pues el dato tiene un sesgo hacia arriba ya que incluye las ganancias de los negocios grandes y de la empacadora (es decir, de las empresas de corte capitalista) . Es este pueblo, el uso de trabajo familiar está concentrado en los negocios pequeños y en los tianguis o globeros (nombre local que se les da a los comercios ambulantes). Aunque en menor medida, el dato es también algo exagerado para El Chante, pues incluye las ganacias que de hecho tienen los productores de caña. En Napízaro la tierra es un componente importante de su valor agregado debido a la importancia que tiene para el pastoreo del ganado.

6. Es conveniente hacer notar que, aunque el peso del ingreso externo en El Chante y Napízaro es menor que en Concordia, también es muy importante, lo cual se refleja en los ejercicios de simulación abajo presentados.

7. El 77% incluye a las actividades comerciales de Concordia (cuadro 3b). Se precedió de ésta manera porque la mayor parte de las ventas de los comercios del pueblo son de insumos producidos en el resto de México y por la manera en que se constryó su matriz de contabilidad social.

8. El enfoque de multiplicadores tiene sus limitaciones (por ejemplo, con él sólo pueden estudiarse impactos en el ingreso de cambios exógenos y supone que los agentes económicos no reaccionan a cambios en los precios relativos, ver Rodríguez, María del Refugio, *et.al.*: 1996). Sin embargo, a diferencia de los modelos de equilibrio general aplicados —otro enfoque de análisis multisectorial— incorpora situaciones de desempleo, que son realistas en el contexto de la presente crisis de la economía mexicana.

9. En realidad, el efecto de la devaluación en éste poblado sería mayor. Esto debido a que provocaría un aumento en la competitividad de la empresa empacadora, aspecto no captado en el modelo de multiplicadores ya que supone que es constante el volumen físico de sus exportaciones (es decir, en el modelo, lo único que crece con la devaluación son los ingresos en pesos de la empresa).

10. Por razones de espacio no se incluyeron cuadros con los resultados de los efectos marginales de los impactos exógenos. Sin embargo se hará referencia a ellos a lo largo del texto.

11. El resultado coincide con el hecho de que, al basar sus transferencias en las hectáreas cultivadas con básicos y no en la productividad, PROCAMPO beneficia más a los agricultores con tierras menos productivas.

12. Los resultados no se presentan en cuadros por las razones expuestas en la nota 9.

13. Los ejercicios pueden tomarse como representativos de medidas gubernamentales que promuevan la producción agropecuaria mediante la inversión en obras de infraestructura que mejoren las vías de transporte y las comunicaciones de las comunidades.

14. El ejercicio consiste en retornar a la población el excedente que hay entre sus aportaciones al gobierno y los gastos que el último hace en la economía local. Tales desembolsos se distribuyeron entre sus agentes de acuerdo a los pagos que le hacen a las entidades públicas, pero dejando un remanente para transferir algún monto a aquellos que no lo hacen o montos mayores a los que pagan pocos impuestos (hogares de no migrantes y de inmigrantes, respectivamente, ver las dos últimas columnas del cuadro 4d). La base de datos de San Quintín (es decir, su MCS) es preliminar, por lo que los resultados expuestos —tomados de Martínez, A.: 1996— para éste pueblo también lo son. Lo anterior hace que el estudio cuantitativo para San Quintín sea menos completo que el de las otras tres poblaciones.

15. Encuestas que estamos realizando en otras poblaciones confirman lo anterior. Por ejemplo,la crisis en la cosntrucción ha provoado el retorno a su comunidades de los miembros de hogares en pueblos de la Sierra Norte del Estado de Puebla que trabajan como albañles en ciudades cercanas. Como ya hay una enorme presión en los recursos productivos naturales de la Sierra, ésto ha significado la pérdida de una importante fuente de ingreso de muchos de sus hogares y su pauperización, así como el deteriro de su medio ambiente.

16. En ellos la migración se trata como una variable exógena.

17. El descuido contrasta con la insistencia que se hace en la literatura internacional sobre la importancia de los efectos que tiene la situación de la agrícultura sobre el componente industrial de los países en desarrollo. Esto se debe a que en ella se enfatiza la fuerte demanda que el agro tiene de productos manufactureros de origen nacional.

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IMPACTS OF MIGRATION

Las remesas de los migrantes mexicanos en Estados Unidos: Estimaciones para 1995

*Fernando Lozano Ascencio**

Introducción

Los cambios en el patrón migratorio entre México y Estados Unidos y las transformaciones en el sistema de envío de remesas durante la primera mitad de los noventa, generaron un incremento considerable en el monto de dinero transferido por los migrantes mexicanos. Según fuentes norteamericanas durante el período comprendido entre 1990 y 1995, el volumen de personas nacidas en México con residencia habitual en Estados Unidos creció en 2.4 millones, al pasar de 4.3 a 6.7 millones de personas (Hansen 1996). Esto significa un crecimiento promedio anual de alrededor de 480 mil personas. De corroborarse estas cifras este incremento constituye una verdadera revolución en la historia de la migración entre México y Estados Unidos.

Por cuanto a las modificaciones en el sistema de envío de remesas entre Estados Unidos y México, el principal cambio ha consistido en el aumento del dinero transferido por vías electrónicas. De acuerdo con el Banco de México, en 1995

casi 1,000 millones de dólares ingresaron al país a través de medios electrónicos. Como un ejemplo de ello, tan sólo el Grupo Elektra en su asociación con Western Union, movilizó 100 millones de dólares en 1994, 440 millones en 1995 y tienen programado transferir 700 millones de dólares durante 1996[1].

El debate en torno a la magnitud de estos recursos también se ha intensificado. En medios académicos se discute no sólo la magnitud de las remesas (Massey y Parrado 1994, Corona 1995), sino también los determinantes económicos y sociales en el envío de dólares, y el impacto de este flujo de divisas en las comunidades expulsoras de migrantes (Massey y Basem 1992, De la Cruz 1995, Durand et.a*l.* 1996a, Durand *et.al.* 1996b). En medios gubernamentales mexicanos, particularmente en el Banco de México, continuamente se revisan y afinan los procedimientos para la estimación de las remesas familiares, sobre todo ampliando la cobertura de captación de estos fondos en el territorio nacional (Carriles *et.al.* 1991, Banco de México 1994:177-178).

En medios gubernamentales de Estados Unidos, también se han desarrollado iniciativas para determinar la magnitud del flujo de divisas generado por los inmigrantes internacionales. Al respecto se han levantado dos grandes encuestas a migrantes que lograron su legalización en 1986, una en 1989 y otra en 1992, en donde, entre otras muchas características sociodemográficas, se puede estimar el monto de las remesas enviadas por los migrantes, al menos del grupo que ha logrado su legalización en ese país (U.S. Department of Justice 1992 y U.S. Department of Labor 1996).

El objetivo de este trabajo es elaborar una estimación del monto de las remesas transferidas por los migrantes mexicanos en Estados Unidos durante el año de 1995, según características de los migrantes y mecanismos de envío. Se pretende actualizar un trabajo previo elaborado por el autor, utilizando fuentes de información y procedimientos similares (Lozano 1993). El trabajo está dividido en tres partes: En la primera se hace una breve revisión de trabajos recientes que estiman el monto de las remesas de los migrantes mexicanos. En la segunda parte se presentan los procedimientos y fuentes empleados en la estimación de remesas para 1995. Y en la última parte se presentan los resultados de este ejercicio, los que se confrontan con estimaciones recientes sobre remesas internacionales captadas en México.

Estimaciones recientes sobre el monto de las transferencias de los migrantes mexicanos

Esta sección está dedicada a la revisión de trabajos recientes que contienen estimaciones sobre el monto de las remesas de los migrantes mexicanos en Estados Unidos[2]. Se comentarán aquí las estimaciones elaboradas por de Massey y Parrado (1994), Rodolfo Corona (1995), por el Banco de México y las contenidas en la

Encuesta a la Población Legalizada (*Legalized Population Survey-LPS*, [U.S. Department of Justice 1992 y U.S. Department of Labor 1996]). La revisión de estos trabajos es central, dado que de ellos proviene en buena medida la información que aquí se emplea para elaborar las estimaciones sobre el monto de las remesas de los migrantes.

Massey y Parrado (1994)

Este trabajo ofrece una estimación del flujo anual de remesas enviado por los migrantes mexicanos, fijando como año de referencia 1990. La información empleada por los autores, proviene de una encuesta levantada entre 1982 y 1992, en 22 comunidades del centro occidente de México. La encuesta ha sido aplicada también a los migrantes de estas comunidades en los lugares de destino de los Estados Unidos. Las estimaciones de remesas incluyen el flujo monetario enviado desde Estados Unidos, así como el monto de dinero que los trabajadores llevaron consigo en sus viajes de retorno a México. Asimismo, la estimación incluye las remesas enviadas por migrantes temporales y migrantes permanentes, ya sean documentados o indocumentados. Los autores estimaron que un total de 24 millones de dólares fue enviado a las comunidades incluidas en la muestra, durante el año del levantamiento. En algunos lugares, este flujo de dinero iguala y aun rebasa el valor del ingreso local. Al generalizar esta cifra para la región del occidente de México los autores estimaron que el flujo regional de "migradólares" ascendió a 1.5 mil millones de dólares. Sin embargo, cuando los autores insertan los datos de su encuesta en el modelo desarrollado por Lozano (1993), el flujo total de remesas estimado es de 2,012.5 millones de dólares, de los cuales 1,167.3 millones (58%) es enviado por migrantes temporales y 845.2 millones de dólares (42%) por migrantes permanentes.

Rodolfo Corona (1995)

Este autor presenta una estimación del monto total de remesas enviado a México por los migrantes en Estados Unidos, tomando como base el año de 1993. La fuente de información empleada es la Encuesta sobre Migración en la Frontera Norte de México (EMIF), levantada entre el 28 de marzo de 1993 y el 27 de marzo de 1994. La EMIF es un conjunto de cuatro encuestas continuas, levantadas en diversos puntos de la frontera norte de México, a poblaciones en movimiento. Estas cuatro poblaciones son: los migrantes que llegan desde el sur a la frontera norte, los migrantes que retornan voluntariamente de Estados Unidos, los migrantes que regresan al sur después de trabajar en la frontera norte de México, y los indocumentados devueltos por la patrulla fronteriza de Estados Unidos.

De acuerdo con Corona la EMIF permite una medición directa del monto de las remesas de dos poblaciones del grupo de migrantes procedentes de Estados Unidos: 1) los migrantes laborales, población de residentes habituales en México, que trabajaron una cierta temporada en Estados Unidos y que retornaron a sus hogares en el interior de la república mexicana, en el año de referencia de la encuesta; y 2) los individuos nacidos en México que residen habitualmente en Estados Unidos y que, durante el año de la encuesta, viajaron temporalmente a México para reunirse con familiares o de paseo.

El monto total de remesas estimado por Corona para 1993 es de 2,055 millones de dólares, de los cuales 1,470 millones fueron transferidos por migrantes temporales (71.5%) y 585 millones (28.5%) por migrantes permanentes. Corona argumenta que su cálculo de remesas está subestimada debido a que la EMIF excluyó dos componentes: por un lado, el dinero que los migrantes llevan consigo, cuya indagación se omitió para evitar rechazos, respuestas incorrectas y no alterar otras partes del cuestionario. De otro lado, no se contempló las remesas de los grupos de migrantes que no son captados por la EMIF. Estos grupos son: 1) los emigrantes permanentes que no retornan de visita a México, 2) los emigrantes permanentes que cuando retornan a México sólo cruzan a las ciudades fronterizas mexicanas, 3) los migrantes laborales que viven en las ciudades fronterizas, y 4) el grupo de migrantes temporales y permanentes no indocumentados que regresan directamente al interior de México por vía aérea.

Banco de México

Antes de 1989, el renglón de remesas familiares de la balanza de pagos de México sólo registraba el dinero captado vía giros postales y telegráficos, de acuerdo con los reportes de la Secretaría de Comunicaciones y Transportes. A partir de 1989, el Banco de México amplió el radio de captación de remesas y consideró también los fondos transferidos vía *money orders* y cheques personales, recibidos en instituciones bancarias y casas de cambio. El instrumento de estimación del monto de *money orders* y cheques personales es la Encuesta Mensual de Remesas Familiares, complementada por el Censo de Remesas Familiares que se llevó a cabo, por primera vez, en agosto de 1990 (Carriles et.al. 1991). La Encuesta Mensual se basa en la información proporcionada por dos instituciones bancarias (Bancomer y Banamex), y el Censo contiene información de todos los establecimientos bancarios y casas de bolsa de México. Para estimar el monto total de los envíos, se conjunta la información muestral con los datos del censo, y se suman las transferencias realizadas vía telégrafo (Banco de México 1991:23 y 264). Estos dos instrumentos de medición (la encuesta y el censo) tuvieron buenos resultados entre 1989 y 1992. El monto anual de remesas estimado durante ese

período fue el siguiente: 1,682 millones de dólares en 1989, 1,980 millones en 1990, 1,852 millones en 1991 y 1,927 millones de dólares en 1992. Sin embargo, en 1993 el marco muestral empezó a presentar problemas, debido entre otras cosas a que las casas de cambio redujeron considerablemente la compra de remesas, a que se amplió la participación de muchas otras instituciones bancarias y comerciales (especialmente en zonas rurales), pero sobre todo, al aumento del monto de remesas vía transferencias electrónicas y al incremento de transferencias en efectivo y en especie (Banco de México 1995).

A partir de 1994 el Banco de México incorporó en la balanza de pagos el monto de las transferencias electrónicas y una estimación de las "transferencias de bolsillo", tanto de efectivo como en especie. La información sobre las transferencias electrónicas es reportada directamente al Banco de México por las compañías dedicadas a esta actividad, por lo que no hay necesidad de hacer algún tipo de muestreo. La información sobre las remesas en efectivo y en especie proviene de una sección especial que se añadió a la Encuesta de Turismo, levantada también por el Banco de México.

Con la incorporación de estos dos rubros, la estimación del monto de las remesas aumentó a casi el doble de lo que se venía reportando: 3,694 millones para 1994 y 3,672 millones de dólares para 1995. Considerando los canales a través de los cuales se efectuaron los envíos durante 1995, el 39.7% se remitió vía mo*ney orders*, 27.1% vía transferencias electrónicas, 24.4% vía giros telegráficos, 8.1% lo constituyen las remesas en efectivo y en especie, y el 0.7% corresponde al envío de cheques personales (cuadro 1). Es significativo el hecho de que pese al incremento del dinero enviado vía transferencias electrónicas, los *money orders* continúen siendo el mecanismo de envío más utilizado por los migrantes mexicanos en Estados Unidos.

Cuadro 1
Remesas familiares estimadas por el Banco de México, según modalidad de envío, 1990-1995 (Millones de dólares)

Modalidad de envío	1990	1991	1992	1993	1994	1995
Total	2,493.6	2,658.0	3,070.1	3,333.2	3,694.3	3,672.7
Money orders	1,375.4	1,215.4	1,026.4	602.8	1,622.4	1,456.3
Giros telegráficos	464.6	524.7	679.7	784.0	888.5	894.5
Cheques	140.2	112.0	221.0	145.6	49.9	26.2
T. Electrónicas					504.2	996.7
Efectivo y especie					629.3	299.0
Ajuste 1990-1993	513.4	806.0	1,143.0	1,800.8		

Fuente: *Dirección de Investigación Económica*, Banco de México

Una vez que los encargados de elaborar estas estimaciones revisaron y afinaron el marco muestral e incorporaron los dos "nuevos rubros" a las estimaciones de 1994 y 1995, se elaboró un ajuste retrospectivo del monto total de remesas, considerando el comportamiento del flujo de remesas durante estos dos últimos años. Las cantidades ajustadas se presentan en el último renglón del cuadro 1. Llama la atención que el total de los montos "ajustados" son considerablemente más altos que los estimados por Massey y Parrado, para el año de 1990 y por Rodolfo Corona, para el año de 1993.

Legalized Population Survey (LPS)

Esta es una encuesta que ha sido levantada en dos etapas, una en 1989 y otra en 1992. La encuesta se aplicó entre la población que logró la residencia legal en Estados Unidos, como resultado de las Reformas a la Ley de Inmigración (*Immigration Reform and Control Act, IRCA*) de 1986. La primera etapa de la encuesta fue administrada entre 6,193 personas, y la segunda entre 4,012 individuos que a su vez respondieron la encuesta en su primera etapa. De esta forma es posible tener un seguimiento de las características de esta población en un período de tres años.

Seleccionando a la población nacida en México que respondió las dos encuestas, se encontró que un total de 1,940 individuos (la cifra ponderada representarían a una población de 596,131 personas) enviaron 733 millones de dólares, de acuerdo con la encuesta de 1989, y 621.5 millones, según la encuesta de 1992. Esta última cifra incluye 109 millones de dólares transferidos en efectivo y en especie (cuadro 2). La disminución en el monto total de remesas enviadas a México corrobora lo que diversos autores han planteado, en el sentido de que a medida que aumenta la permanencia del migrante en el país receptor, disminuye la cantidad y la periodicidad de los envíos de dinero a su país de origen (véase Menjívar e*t.al.* 1996).

Cuadro 2
Estimación del flujo de remesas de la población mexicana que logró su legalización con la *IRCA*, 1989 y 1992

Encuesta	Año	Muestra (individuos)	Muestra Ponderada	Remesas (millones)
LPS1	1989	1,940	596,476	733.0
LPS2	1992	1,940	596,476	510.7

Fuente: *Legalized Population Survey*, 1989 y 1992.

Esta encuesta es muy importante pues contiene información del grupo de migrantes radicados permanentemente en Estados Unidos, respecto de los cuales generalmente se tiene poca información. Además, pese a que el universo de esta encuesta identifica sólo a un grupo específico de migrantes documentados (los legalizados bajo la *IRCA*), confirma un hecho no muy aceptado por algunos autores, en el sentido de que los envíos de los migrantes permanentes son considerablemente altos. Más adelante se retomará la discusión sobre este aspecto.

Procedimientos y fuentes

El procedimiento empleado para la estimación de monto total de remesas captado en México consiste en la construcción de un algoritmo que incorpora diverso tipo de indicadores demográficos y económicos (Lozano 1993). La estimación de remesas se elabora para dos grupos fundamentales de migrantes: los migrantes temporales y los migrantes permanentes. En este trabajo se considera a la población de migrantes temporales, aquella que reside en México y que emigra temporalmente a los Estados Unidos en busca de trabajo, para después regresar nuevamente a México. El grupo de migrantes permanentes se refiere a la población de mexicanos que ha decidido radicar definitivamente en los Estados Unidos.

El conjunto de indicadores demográficos y económicos que se requieren para la estimación del monto total de remesas son los siguientes. Para la población de migrantes temporales, se necesita conocer su volumen, la duración promedio de su estancia en Estados Unidos, la proporción de migrantes que envía dinero a México, el promedio mensual de envíos, la proporción de migrantes que hacen "transferencias de bolsillo" y los montos promedios de esas transferencias. Para la población de migrantes permanentes se requiere información sobre su volumen, tasa de participación dentro de la población mexicana de quince años y más, proporción de migrantes que envía dinero a México, promedios mensuales de envíos, así como información relacionada con sus "transferencias de bolsillo".

La información utilizada en este trabajo proviene de las siguientes bases de datos: Encuesta Nacional de la Dinámica Demográfica 1992 (ENADID), Encuesta de Migración en la Frontera Norte 1993-1994 (EMIF), M*exican Migration Project* 1995, *Legalized Population Survey* 1989 y 1992, y *Current Population Survey*, 1994 y 1995. Además se emplea información de los censos mexicano y norteamericano de 1990, así como del Conteo Mexicano de Población y Vivienda 1995.

En lo que sigue se hará una exposición detallada del procedimiento que se siguió para la selección de cada uno de los indicadores demográficos y económicos. En virtud de que la estimación de remesas es para el año de 1995, algunos de los indicadores fueron ajustados a ese año.

Indicadores para la población de migrantes temporales

Dos son las cifras fundamentales que se requieren para la estimación de las remesas de los migrantes temporales: una se refiere al número de trabajadores que laboraron o buscaron trabajo en Estados Unidos en un año determinado, y la otra se refiere al flujo de retorno de migrantes temporales, es decir, el número de trabajadores que regresó a México durante ese mismo año. Las fuentes de información exploradas fueron la Encuesta Nacional de la Dinámica Demográfica (ENADID) y la Encuesta sobre Migración en la Frontera Norte (EMIF).

En el archivo de Datos Generales de la ENADID, existe una pregunta dirigida a las personas de doce años y más que habitan en el hogar "... ¿alguna vez ha ido [NOMBRE] a los Estados Unidos a trabajar o en busca de trabajo?" (INEGI 1994:365). Si la persona respondía afirmativamente, se le pedía información sobre el mes y el año de su última salida a Estados Unidos, así como del mes y año de regreso (para aquellos que habían regresado). Trabajando la información de este archivo, se encontró que un total de 2'449,045 individuos declararon haber ido a Estados Unidos a trabajar o en busca de trabajo. Dado que el objetivo es determinar el monto de dinero que ingresa a México anualmente, es preciso conocer el volumen de trabajadores temporales que estuvieron en Estados Unidos en un año determinado. La ENADID fue levantada entre el 31 de agosto y el 30 de noviembre de 1992. Para los fines de este trabajo se estableció como período anual de referencia el comprendido entre los meses de noviembre de 1991 y octubre de 1992. Ello permite "aislar" a la población que declaró haber estado en Estados Unidos en algún momento de ese período. En el cuadro 3 se

Cuadro 3
Migrantes temporales residentes en México, según período de entrada y salida de Estados Unidos, noviembre 1991—octubre 1992

Período de entrada y salida de E.U.	Población
1) Migrantes que entraron y salieron de E.U. entre noviembre 91 y octubre 92	191,263
2) Migrantes que entraron a E.U. antes de nov. 91 y regresaron a México entre nov. 91 y oct. 92	177,647
3) Migrantes que entraron a E.U. entre nov. 91 y oct. 92 y no han regresado a México	123,237
4) Migrantes que entraron a E.U. antes de nov. 91 y no han regresado a México	24,188
Total	516,335

Fuente: *Encuesta Nacional de la Dinámica Demográfica*, 1992

observa que 516,335 migrantes temporales estuvieron en Estados Unidos entre noviembre de 1991 y octubre de 1992. Del total de migrantes temporales, 368,910 (71%) regresó a México en algún momento del período de referencia, y los 147,425 migrantes restantes (29%) continuaban en Estados Unidos en el momento del levantamiento de la encuesta.

Por su parte la EMIF estableció que 657,326 individuos, nacidos en México, y que declararon vivir en México, regresaron de Estados Unidos entre el 28 de marzo de 1993 y el 27 de marzo de 1994 (entre abril de 1993 y marzo de 1994 para nuestros fines). De ellos 373,646 migrantes (56.8%), declararon haber entrado y salido de Estados Unidos entre abril de 1993 y marzo de 1994, mientras que 274,163 personas (41.7%) entraron a Estados Unidos antes de abril de 1993 (cuadro 4). Trabajando con la base de datos de esta encuesta se determinó que la duración promedio de estos migrantes en Estados Unidos fue de 9.04 meses. Cabe señalar que esta población no incluye, como en el caso de la ENADID, a los migrantes que habían estado en Estados Unidos en el período de referencia y que no habían regresado a México. Pese a que la EMIF subestima el volumen de migrantes temporales, pues como se señaló, no incorpora a la población que aún se encuentra en Estados Unidos, presenta varias ventajas en comparación con la ENADID[3].

La primer ventaja de la EMIF respecto de la ENADID es que recoge información directamente del migrante, lo que implica una mayor calidad en la información. En cambio la ENADID recoge la información de algún miembro del hogar encuestado, no necesariamente del migrante. Una segunda ventaja de la EMIF es que el cuestionario se aplica justo en el momento en que el migrante está regresando de Estados Unidos (por algun punto de la frontera norte mexicana), en cambio, la ENADID recoge información sobre migraciones que ocurrieron en el pasado, lo cual también representa una desventaja, respecto a la calidad de la información.

Cuadro 4
Migrantes temporales residentes en México, según período de entrada y salida de Estados Unidos, abril 1993—marzo 1994

Período de entrada y salida de E.U.	Población
1) Migrantes que entraron a E.U. entre abril 93 y marzo 94 y regresaron a México en el mismo período	373,646
2) Migrantes que entraron a E.U. antes de abril 93 y regresaron a México entre abril 93 y marzo 94	274,163
3) No declararon mes y/o año de entrada a E.U.	9,517
Total	657,326

Fuente: *Encuesta de Migración en la Frontera Norte*, 1993-1994

En una eventual situación en la que se intentara algún tipo de proyección de la población de migrantes temporales para el año de 1995, utilizando la información de ambas encuestas (ENADID y EMIF), se incurriría en diversos problemas y errores. Por ejemplo, si se asumiera que la población de migrantes temporales presentó un crecimiento constante, entre la mitad de período del año de referencia considerado para la ENADID (1º de mayo de 1992), y la mitad del período considerado para la EMIF (1º de octubre de 1993), ello implicaría un incremento de esta población en alrededor de 25%, hacia la mitad del año de 1995. El problema con este supuesto de crecimiento constante, es que no existe evidencia de que la migración temporal mexicana esté aumentando, y mucho menos al ritmo que esta proyección supondría.

De otro lado, las poblaciones que cada encuesta considera no son estrictamente comparables, pues la ENADID incorpora información de migrantes que se encontraban en Estados Unidos en el momento del levantamiento de la encuesta, y la EMIF no los toma en cuenta. Es por estas razones que se considerará a la población de migrantes temporales reportada por la EMIF, para la estimación del monto de las remesas, bajo el supuesto de que este flujo se mantuvo constante hasta el año de 1995.

Ahora bien, como se intenta establecer el promedio de trabajadores que laboraron o buscaron trabajo en Estados Unidos durante 1995, se considerará el promedio de estancia de 9 meses, reportado por la EMIF, como un indicador clave para calcular el promedio anual de migrantes temporales. El algoritmo sería el siguiente. Al multiplicar la población de migrantes temporales (657,326) por 0.75, factor que expresa que los migrantes permanecieron en Estados Unidos tres cuartas partes del año, es decir, nueve meses, se obtiene un promedio estimado de trabajadores-año en Estados Unidos de 492,995 individuos.

Esta estimación del promedio anual de migrantes, implica un supuesto adicional: que todos los migrantes temporales entraron y salieron de Estados Unidos en un lapso de doce meses. El cuadro 4 destaca que no todos los migrantes entraron a Estados Unidos en el año de referencia de la encuesta. Sin embargo, dada la continuidad de la migración temporal, las estancias de los que estuvieron más tiempo se compensan con las de aquellos que estuvieron lapsos más cortos. Es por ello que para estimar el promedio de trabajadores-año para 1995, no es riesgoso trabajar con el anterior supuesto.

La población estimada en 492,995 trabajadores-año es un insumo básico para estimar el envío de fondos de los migrantes temporales durante sus estancias en Estados Unidos, a lo largo del año de 1995. Sin embargo, en diversas trabajos se ha documentado que los migrantes temporales llevan dinero en su viaje de regreso a México, operación conocida como “transferencia de bolsillo”. Para ello se requiere conocer el flujo de retorno de estos migrantes temporales durante 1995.

Para los fines de este ejercicio, se considerará a la población de 657,326 individuos reportada por la EMIF, para el período comprendido entre abril de 1993 y marzo de 1994, como el flujo de retorno de migrantes temporales. Es probable que el volumen de este flujo haya aumentado en los 21 meses que van del 1º de octubre de 1993 (mitad de período del año de referencia de la EMIF) y el 1º de julio de 1995, mitad del año de 1995. Sin embargo, no se cuenta con ningún otro referente para establecer alguna hipótesis de crecimiento de esa población, situación que podría redundar en una subestimación del monto de las "transferencias de bolsillo" de los migrantes temporales.

Otros indicadores centrales, para la estimación de las remesas de los migrantes temporales, son la proporción de migrantes que realiza envíos de fondos durante su estancia en Estados Unidos, el promedio de dólares enviados al mes, la proporción de migrantes que realizan "transferencias de bolsillo" y el monto de éstas últimas. El cuadro 5 resume la información que al respecto ofrecen las encuestas reportadas en los trabajos de Massey y Parrado (1994) y Rodolfo Corona (1995).

La información del trabajo de Massey y Parrado proviene de encuestas levantadas entre migrantes de 22 comunidades de los estados de Jalisco, Guanajuato, Michoacán y Nayarit, durante 1982 y 1992. Las encuestas fueron administradas tanto en la comunidad de origen, como en los lugares de destino en Estados Unidos. Por esta razón la encuesta considera dos tipos de poblaciones: una, la de migrantes presentes en México que declararon haber trabajado o buscado trabajo en Estados Unidos, y otra, la de migrantes presentes en Estados Unidos. Estas dos poblaciones se ajustan perfectamente a los dos grupos que se han establecido en este trabajo, para la estimación del monto total de remesas. En virtud de que las encuestas se administraron en diferentes años, las cifras en dólares fueron ajustadas por los autores al año 1990. Respecto a la información de los migrantes presentes en México, Massey y Parrado señalan que las dos terceras partes de la población contenida en su muestra, enviaron un promedio de 185 dólares mensualmente. Esta cantidad, a precios de 1995, equivale a 199 dólares (cuadro 5).

Por su parte Corona (1995) trabajando la base de datos de la EMIF estableció que 335,242 personas, o sea el 51% del total de migrantes procedentes de Estados Unidos, envió dinero a México durante los últimos 30 días de actividad económica. Por lo que se refiere al monto de los envíos mensuales, el promedio de dólares enviados durante el último mes de trabajo en Estados Unidos fue de 474. Asimismo, la duración promedio en su lugar de trabajo fue de 8.1 meses. Por tanto la cifra de 320 dólares reportada en el cuadro 5, constituye el promedio de envíos mensuales a lo largo un año. Esta cantidad, a precios de 1995, equivale a 328 dólares.

Para la estimación del monto de las remesas de los migrantes temporales, se consideró el promedio entre las dos encuestas reseñadas en el cuadro 5, tanto para definir la proporción de migrantes que envió dinero a México, como para el monto

Cuadro 5
Migrantes temporales que envían dinero a México y monto de los envíos, según dos encuestas

Concepto	Massey y Parrado	EMIF
Año de la encuesta	1982-92	1993-94
Año base de la estimación de remesas*	1990	1993
Número de migrantes	1,012	657,326**
Proporción que envía dinero	0.66	0.51
Promedio de dólares enviados al mes	185	320
Promedio de dólares enviados al mes a precios de 1995	199	328
Proporción de migrantes que hicieron "transferencias de bolsillo"	0.58***	—
Promedio de las "transferencias de bolsillo"	1,087	—
Promedio de las "transferencias de bolsillo" a precios de 1995	1,166	—

Fuente: Massey y Parrado 1994, Corona 1995.

* Este dato es necesario para "inflar" o deflactar la información de dólares a un año base, en este caso 1995.

** Valor ponderado. La cifra no ponderada es de 1,991 casos.

*** Esta cifra fue estimada considerando únicamente 18 de las 22 comunidades encuestadas. El total de migrantes es de 876.

mensual de los envíos. Las cifras resultantes, 0.58 como la proporción de migrantes que envía dinero, y 264 como el promedio de envíos mensuales a México, están en un rango bastante aceptable, considerando los resultados a los que han llegado diversos estudios sobre este campo (véase Lozano 1993:50-51). Por cuanto a la información referida a las transferencias de bolsillo, solamente el trabajo de Massey y Parrado recoge datos al respecto. En el mismo cuadro 5 se observa que del total de los migrantes captados en 18 de las 22 comunidades encuestadas, 58% llevó un promedio de 1,087 dólares en su regreso a México (1,166 dólares a precios de 1995). En virtud de que no se cuentan con otras estimaciones, se considerarán estos indicadores para la estimación de las "transferencias de bolsillo" de los migrantes temporales.

Indicadores para la población de migrantes permanentes

Al inicio de esta sección se había definido a la población de migrantes permanentes como aquella compuesta por personas nacidas en México, que radican habitualmente en Estados Unidos, ya sea de manera documentada o indocumentada.

Al igual que con los migrantes temporales, sobre esta población interesa conocer su volumen total, la población susceptible de enviar fondos a México, la proporción que hace envíos, así como el monto de los mismos.

De acuerdo con cifras del Buró de Censos de Estados Unidos, entre 1990 y 1995 el número de personas nacidas en México radicadas en ese país, aumentó de 4.298 millones a 6.721 millones. Nunca, en la historia reciente de la migración entre México y Estados Unidos se había presentado un crecimiento tan espectacular como este. Sin embargo, existen autores que sugieren, que la cifra de 1995, que proviene de la Encuesta Continua de Población (*Current Population Survey CPS*, marzo de 1995), pudiera estar sobreestimada.

Robinson y Hansen (1996) encontraron que la diferencia de 457 mil individuos en la población de mexicanos en Estados Unidos entre 1994 y 1995, al pasar de 6.264 a 6.721 millones entre esos años, no es estadísticamente significativa. De ahí que concluyan que un error de muestreo pudiera estar sobreestimando el volumen de la población de mexicanos en Estados Unidos, y que la diferencia entre 1994 y 1995 no represente el incremento real de esta población. La sugerencia de estos autores es usar con precaución estas cifras, y emplearlas sólo para hacer comparaciones del tamaño relativo de las poblaciones de inmigrantes y no cuantificar diferencias absolutas. Sin embargo, tanto el Buró de Censos, como algunos autores que laboran en esa institución (Hansen 1996), han hecho públicas las cifras de la población nacida fuera de los Estados Unidos, considerándolas como válidas (cuadro 6).

Por su parte Corona y Tuirán (1996) desarrollaron un ejercicio de estimación del saldo migratorio internacional de México entre 1990 y 1995, tomando como base el Censo de 1990 y el Conteo de Población y Vivienda 1995. Con la información sobre el crecimiento natural (nacimientos y defunciones) y la migración interestatal durante el quinquenio 1990-95, y con la información sobre residentes en México del Censo de 1990 y del Conteo de 1995, los autores aplicaron el método residual para estimar el saldo neto de la migración permanente internacional de mexicanos entre 1990 y 1995 por sexo y entidad federativa.

Con base en una serie de ajustes realizados a la población de 1990 (debido a problemas de subcobertura presentes en el censo de 1990), y ajustando la población del Conteo al 30 de junio de 1995, los autores concluyen que el saldo migratorio internacional total ascendió a 1 millón 387 mil personas entre 1990 y 1995 (cuadro 7). Dado que la absoluta mayoría de la emigración internacional mexicana se dirige a los Estados Unidos, Corona y Tuirán sugieren considerar esta cifra como el total de emigrantes permanentes de México a Estados Unidos en esos cinco años. La distribución por sexo es casi equitativa (694 mil hombres y 693 mil mujeres), y los lugares de residencia de esta población en México antes de emigrar definitivamente a los Estados Unidos, corresponden al patrón migratorio conocido: 47.9% residía

Cuadro 6
Población total de mexicanos radicados en los Estados Unidos según grupos de edad, 1995

Grupos de edad	Hombres	Mujeres	Total
0-4	73,307	45,163	118,470
5-9	163,052	130,234	293,286
10-14	156,506	137,276	293,782
15-19	270,003	189,664	459,667
20-24	559,420	366,077	925,497
25-29	633,509	479,442	1,112,951
30-34	567,062	387,612	954,674
35-39	407,996	316,662	724,658
40-44	284,139	255,464	539,603
45-49	198,584	164,283	362,867
50-54	146,511	145,682	292,193
55-59	81,942	99,987	181,929
60-64	69,052	82,132	151,184
65-69	56,466	54,104	110,570
70-74	45,280	29,626	74,906
75 y más	43,069	81,742	124,811
Total	3,755,898	2,965,080	6,720,978

Fuente: *Current Population Survey*, Marzo 1995

Cuadro 7
Estimación del saldo migratorio internacional de México entre 1990 y 1995 por sexo

Concepto	Hombres	Mujeres	Total
Población censal corregida 1990	40’630,378	41’862,065	82’492,443
Población estimada 30 de junio 1995 sin migración externa	45’241,864	46’613,540	91’855,404
Saldo migratorio externo 1990-95	-694,070	-693,411	-1’387,481

Fuente: Corona y Tuirán 1996.

en la zona de tradición migratoria, 24.4% en los estados norteños y 27.7% en las entidades del centro de México[4].

El promedio anual de mexicanos que se fueron a vivir a Estados Unidos, entre el 30 de junio de 1990 y el 30 de junio de 1995, fue de 277 mil personas. Este volumen de emigrantes "... equivale a una tasa anual de migración internacional negativa de 0.31%, que, como pérdida neta de habitantes, disminuyó la tasa anual de crecimiento natural del país (2.17% en este quinquenio), fijando así en 1.87% la tasa anual de crecimiento poblacional total de México" (Corona y Tuirán 1996:18).

Con base en la información ofrecida por las dos fuentes anteriores (la *CPS* muestra un crecimiento de la población mexicana en Estados Unidos de 2.423 millones de personas entre 1990 y 1995, mientras que Corona y Tuirán sugieren un crecimiento de 1.387 millones de individuos), en este trabajo se tomará en cuenta la información de la segunda fuente, para la estimación del monto de las remesas de los migrantes permanentes. La elección obedece principalmente a que los errores de muestreo que presenta la *CPS* podrían estar sobreestimando a esta población, y debido a las advertencias de algunos autores a no usar las cifras absolutas de los inmigrantes internacionales de la *CPS*.

La población de migrantes permanentes en Estados Unidos en 1995 quedaría entonces en 5.685 millones, que sería el resultado de sumar la población mexicana residente en Estados Unidos (que de acuerdo con el censo norteamericano fue de 4.298 millones), más la estimación de 1.387 millones de individuos elaborada por Corona y Tuirán. Ahora bien, para la estimación del monto de remesas enviadas por los migrantes permanentes es preciso restar a la población menor de 15 años. Para ello sí fue necesario recurrir a la estructura por edad que ofrece la CPS de 1995. De acuerdo con el cuadro 6, el 10.5% del total de la población mexicana radicada en Estados Unidos son menores de 15 años. Al substraer este último porcentaje a la población total estimada de 5.685 millones, la población de 15 años y más quedaría en 5.088 millones de personas. Adicionalmente, a esta población habría que restarle la población económicamente inactiva y a los desempleados, con el objeto de "aislar" a la población en riesgo de enviar dinero a México. De acuerdo con la *CPS* de 1994, el 58.98% de la población mayor de 15 años es población ocupada.

En cuanto a las visitas que los migrantes permanentes realizan a México a lo largo del año, información necesaria para establecer el monto de sus "transferencias de bolsillo", la EMIF estableció que un total de 499,664 individuos, que declararon vivir en Estados Unidos, y que habían nacido en México, ingresaron a México entre abril de 1993 y marzo de 1994 (COLEF, CONAPO y STPS 1994). Rodolfo Corona (1995:9) los divide de la siguiente manera: 87% declararon haber trabajado en Estados Unidos y el 13% restante no trabajó o no especificó su condición laboral

Cuadro 8
Migrantes mexicanos radicados en E.U. que entraron a México entre abril 1993 y marzo 1994, según condición de trabajo

Condición de trabajo en E.U.	Migrantes	%
No trabajaron en Estados Unidos	64,976	13.0
Trabajaron en E.U. no enviaron	278,185	55.6
Si trabajó y si envió	156,193	31.3
No especificado	310	0.1
Total	499,664	100.0

Fuente: Corona 1995, con base en información de la *Encuesta Sobre Migración en la Frontera Norte 1993- 1994*

(cuadro 8). En este ejercicio de estimación del monto de remesas, se considerará a esta población de migrantes permanentes reportada por la EMIF para estimar sus "transferencias de bolsillo".

Respecto a los indicadores económicos de la población de migrantes permanentes, en el cuadro 9 se recoge información de cuatro encuestas: Le*galized Population Suvey* (*LPS1* y *LPS2)*, *Mexican Migration Project* (*MMP*) y la EMIF. Por lo que se refiere a la proporción de migrantes ocupados que envió dinero a México, de acuerdo con la *LPS1* y la *LPS2*, dicha proporción disminuyó de 0.73 a 0.60 entre 1987 y 1991, que son los años base de las respectivas encuesta. Massey y Parrado encontraron que la proporción de migrantes permanentes que envió dinero a México fue de 0.18, mientras que la EMIF reportó que de los 434,378 residentes en Estados Unidos que visitaron México entre abril de 1993 y marzo de 1994, y que declararon haber trabajado en aquel país, el 36% (156,193 personas) realizó envíos durante su estancia en Estados Unidos. Como se puede observar, el rango de variación de la proporción de migrantes que envía remesas es muy grande (0.73 el valor más alto y 0.18 el más bajo). Sin embargo, dado que la EMIF estaría representando a un universo más amplio de migrantes, pues la *LPS* sólo considera a la población recién legalizada y la encuesta del *Mexican Migration Project* a comunidades de migrantes del centro de México, se consideró pertinente trabajar con la proporción de 0.36 que ofrece la EMIF, para la estimación de las remesas enviadas por los migrantes permanentes (cuadro 9).

Respecto al promedio de dólares enviados al mes, en la *LPS1* la población que envió remesas, transfirió un promedio de 162 dólares al mes, que a precios de 1995 equivaldría a 197 dólares. En la *LPS2*, los mexicanos que sí enviaron remesas,

Cuadro 9
Migrantes permanentes que envían dinero a México y monto de los envíos, según cuatro encuestas

Encuestas / Concepto	LPS1	LPS2	MMP	EMIF
Año de la encuesta	1989	1992	1982-92	1993-94
Año base de los estudios	1987	1991	1990	1993
Número total de migrantes captados en las encuestas	596,131	596,131	1,933*	499,354
Número de migrantes ocupados según las cuatro encuestas	453,122	419,838	n.d.	434,378
Proporción de migrantes ocupados que envía dinero a México	0.73	0.60	0.18	0.36
Promedio de dólares enviados mensualmente	162	140	152	476
Promedio de dólares enviados al mes a precios de 1995	197	147	163	488
Proporción de migrantes que hicieron "transferencias de bolsillo"	–	0.33	0.03	–
Promedio de las "transferencias de bolsillo"	–	597	789	–
Promedio de las "transferencias de bolsillo" a precios de 1995	–	627	847	–

Fuente: U.S. Dept. of Justice 1992, U.S. Dept. of Labor 1996, Massey y Parrado 1994, Corona 1995.

***** Cifra no ponderada

transfirieron un promedio de 140 dólares al mes, 147 dólares a precios de 1995. Massey y Parrado estimaron el promedio mensual de envíos de esta población en 152 dólares para 1990, 163 dólares a precios de 1995. Corona, por su parte, señala que el promedio enviado por individuo al mes fue de 476 dólares. Sin embargo, esta cantidad fue trasferida a México en un promedio de 1.66 envíos al mes, es decir hubo gente que realizó más de un envío durante el último mes de trabajo. Por tanto "... el monto de cada remesa enviada durante el último mes de trabajo, [...] en promedio ascendió a 334 dólares" (Corona 1995:16).

En el caso del dinero promedio enviado mensualmente por los migrantes permanentes, también se advierte un rango de variación muy grande; además, una de las cifras se "dispara" sensiblemente, la de 488 dólares, reportada por la EMIF.

Independientemente de que las tres encuestas consideran subpoblaciones distintas, del grupo de migrantes permanentes (la *LPS1* y la *LPS2* recogen información de la misma población), las diferencias en las cifras promedio de dinero enviado, pudieran obedecer a la manera como es formulada la pregunta en los cuestionarios. Por ejemplo, la pregunta de la *LPS1* y *LPS2* es: "¿Cuánto del dinero que ganó usted en [1987 ó 1991] mandó a familiares o amigos en otros países? En caso de que el entrevistado tuviera dificultades para responder con una cantidad específica, tenía la posibilidad señalar el porcentaje que mandó a familiares o amigos, respecto del dinero que ganó durante el año. En este caso, la forma de calcular el monto promedio de envíos por mes, es simplemente dividiendo la cifra reportada por el entrevistado entre doce.

En el caso de la encuesta del M*exican Migration Project* la pregunta sobre el envío de remesas (referida al empleo más reciente en Estados Unidos), es ¿cuánto mandaba al mes a su familia en México? A diferencia de la *LPS* que indaga sobre el dinero enviado al *año*, la encuesta del *MMP* formula la pregunta respecto al promedio *mensual* de envíos. Aunque por la estructura de las preguntas pudieran existir variaciones en las respuestas, las preguntas son esencialmente las mismas.

La EMIF tiene dos preguntas ligadas para determinar el monto de los envíos mensuales. Una es ¿durante el último mes de trabajo, cuántos dólares ganó? y la siguiente es ¿de esa cantidad, cuántos dólares envió usted a su país de origen? Por la forma en que está formulada la pregunta, la calidad de la respuesta puede ser muy alta para el mes específico al que se hace referencia. Sin embargo, sería riesgoso suponer que ese nivel de envíos se mantiene, con la misma intensidad, a lo largo de todos los meses del año. De ahí que se haya omitido, en este caso específico, la información de la EMIF. La cifra final que se sugiere como el promedio de dinero enviado a México por los migrantes permanentes, es de 169 dólares, cantidad que es la media de los promedios mensuales reportados por las tres encuestas restantes.

Finalmente, para la estimación de las "transferencias de bolsillo" de los migrantes mexicanos residentes en Estados Unidos, la encuesta LPS2 y el *Mexican Migration Project* ofrecen información al respecto. De acuerdo con la *LPS2*, uno de cada tres individuos encuestados envió regalos y/o llevó consigo dólares en efectivo a México por un monto promedio de 597 dólares en 1991, 627 dólares a precios de 1995. Para el *Mexican Migration Project* sólo una pequeña cantidad de migrantes permanentes (0.03%) llevó dinero consigo a México. La cantidad promedio fue de 789 dólares en 1990, que a precios de 1995 equivaldría a 847 dólares (cuadro 9). En virtud de que la *LPS* es una encuesta diseñada específicamente para conocer las características de la población con residencia habitual en Estados Unidos, se juzgó conveniente emplear la información de esta última fuente para la estimación de las "transferencias de bolsillo" de los migrantes permanentes.

Resultados

Con base en los indicadores económicos y demográficos expuestos en la sección anterior, tanto para la población de migrantes temporales como permanentes, se elaboraron las estimaciones del monto total de remesas transferido por los migrantes mexicanos para el año de 1995. Los resultados se presentan en los cuadros 10 al 12. Por lo que se refiere al monto de las remesas de los **migrantes temporales**, en el cuadro 10 se observa que este grupo transfirió un total de 1,366 millones de dólares, de los cuales 921.5 millones (67.5%) fueron enviados durante su estancia en Estados Unidos, y el resto, 444.5 millones de dólares (32.5%), lo constituye el monto de sus "transferencias de bolsillo".

El cuadro 11 presenta la estimación de las remesas transferidas por los **migrantes permanentes**. Los resultados muestran que los fondos enviados por este grupo

Cuadro 10
Estimación de las remesas transferidas por los migrantes temporales según forma de envío, 1995

Envíos desde Estados Unidos	
a) Promedio anual de migrantes temporales (miles)	493.0
b) Proporción de migrantes que envía dinero	0.59
c) Dólares enviados por trabajador al mes	264
Remesas recibidas en México (Millones de dólares)	921.5*
Transferencias de bolsillo	
a) Trabajadores que regresaron a México (miles)	657.3
b) Proporción de trabajadores que realizaron "transferencias de bolsillo"	0.58
c) Monto promedio de las "transferencias de bolsillo" (dólares)	1,166
Monto total de las "transferencias de bolsillo" (Millones de dólares)	444.5**
Remesas totales de los migrantes temporales (Millones de dólares)	1,366.0

***** El cálculo fue [(a*b*c*12)/1,000]

****** El cálculo fue [(a*b*c)/1,000]

Cuadro 11
Estimación de las remesas transferidas por los migrantes permanentes según forma de envío, 1995

Envíos desde Estados Unidos	
a) Población mayor de 15 años (miles)	5,088.0
b) Proporción de migrantes ocupados	0.59
c) Proporción de migrantes que envía dinero	0.36
d) Dólares enviados por trabajador al mes	169
Remesas recibidas en México (Millones de dólares	2,191.6*
Transferencias de bolsillo	
a) Población que regresó a México y que trabajó en Estados Unidos (miles)	434.4
b) Proporción de trabajadores que realizaron "transferencias de bolsillo"	0.33
c) Monto promedio de las "transferencias de bolsillo" (dólares)	627
Monto total de "transferencias de bolsillo" (Millones de dólares)	89.9**
Remesas totales de los migrantes permanentes (Millones de dólares)	2,281.5

* El cálculo fue [(a*b*c*12)/1,000]
** El cálculo fue [(a*b*c)/1,000]

ascendieron a 2,281.5 millones de dólares, cantidad que se descompone como sigue: 2,191.6 millones de dólares (96.1%) fueron enviados por estos migrantes desde Estados Unidos, y los 89.9 millones restantes (3.9%) corresponden a sus "transferencias de bolsillo".

El cuadro 12 presenta el resultado global de este ejercicio. De acuerdo con este cuadro, México recibió en 1995 la cantidad de 3,647.5 millones de dólares por concepto de transferencias de fondos de los migrantes mexicanos en Estados Unidos. De este total, el 37.5% fue transferido por el grupo de migrantes temporales y el 62.5% por el de migrantes permanentes. Asimismo, al desagregar los resultados de

Cuadro 12
Estimación del monto total de remesas transferidas según tipo de remitente y forma de envío, 1995

Tipo de remitente	Remesas totales (Millones de dólares)	%
Migrantes temporales	1,366.0	37.5
Migrantes permanentes	2,281.5	62.5
Total	3,647.5	100.0
Forma de envio	**Remesas Totales (Millones de dólares)**	**%**
Envíos desde Estados Unidos	3,113.1	85.3
"Transferencias de bolsillo"	534.4	14.7
Total	3,647.5	100.0

Fuente: Cuadros 10 y 11

esta estimación, de acuerdo con la forma de envío, se observa que el 85.3% fue transferido durante las estancias de los migrantes en Estados Unidos, y el 14.7%, o sea 534.4 millones de dólares, corresponde a las "transferencias de bolsillo".

Discusión y conclusiones

Con el propósito de tener una mejor idea del monto total de remesas estimado en este trabajo, en el cuadro 13 se presentan los resultados de los otros autores aquí reseñados, así como nuestros resultados. Un primer aspecto a comentar se refiere al volumen total de remesas. El cálculo de 3,647.5 millones de dólares es ligeramente inferior al monto estimado por el Banco de México para el año de 1995 (3,672.7 millones de dólares). La diferencia absoluta es de 25 millones de dólares.

Por cuanto al monto transferido por los **migrantes temporales**, el orden de magnitud es más o menos cercano a las estimaciones de Massey-Parrado y Corona. Los primeros autores ubican el monto del dinero enviado por este grupo en 1,167.3 millones de dólares, 199 millones menos que nuestra estimación, mientras que el cálculo de Corona de 1,470 millones, es superior a la estimación aquí elaborada en 104 millones de dólares. Sin embargo, donde las cifras son completamente distintas, tanto en términos absolutos como relativos, es en lo referido al monto enviado por los **migrantes permanentes**. Siguiendo la comparación con los dos trabajos mencionados, Massey y Parrado encontraron que las transferencias de los migrantes

Cuadro 13
Estimación del monto total de remesas transferidas según diversos autores, 1995

Autor y año base de la estimación	Remesas totales (Millones de dólares)	%
1. Massey y Parrado (1990)		
Total	2,012.5	100.0
Migrantes temporales	1,167.3	58.0
Migrantes permanentes	845.2	42.0
2. Corona (1993)		
Total	2,055.0	100.0
Migrantes temporales	1,470.0	71.5
Migrantes permanentes	585.0	28.5
3. Banco de México		
1990	2,493.6	100.0
1991	2,658.0	100.0
1992	3,070.1	100.0
1993	3.333.2	100.0
1994	3,694.3	100.0
1995	3,672.7	100.0
4. Lozano (1995)		
Total	3,647.5	100.0
Migrantes temporales	1,366.0	37.5
Migrantes permanentes	2,281.5	62.5

permanentes ascendieron a 845.2 millones de dólares, que equivale al 42% del total de su estimación para 1990, mientras que Corona fijó ese monto en 585 millones, que corresponde al 28.5% de su estimación total. El cálculo de este trabajo del monto enviado por los migrantes permanentes es de 2,281.5 millones, que representa el 62.5% del total de fondos transferidos a México.

Un aspecto que ha influido de manera decisiva en el incremento del monto de remesas de los migrantes permanentes, es el considerable aumento de la población mexicana que ha emigrado definitivamente a Estados Unidos en los últimos cinco años. Entre 1990 y 1995 la población de mexicanos en Estados Unidos creció en 1.387 millones de personas, según Corona y Tuirán (1996) y en 2.423 millones, según el Buró de Censos de Estados Unidos. Sin embargo, pese a que esta población tiende a reducir la magnitud y la periodicidad de sus envíos a México, conforme pasa el tiempo —tal y como lo expresan los resultados de las

encuestas a la población legalizada (*LPS*)— el monto transferido por estos migrantes continúan siendo muy significativo.

Por último, respecto al impacto económico de las remesas de los migrantes mexicanos se puede decir que, pese a su incremento durante los últimos cinco años, su importancia como fuente de divisas ha declinado. Ello ha sido resultado del crecimiento de las exportaciones mexicanas en los últimos cinco años. En 1990 el valor total de las exportaciones mexicanas fue de 26,773 millones de dólares. Para 1995 esa cifra casi se triplica al ubicarse en 79,541.6 millones de dólares. Por tanto, en 1990, las remesas de los migrantes representaron el 9.3% de las exportaciones totales, mientras que para 1995 su participación se redujo a 4.6% (cuadro 14).

No obstante esta reducción relativa, el monto total de las remesas continúa estando muy cercano al valor de las exportaciones agropecuarias. Pero sin duda el impacto de las remesas de los migrantes debe evaluarse más en términos regionales, ya que sus efectos económicos y sociales son más importantes en aquellos lugares donde la concentración de migrantes es mayor.

Apéndice metodológico

La metodología empleada en este trabajo para la estimación de monto total de remesas captado en México, consiste en la construcción de un algoritmo que incorpora diverso tipo de indicadores demográficos y económicos. Para la población definida como **migrantes temporales**, es decir aquella compuesta por individuos que residen en México y que emigran temporalmente a Estados Unidos en busca de trabajo, la información demográfica y económica que se requiere es la siguiente: volumen, duración promedio de su estancia en Estados Unidos, proporción de migrantes que envía dinero a México, promedio mensual de envíos, proporción de

Cuadro 14
Indicadores seleccionados de la balanza de pagos de México, 1995

Concepto	Millones de dólares	%
Exportaciones de mercancías 1995	79,541.6	100.0
Exportación de Maquiladoras	31,103.3	39.1
Exportaciones petroleras	8,422.6	10.6
Turismo exterior	6,164.1	7.7
Exportaciones agropecuarias	4,016.2	5.1
Remesas	3,647.5	4.6

Fuente: Banco de México, *Indicadores del Sector Externo* y Cuadro 12

migrantes que hacen "transferencias de bolsillo" y monto promedio de esas transferencias. Para la población de **migrantes permanentes**, o sea la aquella compuesta por mexicanos que han decidido radicar definitivamente en los Estados Unidos, se requiere información sobre su volumen, tasa de participación dentro de la población mexicana de quince años y más, proporción de migrantes que envía dinero a México, promedios mensuales de envíos, así como información relacionada con sus "transferencias de bolsillo".

La información demográfica y económica utilizada en este trabajo proviene de las siguientes bases de datos: Encuesta Nacional de la Dinámica Demográfica 1992 (ENADID), Encuesta de Migración en la Frontera Norte 1993-1994 (EMIF), *Mexican Migration Project* 1995, *Legalized Population Survey* 1989 y 1992, y *Current Population Survey*, 1994 y 1995. Adicionalmente se emplea información de los censos mexicano y norteamericano de 1990, del Conteo Mexicano de Población y Vivienda 1995, así como de la Dirección de Investigación Económica del Banco de México. En virtud de que la estimación de remesas que se presenta en este trabajo considera como año base el de 1995, las cifras sobre el monto promedio de los remesas se ajustaron a ese año, con base en la información de *Council of Economic Advisers* (1996).

La estimación de remesas considera la trasferencia de fondos de los dos grupos de migrates mencionados, y toma en cuenta dos formas de envío de dinero: (1) Envíos realizados cuando el migrante se encuentra en Estados Unidos (vía *money orders*, giros telegráficos, transferencias electrónicas o por encargo a terceras personas que viajan a México), y (2) "transferencias de bolsillo", es decir, dinero que es llevado por el migrante en su viaje de visita o de regreso a México. Cabe mencionar que en esta estimación de remesas sólo se consideran las transferencias de fondos de la población nacida en México, y no toma en cuenta los posibles montos enviados por la población México-Americana, omisión que puede contribuir a subestimar el monto total de remesas captado en México.

Notes

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1. El Grupo Elektra tiene establecidas asociaciones comerciales con Woolworth Mexicana, Banca Promex y Banco Internacional para la transferencia de fondos a México. INFOSEL, 11 de enero 1995, 20 de marzo 1995, 2 de mayo 1995 y 27 de febrero 1996.

2. Se trata de estimaciones elaboradas entre 1992 y 1996. Una revisión exhaustiva de trabajos previos que estiman el monto de las remesas de los migrantes mexicanos se puede encontar en el trabajo del autor de 1993.

3. Aunque la EMIF también ofrece información sobre el flujo de migrantes que declaró tener intenciones de internarse en Estados Unidos, población estimada en 797,931 individuos, no hay manera de saber si efectivamente todos entraron a Estados Unidos, ni cuántos de ellos regresaron a México y cuántos permanecieron en E.U.

4. En la EMIF deliberadamente se suprimieron las preguntas sobre las "transferencias de bolsillo" ya que los migrantes hubieran tenido que declarar el supuesto monto de dinero que llevaban consigo en el momento de la encuesta, situación que no se juszgó pertinente (Corona 1995:17).

5. Las entidades consideradas en cada zona son las siguientes. **Tradicional**: Aguascalientes, Colima, Durango, Guanajuato, Jalisco, Michoacán, Nayarit, San Luis Potosí y Zacatecas. **Norte**: Las dos Bajas, Coahuila, Chihuahua, Nuevo León, Sinaloa, Sonora y Tamaulipas. **Centro**: Distrito Federal, Guerrero, Hidalgo, Estado de México, Morelos, Oaxaca, Puebla, Querétaro y Tlaxcala. **Sureste**: Campeche, Chiapas, Quintana Roo, Tabasco, Veracruz y Yucatán. El saldo neto migratorio internacional de la zona Sureste es ínfimo (281 individuos, 0.02% del total).

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Responses to Migration

The Bracero Program

Manuel García y Griego

Background

Between 1942 and 1964, the United States and Mexico negotiated several executive agreements which made possible the recruitment of 4.6 million Mexican agricultural workers known as *braceros.*[1] The two governments arranged for the recruitment of railroad workers between 1943 and 1945. They also cooperated extensively in the return of unauthorized migrants to Mexico. During the early 1950s, the Mexican government made modest efforts at patrolling its side of the border and, at Mexico's request, the White House pressed Congress to adopt employer sanctions. The effort backfired and instead Congress adopted the "Texas proviso" in 1952, which exempted employers of unauthorized workers from any sanctions. This exemption was eliminated in 1986. The years between 1942 and 1964 mark the only period during which the two governments jointly managed labor migration between their countries.

The actual operation of the program evolved over time, though certain general features did not change. One or both governments operated migration stations in Mexico where rural farmworkers were selected as *bracero* candidates. From there they were transported to migration reception centers at the border, where grower

representatives hired them for relatively short periods—six weeks in many instances. Their employment and living conditions were regulated by the terms of an agreement negotiated by government representatives, with the U.S. officials representing the interests of farm employers and Mexican officials representing the interests of the *braceros*. Contracts for individual workers occasionally were renewed and extended. Otherwise, at the end of the contract period, workers were returned at employer expense to Mexico.

The recruitment of contract workers through the Bracero Program was accompanied by a parallel flow of unauthorized workers from Mexico. Most of these migrants entered without inspection and sometimes worked for growers that also employed *braceros*. Some also were *braceros* who "skipped" their contracts, thus becoming nonimmigrant overstayers. For a few years after World War II, some illegal entrants working for agricultural employers were legalized and given contracts under the *bracero* agreement. In the years before 1954 the flow of unauthorized migrants was larger—though it is not known by how much—than the movement of contract workers. In the 10 years after 1955, unauthorized migration from Mexico virtually disappeared. The manner in which the Bracero Program was run before 1954 stimulated unauthorized migration; after 1954 it substituted for it.

The Bracero Program offers numerous examples of the pattern of U.S. and Mexican responses to migration issues described in this report. This pattern consists of a triggering event or set of events that provoked debate and led to reactions in one country and counterreactions in the other. Indeed, this pattern repeats itself with small incidents themselves constituting "triggers" that also can be considered part of a broader process of debate, reactions, and counterreactions. Three examples are chosen here that illustrate this pattern: creating the Bracero Program (1941-43), changing the terms of bilateral cooperation (1953-54), and terminating the program (1961-63).

Creating the Program, 1941-43

The events associated with the entry of the United States into World War II constitute the context in which the program came into existence. The United States sought Mexican government cooperation in the use of its neighbor's airspace, the acquisition of critical raw materials, and the establishment of jointly operated listening posts in Mexican territory. To this end the U.S. government agreed to settle pending disputes regarding Mexico's foreign debt and 1938 oil nationalization claims.

Entry into World War II led to a rapid expansion of the U.S. economy, ending the 1930s depression. In 1940 average annual unemployment was still high (14.6 percent). It dropped to 4.7 percent in 1942 and 1.9 percent in 1943. As early as

1941 California growers complained of shortages of harvest labor and petitioned the Immigration and Naturalization Service to admit Mexican temporary workers on an emergency basis, as had been done during World War I.

Triggering Events

Shortly after declaring war on Japan and Germany, the U.S. government created an interagency committee to explore the possibilities of recruiting Mexican agricultural workers. The Mexican government opposed unilateral recruitment on the grounds that the World War I program had not provided sufficient guarantees for migratory workers. Mexican government attitudes toward Mexican migration also had been shaped by unfortunate anti-Mexican incidents during the 1930s. The U.S. government perceived its potential domestic labor shortages as an obstacle in achieving desired levels of production in agriculture and in industries associated with the war effort. It did not want to complicate the wartime alliance with Mexico, however, by recruiting workers unilaterally. Neither did it want to alienate labor organizations, who opposed recruitment just as post-depression wages were starting to rise. The executive branch forged a compromise by reaching a migrant labor agreement with Mexico that met all key Mexican requirements and would be closer to the position of labor organizations. The agreement specified that the U.S. government was the legal employer (growers were subcontractors) and established labor protections in the contract that were consistent with Mexican law and far beyond any U.S. requirements. Because the Mexican government had observed frequent incidents of discrimination against Mexicans in Texas, it prohibited the employment of contract workers in that state for the duration of the war.

Debate, Mexican Reaction, and Counterreactions

Many growers were unsatisfied with the agreement when they discovered that, at least formally, it required certain labor benefits such as the payment of transportation to and from Mexico and living expenses while employed, which they would not have to provide for domestic workers. They lobbied Washington, and in 1943 Congress enacted legislation to provide for an alternative recruitment mechanism, used also for agricultural workers from the Caribbean. This legislation threatened the bilateral agreement, which had been created as the exclusive mechanism for the regulation of Mexican labor migration to the United States. To prevent Mexico's abrogation of the agreement, the State Department decided against the growers and determined that workers could not be recruited from Mexico under

the new legislation. Growers unhappy with the *bracero* agreement had only two other alternatives—to raise wages and make other adjustments that might attract domestic workers, or hire unauthorized workers. For the most part, they chose the latter. The growth of unauthorized migration from Mexico during World War II and afterwards created a new context of public debate and government negotiations in the early 1950s.

Changing the Terms of Bilateral Cooperation, 1953-54

In the early 1950s, the U.S. public and the federal government perceived unauthorized migration from Mexico to have reached crisis proportions. INS apprehensions of Mexican migrants shot up from 64,000 in FY 1945 to 865,000 in FY 1953. The 1951 Presidential Commission on Migratory Labor reported that unauthorized workers took away jobs from domestic farmworkers and caused social problems. Criticism was directed at the U.S. government for not preventing the massive inflow of unauthorized workers at the same time that it expended money to recruit *braceros* in Mexico. U.S. officials blamed the Mexican government for setting unrealistic standards for the administration of the program, for interpreting the agreement unilaterally, and for undermining grower confidence in the program. Mexican government officials blamed the continued flow of unauthorized migrants on the failure of the U.S. Congress to enact employer sanctions. They blamed the growers for hiring and exploiting unauthorized workers. And they defended the bilateral agreement as the most appropriate way to regulate migration and set humane standards for Mexican workers in the United States.

Triggering Events

In 1953 the U.S. embassy in Mexico City sought to persuade the Mexican government to interdict would-be unauthorized migrants at travel embarkation points in the interior of Mexico before they got to the border. The Mexican government refused on the grounds that this would violate constitutional guarantees. The U.S. government also explored briefly the option of stationing troops at the border to prevent illegal entries. The attorney general made a widely publicized "fact-finding" trip to the California border, where he issued statements designed to build public support for later action to stop this migration. Late in 1953 the United States pressed the Mexican government to modify the labor agreement in ways that would make the program more attractive to growers. Mexico refused. The agreement expired, and early in 1954 the United States recruited Mexican workers unilaterally.

Mexican Reaction, Debate, and Counterreactions

The Mexican government issued a public appeal for workers not to go to the United States. It also announced plans to prevent their departure through the use of force. Mexican soldiers patrolled segments of the border with California, and Mexican police and migration officers tried to prevent workers from going through the ports of entry to the United States. This effort ended in spectacular failure. Subsequently the Mexican government relinquished attempts at control, and workers rioted at the border as U.S. authorities were unable to handle all of the people trying to get in. The U.S. comptroller general issued a finding that government expenditures for unilateral recruitment were not authorized by existing law and the recruitment was stopped. Both governments received considerable domestic criticism for their handling of this crisis and returned to the bargaining table.

A new agreement was reached subsequently where almost all U.S. demands were met. Congress passed legislation to authorize the unilateral recruitment of Mexican workers if need be. The two governments also created a commission to settle other pending migration matters, which concluded its work in six months.

Later in 1954, the U.S. government planned and launched the mass deportation campaign known as "Operation Wetback." The Mexican government participated in its implementation by transporting migrants, close to 2,000 per day, from the border to points in the interior. User fees were dropped for employers who hired *braceros*. The United States obtained Mexican government acquiescence to an additional key grower demand: *bracero* contracts for four weeks. Many growers faced with the prospect of interrupted access to unauthorized workers were persuaded to hire *braceros* under new contracts. During "Operation Wetback" large numbers of agricultural employers dropped their previous opposition to hiring contract workers. The Bracero Program was expanded to accommodate much of the previous unauthorized flow. In 1951-52, "there were five apprehensions per *bracero* admission; by 1956-57, there were five *bracero* admissions per apprehension."[2] The new program was attractive to growers in large part because labor guarantees were not enforced.

Terminating the Program, 1961-63

In 1959 a study was conducted for the Department of Labor that persuaded U.S. officials that domestic farmworkers were adversely affected by the bilateral program. That same year the Department tightened the administration of the program significantly, leading to grower protests and starting a steady decline in the number

of workers contracted. In 1960 congressional opponents succeeded in preventing amendments to the program by pro-agribusiness legislators who wanted to curb the secretary of labor's authority over the program. In 1961 the Kennedy administration extended the agreement, though reluctantly, citing adverse effects on the wages and working conditions of domestic farmworkers and the "serious impact in Mexico if many thousands of workers employed in this country were summarily deprived of this much-needed employment."[3] As the Bracero Program was winding down, some growers became less dependent on Mexican contract labor by increasing their use of mechanical harvesters, reorganizing labor activities, and sponsoring the adjustment of some *braceros* into permanent legal immigrants (also referred to as green card workers). U.S. labor unions and public interest groups lobbied for the termination of the program.

Triggering Events

Congressional opposition to the Bracero Program mounted. To the surprise of many observers, in March 1963 the House of Representatives voted to terminate the program.

Mexican Reaction, Debate, and Counterreactions

In response to congressional action, the Mexican government expressed its objections in a diplomatic note. It argued that the agreement did not cause the migration of workers; rather, the agreement was the result of an existing tendency for migration to occur. Eliminating the program would not stop migration. Instead it would produce "a de facto situation" of the "illegal introduction of Mexican workers into the United States." Unauthorized migration "would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent."[4]

In response to these and other concerns, the U.S. Congress postponed the termination of the program by one year, and the last *bracero* agreement expired in December 1964. The Mexican government responded to the anticipated job loss by enacting rules which made it possible for U.S. companies to establish assembly plants (*maquiladoras*) along the northern border. The reluctance of Mexican authorities to accept the U.S. decision to terminate the program was manifested in the decade after the U.S. congressional action of 1963. Shortly before the expiration of the Bracero Program, President-elect Gustavo Díaz Ordaz met with President Lyndon Johnson and raised the possibility of a new migrant labor agreement. Johnson pointed

toward labor union opposition but expressed doubts that U.S. workers would be found to perform the labor of Mexican *braceros*.

> "[O]nce the policy that the American labor leaders want was proved a failure, [the U.S. government] could work out a satisfactory agreement with Mexico."[5]

This did not occur, however, during Díaz Ordaz's administration. His successor, Luis Echeverría, also attempted unsuccessfully to interest the United States government in negotiating a neo-Bracero Program agreement. He gave up at his summit meeting with Gerald Ford in 1974, arguing that a new assessment of the history of the Bracero Program had shown that such an agreement would not protect the labor rights of Mexican workers.

Notes

1. See Richard B. Craig, *The Bracero Program: Interest Groups and Foreign Policy* (Austin, TX: U. of Texas Press, 1971); Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (Santa Barbara, CA: McNally & Loftin, 1964); Juan Ramón García, *Operation Wetback: the Mass Deportation of Mexican Undocumented Workers in 1954* (Westport, Conn.: Greenwood Press, 1980); Manuel García y Griego, "The Importation of Mexican Contract Laborers to the United States, 1942-1964," in David G. Gutiérrez, ed. *Between Two Worlds: Mexican Immigrants in the United States* (Wilmington, DE: Scholarly Resources, 1996), 45-85; García y Griego, "El comienzo y el final: la interdependencia estructural y dos negociaciones sobre *braceros*," in Blanca Torres, ed. *Interdependencia ¿Un enfoque útil para el análisis de las relaciones México-Estados Unidos?* (Mexico City: El Colegio de México, 1990), 97-117; and Otey M. Scruggs, *Braceros, "Wetbacks," and the Farm Labor Problem; Mexican Agricultural Labor in the United States, 1942-1954* (New York: Garland, 1988).

2. Philip L. Martin, *Promises to Keep: Collective Bargaining in California Agriculture* (Ames, IA: Iowa State U. Press, 1996), 65.

3. President Kennedy's statement upon signing H.R. 2010 on 4 October 1961, quoted in Craig, *The Bracero Program*, 173.

4. Mexican Ambassador to U.S. Secretary of State, 21 June 1963, in George C. Kiser and Martha Woody Kiser, eds., *Mexican Workers in the United States: Historical and Political Perspectives*, (Albuquerque, NM: University of New Mexico Press), 120-121.

5. LBJ Library, Austin Texas, NSF Country File, box 61, Sayre to Bundy, 14 Nov 64, item 38.

Responses to Migration

Mexico's 1982 Economic Crisis

Francisco Alba

The Eruption of a Protracted Crisis

The Mexican economy suffered a severe breakdown in 1982, which had long-lasting consequences. Before that, from the early 1930s, economic growth was constant (although in 1953, the economy was stagnant at current prices). The GDP in 1982 declined by 0.6 percent and in 1983, the GDP lost an additional 4.2 percent.[1] This deterioration came immediately after a period of economic boom; growth averaged 8.4 percent between 1978 and 1981, a rate of growth that had been achieved only sporadically in the long period of economic growth that prevailed during and following World War II, when annual GDP growth averaged between 6 and 7 percent.[2]

Many observers did not view the 1982 events as the traditional kind of slowdown of the sexennial change of administration. Indeed, the conclusion was that development strategy followed since World War II had run its course. The development strategy, based on import-substituting industrialization (ISI), protection, and government direction, was no longer sustainable. In the 1978-1991 period, the ratio of manufactured imports to exports was roughly 4 to 1. Fundamental disequilibria were present in public finances (the "traditional" or financial deficit in 1982 was 17.7% of the GDP) and in the current account of the balance of payments (in

1981 this deficit amounted to US$ 12.6 billion). Foreign debt had grown to high proportions (more than US$ 90 billion in 1982, equivalent to more than 50% of the GDP) and one devaluation was followed by another in 1982. Foreign debt service in 1982 represented almost half the value of total exports and the debt could not be readily serviced. A deep financial crisis exploded in August. On September 1, 1982, the government took control of the banks. By the end of the 1982, inflation was in the three-digit range (December to December). The 1982 crisis certainly turned out to be more than a debt crisis.

Just as the 1982 crisis was exceptional, so were the measures taken to overcome it. The priority was to achieve basic macroeconomic equilibrium. This adjustment meant: a reduction of economic activity in 1983; a substantial decrease in imports (42%); reduction of domestic private consumption (7.5%), which together translated into a net trade surplus to help service the foreign debt (the current account in 1983 was positive by US$ 5.4 billion). Especially relevant for its potential implications for migration, there was a reduction of domestic wages (depending on the indicator used, wages in 1983 lost between a quarter and a third of their 1982 purchasing power). There was thus an increase in the binational wage differential; the international wage equivalent based on changes in minimum wages using the official exchange rate suffered a depreciation of more than 40 percent in 1982 compared with its 1981 value, and a further depreciation in 1983. Unemployment and underemployment rose in 1982 and 1983. Total employment contracted by 0.3 percent in 1982 and by 2.3 percent in 1983.[3] In summary, GDP per capita in 1983 was about 10 percent below its 1981 level.

Reactions: U.S. Immigration Reform Is Strengthened

U.S. reactions to the Mexican economic events in 1982-1983 took a number of forms. One was that the events in Mexico stimulated U.S. anti-illegal immigration initiatives.[4] Carlos Rico has summarized this point as follows: "During the final stages of the legislative reform process [leading to IRCA], Mexican [migrant] flows once again became an important component in the discussion. This was related to the deepening Mexican economic crisis, which seemed to give credence to those who warned about a veritable flood of people coming into the United States unless something was done to prevent it."[5] The U.S. Executive Branch also reacted and apparently Border Patrol agents were quietly moved from the U.S.-Canada border to the U.S.-Mexico border.

The economic crisis took place amidst a very intense U.S. legislative process with a series of initiatives to control unauthorized immigration. In March 1982, U.S. Senator Simpson and Representative Mazzoli introduced an immigration bill that was passed in the Senate, but was not discussed in the House of Representatives.

The process started again in 1983 and this time the final outcome was close; at the end of 1984, a conference committee could not reach agreement on the Senate and House versions. Data show that in 1983, compared with 1982, apprehensions jumped by 32 percent, from 887,481 to 1,172,306.[6] Line-watch apprehensions also jumped sharply (by almost 46 percent in FY 1983). Line-watch hours also increased, but modestly (by 5.6 percent). Interestingly enough, line-watch apprehensions per hour climbed substantially (by 38 percent), reflecting an increase in attempts to cross the border and, probably, an increase in illegal flows that appear to have resulted from the 1982 decline in the Mexican economy.[7] Apprehensions remained at or above the 1983 level in 1984 and 1985.

In addition to the possibility of new legislative measures subsequent to the Simpson-Mazzoli proposal of 1982 and 1983-1984, there was fear in Mexico that massive expulsions of nationals would take place, and a widespread debate followed on the appropriate countermeasures to deal with this possibility. The extent of this reaction was so important that serious scholars thought it appropriate to calm down the reactions about Mexico's readiness to receive potential expellees.[8]

Toward a Resolution: New Economic Policies and Irca

The resolution of the economic episode that arose in 1982 was achieved through a "new equilibrium" based on measures taken in Mexico and the United States. Although not directly related to the above migratory concerns, the adoption by Mexico of a new development strategy promised to bring an end to the causes of the 1982 economic crisis— the triggering event. The new strategy of opening and liberalizing the economy promised to deliver jobs and wages at least in line with previous patterns and thereby bring migration pressures to more traditional patterns.

The economic adjustment measures of the new Mexican administration (1982-1988) were favorably received by the international financial community. Second, a gradual change of the economic paradigm took hold. Important changes in commercial policy were implemented starting in mid-1985 and were reinforced institutionally by Mexican adherence to GATT in 1986. The change in paradigm was not designed per se to overcome the 1982 economic crisis, but rather to substitute for the old ISI model and to provide high rates of economic growth, making the economy internationally competitive and facilitating a fuller and better allocation of resources, including labor. The promise of the new path was that it would eventually translate into a less unequal structure of rewards and wages, with the obvious migratory implications.

On the U.S. side, the passage of IRCA (also known as Simpson-Rodino law) in 1986 seemed to offer an answer to the phenomenon of unauthorized migration, particularly from Mexico. As a matter of fact, IRCA was not an answer to the

events triggered by the 1982 economic crisis, but it seemed to close a chapter in the U.S. migratory debate initiated in 1971 with the first proposal by Representative Peter W. Rodino. Indeed, IRCA struck a deal between different interests incorporating employer sanctions and a regularization program, but was accompanied by increased resources and personnel for the INS and the Border Patrol to secure better control of the border.

Having reached this resolution to the migratory phenomenon, the situation moved to a different context. The stage was set for a strengthened Border Patrol, a hardening of the official U.S. position, and a modified public debate.[9]

Notes

1. Pedro Aspe, "Estabilización macroeconómica y cambio estructural. La experiencia de México(1982-1988)," in Carlos Bazdresch, *et. al.* (comp.), *México: auge, crisis y ajuste,* vol. 2, Mexico, FCE, 1993, pp. 67-104.

2. GDP time series, by administrations, since the 1930s are found in Pascual García Alba y Jaime Serra Puche, *Causas y efectos de la crisis económica en México,* México, El Colegio de México, 1984.

3. Nora Lustig, "El efector social del ajuste," in Carlos Bazdresch, *et. al.* (comp.), *México: auge, crisis y ajuste,* vol. 3, México, FCE, 1993, pp. 201-238.

4. The U.S. Congress had debated the issue of illegal immigration since the early 1970s. In 1981, the Select Commission on Immigration and Refugee Policy published its report, *U.S. Immigration Policy and the National Interest,* containing suggestions that influenced the debate when IRCA was enacted in 1986.

5. Carlos Rico, "Migration and U.S.-Mexican Relations, 1966-1986," in Christopher Mitchell (ed), *Western Hemisphere Immigration and United States Foreign Policy,* University Park, PA. Pennsylvania State University Press, 1992, p. 260.

6. For a summary of the legislative debate leading to IRCA and the number of apprehensions of Mexicans, see Manuel García y Griego and Mónica Verea Campos, *México y Estados Unidos frente a la migración de los indocumentados,* México, UNAM/Miguel Angel Porrúa, 1988, pp. 91-121.

7. Augustine Escobar, Frank Bean and Sidney Weintraub, "The Dynamics of Mexican Emigration," Policy Workshop on Emigration Dynamics in Mexico, Central America and the Caribbean, Costa Rica, June 17-18, 1996.

8. For arguments that do not support a massive return of migrants, see Manuel Garcia y Griego and Francisco Giner de los Ríos, "¿Es vulnerable la economía mexicana a la aplicación de políticas migratorias estadounidenses?" in Manuel García y Griego and Gustavo Vega (comp.) *México-Estados Unidos 1984,* El Colegio de México, 1985, pp. 221-272.

9. This new political official discourse evolved gradually over the 1970s and 1980s, specifically during the early 1980s. As early as 1982, Manuel García described this new discourse under three political concerns: "aquellas relacionadas (1) con los límites económicos y demográficos de la sociedad norteamericana para absorber sin problemas a nuevos immigrantes; (2) con los cambios en el origen nacional de los inmigrantes, tanto

documentados como indocumentados; y (3) con la soberanía y buena administración de la ley y la política migratorias norteamericanas" Manuel García y Griego, "La Comisión Selecta, la administración Reagan y la política norteamericana sobre indocumentados: un debate en transición" in Lorenzo Meyer, *México-Estados Unidos, 1982*, El Colegio de México, 1982, p. 108.

Responses to Migration

IRCA and the Facilitation of U.S.-Mexico Migration Dialogue

Sidney Weintraub

Context

The Immigration Reform and Control Act (IRCA) was enacted in 1986 after an extended period of study and national debate in the United States on the controllability of the border. The Carter administration had proposed comprehensive immigration legislation in 1977, but the Congress showed no disposition to act. Instead, the Select Commission on Immigration and Refugee Policy (SCIRP) was established in 1978, which made its report in early 1981. By then, Ronald Reagan was president and his administration submitted its own legislation, drawing on the Carter proposals and the SCIRP report. There was still considerable reluctance to act.

The members of SCIRP addressed some highly conflictual issues that later became central to the IRCA debate. These dealt with amnesty for persons illegally resident in the United States and a penalty provision for employers who knowingly hired persons illegally in the United States. SCIRP recommended an employer-penalty program, but then voted narrowly (eight to seven, with one abstention) in favor of some form of more secure identification document or documents to

determine the right of persons to be present and work in the United States. The subsequent legislation submitted by the Reagan administration did include an employer-penalty program, but this did not include the adoption of a means of identification that would be difficult to forge. The amnesty provision in the Reagan submission had a January 1, 1980 date for continuous residence of persons illegally in the United States, plus some additional criteria, for eligibility for receiving temporary resident status. The Reagan legislation also proposed a modest temporary worker program.

In the year following this proposal, in August 1982, the Mexican debt crisis erupted and this led to four years of economic decline and stagnation in Mexico. During those four years, the real minimum wage in Mexico declined by some 40 percent as a consequence of the stabilization program in the country. It is hard to precisely determine cause (the Mexican economic decline and reduction in real incomes of Mexican workers) and effect (the impact on Mexican emigration to the United States), but apprehensions did increase from about 900,000 to one million in the years immediately preceding 1982 to 1.2 to 1.3 million a year between 1983 and 1985. Apprehensions soared to 1.7 million in 1986, and then dropped again in the years after IRCA. Whatever reality these apprehensions signified—more border-crossing attempts, more attention to apprehensions by the U.S. Border Patrol, or both—they did revive the issue of loss of control over immigration by the U.S. authorities.

Triggering Events

The SCIRP report, followed by the legislative submission of 1981, laid much substantive groundwork for the discussion that followed on the content of legislation dealing with illegal immigration. The triggering events for IRCA included the economic slowdown in the early years of the Reagan administration prompted by the anti-inflation effort of the Federal Reserve, and the concern raised by the extended economic troubles of Mexico after 1982. The triggering events in this case occurred in the two countries and it was significant that they came after considerable debate within the United States on possible remedial action to curtail illegal immigration. IRCA dealt only with this subject, not with immigration generally.

Debate and Compromise

The grand bargain in IRCA was the adoption of an employer-penalty program advocated by those who wished to curtail future illegal immigration, and the legalization provisions supported by groups who wished to regularize the situation of persons who, while not legally in the United States, had

established their roots there over an extended period. The debate on both parts of the bargain was fierce.

Regularization was seen by its opponents as rewarding lawlessness and inviting more of the same in the future. Penalizing employers for knowingly hiring persons illegally in the United States was seen by its opponents as requiring a form of documentation of Americans that would inevitably lead to human rights violations and discrimination in hiring against Latinos and Latino-looking persons.

The compromises in IRCA around this grand bargain were significant. Employer identification of those persons with a right to work in the United States was based on existing and easily forged documents, like a social security card and driver's permit. As was widely predicted at the time, a thriving business emerged in producing these forged documents. In addition, the INS was less than zealous in implementing the program. The experiment has not been a rousing success in deterring illegal immigration. The outcome might have been the same even if identification of persons had been made more secure and if penalties had been more severe, but this is speculation. The legalization program turned out to be quite substantial. Legalization applications exceeded three million, overwhelmingly of Mexicans (70 percent Mexican of the pre-1982 applicants and 81 percent Mexican under the Special Agricultural Workers program). Around 2.7 million people were actually legalized under the program.

The SAWs program, under which applicants had to demonstrate only three months of qualifying work in the United States during the previous year, was a special concession extracted by agricultural interests. Roughly 1.3 million of the legalization applications came under this program. The pre-1982 program, which based legalization on continuous residence from no later than January 1, 1982, had 1.7 million applicants.

Mexican Reaction

The Mexican authorities reacted to IRCA's passage much as they had to previous U.S. legislative and other U.S. responses to migration matters. They remained largely silent, treating the legislation as an internal matter of the United States about which it would be inappropriate to comment. As described in Volume 1, pages 437 to 509, Mexico for many years consciously adopted a "no-policy" policy toward U.S. migration actions, deliberately refraining from commenting or reacting, other than to protect the human rights of its nationals in the United States.

One other provision of IRCA turned out to have significant consequences in bringing some alteration of this policy, namely, that establishing the Commission for the Study of International Migration and Cooperative Economic Development (often referred to as the Asencio Commission, after its chairman, Diego Asencio). This

Commission was instructed, "in consultation with the governments of Mexico and other sending countries in the Western Hemisphere," to examine the conditions which contribute to unauthorized migration to the United States and to explore "mutually beneficial reciprocal trade and investment programs to alleviate such conditions." The final report of the Commission, *Unauthorized Migration: An Economic Development Response*, was issued in July 1990 and, among other proposals, recommended the establishment of a free-trade area between Mexico and the United States. This was not the only such recommendation, but it was the main one developed with a migration as contrasted with a primarily economic motivation.

The Commission and its staff engaged in an extensive consultation and research program with Mexico and other important migrant-sending countries in the Western Hemisphere. In Mexico, it obtained the collaboration of the Consejo Nacional de Población (CONAPO), the Mexican government's demographic agency, and many universities throughout the country. This cooperation facilitated submissions from Mexican researchers. At the end of the day, in addition to including the research products in appendices to the final Commission report, six volumes, many dealing with the Mexican-U.S. situation, were published commercially by Westview Press in 1991 under the overall title of "Series on Development and International Migration in Mexico, Central America, and the Caribbean Basin."

For a number of reasons, the Commission was able to open a dialogue on migration issues with Mexico that had not been possible before. Some explanations for this accomplishment are that the context was not threatening, but rather developmental in nature; the Commission was a creation of the U.S. Congress, not the executive branch; the interaction was based on joint and parallel studies by Mexicans and Americans; and IRCA itself had established a new reality in U.S. policy toward unauthorized migration. In addition to its discussions with academics, the Commission's consultations included meetings with senior officials of the Secretaría de Relaciones Exteriores (the Mexican Foreign Ministry), Gobernación (the Interior or Government ministry, to which CONAPO reported), the Mexican Senate, and individual members of the Chamber of Deputies, Mexico's lower house. CONAPO had been designated as the main point of liaison for the Commission's research by President Miguel de la Madrid.

New Context

The failure to resolve the identification problem in connection with employer sanctions in IRCA has meant that this issue returned to the table in the 1996 immigration legislation. The main innovation on this issue in the 1996 legislation is the establishment of voluntary pilot programs to verify employment eligibility. The basic program (there are two others) requires new employees to provide their

prospective employers with their social security numbers and, in the case of non-U.S. citizens, their INS identifying information. The employers have three days before hiring to verify the work eligibility of the new employee using a toll-free, electronic confirmation system under which the two numbers will be cross-checked. The pilot programs are voluntary for employers to join, have a duration of four years, and are to be conducted in at least five of the seven states with the largest populations of undocumented immigrants. As is evident from the description, the new pilot programs themselves represent a compromise. They are voluntary and have a time-limited test life.

The legalization program set in motion an inevitable second step for family reunification that will affect legal immigration numbers for 15 to 20 years, or more. The backlogs that will develop are substantial, ranging up to one million and more in FY 1995, and their future progression and reduction will depend on behavior of the legalized residents, particularly the number that naturalize and the nature of their families, and the speed with which visas are issued in the future.

IRCA in retrospect, has had three major consequences: (1) it led to the legalization of status of 2.7 million people, mostly of Mexican origin; (2) it helped open a migration dialogue between Mexico and the United States, but (3) it changed the content of the dialogue as a result of the many family unification visa applications that were made in its wake.

The Never-ending Reform Process

It took ten years between the grand bargain of IRCA to the significant new bargains on illegal immigration in the 1996 legislation. It is evident that the 1996 legislation, because of its own compromises, coupled with the dynamic situation in the U.S.-Mexican relationship, will require revisiting in the relatively near future.

IRCA and the Asencio Commission helped set in play a consultative process between Mexico and the United States that had not existed earlier. The active engagement of the two countries was abetted by the entry into effect of NAFTA on January 1, 1994, and this affected engagement on migration issues as well. One end result of this combination—the contacts made possible by the Asencio Commission and the institutional development under NAFTA—are the proximate parents of the bilateral migration examination of which this case study is a part.

Responses to Migration

The Riverside Incident

Rafael Fernández de Castro

Facts

The incident occurred on April 1, 1996, at the end of a high- speed chase in South El Monte, Riverside County, California. A pickup truck carrying twenty Mexican immigrants who had entered illegally was chased for over an hour by members of the Riverside County Sheriff's Department; when the truck stopped, 18 of them tried to flee. The remaining two, a man and a woman from the state of Michoacán, Enrique Funes Flores and Alicia Sotero Vásquez, although they offered no resistance, were forced out of the truck and clubbed by sheriff's deputies Kurt Franklin and Tracy Watson. Neither of them could understand the commands given to them in English. Funes was beaten half a dozen times, resulting in a fractured arm and other injuries. Alicia was clubbed, pulled by the hair and shoved violently against the truck, but sustained no major injuries.

The chase and the beatings were recorded by KCAL-TV Channel 9 of Los Angeles, and the video was shown to the public in and out of the United States in the immediate aftermath. Both deputies and some alleged eye-witnesses attempted to justify the violence with the argument that the immigrants were hurling pieces of metal and other projectiles at them; this was denied by the immigrants who said that the top of the pickup truck was falling apart. The driver of the truck, the

smuggler or *pollero*, managed to elude the authorities but was apprehended two months later after he tried to bring another group of immigrants illegally into the United States.

Immediate Actions Taken by the U.S.

The two deputies involved were suspended from active duty while the incident was being investigated by the FBI, the Los Angeles County Sheriff's Department, and the Riverside County Sheriff's Department. The investigations focused on the possibility of assault, excessive use of force and civil rights violations. The main witnesses in the incident were law enforcement officers, California Highway Patrol officer Marco DeGennaro (who saw the beatings unfold and audiotaped the deputies shouting at the immigrants), the 18 passengers who were riding in the truck; and motorists who saw the chase on the highway.

On April 4, civil rights attorneys Mark Rosenbaum, David Ross, and Dan Stormer filed a $10 million claim against the Riverside County Sheriff's Department on behalf of Sotero and Funes, alleging that the deputies "recklessly, intentionally and wantonly" beat and kicked them, violating U.S. law, the Vienna Convention on the Law of Treaties and United Nations' conventions against torture.

John Barnett[1] will defend Riverside County deputies arguing that they acted properly, according to the circumstances and based on the premise that the illegal immigrants were putting innocent people's and the deputies' lives in danger by hurling objects at them.

Tracy Watson who said he was coerced by his superiors to write a potentially self-incriminating report following the incident, filed suit against the Riverside Police Department for violating his constitutional rights of due process and legal representation and protection from unlawful detention and self-incrimination.

On April 4, the Immigration and Naturalization Service authorities released the other 18 illegal immigrants who were captured after the freeway chase to the custody of the Mexican Consulate and gave them a special permit to remain in the United States for six months so they could assist in the investigations.

Social Protests

After the incident, several marches and demonstrations were organized in border towns as well as in Washington D.C. by immigrant-rights activists, civil rights organizations, labor unions and liberal political groups. They attributed the actions of the Sheriff's deputies to an anti-Mexican, anti-immigration fervor sweeping the country, and protested the use of unnecessary violence against minority groups in the United States.

Reactions and Consequences

Mexico

Government Secretaria de Relaciones Exteriores (S.R.E.)

The incident caused indignation in both the government and the society as a whole. On April 2, the Mexican government delivered a diplomatic note to the U.S. Department of State, protesting the use of violence and demanding investigation of the incident. The White House responded by asking the Department of Justice to follow the case closely. The same day, the Mexican Ambassador in Washington, Jesús Silva Herzog, and the Consul in Los Angeles, José A. Pescador, sent letters to the Governor of California and to the Riverside County Sheriff demanding a detailed explanation of the incident and that those responsible for the beatings be punished.

The Mexican Consulate in Los Angeles established contact with organizations such as the National Council of la Raza (NCLR), South Western Voters Registration (SWVR), the United States Hispanic Chamber of Commerce (USHCC), and the League of United Latin-American Citizens (LULAC). They in turn sent letters to the President of the United States, to Congress and to Janet Reno, the U.S. Attorney General, condemning the incident and demanding that justice be done.

On April 10, the Mexican Under Secretary for Bilateral Affairs of the Foreign Ministry, Juan Rebolledo, met with U.S. Department of Justice officials in Washington D.C. Rebolledo acknowledged the Mexican authorities' acceptance of President Clinton's program to tighten security at the border to stem the flow of illegal immigrants and asked for:

a) a review of the methods and procedures for applying migration laws in the United States; and

b) intensification of Border Patrol agents' training in human rights.

Again Secretary José Angel Gurría declared that California Governor Pete Wilson's support of Proposition 187 and proposals to extend its ideas to other states, plus anti-migration statements during the presidential and congressional contests, had generated a climate of intolerance in the United States against immigrants. He also declared that the Mexican government has committed itself to increase its efforts to protect the rights of Mexicans, whether legally admitted or not, living in the United States, through Mexico's 40 consulates. He said that the presence of Mexican consular authorities will be augmented at detention centers where immigrants who entered illegally are held, and will open a center in California and other border states where human rights violations claims could be filed.

On April 16, Mexico, through the Foreign Ministry, appealed to the Human Rights Commission of the United Nations for a special conference on the rights of migratory workers and their families, and proposed a resolution to condemn the violation of human rights of migrants.

Congress

On April 9, the incident was debated in the Mexican Congress by deputies and senators from major parties, the PRI, PAN, PRD, and PT.[2]

(a) Main agreements. A joint congressional resolution was issued[3] which demanded that President Zedillo make public the list of human rights violations committed against Mexicans in the United States in the past five years. These had been recorded by the 40 consulates, and had been kept secret to avoid damaging the bilateral relationship. The executive responded on April 11 by publishing the list of human rights violations against co-nationals in a document titled: "Protection of Mexican Citizens Living in the United States," The list intended to demonstrate that the United States had fallen into a systematic pattern of human rights violations against Mexicans.

(b) Criticism of the Executive. The opposition argues that the Mexican government is responsible for the migration problem because of its inability to create enough jobs in Mexico. It criticized President Zedillo and Secretary Gurría for what they consider to be a lack of consistency in defending the rights of illegal workers in the U.S. and for their weak response to the Riverside incident. The opposition demanded that President Zedillo make migration a priority of the country's foreign policy. An independent representative declared that the United States is carrying out a low-intensity war against Mexican citizens living in the United States, as well as creating a hostile anti-immigrant climate along the border. He accused the Clinton administration of militarizing the border.

Social Reactions

Human Rights organizations in Mexico demanded that President Zedillo suspend all migration agreements with the United States and create in their place a bilateral agreement to reduce migratory movements. The then Director of the National Commission of Human Rights in Mexico, Jorge Madrazo, agreed to help the Mexican consulates in the United States in the defense of the rights of illegal immigrants.

The incident had significant effects on the domestic scene. The human rights issue was sensitive because of recent violations committed against peasants commemorating Emiliano Zapata's death in Tlaltizapan, Morelos. An earlier serious

violation had occurred in Guerrero. Mexicans have been sensitized to human rights violations committed against immigrants from Central and South America caught trying to enter Mexico illegally or to cross the country en route to the United States. Such incidents of repression weakened President Zedillo's position that he is turning Mexico into a law-based country.

The United States

In the United States, two facts made the Riverside incident particularly significant. On the one hand, the incident bore many similarities to the 1991 beating of the African-American Rodney King, which had raised important social issues such as the growing intolerance of white police toward minority groups. On the other hand, the Riverside incident occurred at the outset of a national electoral campaign and with important migration bills pending in Congress. During 1996, legislators discussed at length the social and economic costs of migration. The 1996 immigration legislation focused primarily on limiting illegal immigration.

The incident coincided with the end of the primary elections. Senator Robert Dole used the migration issue to gain votes in states like California. Dole supported the proposal to deny public education to children illegally in the United States because of what he said was the "most expensive mandate of all times" under which the federal government forces the states to assume these education costs.

The incident made evident, once again, a problem of legal jurisdiction. Local law enforcement agencies are frustrated because there is nothing that a state or local law enforcement agency can do about a violation of immigration other than calling the local Immigration and Naturalization Service (INS) officer to report the case, and local and state officers can merely accompany the INS on patrols of the US-Mexican border. By contrast, INS officials have powers not given to local police. For instance, they can interrogate any person believed to be an alien, board ships in US waters to search for immigrants seeking to enter illegally, and can patrol private lands within 2.5 miles of the border to search for undocumented people.

Counteractions by the U.S. Government

The U.S. Department of Justice agreed:

a) with Mexico's request to conduct the review of the methods and procedures for applying migration laws with local police along the U.S.-Mexico border;

b) to give the Mexican authorities a full report on federal actions in the Riverside and Temecula[4] cases.

Congress

On April 10, Chicano members of Congress met and supported an agreement on migration between the two countries that would deal with the protection of immigrants. Among them, Lucille Roybal, Esteban Torres, and Javier Becerra declared that one of their roles in Congress is to work vigorously in order to counterbalance the anti-immigration climate.

Civic Reactions

On April 17, the President of the U.S.-Canada Human Rights International Association, M. Hale, urged the United States to sign the International Convention of Human Rights. The Director of the Los Angeles Coalition for the Rights of Immigrants, Susan Alva, demanded the creation of an independent commission to investigate police abuses against Latinos in all the counties of Southern California.[5]

For Bilateral Relations

On May 8, at the 13th Meeting of the Binational Commission, a Memorandum of Understanding (MOU) dealing with the protection of the rights of Mexican nationals in the United States was signed by Secretaries Angel Gurría and Warren Christopher. It can be claimed that this MOU represents a new binational understanding reached as the result of the sequence of reaction and counter-reaction produced by the Riverside incident. This case study also shows the high sensitivity in Mexico—the executive, congress, the opposition parties, and the media—towards the violation of human rights of co-nationals in the United States. Similarly, many Americans were annoyed with the hate messages and columns against Mexico in the media, especially given the numbers that cross the border. It is evident that there exist some highly sensitive areas in bilateral affairs, such as immigration, where the traditionally antagonistic and mutually recriminating attitudes still prevail.

Notes

1. The lawyer who defended the officials charged with beating Rodney King in Los Angeles in 1991.

2. Partido Revolucionario Institucional (PRI), Partido Acción Nacional (PAN), Partido de la Revolución Democrática (PRD) and Partido del Trabajo (PT).

3. This was the first joint resolution ever achieved by the leading party with the opposition.

4. On April 6, a truck full of illegal immigrants rolled over in Temecula, in the Riverside County, killing seven and injuring 18 people.

5. Similar to the Christopher Commission created in 1992 to investigate the Rodney King case.

Responses to Migration

Selected Court Cases on Immigration Enforcement

Sidney Weintraub, Francisco Alba, Rafael Fernández de Castro & Manuel Garcia y Griego

Supreme Court decisions unless otherwise indicated

(including case, year, holding, and significance).

Selected Court Cases on Immigration Enforcement

(Supreme Court decisions unless otherwise indicated.)

	Cases (Year)	Holding	Significance
Stops & Searches at/near border			
Roving Patrols	*Almeida-Sanchez v. U.S.* (1973)	Without probable cause, the warrantless search of petitioner's automobile away from the border or its functional equivalent violated the Fourth Amendment guarantee against unreasonable searches and seizures.	Limited the power of INS roving patrols to stop and search vehicles away from the borders.
	U.S. v. Brignoni-Ponce (1975)	Except at the border and its functional equivalent, Border Patrol officers may stop vehicles only if they are aware of specific articulable facts, together with rational inferences that would reasonably warrant suspicion that the vehicles are occupied by aliens who may be illegally in the United States.	Court found that a roving border patrol that stops a vehicle near the Mexican border and questions its occupants concerning their immigration status and citizenship where the occupants' apparent Mexican ancestry furnished the only ground for suspicion that the occupants were aliens violates the Fourth Amendment.
	U.S. v. Cortez (1981)	Based upon the whole picture and taking account the experience of Border Patrol officers, the Court found that objective facts and deductions from such facts afford a legitimate basis for suspicion of a particular person and action on that suspicion.	Court recognized that, when used by trained law enforcement officers, objective facts, meaningless to the untrained, allow for permissible circumstantial evidence suggesting that a particular vehicle is involved in criminal activity may provide a sufficient basis to justify an investigative stop of that vehicle.

	Cases (Year)	Holding	Significance
	Cervante-Cuevas v. INS (9th Circuit 1985)	The exclusionary rule did not apply to a deportation proceeding even if it was assumed that the detention of the alien was unlawful.	
	Nicacio v. U.S. INS (9th Circuit 1985)	Appearance and dress factors were not sufficient to provide for a reasonable suspicion that the people in the vehicle were illegal aliens sufficient to justify motor vehicle stop. Subjective feelings or intuition do not provide any rational basis for distinguishing illegal aliens from U.S. citizens and legal aliens, and thus do not meet the requirement that stops of vehicles to search for illegal aliens be based on specific articulable facts, together with inferences from those facts.	While an officer may evaluate the facts supporting reasonable suspicion in light of his experience, experience may not be used to give the officers unbridled discretion in making a stop. The detaining officers must have a particularized and objective basis for suspecting the particular person stopped to be an illegal alien. The articulable facts standard is "measured against an objective reasonable man standard, not by the subjective impressions of a particular officer."
	Gonzalez-Rivera v. INS (9th Circuit 1985)	The stop, which resulted solely from Gonzalez's Hispanic appearance, constituted a bad faith and egregious violation of the Fourth Amendment.	Allowed application of the exclusionary rule in deportation hearing.
Traffic checkpoints/ fixed checkpoints	*U.S. v. Ortiz* (1975)	Warrantless searches at fixed checkpoints not the equivalent of an external border may only be conducted on the same probable cause basis as established in other search and seizure cases.	Court applied probable cause standard to traffic checkpoint searches. Court recognized the differences between a roving patrol and a fixed checkpoint, but argued that there is no difference in the actual search.
	U.S. v. Martinez-Fuerte	Vehicle stops at a fixed checkpoint for brief questioning of its occupants, even though there is no reason to believe the particular vehicle contains illegal aliens, are consistent with the Fourth Amendment. The operation of	

	Cases (Year)	Holding	Significance
		a fixed checkpoint need not be authorized in advance by a judicial warrant. It was constitutional for the Border Patrol, after routinely stopping or slowing automobiles at a permanent checkpoint, to refer motorists selectively to a secondary inspection area, to be questioned about citizenship and immigration status on the basis of criteria that would not sustain a roving-patrol stop. No constitutional violation even if such referrals were made largely on the basis of apparent Mexican ancestry.	
Searches & Seizures away from the border			
Factory sweeps/ workplace raids	*International Ladies" Garment Workers' Union v. Sureck* (9th Circuit 1982)	The work force at a plant was seized for the duration of an INS survey because the stationing of agents at the doors of the building was such that a reasonable person would have believed he was not free to leave.	The court found that the agents had created a detentive environment by their verbal authority, badges, use of the element of surprise, the sustained disruption of the working environment, and questioning of selected individuals based on their clothing, facial appearance, hair color and styling, demeanor, language, and accent. The ILGWU court noted that an individual could be questioned only on the basis of a reasonable suspicion or probable cause that that particular employee was an illegal alien.
	INS v. Delgado (1984)	INS agents, moving systematically through a factory and inquiring as to the practice of sealing off the citizenship status of workers while other agents were stationed at each	Delgado overturned ILGWU. The Court characterized the INS factory exits as a non-threatening interrogation device, rather than detention.

	Cases (Year)	Holding	Significance
		exit, did not effect a seizure of the entire workforce in violation of the Fourth Amendment. The individual questioning of the employees did not amount to a detention or seizure under the Fourth Amendment.	
	INS v. Lopez-Mendoza (1984)	The Fourth Amendment exclusionary rule does not apply to civil deportation hearings.	Court limited its holding by stating "we do not deal here with egregious violations of Fourth Amendment or other liberties that might transgress notions of fundamental fairness and undermine the probative value of the evidence obtained."
Pedestrian stops/area control operations	*Terry v. Ohio* (1968)	Police officer who observed unusual conduct in light of his experience that criminal activity might be afoot and that the persons with whom he is dealing may be armed and presently dangerous, and who approached, identified himself as an officer, and asked their names, acted reasonably in seizing defendant in order to search him for weapons, and did not exceed reasonable scope of search in patting down outer clothing of defendants.	Though case did not arise in an immigration context, it is relevant to immigration enforcement regarding pedestrian stops and area control operations. The scope of the search must be "strictly tied to and justified by" the circumstances which rendered its initiation permissible. The holding concerns the balancing test used to determine the reasonableness of the intrusion on the individual. The test weighs the need for the intrusion against the severity of the invasion caused by the intrusion.
	Brown v. Texas (1979)	The application of the Texas statute to detain appellant and require him to identify himself violated the Fourth Amendment because the officers lacked any reasonable suspicion to believe appellant was engaged or had engaged in criminal conduct.	The circumstances did not justify a reasonable suspicion that defendant was involved in criminal conduct and thus did not warrant detention for questioning.

	Cases (Year)	Holding	Significance
Residences/farm & ranch checks of migrant housing	*Zepeda v. U.S. INS* (9th Circuit 1985)	The court affirmed the lower court's findings that INS practices violated the Fourth Amendment and that the INS could reasonably be expected to continue these practices. The court also found that the district court abused its discretion when it prohibited the INS from obtaining the assistance of other law enforcement agencies.	
	LaDuke v. Nelson (9th Circuit 1985)	Practices of INS in conducting farm and ranch checks of migrant housing constituted seizure of the housing community where access roads were sealed, means of egress from individual units were surrounded, and those who left were seized.	LaDuke is distinguished from Delgado: (1) here, INS agents operated without warrants, probable cause or articulable suspicion; and (2) there was a materially different place in which the searches occurred—homes versus the workplace.
Other			
Admissibility of information	*Benitez-Mendez v. INS* (9th Circuit 1983)	"even though…petitioner's arrest violated the Fourth Amendment, the information obtained as a result of the arrest (petitioner's statements on Form I-213) was admissible at his deportation hearing." 760 F.2d 907, at 910.	Applied in Cervantes-Cuevas.
"Substantial connection"	*U.S. v. Verdugo-Urquidez* (1990)	The Fourth Amendment does not apply to the search and seizure by U.S. agents of property owned by anonresident alien and located in a foreign country.	Aliens are entitled to constitutional protections when the test is applied that they may have come within the territory of the United States to develop substantial connections with this country. This holding potentially eliminates Fourth Amendment protections for illegal immigrants altogether by requiring their connection to the

	Cases (Year)	Holding	Significance
			United States be tested against the "substantial connection" test.
Collateral challenge to deportation proceedings	*U.S. v. Mendoza-Lopez* (1987)	Under the due process clause of the Fifth Amendment, "a collateral challenge to the use of a deportation proceeding as an element of a criminal offense must be permitted where the deportation proceeding effectively eliminates the right of the alien to obtain judicial review."	
Miranda issues & right to challenge deportation	*U.S. v. Gonzalez Sandoval* (9th Circuit 1990)	Border Patrol agents' failure to give defendant Miranda warnings when they questioned him about his immigration status did not make his post-Miranda confession involuntary, absent evidence that the defendant was coerced into confessing after receiving warnings. No entitlement to automatic grants of continuance requests is implied in the right to attack deportation proceedings collaterally. Before a district court's denial of continuance will be reversed, "the appellant must establish that the refusal resulted in prejudice to his defense." *U.S. v. Long,* 706 F.2d 1044, 1053 (9th Circuit 1983)	Nontestimonial physical evidence discovered as a result of statements obtained in violation of Miranda is not inadmissible as "fruit of collaterally poisonous tree" where there is no evidence of coercion or denial of due process in elicitation of the statements.

Responses to Migration

On the Unrenounceability of Mexican Nationality

Sidney Weintraub

In December 1996, three articles (30, 32, and 37) of the Mexican Constitution were modified to open the possibility to all Mexicans to keep their Mexican nationality, even though they choose to take another one. The aim of the legislation is twofold. One is to permit Mexicans to reside in another country and still maintain roots in their country of birth. The second is to remove any obstacle—real or perceived—that might limit their full advancement and legal protection in their country of adoption.

According to the constitutional changes, no Mexican by birth can be deprived of Mexican nationality, except in a few specific instances; and acquiring another nationality is not one of these. These changes have yet to become law because Mexican States are in the process of ratifying them.

These constitutional changes create a status or norm that will provide new obligations and rights. Mexican secondary laws will regulate or determine the specific rights of those who possess another nationality. The aim here is to avoid conflicts derived from possessing double, or multiple, nationality. These conflicts might arise in such fields as taxation and property rights, and extradition and political rights. On this point, it is worth mentioning that in the interim—until the

corresponding secondary laws are changed—the current Nationality Law (Ley de Nacionalidad) continues to be the law of the land in matters not contradicting the above-mentioned changes.

Mexican legislators believe that as many as two million Mexicans lost their Mexican nationality by voluntarily adopting another one. To Mexicans in such conditions, the Mexican Congress offers remedial actions. If these Mexicans are in full legal standing (*se encuentran en pleno goce de sus derechos*), they can regain their Mexican nationality just by asking (*previa solicitud*) the Ministry of Foreign Relations (SRE) within the next five years, after these changes become law. The number of Mexicans who meet these conditions could be rather small, however, because, according to some experts, just a few people actually have explicitly renounced their Mexican nationality.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan, Chair, U.S. Commission on Immigration Reform Before the U.S. Senate Committee on the Judiciary Subcommittee on Immigration and Refugee Affairs August 3, 1994

Mr. Chairman, members of the subcommittee, thank you for providing this opportunity to report on the work of the U.S. Commission on Immigration Reform.

The Commission was created to assess and make recommendations regarding the implementation and impact of U.S. immigration policy. Mandated in the Immigration Act of 1990 to submit an interim report in 1994 and a final report in 1997, the Commission has undertaken public hearings, fact-finding missions, and expert consultations to identify the major immigration-related issues facing the United States today. I am pleased to share our preliminary findings and recommendations with you today. Our report, which will be submitted on September 30, will provide fuller details on these recommendations and the reasons we are making them.

The process undertaken by the Commission has been a complex one. Distinguishing fact from fiction has been difficult, in some cases, because of what has become a highly emotional debate on immigration. We have heard contradictory testimony, shaky statistics, and a great deal of honest confusion regarding the impacts of immigration. Nevertheless, we have tried throughout to engage in what we believe is a systematic, nonpartisan effort to reach conclusions drawn from analysis of the best data available. The recommendations that I present today have been adopted unanimously.

Principles Underlying Work of the Commission

Certain basic principles underlie the Commission's work. We decry hostility and discrimination towards immigrants as antithetical to the traditions and interests of the country. At the same time, we disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

The Commission believes that legal immigration has been and can continue to be a strength of this country. Most legal immigrants are the spouses, children, parents, or siblings of a U.S. citizen or long-term permanent resident. A smaller number are sponsored by U.S. businesses that need their skills and talents. While there may be disagreements among us as to the total number of immigrants that the United States can absorb or the categories to whom the U.S. should give priority for admission, the Commission agrees that legal immigration presents many opportunities for this nation.

That is not to say that the Commission is unmindful of the problems that may also emanate from immigration. Too many have abused the very hospitality that we grant so freely. Unlawful immigration is unacceptable. Enforcement measures have not sufficiently stemmed these movements. Failure to develop more effective strategies to curb unlawful immigration has blurred distinctions between legal and illegal immigrants. Many communities legitimately fear that they have lost the ability to integrate the diverse range of individuals and families who enter heir communities. The Commission is particularly concerned about the impact of immigration on the most disadvantaged within our already resident society--inner city youth, racial and ethnic minorities, and recent immigrants who have not yet adjusted to life in the U.S.

For the Commission, the principal issue at present is how to manage immigration so it continues to be in the national interest. Managing immigration presents a number of challenges:

- How do we ensure that immigration is based on and supports broad U.S. economic, social, and humanitarian interests rather than the interests of those who would abuse our immigration laws?

- How do we manage our borders while still encouraging international trade, investment, and tourism?
- How do we maintain a civic culture based on shared values while accommodating the diverse population admitted through immigration policy?

It will be impossible to reach answers to these questions unless our policies and their implementation are more credible. As far as immigration policy is concerned, credibility can be measured by a simple yardstick: people who should get in, get in; people who should not enter are kept out; and people who are deportable should be required to leave.

The Commission is convinced that immigration can be managed more effectively and in a manner that is consistent with our traditions, civil rights, and civil liberties. As a nation of immigrants committed to the rule of law,

this country must set limits on who can enter and back up these limits with effective enforcement of our immigration law.

Recommendations

The problem of unlawful immigration will not be solved by quick fixes. There are no panaceas. Nor will this problem be solved cheaply. If the nation is serious about controlling illegal immigration, it must commit substantially more resources than are currently available to accomplishing the measures required. The U.S. must also more effectively target existing resources on strategies that are most likely to prevent unlawful immigration from occurring. In sum, curbing unlawful immigration requires:

- Better border management;
- A more effective method of deterring the employment of unauthorized workers;
- A consistent policy regarding eligibility for public benefits;
- A willingness and ability to remove those who have no right to remain in the country, with particular focus on criminal aliens;
- An enhanced capacity to respond to immigration emergencies;
- An effective strategy to reduce the pressures for migration in sending countries; and
- Better data for making and implementing policy.

No one approach will be sufficient to address unlawful migration.

Let me touch on the highlights of this comprehensive strategy that the Commission will be recommending in its September report.

I. Preventing Unlawful Entry and Facilitating Legal Entry Across U.S. Borders

The Commission believes that significant progress has been made during the past year in identifying and remedying some of the weaknesses in U.S. border management. Nevertheless, we believe that far more can and should be done to meet what we consider to be the twin goals of border management: preventing illegal entries while facilitating legal ones.

Land Borders

The Commission supports enforcement strategies aimed at prevention of illegal entry at the border rather than

apprehension following illegal entry.

The Commission was favorably impressed with the pilot program in El Paso, Operation Hold the Line. Prevention holds many advantages: it is more cost-effective than apprehension and removal, it eliminates the cycle of voluntary return and reentry that has characterized unlawful border crossings, and it reduces potentially violent confrontations between Border Patrol officers and those believed to be seeking illegal entry.

Prevention strategies require a combination of additional personnel, improved technology and communications, data systems that permit quick identification of repeat offenders, additional equipment including vehicles, and a political commitment to this approach. Prevention also requires a capacity to anticipate changes in smuggling patterns. The Commission recommends development of contingency plans to handle smuggling at new locations along the border as well as increased sea smuggling that may arise as land border controls are improved. The Commission also recommends formation of a mobile, rapid response team that can be deployed when new avenues of illegal entry are identified. The Commission supports use of unscalable physical barriers only as a last resort in border control, if they are needed to reduce violence at the border.

The Commission supports efforts to increase training for Border Patrol officers, improve procedures for adjudicating complaints of Border Patrol abuses, and provide redress or relief to those subjected to improper actions. And, recognizing the fundamental shift in Border Patrol policy that a prevention approach requires, the Commission recommends systematic evaluation of the effectiveness of the new border strategies adopted by INS.

The Commission recommends additional resources for inspections at land border ports of entry in order to facilitate legal entry.

Legal entry should be facilitated in order for the country to benefit from trade and tourism. The Commission also believes that an intregal part of controlling illegal entry is facilitating legal entries. When Operation Hold the Line was instituted, it became apparent that a portion of those crossing the river illegally had or were eligible for legitimate Border Crossing Cards [BCCs] but found it was slower and more difficult to cross through the port of entry. In particular, high priority should be given to easing traffic through inspections posts and expediting issuance of BCCs. The Commission is giving consideration to a user fee to be imposed on crossers of the U.S. border as a possible way to provide additional funds to facilitate land border management. Consideration also is being given to a fee for issuance of the BCC, now precluded by U.S.-Mexico treaty. Also, further steps need to be taken better to ensure that the BCC is not misused by legal crossers who are engaged in unauthorized employment. The Commission's recommendations regarding employer sanctions should help in this regard.

The Commission supports increased coordination between the governments of the U.S. and Mexico on border issues.

The Commission views favorably the discussions underway between the U.S. and Mexican federal governments and border state and local governments. These discussions provide forums to promote greater cooperation between the two governments in solving problems of such mutual concern as border violence, violations of Mexican exit laws and U.S. entry laws, movements of third-country nationals through Mexico to the United States, smuggling of people and goods, and similar issues.

Airports

As with land borders, ***the Commission supports a combined facilitation and enforcement strategy that would prevent the entry of unauthorized aliens while facilitating legal admissions at U.S. airports.***

The Commission supports the use of new technologies to expedite the inspections process and improve law enforcement. We also commend and urge continuance of the government-airline industry discussions and recommendations for preflight inspections and more efficient processing of travelers with Machine Readable Documents. The Commission supports efforts to devise programs that enhance the capacity of airline carriers to identify and refuse travel to aliens seeking to enter the U.S. on fraudulent documents. We encourage the INS and the airlines to continue the Carrier Consultant Program and other coordinated efforts to maintain complete, accurate and reliable Advance Passenger Information System [APIS] data and improved lookout data systems.

The Commission heard testimony from the airline industry on what they consider to be undue fines and penalties imposed for transport of unauthorized aliens. The Commission recommends development of a system for mitigation of penalties or fines for those carriers that cooperate with the INS and show actual reductions in the number of unauthorized aliens they carry. The Commission further believes that carriers should not be responsible for the actual physical custody of inadmissible air passengers.

Coordination of Border Management

The Commission urges careful monitoring of coordination among agencies with responsibility for

border management.

In a June 1993 report, GAO outlined efficiency and other management problems with the INS-Customs dual inspection structure on primary inspection at land border stations. Among them: poor coordination; lack of updated cross-designation training; lack of joint performance studies; no coordinated approach for addressing staffing imbalances and traffic backups; a substantial interagency rivalry; and weakened operational accountability due to the dual structure. Even though the report focused on land border ports-of-entry, the same problems occur at air ports-of-entry as well.

More recently, the National Performance Review noted, in reference to previously voiced suggestions, that a reorganization of the agencies at this time was too extreme and that the agencies should continue to work in the existing structure, with the assistance of present interagency work groups. In two years, the existing structure is to be reevaluated. The Commission plans to monitor whether the coordination mechanisms recommended

by the NPR help address the recurrent management problems experienced in land and airport immigration inspections and border control. If they do not make the needed improvements, the Commission will recommend further actions.

Antismuggling Efforts

The Commission believes an effective prevention strategy requires enhanced capacities to combat organized smuggling for commercial gain.

The Clinton Administration introduced legislation in July 1993 that enhances penalties for smuggling or harboring aliens for commercial advantage or financial gain and includes organized smuggling under the provisions of RICO. The legislation also provides expanded authority for seizure and forfeiture of property related to smuggling activities and enhanced authority for wiretaps. The Commission supports the basic approach taken in this legislation, and we recommend, as well, enhancement of intelligence gathering and diplomatic pressures to prevent smuggling rings from operating.

II. Deterring the Employment of Unauthorized Aliens

Employment continues to be the principal magnet attracting illegal aliens to this country. As long as U.S. businesses benefit from the hiring of unauthorized workers, control of unlawful immigration will be impossible. The Commission believes that both employer sanctions and enhanced labor standards enforcement are essential components of a strategy to reduce the job magnet.

Verification of Employment Authorization

At the heart of many of the problems in current application of employer sanctions is the verification process used to determine work authorization. Widespread counterfeiting of documents that can be used for verification of identity and employment authorization has been reported since IRCA's implementation. It is also relatively easy to obtain genuine documents, such as birth certificates or drivers licenses, by fraudulent means. Moreover, confusion about the verification procedures and wariness about the validity of the documents has led to great potential for discrimination against foreign-looking and -sounding citizens and legal immigrants.

The Commission recommends development and implementation of a simpler, more fraud-resistant system for verifying authorization to work.

In examining the options for improving verification, the Commission believes that the most promising option for more secure, nondiscriminatory verification is a computerized registry, using data provided by the Social Security Administration and the Immigration and Naturalization Service.

The key to this process is the social security number. All workers must already provide a social security number upon taking employment. The verification process that the Commission is looking at adds a step to this existing requirement: checking that the social security number is valid and has been issued to someone authorized to work in the United States.

This verification system will reduce the time, resources, and paperwork spent by employers in abiding by the requirements of immigration law. It also should reduce any potential for discrimination. Employers would no longer have any reason to ask if a worker is a citizen or an immigrant--the only relevant question is: "What is your social security number?"

The Commission further recommends that the President immediately initiate a program to implement this new verification process in the five states with the highest levels of immigration. The President already has the authority to do this in the Immigration and Nationality Act. The initiative should incorporate a number of features.

First, employers will need a way to determine that the individual about to be hired is actually the person with that social security number. We have received conflicting testimony about the best way to check the applicant's identity. We have heard proposals for a more secure social security card, counterfeit-resistant drivers license, and telephone verification system. The pilot program presents an opportunity to determine what is the most cost-effective, fraud-resistant and nondiscriminatory method.

Second, the pilot and any resulting legislation to establish the system on a permanent basis must provide protection against use of the verification process for purposes other than those specified in law. The Commission shares the civil liberties concerns of many in this country that the process for verifying employment authorization not become the basis for a national identity system. We believe the same system could be used, without damage to civil liberties, for verifying eligibility to receive public benefits. However, no one should be required to carry a card, should one be used, or present it for routine identification purposes. There must also be significant penalties for inappropriate demands for the identification.

Third, the verification system should protect the privacy of the information included in the registry. The Commission is aware of the proliferation of databases and of reported abuses of privacy by both government and private agencies. The verification process should contain explicit provisions for protecting privacy and the computer system should incorporate appropriate safeguards.

A final word on the verification process--to be effective, the computerized registry will draw on data from the INS and the Social Security Administration. A prime prerequisite of this system is the integrity of those data systems. Both agencies will need to improve their own records, speed up the entry of new data into their own systems and transfer of the necessary information to the jointly maintained registry, and ensure that the information remains accurate and accessible. INS has already requested funding to undertake these improvements in its recordkeeping. If Congress is serious about curbing unlawful immigration, it is essential that the funds be provided to carry out this initiative. The Commission is working with SSA and INS to get cost estimates for instituting the proposed registry and will report its findings in September.

Antidiscrimination Efforts

The Commission believes that adopting a more secure, simpler verification process for determining work authorization--and, in particular, one where employers will no longer have to make any determination as to immigration status--is the best defense against discrimination.

The current verification process creates discriminatory behavior among employers even in cases where

no discrimination is intended or in which there is an explicit effort to avoid illegal conduct. In particular, employers ask for different or additional documentation from those who appear to be foreign-looking or

-sounding. The abuse of documentation requirements is harmful in and of itself and also masks more egregious discriminatory actions.

The Commission encourages the Office of Special Counsel for Immigration Related Unfair Employment Practices to undertake targeted investigations to document discriminatory actions and provide relief for the citizens and legal immigrants who find themselves victims of discrimination based on national origins or citizenship status. We believe there is a public responsibility to provide effective redress for those who experience discrimination resulting from immigration law. During the transition period to a new verification system, in particular, OSC should be proactive in identifying discriminatory practices, finding ways to prevent their occurrences to the extent possible and seeking penalties against those employers who do discriminate. Further, the Commission recommends that additional studies be undertaken to determine the effectiveness of the new verification process in reducing discriminatory behavior.

Enforcement of Employer Sanctions and Labor Standards

The Commission believes that reduction in illegal immigration requires vigorous and complementary enforcement of employer sanctions and labor standards.

Neither employer sanctions nor labor standards enforcement has received sufficient priority. Both have suffered loss of resources during the past few years. Even within existing budget, however, a better targeting of resources could improve enforcement.

The Commission recommends that INS target its employer sanctions resources on the investigation and prosecution of likely violators of the provisions against knowing hire of illegal aliens and seek the full use of current penalties against them. When the new verification process takes hold, INS also should eliminate investigation of paperwork violations in order to concentrate more effectively on businesses that knowingly hire unauthorized aliens or fail to verify work authorization.

The Commission supports an increase in labor standards enforcement efforts in industries with large numbers of illegal aliens. Deterring unlawful immigration is a key ingredient in protecting U.S. workers. The presence of large numbers of unauthorized aliens in certain industries renders enforcement of labor standards, such as wage and hour and child labor provisions, all the more difficult because unauthorized workers are afraid to demand better working conditions or report infractions and businesses can bypass the hiring of workers who would be more cognizant of their rights.

A Memorandum of Understanding was signed last September between the Labor Department and the INS setting out a division of responsibility for investigation of employer sanctions violations. The Commission urges the Attorney General and the Secretary of Labor to review the current division of responsibilities between the Justice and Labor Departments in the enforcement of employer sanctions and labor standards and make needed changes if the new MOU does not provide the coordination needed.

The Commission also supports establishment of national and local taskforces to promote greater coordination in enforcement of labor standards, employer sanctions, and antidiscrimination provisions.

The Commission further recommends that educational efforts by the Immigration and Naturalization Service, the Office of Special Counsel, and the Department of Labor regarding employer sanctions, antidiscrimination provisions, and labor standards be coordinated and continuing, sending a single message about the rights and responsibilities of workers and employers.

III. Making Benefits Policy Consistent with the Objectives of Immigration Policy

Eligibility for Benefits

Immigrant eligibility for public benefits has become a major focus of debate in the United States. The Commission believes that decisions about eligibility should support the objectives of our immigration policy: to deter unlawful immigration and to support lawful immigration and eventual citizenship. Using these objectives as a measure of benefit policy, we have come to the following conclusions:

Illegal aliens should not be eligible for any services or assistance except those made available on an emergency basis or for similar compelling reasons.

Benefits policies should send the same message as immigration policies. Aliens should not have entered the U.S. unlawfully and, if they did, should not receive public-funded aid except in very unusual circumstances: where there is emergent need for specific assistance; where there is a public health, safety or welfare interest (such as immunizations, child nutrition programs and school lunch programs); and where their eligibility is constitutionally protected. The verification system recommended by the Commission should be used to determine eligibility for public benefits as well as work authorization.

Legal permanent residents should continue to be eligible for needs-tested assistance programs.

The U.S. admits legal immigrants with the expectation that they will reside permanently in the United States as productive residents. U.S. immigration law bars the entry of those who are likely to be a public charge. It also contains provisions for the deportation of individuals who become public charges within five years unless they require aid for reasons that developed after entry, such as an unexpected illness or injuries sustained due to a serious accident. The Commission believes that these provisions should be made more effective. At the same time, we also recognize that circumstances may arise after entry which create a pressing need for public help. The Commission is not prepared to lift the safety net out from under individuals who, we hope, will or have become integral parts of our civic culture. We recommend against any broad, categorical denial of such protection to legal immigrants on the basis of their alienage.

However, ***the Commission strongly endorses initiatives to ensure that sponsors are financially responsible for the immigrants they bring to this country. In particular, the Commission believes that the Affidavits of Support signed by sponsors should be legally enforceable.***

Mechanisms should be developed that would permit public aid offices to recover support from sponsors who abandon their financial responsibility. Should these initiatives prove successful, deeming provisions may no longer be needed since sponsors will be required to provide actual support or repay the costs of assistance provided to those they sponsor.

The Commission recommends that the eligibility of aliens for public benefits and work authorization be defined in the Immigration and Nationality Act. The Commission would further require that every alien who is permitted to remain in the country on a temporary or permanent basis through legislation, court order, or administrative order be classified as to his or her eligibility for benefits and authorization to work.

The Commission believes that benefit eligibility determinations are complicated by the myriad statuses now afforded to individuals within this country. While the rights of lawful permanent residents, refugees, and asylees have been spelled out in immigration and benefit laws, the Executive Branch, Congress, and the courts have created various other statuses that may or may not denote benefit eligibility. The INA should specify categories of aliens by their work and benefit eligibility, such as: those eligible for work and needs-tested benefits; those eligible for work and only those benefits that accrue from employment; and those eligible for neither. Every alien should then be assigned to one of these categories.

Impact Aid

The Commission recommends a short-term authorization of financial aid to offset at least a portion of certain identifiable costs to states and localities resulting from unlawful immigration.

Difficulties in enforcing immigration law have created fiscal impacts that would not have occurred had enforcement

strategies been more effective. The ineffective enforcement has been due, in some measure, to a lack of political will on the part of decisionmakers, including officials in states now heavily affected by illegal immigration.

The Commission believes that the federal government has a responsibility to help mitigate the fiscal costs of unlawful immigration, particularly through renewed efforts to reduce unlawful immigration. We recommend a short-term authorization of financial aid to states until such time as the enforcement measures take effect, contingent on the following conditions: better data and methods to measure the net fiscal impact of illegal immigration and reimbursement of only identifiable costs; a mechanism designed to ensure that governments do not expect or become dependent on this interim measure as a continuing source of funding; and a requirement that state and local governments cooperate with federal authorities to enforce the immigration laws of the United States.

IV. Facilitating Identification and Deportation of Criminal Aliens

An effective procedure for prompt and permanent removal of aliens ordered deported is an essential part of a credible deterrence policy. If people unauthorized to enter believe that they can remain indefinitely once having reached the interior of the nation, they may be more likely to come. The Commission is reviewing the full range of issues raised by U.S. exclusion and deportation procedures and plans to issue a separate report on this subject in FY 1995. For the present, we are limiting our specific recommendations to the removal of criminal aliens who represent the most serious threat to public safety.

The top priority of interior enforcement strategies should be the removal of deportable criminal aliens from the U.S. in such a way that the potential for their return to the U.S. will be minimized.

The Commission supports the Institutional Hearing Process [IHP] as an effective mechanism to ensure that deportable criminal aliens are identified and receive final orders of deportation while still serving their sentences. The IHP is cost-effective in that criminal aliens can be deported directly from state and federal prisons, alleviating INS' need to detain them until deportation proceedings take place. The Commission commends the negotiations taking place between federal immigration authorities and state correctional departments to enhance the efficiency of the IHP. Resources should be increased for investigations to identify criminal aliens and for the hearing process itself.

The Commission is concerned, however, about the ease with which deported criminal aliens can effect a reentry into the United States, particularly those who are returned to the Mexican border communities. In the case of Mexico, deported criminal aliens who have served their sentences should be repatriated to the interior of the country, rather than simply to the border, to lessen the likelihood of their return. The Commission also supports the use of bilateral treaties encouraging the transfer of criminal aliens to serve sentences in their own countries; the Department of State should monitor cases to be certain that sentences are served.

The Commission recommends that the federal government assume responsibility of the costs of incarcerating illegal aliens through reimbursement, by transferring the illegal aliens to federal facilities, and/or by negotiating with foreign governments to accept and incarcerate their nationals who are criminal illegal aliens.

Enhanced federal responsibility in this area will serve two purposes: to help mitigate the costs incurred by states and localities resulting from unlawful immigration; and to help facilitate the prompt deportation of illegal aliens who have committed criminal acts in the United States.

V. Increasing Capacity to Respond More Effectively to Emergency Movements of People

The Commission believes that effective immigration policy requires the capacity to respond effectively and humanely to immigration emergencies, a capacity not now in place.

Since 1980, the United States has received hundreds of thousands of people who left their own countries or entered this country under emergency circumstances. The exodus of Haitians is only the most recent example. Emergencies can

overwhelm resources and create massive problems that remain long after the emergency is over.

The Commission held an expert consultation in Miami in which we heard many concerns about U.S. policy. Since then, a number of new policy directives have been issued. New asylum regulations, the establishment of safe havens in the region, new regulations for the Immigration Emergency Fund are three important developments in this area. The Commission plans to assess these efforts as well as other policies required to enhance U.S. capabilities in responding to immigration emergencies. We will issue a separate report during FY 1995 which will include discussion of contingency planning, refugee processing, asylum procedures, temporary protected status, aid to communities experiencing emergency arrivals of aliens, and other related issues.

VI. Addressing Unauthorized Migration at the Source

The Commission firmly believes that greater attention must be paid to the causes of migration in countries of origin as part of a strategy to deter unauthorized migration to the U.S.

Much as we support an enhanced enforcement effort by the United States, the Commission believes that unauthorized immigration will not be curbed by unilateral U.S. action alone. Effective deterrence of unlawful immigration must get to the root causes of these movements. Getting to these causes will require cooperation with other countries. While the U.S. clearly retains the sovereign right to protect our borders, migration is by definition an international phenomenon and international actions are needed to address it.

The Commission recommends that the United States give priority in its foreign policy and international economic policy towards long-term reduction in the causes of unauthorized migration to the U.S. The Commission also recommends adoption of near-term strategies targeted at reducing migration pressures in selected communities with high emigration rates.

In addition to these efforts, the Commission supports an enhancement of intelligence-gathering capacities to improve early warning of unauthorized migration. While the root causes of migration are readily discernible, it is harder to predict what specific factors will precipitate actual movements into the United States. Particularly with regard to immigration emergencies, intelligence is needed as well to assess the potential size and duration of the emergency, the mode of entry, the location to which migrants will come, and other characteristics of the emergency.

VII. Improving Data

Improved policy development and implementation require better data. Throughout the Commission's own inquiry, we have found it difficult to assess the effects of immigration policy and immigration itself because of inadequacies in the data. The Commission is working with the InterAgency Working Group on Immigration Statistics to develop specific recommendations to improve data collection. These recommendations will be detailed in our September report.

Looking Beyond 1994

As the members of the Committee know, the Commission is at a mid-point in its work. Our longer-term agenda is to assess and make recommendations about the implementation and impact of the Immigration Act of 1990. The Commission has already begun a systematic fact-finding process to measure the economic, social, demographic, and foreign policy effects of immigration. We considered whether to make recommendations in our September 1994 report about the legal immigration system, including the numbers and criteria for admission. We have decided not to do so at this time. The data needed to assess the full ramifications of current legal immigration policy are not available. The Immigration Act of 1990 was not implemented until 1992, meaning that we have only two years worth of data and little experience with its impact to use in determining its effects. An important new aspect of the law--the Diversity Program--has not even at this time been implemented.

The Commission will issue a progress report on legal immigration as part of its September report to Congress. We will continue to examine its effects during 1995. Should the Commission determine that any changes in legal immigration

policy are in order, we will report our recommendations expeditiously.

I would be pleased to answer any questions you may have.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on Ways and Means
Subcommittee on Human Resources
August 9, 1994

Mr. Chairman, Members of the Subcommittee, thank you for providing me the opportunity to testify this afternoon on the recommendations of the U.S. Commission on Immigration Reform. The Commission was established by the Immigration Act of 1990 to assess the implementation and impact of U.S. immigration policy. The Commission will present its first report to Congress on September 30, 1994. That report will focus primarily on steps needed to restore credibility to U.S. immigration policy and its enforcement.

While our mandate does not extend to the broad range of issues that this Committee is considering regarding welfare reform, there is an overlap in one area: immigrant eligibility for public benefits. I am pleased to share our preliminary findings and recommendations on this issue in the hopes that they will help inform your debate on welfare reform.

I would first like to say a few words about the Commission itself. We are a bipartisan group composed of nine members. I was appointed to the Commission by President Clinton. My eight colleagues were appointed by the Democratic and Republican leadership of the two houses of Congress.

Our work has not been easy. Distinguishing fact from fiction has been almost impossible, because of what has become a highly emotional debate on immigration. We have heard contradictory testimony, shaky statistics, and a great deal of honest confusion regarding the impacts of immigration. Nevertheless, we have tried throughout to engage in what we believe is a systematic, nonpartisan effort to reach conclusions drawn from analysis of the best data available. The recommendations that I present today have been adopted unanimously.

The Commission believes that legal immigration has been and can continue to be a strength of this country. Most legal immigrants are the spouses, children, parents, or siblings of a U.S. citizen or long-term permanent resident. A smaller number are sponsored by businesses that need their skills and talents. We take an affirmative decision to admit these individuals. It is with the expectation and desire that they will be integrated immediately into our social community and, eventually, through naturalization, into the political community as well.

The Commission believes that a clear and consistent policy on eligibility for public benefits is key to a credible immigration and welfare policy. The United States has the sovereign authority to make distinctions as to the rights and responsibilities of the various persons residing in its territory. We believe that distinctions regarding eligibility for public benefits should be consistent with the objectives of our immigration policy-to support legal immigration in the national interest and to deter unlawful entries.

As far as legal immigrants are concerned, this logic has brought the Commission to a strong and, as I mentioned, unanimous conclusion: legal permanent residents should continue to be eligible for needs-tested assistance programs. U.S. law already bars the entry of those who are likely to become a public charge. We recognize, however, that circumstances may arise after entry which create a pressing need for public help-unexpected illness, injuries sustained due to a serious accident, loss of employment, a death in the family. The Commission is not prepared to lift the safety net out from under individuals who, we hope, will become integral parts of our social community. We, therefore, strongly recommend against any broad, categorical denial of eligibility for public benefits to legal immigrants on the basis of their alienage.

At the same time, the Commission strongly endorses initiatives to ensure that sponsors are financially responsible for

the immigrants they bring to this country. If an immigrant cannot show that he or she has financial resources or a job in the U.S., the immigrant's sponsor must demonstrate a capacity and intention to support the new arrival. This is done through an affidavit of support. At present, this affidavit is a morally-binding document. The Commission believes that the affidavits of support signed by sponsors should be legally enforceable, with contingencies made if the sponsor's financial circumstances change significantly for reasons that developed after the immigrant's entry-for example, if the sponsor sustains a serious injury that prevents him or her from working. Mechanisms should be developed that would ensure that sponsors provide the support that they have promised.

While the Commission does not reject the concept of deeming, we do not believe deeming alone is the best way to ensure sponsor responsibility. We heard testimony that deeming can merely shift costs from one level of government to another. The immigrant is ineligible for federal programs, but he or she may retain eligibility for state and local benefits. Even if the federal government extends to states the authority to deem, a number of state constitutions would appear to preclude that action. Alternately, deeming leaves the immigrant whose sponsor abdicates responsibility with no financial resources at all. A legally-binding affidavit of support helps address both of these problems.

The Commission also recommends changes in immigration law to address more effectively violations of our public charge provisions. As I stated, when new circumstances arise after entry, we must maintain the safety net. However, when immigrants become dependent on public programs within the first five years after entry for reasons that existed before entry, they are legally deportable. We must have a greater capacity to enforce our law in this regard. At present, to prove deportability, the government must show that 1) the immigrant received public assistance, 2) the government billed the immigrant for these services pursuant to a specific statute, and 3) the immigrant failed to repay the funds. This standard is inappropriate given the way that public benefit programs work. The Commission recommends instead that deportability on the grounds of public charge be measured by sustained use of the public benefits and not on the basis of a government request for repayment of the aid.

The Commission believes that benefit eligibility determinations are complicated by the myriad statuses now afforded to individuals within this country. While the rights of lawful permanent residents, refugees, and asylees have been spelled out in immigration and benefit laws, the Executive Branch, Congress, and the courts have created various other statuses that may or may not denote benefit eligibility. The INA should specify categories of aliens by their work and benefit eligibility, such as: those eligible for work and needs-tested benefits; those eligible for work and only those benefits that accrue from employment; and those eligible for no benefits except those provided on an emergency basis or for compelling public health, safety, and welfare grounds. Every alien should then be assigned to one of these categories.

Let me add a word here about the Commission's recommendations regarding the eligibility of illegal aliens for public benefits. If an alien is in the U.S. unlawfully, he or she should not receive publicly-funded aid except in very unusual circumstances: where there is emergent need for specific assistance, such as emergency health care; where there is a public health, safety or welfare interest (such as immunizations, programs to prevent the spread of communicable diseases, child nutrition programs and school lunch programs); and where their eligibility is constitutionally protected.

Why this distinction between the eligibility of legal immigrants and illegal aliens? Illegal aliens have no right to be in this country. They are not part of our social community. There is no intention that they integrate. As human beings, they have certain rights-we certainly should not turn them away in a medical emergency. As a nation, it is in our interest to provide a limited range of other services- immmunizations and treatment of communicable diseases certainly fall into that category. But, if illegal aliens require other aid, it should rightly be provided in their own countries.

One last observation. We have heard arguments that the safety net should be for citizens only, that we cannot afford to do more.

I believe firmly that citizenship in this country is something to be cherished and protected. I want all immigrants to become citizens. I want them to seek citizenship because it is the key to full participation in our political community-to know first hand and understand the American form of democracy. I want unnecessary barriers to naturalization-and there are many of them-to be removed. However, I do not want immigrants to seek citizenship because it is the only route to our safety nets. To me, that would be a debasement of our notions of citizenship.

From my perspective, the safety net provided by welfare programs should be for those members of our social

community who are most in need. It would be far better if no one needed welfare. In deciding who should receive this help, I, for one, do not want to protect some Americans at the expense of others. That course of action is not consistent with the principles of equal protection under the law. Nor does it help us achieve that all too elusive goal-a united country.

I would be happy to answer any questions you may have.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on International Law, Immigration and Refugees
September 29, 1994

Mr. Chairman, members of the Subcommittee, thank you for providing this opportunity to testify today about the Commission's recommendations to deter the employment of unauthorized workers. As the members of this Committee know, the Commission was established under the Immigration Act of 1990 and mandated to report to Congress on the implementation and impact of U.S. immigration policy. We will submit our first report tomorrow. I welcome the opportunity to return to this room to testify on the full range of recommendations included in the report. For today, I will limit my remarks to the Commission's recommendations on worksite issues.

But before getting into our specific recommendations in this area, let me set them in context. The Commission is convinced that immigration can be managed more effectively. We also believe we can do it in a manner that is consistent with our traditions, civil rights, and civil liberties. As a nation committed to immigration and the rule of law, it is our obligation to find solutions to our current immigration problems. And, the principal problem we face today regarding immigration is the unauthorized entry of hundreds of thousands of illegal aliens each year.

Unlawful immigration will not be curbed unless we have comprehensive strategies that will prevent the entry of those with no right to be here and remove those who somehow make it past our best efforts at border management. At the same time, we must better support our capacity to facilitate the legal entry of those whose admission is in our national interest.

Key to effective deterrence is a reduction in the job magnet. Employment continues to be the principal reason illegal aliens come to this country. As long as U.S. businesses benefit from the hiring of unauthorized workers, control of unlawful immigration will be impossible. The Commission believes that both employer sanctions and enhanced labor standards enforcement are essential components of a strategy to reduce employment opportunities for illegal aliens.

The Commission has found major flaws in the current application of employer sanctions. They have not deterred unlawful immigration, but they have caused discrimination. At each of our hearings, we heard about how easy it is to thwart the intent of the law. For $25, any illegal alien can purchase a counterfeit drivers license and social security card. For a bit more, they can buy a counterfeit green card. With these documents, they can get a job in almost any business in this country. At the same time, there is discrimination against foreign-looking or -sounding citizens and legal immigrants. Employers are confused by the requirements and feel themselves between the proverbial rock and a hard place: if they accept documents on their face, they may be hiring illegal aliens; if they ask for additional documentation without sufficient cause, they will be discriminating.

But, are these problems inherent to employer sanctions? We think not. The problem is with a faulty verification procedure.

The Commission's recommendations to improve the verification procedure have drawn more attention than any others in our report. Unfortunately, they have also been misrepresented as a national ID card. What the Commission has recommended is a measured approach to the development of a new system for verifying that individuals are authorized to work in the United States-that is all. We believe the most promising option for alleviating the fraud and discrimination found in current verification procedures is a computerized registry based on the social security number. We urge the President carefully to phase in and evaluate pilot programs to test this option, something that can be done under current statutory authority. This Commission, along with others, will carefully monitor the pilots during the next

three years to see how they meet our requirements for reliability, cost-effectiveness, and protection of civil rights and civil liberties. Should the results prove to be as promising as we hope and expect, we recommend that they form the basis for implementation of a national verification system.

Before I go into any details about this recommendation, let me say something to those who have already expressed concerns about this approach. This country has a problem. It is real. It is immediate. Simply put, if we cannot demagnetize our economy for illegal aliens who come here to seek jobs, we cannot control illegal immigration. If we cannot control illegal immigration, we cannot sustain our national interest in legal immigration. Those who come here illegally, and those who hire them, will destroy the credibility of our immigration policies and their implementation. In the course of that, I fear, they will destroy our commitment to immigration itself.

For immigration to continue to serve our national interest, it must be lawful. There are people who argue that some illegal aliens contribute to our community because they may work, pay taxes, send their children to our schools, and in all respects except one, obey the law. Let me be clear: that is not enough.

This is a nation governed by the rule of law. It applies to all. It is as illegal knowingly to hire someone who is breaking the law as it is illegal to work under false pretences. These recommendations are not just for the four million illegal aliens in our midst-an arguably small number given the size of the U.S. workforce. They are aimed, as well, at restoring credibility to our overall immigration policy, commitment to fair labor standards, respect for civil and human rights, and integrity of our social security system.

Some of those who agree with our assessment as to the weaknesses in employer sanctions reject our proposal for change in the verification system. Some call instead for the repeal of employer sanctions. This is the critical issue. If employer sanctions are repealed, it will be legal for employers knowingly to hire those who are breaking the law. This will seriously undermine efforts to prevent illegal migration. It will seriously erode labor standards. Thousands of Americans will be subject to discimination, exploitation, and denial of their rights. The Commission has considered and rejected this option.

Others call for more modest change-reduction in the number of documents used, requirements that all citizens present one set of documents and all aliens present another, and similar proposals. These ideas are variations on the current I-9 process. But the I-9 process does not do what the law intended-deter the employment of illegal aliens. And what it does do, we do not want-overburden businesses with paperwork and provide a convenient excuse, if not actually motivate, discrimination against Americans who happen to look or sound foreign. The Commission examined these and dozens of other options for reforming the I-9 process and rejected them as well. Under each of them, either fraud continued or discrimination increased.

If repeal of employer sanctions is not an option, and if reform of the I-9 does not appear workable, what then are we to do?

In a nutshell, the Commission believes that we can best address the twin flaws in employer sanctions by treating everyone the same, whether citizen or alien. Illegal aliens cannot hide from the law by claiming to be authorized workers; citizens will not face discrimination from those who mistakenly believe them to be illegal aliens. The key to what the Commission sees as the promising option is the social security number. All workers must already provide a social security number upon taking employment. The verification process that the Commission is looking at adds a step to this existing requirement: checking that the social security number is valid and has been issued to someone authorized to work in the United States.

The Commission urges the President immediately to initiate pilot programs testing the proposed computerized verification system. We would like to see the system tested in the five states with the highest levels of illegal immigration as well as in some less affected places. The pilots will permit testing of various approaches to using the proposed verification system. In particular, the pilots should determine the best way for employers to access the verification system to validate the accuracy of information given by workers. We have received conflicting testimony about the best way to check the applicant's identity. We have heard proposals for a more secure social security card, a counterfeit-resistant driver's license, and a telephone verification system that does not rely on any document. Several different options could be tested simultaneously in different states. The pilots present an opportunity to determine the

most cost-effective, fraud-resistant, and nondiscriminatory method available.

Experts note that under any of these systems, the computer system could have a built-in process for identifying likely fraud. For example, if the same social security number was used too often or in too many locations, the computer system would record the incidence. The employer would be informed that the employee must reconfirm the information in the database. The authorized worker would benefit from learning that others were using his or her social security number. The unauthorized worker could not reconfirm the information and, therefore, would not be able to continue in that employment. The process also would permit estimates of likely fraud for use in determining the efficacy of the verification system.

In designing our recommendation, the Commission considered six principal issues.

The first issue is fraud. We must reduce not only the presence of counterfeit documents, but also the incentive to produce them. The Commission's proposal is to test a system that does not depend on any particular document-indeed, which may not depend on any document at all. All documents can be counterfeited. But it is infinitely more difficult to counterfeit the information that would be in the computer registry. An employee might show a counterfeit drivers license with a fraudulent social security number, but if that number does not exist or belongs to someone else, the computer registry is the most promising way to identify it.

The second is discrimination. As I mentioned, the best way to fight discrimination is to treat everyone exactly the same. Employers would no longer be required to care about a worker's immigration status. The only relevant question would be-"What is your name and social security number?"-a question every American employee has been asked for decades. There would be no singling out of any ethnic group for additional documentation, as happens now with the I-9 process, no going to one database if the employee is an alien-as happens under the current INS Telephone Verification pilot program-and another system if he or she is a citizen. No bigot will be able to claim employer sanctions as an excuse for discrimination.

The third is privacy. The Commission is aware of the proliferation of databases and the potential for the invasion of privacy by both government and private agencies. The computer registry will be drawn primarily from an existing database, the Social Security computer system. Given the scope of the registry, it is essential to build in explicit provisions for protecting privacy. These safeguards should be made by law, not just regulation. The resultant computer system should incorporate appropriate technical safeguards regarding authorized users' access to individual information. In particular, safeguards must ensure that information about specific individuals-other than the limited information to be provided as a part of the verification process itself-cannot be obtained from the database.

The fourth is civil liberties. Since previewing our recommendations in August, we have heard concerns that the computer registry will result in an infringement on personal liberties. The Commission takes this very seriously indeed. We recommend that appropriate, ironclad safeguards be built into the system from Day One to ensure that the verification system will be used for very limited purposes and those purposes alone-to verify work authorization and eligibility for public benefits. We also have heard concerns that some day in the future the registry will be perverted for other purposes. Let me say that I have more faith in the American political process. I expect and sincerely hope that all institutions concerned with preserving the Constitution will monitor closely the implementation not only of the pilot programs, but of any national system that may result from them. If they demonstrate that fears about civil liberties have been realized, I will be the first to testify before this body for the repeal of the verification process. And, if I am no longer here, I have every faith that others will take up the banner.

The fifth is the accuracy of the information used. The computerized registry will draw on data from the INS and the Social Security Administration. A prime prerequisite of this system is the integrity of those data systems. Of course for reasons completely separate from this registry, we would encourage that integrity. Why would we tolerate a situation where a government agency cannot answer basic questions for those it serves? No one paying into the Social Security System should need worry whether someone else is fraudulently using his or her number. No immigrant should suffer because INS cannot find his or her file.

Both agencies will need to improve their own records, speed up the entry of new data into their own systems and the transfer of the necessary information to the jointly maintained registry, and ensure that the information remains accurate

and accessible. The Commission recognizes that mistakes will happen, particularly during the early phase-in period of the pilot programs. We must have protections for workers who might otherwise lose jobs because of "false negatives" and for employers who might hire illegal aliens because of "false positives."

The sixth is cost. Informal estimates by the Social Security Administration indicate that this proposal is no budget breaker. The cost of design and development of the combined SSA/INS database is estimated at $4 million over a two-year period. Annual cost of maintaining and operating the verification system is estimated at about $32 million. This figure includes the cost of the computer registry, the automated system for checking social security numbers against it, operator costs for calls that cannot be handled automatically, and telephone lines for an 800-number to be used by employers.

Correcting errors will require the largest financial input. Discrepancies referred to SSA for resolution will cost approximately $122 million initially, with an ongoing cost of $30 million. The cost of resolving discrepencies in the INS database will be additional to these funds. For the most part, these funds should be spent even if there were no proposal for a computer registry. Otherwise, we would be saying that it is all right to have discrepencies in our Social Security and INS databases. For the integrity of both of these systems, we need to ensure that the data they already collect are accurate and accessible.

You asked me here today to testify about the Commission's recommendation on verification, but I would be remiss if I did not at least briefly address the Commission's other worksite proposals. First, we call for enhancements in the enforcement of labor standards. While we do not believe that labor standards alone will curb illegal immigration, we do strongly support enhanced labor standards enforcement as a necessary complement to employer sanctions. As for employer sanctions themselves, once changes are made in the verification system, higher priority should be given in INS to investigation of the knowing hire of illegal aliens. And, should the pilot programs prove effective, we would hope that this body would make some major changes in employer sanctions penalties to remove the ones for paperwork violations and enhance those for knowing hire and failure to verify a social security number. In our report, we also make recommendations regarding the coordination of labor standards and employer sanctions-recommendations that I won't discuss today but call to your attention.

Before finishing this testimony, l want to say a bit more about the issue of discrimination. As I mentioned, the Commission believes that the best defense against discrimination is adoption of a more secure, simpler verification process for determining work authorization. The current verification process creates discriminatory behavior among employers even in cases where no discrimination is intended or in which there is an explicit effort to avoid illegal conduct.

Even with this change in verification, however, discrimination on national origins and citizenship bases will not disappear. The Commission firmly believes there is a public responsibility to provide effective redress for those who are the victims of unfair employment practices. I hope you will pay as much attention to our recommendations on discrimination as you do to our recommendations on verification itself. The Commission urges the Office of Special Counsel for Immigration-Related Unfair Employment Practices to be far more aggressive than it has been in the past. OSC should be proactive in finding ways to prevent the occurrence of these unfair employment practices, to the extent possible, and seeking penalties against those employers who do discriminate.

I would be pleased to answer any questions that you have.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Lawrence H. Fuchs
Meyer and Walter Jaffe Professor of American Civilization and Politics
Brandeis University
Before the U.S. House of Representatives
Committee on Ways and Means
Subcommittee on Human Resources
January 27, 1995

My name is Lawrence H. Fuchs. I am Meyer and Walter Jaffe Professor of American Civilization and Politics at Brandeis University. I have spent most of my professional life studying the history and policy of immigration. From 1979 to 1981, I was the Executive Director of the Select Commission on Immigration Reform and currently, I am Vice Chair of the U.S. Commission on Immigration Reform.

I believe that there are three basic options with regard to reforming the benefits eligibility system for lawful permanent resident aliens.

The first is to turn the matter over to the states.

The second is for Congress to categorically deny such benefits.

The third, unanimously adopted by the Congressionally-appointed bipartisan Commission on Immigration Reform, is to make the affidavits of sponsors of immigrants enforceable for the period in which sponsor income has been deemed available to immigrants to keep them from becoming public charges.

If you turn the responsibility over to the states with the expectation that each will find its own policy, you may create a serous constitutional problem. A unanimous Supreme Court ruled in Graham v. Richardson in 1971 that any state law that distinguishes between permanent resident aliens and citizens with respect to public assistance is in violation of the Constitution's Fourteenth Amendment equal protection clause. The Court ruled emphatically that it was impermissible for states to make welfare classifications based on legal alienage for fiscal reasons.

Possibly, the Congress can make constitutionally permissible what the states cannot do on their own, although that is not certain.

Whatever the constitutional disposition of such a case might be, it would, in my opinion, be bad policy for either the Congress or the states to make what the Court called an invidious distinction, one which it found to be subject to strict constitutional scrutiny.

Immigrants come to the United States as close relatives of citizens and resident aliens already here and because of their needed skills or other economic assets. If the numbers or categories are wrong, if they are not in our national interest, we should change them. The Commission on Immigration Reform is looking intensely at such questions now. But members of this bipartisan commission, including both strong conservatives and liberals, are unanimous in recommending against categorical distinctions between permanent resident aliens and citizens with regard to benefits under discussion here. To do so would be to cut at the heart of what makes the United States different from any other country in the world.

We correctly expect of legal immigrants that the vast majority of them will work hard, save, and invest in their children. Like citizens, they pay taxes and are subject to compulsory service in the armed forces. Many of them actually volunteer. We expect them to add to our language resources and help us to compete in a global economy. Their children provide us with a highly disproportionate number of valedictorians. And most legal permanent resident aliens are

devoted to ideals of freedom, opportunity, and personal and family responsibility.

Well, some will say, "Let them become citizens." Not so easy! The average wait for an INS interview is now seven to ten months. In San Diego, an immigrant who applies for naturalization will be scheduled for an interview about 270 days later. Once approved, the wait to be naturalized varies greatly: ninety days in New York; more than a year in San Diego.

There are long waiting lists almost everywhere for adults to be admitted to English language classes. In New York, the waiting list is often as long as a year, sometimes two. The Riverside Church runs a lottery each month, and those who don't make it must sign up again for the following month.

About 5 percent of those who take the citizenship exam fail, but may never get that far because they are afraid to take it. That is especially true for older persons, many of whom are English language deficient. Persons over fifty-five can take the test in their native language, but they must have been in the U.S. for at least fifteen years.

In Chicago, we learned of a seventy-one-year-old Polish woman who broke down in sobs when she failed the citizenship test for the second time. For many elders, the humiliation of admitting that they may not remember or that they are suffering some impairment or disability is a huge obstacle to applying for and taking the exam. Do we want to say to this woman, if she should suddenly become disabled, that the public assistance is not for her because she is a legal immigrant? That was the situation of one of the plaintiffs in the Graham v. Richardson case.

Do we want to tell a twelve-year-old orphan that she must live on the streets because, as an immigrant, she does not qualify for the program of foster care and adoption assistance under Title IV of the Social Security Act? She'd be in a real Catch-22; she wouldn't qualify for help because she's a legal immigrant, but she can't naturalize because she is underage.

Do we really want to say to a legal immigrant woman who has been beaten by her husband that she must go to a shelter for battered women and be separated from her children because she is not eligible for AFDC, in whatever form it emerges? There are many instances of battered women, permanent resident aliens, who, with their children, were saved by being on AFDC temporarily, and who now are productive members of society.

Do we want to take SSI benefits away from legal immigrants, say a blind seventy-year-old man who collects no retirement benefits? More than three-fourths of elderly legal immigrants receiving SSI do not receive social security benefits, compared to one-third of elderly native-born recipients. We are not going to say to such persons: "Go back to where you came from."

There are other programs that would not be available to legal permanent residents under some of the legislation contemplated that I think you do not wish to eliminate. For example, you may have seen a story on Wednesday regarding this year's Westinghouse Science Prize winners, a hugely, disproportionate number of whom are immigrants or the children of immigrants. The story featured one brilliant fifteen-year-old who, if he had finished just out of the running, would not be eligible for scholarship held under Title IV of the 1965 Higher Education Act. What a loss to the rest of us!

Just as we should be clear in our policy against any broad, categorical denial of public benefits to legal immigrants, so we should be clear that sponsors are to be held financially responsible for the immigrants they bring to this country during the deeming period.

The Commission on Immigration Reform has made several recommendations as to how to do this and is now working on refining them. Benefit eligibility is complicated by the many legal statuses afforded to individuals within this country. Thus, statutory categories should be specified regarding their eligibility for work and benefits. Such categories must include those not authorized to work and not eligible for the benefits we are discussing here. A bright line should be drawn between illegal immigrants and those we have admitted to participate in our communities and work places as a matter of national public policy.

In summary, I hope you will not rush into legislation you will almost certainly regret-legislation that could amount to a

wounding, not just of immigrants, but also of their families, communities, and this beautiful nation of ours.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan,
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
February 24, 1995

Mr. Chairman, members of the Subcommittee, let me express my gratitude to you for the opportunity to report to you on the progress of the work of the bipartisan Commission on Immigration Reform.

In our First Interim Report to Congress, U.S. Immigration Policy: Restoring Credibility, presented to Congress September 30, 1994, this Commission undertook to recommend a comprehensive strategy for controlling illegal immigration. The comprehensive approach we outlined has eight parts.

First, we set forth principles. We are a nation of immigrants committed to the rule of law. The Commission believes that legal immigration has strengthened the country and that it continues to do so. We as a Commission denounce the hostility that seems to be developing toward all immigrants.

To make sense about the national interest in immigration, it is necessary to make distinctions between those who obey the law, and those who violate it. Therefore, we disagree, also, with those who label our efforts to control illegal immigration as somehow inherently anti-immigrant. Unlawful immigration is unacceptable.

The second part of our strategy is worksite enforcement. You will hear testimony today about visa overstayers. You will hear that roughly one-half of the nation's illegal alien problem results from visitors who entered legally but who do not leave when their time is up. Let me tell you in three simple words why that is: they get jobs.

We believe that employer sanctions can work, but only with a reliable system for verifying authorization to work. Employers want to obey the law, but they are caught now between a rock and a hard place. The current system is based on documents. An employer must either accept those documents, knowing that they might be forged, and thus live with the vulnerability to employer sanctions for hiring someone presenting false identification. Or, an employer may choose to ask particular workers for more documentation, which is discrimination.

The Commission has recommended a test of what we regard as the most promising option: electronic validation using a computerized registry based on the social security number. This is the only approach to deterring illegal immigration that does not ignore the half of the problem, the visa overstayer problem you are investigating today. We are pleased with the prompt, bipartisan support that this highly visible recommendation has received, and we look forward to real results from pilot projects before our final report in 1997.

Third in our recommmendations for a comprehensive strategy is making eligibility for public benefits consistent with our immigration policy. Decisions about eligibility should support our immigration objectives. Accordingly, the Commission recommended against eligibility for illegal aliens except in most unusual circumstances.

For legal immigrants, we recommended making abuse of the public charge provision grounds for deportation. The affidavit of support that sponsors sign should be a legally-binding contract. Moral obligations work well enough in church, but the law requires a contract.

But the Commission also recommended that legal permanent residents should continue to be eligible for means-tested programs and against any broad, categorical denial of eligibility for public benefits based on alienage for those who obey our laws. It is important to see a lack of citizenship as something more than "the funding mechanism" for welfare

reform. It gets to a fundamental issue for defining the national interest in legal immigration-the relationship between the decision to come here as an immigrant and the decision to naturalize to become a citizen.

Citizenship and naturalization should be more central to the process of immigration. There are many barriers to naturalizing in law and practice, and they should be removed. But it is a debasement of the concept of citizenship to make it the route to welfare.

We on the Commission believe strongly that it is in the national interest for immigrants to become citizens for the right reasons, not the wrong ones. We want immigrants to be motivated to naturalize in order to vote, to be fully participating members of our polity-to become Americans. We don't want to motivate lawabiding aliens to naturalize just so that they can get food stamps, health care, job training, or their homes tested for lead.

Fourth, deportation is crucial. Credibility in immigration policy can be summed up in one sentence: those who should get in, get in; those who should be kept out, are kept out; and those who should not be here will be required to leave. The top priorities for detention and removal, of course, are criminal aliens. But for the system to be credible, people actually have to be deported at the end of the process. The Commission will have additional recommendations on this crucial matter later this year.

Fifth, emergency management. Migration emergencies such as we have seen recently with Haiti and Cuba do recur, and we must be prepared for them. Again, we will have detailed recommendations on migration emergencies.

Sixth, reliable data. The current debate over the economic impact of immigration is marked by shaky statistics, flawed assumptions, and an amazing range of contradictory conclusions from what ought to be commonly-accepted methods. Rather than attempt to choose sides in this discussion, the Commission has contracted with the National Academy of Sciences to analyze the methods used for evaluating immigration data, to cut through this fog. We will share their interim results with you as we receive them.

Seventh, much as we support enhanced enforcement by this country, we must face the fact that unilateral action on the part of the United States will never be enough to curb illegal immigration. Immigrants come here illegally from source countries where conditions prevail that encourage or even compel them to leave. Attacking the root causes of illegal migration is essential and will require international cooperation.

As a case in point, this Commission is the lead agency for the U.S. government in developing the U.S-Mexico Binational Study to analyze the causes of migration across our border with Mexico. Perhaps we can even come to some agreement, not only on the analysis, but also on the policy prescriptions necessary.

Finally, the Commission recommends better border management. Far more can and should be done to meet the twin goals of border management: deterring illegal crossings while facilitating legal ones. But we have to recognize both goals.

The Commission on Immigration Reform endorsed a border crossing fee in principle as a user fee. It should not go into the general treasury. It should be used to avoid the kind of counterproductive backups which happen all the time in border towns. Many people who are authorized to cross the border legally simply tire of waiting in line and cross illegally to save time. This is a waste of resources for the Border Patrol, which frequently apprehends such people. We applaud the efforts of innovative Border Patrol leaders, such as Silvestre Reyes with Operation Hold the Line in El Paso, and we must do our part, as well.

A border crossing fee, properly applied, would benefit the border towns immensely. It would be a kind of NAFTA fund, used along both borders, to ensure that legal crossings are convenient and secure. It is to fund the future prosperity of border towns like El Paso, Laredo, Nogales, and San Diego that depend so much on crossborder trade.

So that is our eight-point strategy for dealing with illegal immigration in a comprehensive, systematic way. The Commission made all of these recommendations unanimously, by consensus. We are nine Commissioners, Republicans and Democrats, a diverse group. We might have been expected to simply throw up our hands at the difficulty of the task Congress mandated for us. But we put aside rhetoric. We determined that we would look for answers-and not excuses.

And our work is not done.

I must leave here shortly, Mr. Chairman, to return to my colleagues just around the corner here, who are engaged in the second day of consultations on legal immigration reform. The Commission is well along in its consideration of the national interest in legal immigration, of the qualities that we seek in immigrants, of the limits. Our first report represented a hard-won, bipartisan consensus on emotionally-tough, intellectually-complex issues.

We ask that you give us the chance to try to reach such a bipartisan consensus on legal immigration reform. Bipartisanship ought to be more common. There is a time and a place for partisan battles, to be sure. But immigration, like foreign policy, ought to be a place where the national interest comes first, last, and always.

Immigration is far too important to who we are as a nation to become a wedge issue in Presidential politics. We have seen that kind of thing happen before, and it is not productive. I, for one, wish that we would do away with all the hyphenation and just be Americans, together.

I will be glad to answer any questions you may have.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Robert Charles Hill
Commissioner, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
March 3, 1995

Mr. Chairman and Members of the Subcommittee, on behalf of Professor Barbara Jordan, our Chair, and my fellow members of the U.S. Commission on Immigration Reform, I want to thank you for this opportunity to testify. This bipartisan Commission recognizes and deeply appreciates the support that we have received from Congress and this Subcommittee in particular.

In our first report to Congress last fall, U.S. Immigration Policy: Restoring Credibility, we sought to recommend a comprehensive strategy. We chose to focus much of that report on measures to control illegal immigration because growing frustration about it undermines our first commitment to legal immigration in the national interest.

Worksite enforcement, the subject of today's hearing, is particularly important to restoring the credibility of our commitment to the national interest in immigration. The Commission's recommendations for reducing the pull of the employment magnet are crucial to success in deterring illegal immigration.

The Commission's recommendations in this critical area fall into two categories: one, developing and implementing a better system to verify work authorization at the worksite; two, the need to couple worksite verification with enhanced enforcement of wage and hour and other labor standards, including provisions to protect workers from discrimination.

Let me sum up the Commission's reasons for proposing that we develop a better system for worksite verification. Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. Illegal aliens are here for jobs. That is the attraction. So the only effective way to deter illegal immigration must include the worksite.

Better border enforcement is necessary, but not sufficient. You heard testimony last Friday that visa overstayers make up fully one-half of the influx of illegal aliens, 150,000 out of 300,000 who take up permanent residence here illegally every year, on top of an illegal population that exceeds 4 million already. No amount of border enforcement can solve that half of the problem-the people who enter legally and then do not leave when they should.

We simply must develop a better system for verifying work authorization. That is central to effective enforcement of employer sanctions.

The system we have now, the I-9 process, is doubly-flawed. It does not do what it was supposed to do, namely deter the employment of illegal aliens. What it does do, we do not want-namely, burden businesses with paperwork, while creating abundant opportunities for fraud and forgeries. It may even provide an excuse for, if it does not actually provoke, discrimination against workers who happen to look or sound foreign.

Honest employers are caught between the proverbial rock and a hard place. Because the system is based on documents, employers are placed in a position of making judgments many do not feel qualified to make.

Identifying forgeries is difficult, even for trained professionals. If an employer accepts false documents presented by an unauthorized worker, that employer is vulnerable to employer sanctions for having hired someone under false pretences, regardless of the fact that they may well have been fooled themselves. Yet, if an employer chooses to doubt particular documents and asks for more from some workers and not from others, that is discrimination.

The Commission believes that we must develop a better system of worksite verification and that the way to do it is immediately to test the most promising option. After examining a wide range of alternatives, the Commission concluded that the most promising option for secure, nondiscriminatory verification is a computerized registry based on the social security number.

For decades, all workers have been required to provide employers with their social security number. Depending on the results of pilot projects that are now being designed, the cumbersome I-9 process, with its dozens of documents and blizzard of paper, could be replaced by a single electronic step to validate information every worker must already provide.

The Commission examined the Telephone Verification System, called TVS, which the INS has been testing. We are aware that the INS will expand this system, first from 9 to 200 sites, and eventually to 1,000 sites. We support this INS effort-but only as an interim measure. It is not the solution.

The fatal flaw in the TVS system is that it ultimately depends on self-attestation. Workers are asked whether they are citizens or aliens. It is simply not sound law enforcement to rely on lawbreakers to tell the truth.

The Commission also looked at the feasibility and effectiveness of reducing the number of documents used in verification. Again, we support such efforts as interim measures. But the fatal flaw here is the vulnerability of all documents to counterfeiting. We heard expert testimony that any document, even the most tamper-proof ones, can be forged so well that only experts can identify the fakes. Employers cannot be expected to identify counterfeit documents.

The Commission believes electronic validation of the social security number is the most promising option because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry, rather than relying on documents, guards against counterfeits;
- **Reduction in the potential for discrimination.** All workers must present the same information to be validated;
- **Reduction in the time, resources, and paperwork spent by employers in complying with IRCA.** INS employees who now chase paper could be redirected to chase down those who knowingly hire illegal workers.

The Commission did not try to micromanage the Executive branch's implementation of this recommendation in advance. We deliberately did not spell out precisely how the software of the registry would be designed, although we did specify that just six pieces of information seem necessary: name; social security number; place and date of birth; mother's maiden name; and status code. Nor did we limit the innovation that might be applied in pilot projects to test the registry. But we did speak to some of the most important aspects.

First, hunt where the ducks are. The Commission recommends that pilot projects be undertaken in the five high-impact states-California, Texas, Florida, New York, and Illinois-because that is where the bulk of the illegal alien problem is. We also recommend that, in time, the pilots should be extended to several less-affected states. But we did not recommend that the registry be tested throughout all of the five states immediately, nor even in all of any one of the states. Pilot projects should start small. Before going to the next phase, we should have results to guide us.

Second, there must be objective, systematic evaluation of the pilot programs. This Commission expects to have meaningful results from the initial phase of pilot testing by 1997. We will incorporate these results in our final report to Congress, so that we can make an informed recommendation on whether that system should be implemented nationwide, with particular attention to civil liberties and privacy concerns. The features of pilot programs should include:

- **A means by which employers will access the verification system to validate the accuracy of information given by workers.** We received conflicting testimony about the best way to ascertain that a new hire is who he or she claims to be. Some believe that the tamper-resistant driver's licenses now being issued by many states can do the job; others strongly advocate testing a more secure social security card.

But it is also possible that electronic validation through a telephone system would require no document at all. Every ATM system uses a PIN number to protect our money. We should test to see if personal information, such as the mother's maiden name and date of birth, that is already part of the social security database, can serve the same function for worksite verification.

- **Measures to ensure the accuracy of the necessary data.** Improvements must be made in both the INS and Social Security Administration databases to ensure that employers have timely and reliable access to what they need. Frankly, no one can be opposed to improving the reliability of the data in these agencies. There is no protection of liberty in government error.

- **Measures to ensure against discrimination.** One key to the Commission's recommendation is that employers would no longer have to ascertain whether a worker is a citizen or an alien, native-born or an immigrant. All workers would have to present the same information to be validated.

- **Measures to protect civil liberties.** Explicit protections should be devised to ensure that the registry is used only for its intended purposes. The Commission believes that electronically validating the social security number could be used to ascertain eligibility for public benefits, without damage to civil liberties, because everyone receiving public assistance must already present a social security number, just as they do for work. But the registry is not to be used for routine identification purposes, and there must be penalties for inappropriate use of the verification process. The Commission's unanimous, unequivocal view is that no one should be required to carry a document and produce it on demand to prove their right to be here.

- **Measures to protect privacy.** Explicit provisions also must be built into the system to safeguard individual privacy. The information contained in the registry will be minimal, given its limited purpose. But the Commission is aware that while access to any one piece of information may not be intrusive, in combination with other information it can lead to privacy violations.

- **Estimates of the start-up time and financial and other costs.** The Social Security Administration made preliminary estimates for the Commission of its cost for pilot projects: $4 million over the first two years for design and development; and annual costs of maintenance and operation of $32 million. Discrepancies referred to the Social Security Administration were estimated to cost $122 million initially and $30 million per year thereafter. So the total cost of the registry over five years, according to the Social Security Administration, would be approximately $300 million.

  By way of comparison, the Urban Institute estimates that illegal aliens cost seven states more than $2.1 billion a year. Spending $300 million over five years to save $2 billion each year is a sound investment.

  But the INS cost must be added to the SSA estimate. The Clinton Administration's latest budget request calls for $28.3 million for verification system pilots, although this also includes the expanded TVS program. The bulk of the INS cost, however, will be cleaning up their own data, which should be done regardless of the pilot projects to improve worksite verification.

- **Specification of the rights, responsibilities, and impact on individual workers and employers.** In particular, the Commission recommendation for false negatives is that no one-no one-should be fired if their employer does not get a validation code from the registry after hiring. It is entirely possible that a new hire has merely given their social security number wrong. There is no one who has a greater incentive to correct errors, whether they are at the INS or the Social Security Administration, than a legitimate worker who has just learned from the registry that there is a problem. Speaking as someone who pays into the social security system, I want to be sure that the number I have been using is correct-and has not been misappropriated by an illegal alien.
- **A plan for phasing in the system.** Pilot projects should test various methods for phasing in improvements in worksite verification, according to the test results.

Evaluating the results of pilot programs with these criteria must include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome, without imposing undue costs on the government, employers, or employees. The evaluation

should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

The Commission also recommends reducing the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country. We recommend these steps:

- Standardized application form for birth certificates;
- Interstate and intrastate matching of birth and death records;
- Only certified copies of birth certificates issued by states should be accepted by federal agencies;

- Standard design and paperstock for all certified copies of birth certificates to reduce counterfeiting;
- Encouraging states to computerize birth records depositories.

The Commission also recommends imposition of greater penalties on those producing or selling fraudulent documents. RICO provisions to facilitate racketeering investigations also should cover conspiracy to produce and sell fraudulent documents.

Let me also summarize the Commission's recommendations regarding labor standards and discrimination. Vigorous enforcement of labor standards and enforcement against knowing hire of unauthorized workers are an integral part of the strategy to reduce illegal immigration. Labor standards and employer sanctions should be seen as mutually enforcing.

The Commission believes that enforcement of employer sanctions, wage/hour, child labor, and other labor standards can be an effective tool in reducing employment of unauthorized workers. But we found that current enforcement efforts are inadequate.

The Commission specifically recommends:

- Increased staff and resources for the enforcement of labor standards to complement employer sanctions enforcement.
- Vigorous enforcement, increased staff and resources, and full use of current penalties against those who knowingly hire unauthorized workers. We believe that the new verification system we have recommended can reduce substantially the inadvertent hiring of unauthorized workers. If the pilot programs bear this out, Congress should discontinue penalties for paperwork violations and evaluate the need for increased penalties against violators and businesses that knowingly hire or fail to verify work authorization for all employees.
- Targetting of investigations to industries that have a history of using illegal alien labor.
- Enhanced enforcement efforts targeted at farm labor and other contractors.
- Application of employer sanctions to the Federal government. Recently the Congress, to its credit, voted to apply to itself the laws that it applies to the nation. At a minimum, the President should issue an Executive Order requiring federal agencies to abide by the procedures required of other employers.

We are particularly concerned that the current level of coordination between the INS and the Department of Labor is insufficient. The Commission has urged the Attorney General and the Secretary of Labor to review the current division of responsibilities between the Departments of Justice and Labor in the enforcement of employer sanctions and labor standards.

Enhanced coordination to promote cooperation among all of the agencies responsible for worksite enforcement is critical. Strategies to promote coordination at both the headquarters and field operations level would include:

- Establishment of a taskforce in Washington, DC to review and set policy;
- Local taskforces of worksite investigators to coordinate field operations; and
- Continued joint training for worksite investigators from all applicable agencies.

Enhanced employer sanctions and labor standards enforcement should be coordinated with improvements regarding enforcment of antidiscrimination provisions. The Commission believes that an improved verification process is the best defense against discrimination. Nevertheless, some improvements can be made in the interim, to reduce immigration-

related discrimination.

The Commission recommends that the Office of Special Counsel initiate more proactive strategies to identify and combat immigration-related discrimination at the worksite. OSC should target resources on independent investigations and on programs to assess the incidence and prevalence of unfair employment practices related to immigration.

Finally, there must be an education component. Thousands of new businesses begin operation each year; many more new workers enter the labor force annually. The Commission recommends that the educational efforts of the responsible federal agencies be coordinated, and continued. The INS and the Department of Labor must communicate a single message to all employers and employees. The Commission also recommends the development of new strategies, including the enhanced use of technology, to inform employers and workers of their rights and responsibilities under the law.

Those are the Commission's recommendations on worksite enforcement. They are a part of the comprehensive approach to immigration reform that this Commission is developing. As you know, the Commission is well along in the next phase of its task, considering the national interest in legal immigration, including categories, priorities, and limits.

The key to our work so far has been that, through intense discussions, we have managed to arrive at a bipartisan consensus. We hope to continue that record in a systematic evaluation of what our immigration policy should be in the twenty-first century. In that effort, we have appreciated this Subcommittee's support and consideration of our work.

I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Robert Charles Hill
Commissioner, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on Government Reform and Oversight
Subcommittee on Government Management, Information and Technology
March 7, 1995

Mr. Chairman and Members of the Subcommittee, on behalf of Professor Barbara Jordan, our Chair, and my fellow members of the U.S. Commission on Immigration Reform, I want to thank you for this opportunity to testify.

In our first report to Congress last fall, *U.S. Immigration Policy: Restoring Credibility*, we sought to recommend a comprehensive strategy to control illegal immigration. Growing frustration about it undermines our first commitment to legal immigration in the national interest.

We simply must develop a better system for verifying work authorization. Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. Illegal aliens are here for jobs. That is the attraction. So the only effective way to deter illegal immigration must include the worksite. The reliability of government information is critical to this effort.

The system we have now, the I-9 process, is doubly-flawed. It does not do what it was supposed to do, namely deter the employment of illegal aliens. What it does do, we do not want-namely, burden businesses with paperwork, while creating abundant opportunities for fraud and forgeries. It may even provide an excuse for, if it does not actually provoke, discrimination against workers who happen to look or sound foreign.

At the root of these problems is the proliferation of counterfeit documents. During our investigations, the Commission learned that illegal aliens can now purchase counterfeit driver's licenses and social security cards for $25. A green card is slightly more expensive. Moreover, we also learned that counterfeits of any document-even the most tamper-resistant-would soon be on the black market. These cards could easily pass a visual check, particularly by employers who are not trained to spot counterfeits.

Honest employers are caught between the proverbial rock and a hard place. Because the system is based on documents, employers are placed in a position of making judgments many do not feel qualified to make.

Identifying forgeries is difficult, even for trained professionals. If an employer accepts false documents presented by an unauthorized worker, that employer is vulnerable to employer sanctions for having hired someone under false pretenses, regardless of the fact that they may well have been fooled themselves. Yet, if an employer chooses to doubt particular documents and asks for more from some workers and not from others, that is discrimination.

The Commission believes that the way to develop a better system of worksite verification is immediately to test the most promising option. After examining a wide range of alternatives, the Commission concluded that the most promising option for secure, nondiscriminatory verification is a computerized registry based on the social security number.

For decades, all workers have been required to provide employers with their social security number. Depending on the results of pilot projects that are now being designed, the cumbersome I-9 process, with its dozens of documents and blizzard of paper, could be replaced by a single electronic step to validate information every worker must already provide.

The Commission also looked at the feasibility and effectiveness of reducing the number of documents used in

verification. Again, we support such efforts as interim measures. But the fatal flaw here is the vulnerability of all documents to counterfeiting. We heard expert testimony that any document, even the most tamper-proof ones, can be forged so well that only experts can identify the fakes. Employers cannot be expected to identify counterfeit documents.

The Commission believes electronic validation of the Social Security Number is the most promising option because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry, rather than relying on documents, guards against counterfeits;
- **Reduction in the potential for discrimination.** All workers must present the same information to be validated;
- **Reduction in the time, resources and paperwork spent by employers in complying with IRCA.** INS employees who now chase paper could be redirected to chase down those who knowingly hire illegal workers.

The Commission did not try to micromanage the Executive branch's implementation of this recommendation in advance. We deliberately did not spell out precisely how the software of the registry would be designed, although we did specify that just six pieces of information seem necessary: name; social security number; place and date of birth; mother's maiden name; and status code. Nor did we limit the innovation that might be applied in pilot projects to test the registry.

There must be objective, systematic evaluation of the pilot programs. This Commission expects to have meaningful results from the initial phase of pilot testing by 1997. We will incorporate these results in our final report to Congress, so that we can make an informed recommendation on whether that system should be implemented nationwide, with particular attention to civil liberties and privacy concerns. The features of pilot programs should include:

- **A means by which employers will access the verification system to validate the accuracy of information given by workers.** We received conflicting testimony about the best way to ascertain that a new hire is who he or she claims to be. Some believe that the tamper-resistant driver's licenses now being issued by many states can do the job; others strongly advocate testing a more secure social security card.

  But it is also possible that electronic validation through a telephone system would require no document at all. Every ATM system uses a PIN number to protect our money. We should test to see if personal information, such as the mother's maiden name and date of birth, that is already part of the social security database, can serve the same function for worksite verification.

- **Measures to ensure the accuracy of the necessary data.** Improvements must be made in both the INS and Social Security Administration databases to ensure that employers have timely and reliable access to what they need. Frankly, no one can be opposed to improving the reliability of the data in these agencies. There is no protection of liberty in government error.

- **Measures to ensure against discrimination.** One key to the Commission's recommendation is that employers would no longer have to ascertain whether a worker is a citizen or an alien, native-born or an immigrant. All workers would have to present the same information to be validated.

- **Measures to protect civil liberties.** Explicit protections should be devised to ensure that the registry is used only for its intended purposes. The Commission believes that electronically validating the social security number could be used to ascertain eligibility for public benefits, without damage to civil liberties, because everyone receiving public assistance must already present a social security number, just as they do for work. But the registry is not to be used for routine identification purposes, and there must be penalties for inappropriate use of the verification process. The Commission's unanimous, unequivocal view is that no one should be required to carry a document and produce it on demand to prove their right to be here.

- **Measures to protect privacy.** Explicit provisions also must be built into the system to safeguard individual privacy. The information contained in the registry will be minimal, given its limited purpose. But the Commission is aware that, while access to any one piece of information may not be intrusive, in combination with other information it can lead to privacy violations.

- **Estimates of the start-up time and financial and other costs.** The Social Security Administration made preliminary estimates for the Commission of its cost for pilot projects: $4 million over the first two years for design and development; and annual costs of maintenance and operation of $32 million. Discrepancies referred to the Social Security Administration were estimated to cost $122 million initially and $30 million per year thereafter. So the total cost of the registry over five years, according to the Social Security Administration, would be approximately $300 million.

  By way of comparison, the Urban Institute estimates that illegal aliens cost seven states more than $2.1 billion a year. Spending $300 million over five years to save $2 billion each year is a sound investment.

  But the INS cost must be added to the SSA estimate. The Clinton Administration's latest budget request calls for $28.3 million for verification systems pilots, although this also includes other programs. The bulk of the INS cost, however, will be cleaning up their own data, which should be done regardless of the pilot projects to improve worksite verification.

- **Specification of the rights, responsibilities, and impact on individual workers and employers.** In particular, the Commission recommendation for false negatives is that no one-no one-should be fired if their employer does not get a validation code from the registry after hiring. It is entirely possible that a new hire has merely given their social security number wrong. There is no one who has a greater incentive to correct errors, whether they are at the INS or the Social Security Administration, than a legitimate worker who has just learned from the registry that there is a problem. Speaking as someone who pays into the social security system, I want to be sure that the number I have been using is correct-and has not been misappropriated by an illegal alien.

- **A plan for phasing in the system.** Pilot projects should test various methods for phasing in improvements in worksite verification, according to the test results.

Evaluating the results of pilot programs with these criteria must include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome, without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

While we on the Commission are not the computer experts, and never pretended to be, we do recognize "Garbage In, Garbage Out." Clearly, people who obtain real documents through false pretenses pose a problem. This is true, even though the Social Security Administration does a face-to-face interview and document check on every adult who seeks a social security number, since nowadays most children receive numbers shortly after birth.

Accordingly, the Commission also recommends reducing the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country. We recommend these steps:

- Standardized application form for birth certificates;
- Interstate and intrastate matching of birth and death records;
- Only certified copies of birth certificates issued by states should be accepted by federal agencies;
- Standard design and paperstock for all certified copies of birth certificates to reduce counterfeiting;
- Encouraging states to computerize birth records depositories.

The Commission also recommends imposition of greater penalties on those producing or selling fraudulent documents. RICO provisions to facilitate racketeering investigations also should cover conspiracy to produce and sell fraudulent documents.

The Commission's recommendations regarding worksite verification are an important part, but only a part, of the comprehensive approach to immigration reform that this Commission is developing. As you know, the Commission is well along in the next phase of its task, considering the national interest in legal immigration, including categories, priorities, and limits.

The key to our work so far has been that, through intense discussions, we have managed to arrive at a bipartisan consensus. We hope to continue that record in a systematic evaluation of what our immigration policy should be in the twenty-first century. In that effort, we appreciate this Subcommittee's consideration of our work.

I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Susan Martin
Executive Director, U.S. Commission on Immigration Reform
U.S. Senate
Committee on the Judiciary
Subcommittee on Immigration and Claims
March 14, 1995

Mr. Chairman and Members of the Subcommittee, on behalf of Professor Barbara Jordan, our Chair, and the members of the U.S. Commission on Immigration Reform, I want to thank you for this opportunity to testify.

In our first report to Congress last fall, U.S. Immigration Policy: Restoring Credibility, the Commission sought to recommend a comprehensive strategy. We chose to focus much of that report on measures to control illegal immigration, because growing frustration about it undermines our first commitment to legal immigration in the national interest.

S.269, introduced by the Majority Leader on behalf of Senator Simpson, tracks the Commission recommendations closely in many areas that are critical to a comprehensive approach-worksite verification, increasing penalties for alien smuggling and document fraud, border management, and bringing eligibility for public assistance into line with the goals of our immigration policy.

The Commissioners deeply appreciate the support which this Subcommittee has provided, on a bipartisan basis, to the Commission. Professor Barbara Jordan, our Chair, not only regretted that she could not be here personally today, she instructed me to offer the Commission's assistance to the Subcommittee in any way we can be helpful as you move forward with this legislation.

Let me sum up the Commission's reasons for proposing that we develop a better system for worksite verification. Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. Illegal aliens are here for jobs. That is the attraction. So the only effective way to deter illegal immigration must include the worksite.

Better border enforcement is necessary, but not sufficient. Visa overstayers make up fully one-half of the influx of illegal aliens, 150,000 out of 300,000 who take up permanent residence here illegally every year, on top of an illegal population that exceeds 4 million already. No amount of border enforcement can solve that half of the problem-the people who enter legally and then do not leave when they should.

We simply must develop a better system for verifying work authorization. That is central to effective enforcement of employer sanctions.

The system we have now, the I-9 process, is doubly-flawed. It does not do what it was supposed to do, namely deter the employment of illegal aliens. What it does do, we do not want-namely, burden businesses with paperwork, while creating abundant opportunities for fraud and forgeries. It may even provide an excuse for, if it does not actually provoke, discrimination against workers who happen to look or sound foreign.

Honest employers are caught between the proverbial rock and a hard place. Because the system is based on documents, employers are placed in a position of making judgments many do not feel qualified to make.

Identifying forgeries is difficult, even for trained professionals. If an employer accepts false documents presented by an unauthorized worker, that employer is vulnerable to employer sanctions for having hired someone under false pretences, regardless of the fact that they may well have been fooled themselves. Yet, if an employer chooses to doubt particular

documents and asks for more from some workers and not from others, that is discrimination.

The Commission believes that we must develop a better system of worksite verification and that the way to do it is through pilot testing. After examining a wide range of alternatives, the Commission concluded that the most promising option for secure, nondiscriminatory verification is a computerized registry based on the social security number.

For decades, all workers have been required to provide employers with their social security number. Depending on the results of pilot projects that are now being designed, the cumbersome I-9 process, with its dozens of documents and blizzard of paper, could be replaced by a single electronic step to validate information every worker must already provide.

The Commission examined the Telephone Verification System, called TVS, which the INS has been testing. We are aware that the INS will expand this system, first from 9 to 200 sites, and eventually to 1,000 sites. We support this INS effort-but only as an interim measure. It is not the solution.

The fatal flaw in the TVS system is that it ultimately depends on self-attestation. Workers are asked whether they are citizens or aliens. It is simply not sound law enforcement to rely on lawbreakers to tell the truth.

The Commission also looked at the feasibility and effectiveness of reducing the number of documents used in verification. Again, we support such efforts as interim measures. But the fatal flaw here is the vulnerability of all documents to counterfeiting. We heard expert testimony that any document, even the most tamper-proof ones, can be forged so well that only experts can identify the fakes. Employers cannot be expected to identify counterfeit documents.

The Commission believes electronic validation of the social security number is the most promising option because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry, rather than relying on documents, guards against counterfeits;
- **Reduction in the potential for discrimination.** All workers must present the same information to be validated;
- **Reduction in the time, resources, and paperwork spent by employers in complying with IRCA.** INS employees who now chase paper could be redirected to chase down those who knowingly hire illegal workers.

The Commission did not try to micromanage implementation of this recommendation in advance. We deliberately did not spell out precisely how the software of the registry would be designed, although we did specify that just six pieces of information seem necessary: name; social security number; place and date of birth; mother's maiden name; and status code. Nor did we limit the innovation that might be applied in pilot projects to test the registry. But we did speak to some of the most important aspects.

First, focus on those areas with the largest numbers of illegal aliens. The Commission recommends that pilot projects be undertaken in the five high-impact states-California, Texas, Florida, New York, and Illinois. We also recommend that, in time, the pilots should be extended to several less-affected states. But we did not recommend that the registry be tested throughout all of the five states immediately, nor even in all of any one of the states. Pilot projects should start small. Before going to the next phase, we should have results to guide us.

Second, there must be objective, systematic evaluation of the pilot programs. We hope that this Committee will add its voice to this recommendation. The Commission expects to have meaningful results from the initial phase of pilot testing by 1997. We will incorporate these results in our final report to Congress, so that we can make an informed recommendation on whether that system should be implemented nationwide, with particular attention to civil liberties and privacy concerns.

The features of pilot programs should include:

- **A means by which employers will access the verification system to validate the accuracy of information given by workers.** We received conflicting testimony about the best way to ascertain that a new hire is who he or she claims to be. Some believe that the tamper-resistant driver's licenses now being issued by many states can do

the job; others strongly advocate testing a more secure social security card.

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- **Measures to ensure the accuracy of the necessary data.** Improvements must be made in both the INS and Social Security Administration databases to ensure that employers have timely and reliable access to what they need. Frankly, no one can be opposed to improving the reliability of the data in these agencies. There is no protection of liberty in government error.

- **Measures to ensure against discrimination.** One key to the Commission's recommendation is that employers would no longer have to ascertain whether a worker is a citizen or an alien, native-born or an immigrant. All workers would have to present the same information to be validated.

- **Measures to protect civil liberties.** Explicit protections should be devised to ensure that the registry is used only for its intended purposes. The Commission believes that electronically validating the social security number could be used to ascertain eligibility for public benefits without damage to civil liberties, because everyone receiving public assistance must already present a social security number, just as they do for work. But the registry is not to be used for routine identification purposes, and there must be penalties for inappropriate use of the verification process. The Commission's unanimous, unequivocal view is that no one should be required to carry a document and produce it on demand to prove their right to be here.

- **Measures to protect privacy.** Explicit provisions must also be built into thesystem to safeguard individual privacy. The information contained in the registry will be minimal, given its limited purpose. But the Commission is aware that, while access to any one piece of information may not be intrusive, in combination with other information it can lead to privacy violations.

- **Estimates of the start-up time and financial and other costs.** The Social Security Administration made preliminary estimates for the Commission of its cost for pilot projects: $4 million over the first two years for design and development; and annual costs of maintenance and operation of $32 million. Discrepancies referred to the Social Security Administration were estimated to cost $122 million initially and $30 million per year thereafter. So the total cost of the registry over five years, according to the Social Security Administration, would be approximately $300 million.

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- **Specification of the rights, responsibilities, and impact on individual workers and employers.** In particular, the Commission recommendation for false negatives is that no one-no one-should be fired if their employer does not get a validation code from the registry after hiring. It is entirely possible that a new hire has merely given their social security number wrong. There is no one who has a greater incentive to correct errors, whether they are at the INS or the Social Security Administration, than a legitimate worker who has just learned from the registry that there is a problem. Speaking as someone who pays into the social security system, I want to be sure that the number I have been using is correct-and has not been misappropriated by an illegal alien.

- **A plan for phasing in the system.** Pilot projects should test various methods for phasing in improvements in worksite verification, according to the test results.

An evaluation of pilot program results with these criteria must include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome, without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

The Commission also recommends reducing the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country. We recommend these steps:

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- Only certified copies of birth certificates issued by states should be accepted by federal agencies;
- Standard design and paperstock for all certified copies of birth certificates to reduce counterfeiting;
- Encouraging states to computerize birth records depositories.

The Commission further recommends imposition of greater penalties on those producing or selling fraudulent documents. RICO provisions to facilitate racketeering investigations also should cover conspiracy to produce and sell fraudulent documents.

Those are the Commission's recommendations on worksite verification.

Let me add one more note about worksite enforcement. While improved verification is essential, there are interim steps that can be taken to reduce the magnet that jobs present for illegal aliens. The Commission recommends:

- Enhanced resources for investigation of labor standards violations;
- Greater coordination between the Department of Labor and INS in enforcement of employer sanctions and labor standards;
- More targeted enforcement of employer sanctions on industries with a history of illegal alien labor; and
- More proactive enforcement of antidiscrimination laws.

Together, these and other strategies recommended by the Commission should help make jobs attractive to U.S. workers, while identifying and penalizing employers who knowingly hire illegal aliens.

As you know, the Commission is well along in the next phase of its task, considering the national interest in legal immigration, including categories, priorities, and limits. The key to our work so far has been that, through intense discussions, we have managed to arrive at a bipartisan consensus. We hope to continue that record in a systematic evaluation of what our immigration policy should be in the twenty-first century. In that effort, we have appreciated this Subcommittee's support and consideration of our work.

I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Susan Martin
Executive Director, U.S. Commission on Immigration Reform
Before the U.S. Senate
Committee on Finance
March 27, 1995

On behalf of Professor Barbara Jordan, our Chair, and the Members of the U.S. Commission on Immigration Reform, I want to thank you for the opportunity to testify before you today.

First, let me explain the role of the Commission on Immigration Reform. It is a bipartisan body made up of eight Commissioners appointed by the Congress. Two Commissioners are appointed by the respective leadership of both parties in the House and the Senate, and the Chair is appointed by the President. We are a Congressional Commission. Our mandate from the Congress in the Immigration Act of 1990 charges the Commissioners to make a comprehensive analysis of immigration policy and to make specific recommendations for reform.

In the Commission's first interim report, *U.S. Immigration Policy: Restoring Credibility*, issued last September, the Commission recommended a comprehensive strategy for controlling illegal immigration. The Commission has been gratified that many of these recommendations have been incorporated in Senator Simpson's bill, S. 269, the Immigrant Control and Financial Responsibility Act of 1995. The Commission's recommendations also have received significant support from the Chairman of the House Subcommittee, Lamar Smith, and the Chair of the House Taskforce on Immigration, Elton Gallegly, as well as from the President in the State of the Union address.

The Commission is pleased that this Committee has taken up the SSI issue with respect to immigrants. Immigrants have become an important percentage of SSI recipients, one which is large and growing.

It would appear that the disproportionate use of benefit programs by the foreign-born is confined largely to Supplemental Security Income program for the aged, blind, and disabled. This is not too surprising when one considers eligibility criteria for the main source of income for the elderly, the social security program. Social security requires beneficiaries or the spouses of beneficiaries to have worked for forty quarters, which is ten years. It is much more likely that native-born Americans as compared with immigrants, will meet the work-quarter requirement. Most, though not all, social security recipients would be income ineligible for SSI. By contrast, needy elderly who do not receive social security generally qualify for SSI.

This is even more apparent when examining the utilization rates for foreign-born by period of entry. Older persons who entered in recent time periods are more likely to be receiving public assistance income than are those who entered while still in their working years. Those who were fifty-five years or older at the time of entry are the least likely to qualify for social security even if they work for a period of time after arrival. Only 4.2 percent of foreign-born persons who immigrated in the 1980s received social security income in 1989, compared to 29 percent of the foreign-born persons who entered before 1980.

The foreign-born utilization of SSI is confirmed by administrative data. SSI program data reveal that approximately 25 percent of elderly SSI recipients are foreign-born. Overall, 10.6 percent of SSI recipients are foreign-born. This proportion has risen steeply since 1982, the first year that statistics were available, when 3.3 percent of SSI recipients were foreign-born. The number of aliens receiving aged benefits increased from 92,00 in 1982 to 373,000 in 1992. The number of blind and disabled aliens increased from 92,000 in 1982 to 228,500 in 1992.

The apparent increase in the proportion of immigrants receiving SSI may be due, in part, to the recent arrival of an increasing number of older immigrants. Nearly 12 percent (416,000) of the foreign-born residents who were sixty years or older in 1990 entered during the 1980s. They had not earned sufficient social security benefits to be self-supporting.

The number of immigrants sixty years or older in 1980 who entered during the 1970s was only 262,000, just 7 percent of the sixty years and older foreign-born population. More data needs to be gathered, of course, to determine the extent to which this explains the increase in alien participation in the SSI program.

The intersection of immigration policy and public benefits policy is a complex topic that episodically captures national attention, both among policymakers and the general public. In times of great labor force needs and abundant opportunity, there tends to be little attention to the domestic context of immigration. In times of slow or uncertain growth, restricted budgets, and reduced opportunity, sensitivity to domestic impact is heightened.

Now, with reform efforts underway on several major domestic policies, the effect of immigration-particularly illegal immigration-has been questioned. Immigration policy is viewed as yet another area ripe for reform. In this context, the Commission has examined closely the existing relationship between immigration and public benefit policies and their impact. The primary cause of concern to both the public and to the Commission is the lack of effective enforcement at our borders and the resulting presence of many aliens who have entered illegally. The Commission found that inconsistencies in immigration and benefits policy undermine the credibility of both.

The Commission believes that decisions on benefits eligibility should be consistent with and support the objectives of immigration policy. Legal immigrants enter the United States under U.S. law because their admission is considered to be in the national interest. The Immigration and Nationality Act delineates several categories of admission, most of them defined by the immigrant's connection to a U.S. resident or employers. Even in the category most characterized by humanitarian rather than strict national interest-refugee admissions-priority is given to individuals facing persecution because of their ties to the U.S. government, a U.S. resident, or a U.S. company. The Commission believes that benefits policy should reaffirm that the nation considers legal immigration to be in the national interest. Both the immigrants themselves and the broader society have responsibilities toward ensuring that immigrants are, and continue to be, productive members of our social community who, if they need help, can benefit from the established safety nets.

The Commission recommends against any broad, categorical denial of public benefits to legal immigrants. No federal benefit program currently denies eligibility on the basis of alienage to legal immigrants. In some needs-based public assistance programs, such as SSI, AFDC, and Food Stamps, as a means of enforcing the public charge provision for exclusion and deportation, current law requires that program eligibility workers "deem" sponsor income as available to immigrants in determining financial responsibility.

In other social insurance programs, such as social security and Medicare, an immigrant becomes eligible on the same basis as citizens-through sufficient payroll contributions to the trust funds. There is a five-year residency requirement for enrollment for elderly immigrants who have not contributed sufficiently to the Medicare trust funds.

A considerable amount of public debate has focussed on the issues of eligibility of legal immigrants for public assistance programs. Indeed, during the past year a number of proposals for curtailing immigrant eligibility have been made. While some measures would affect all legal immigrants, others are aimed more specifically at individuals coming into the country for family reunification purposes. The proposals range from making all legal immigrants ineligible for all federal assistance programs until such time as they naturalize, to extending for some federal programs the time period during which a sponsor's income is counted or "deemed" available to determine need.

So what do we do about this? The Commission believes the following principles should guide policy on the benefits eligibility.

The safety net provided by needs-tested programs should be available to those whom we have affirmatively accepted as legal immigrants into our communities. The U.S. admits immigrants on the basis that they will not be a public charge. However, circumstances may arise after an immigrant's entry that create a pressing need for public help-unexpected illness, injuries sustained due to a serious accident, loss of employment, a death in the family. Under such circumstances, legal immigrants should be eligible for public benefits if they meet other eligibility criteria. We are not prepared to remove the safety net from under individuals who, we hope, will become full members of our polity.

A policy to categorically deny legal immigrants access to such safety nets based solely on alienage would lead to gross inequities between very similar individuals and undermine our immigration goals to reunite families and quickly

integrate immigrants into American society. For example, while two children in the same family may be equally poor, one may be a legal immigrant and, under proposals to deny benefits to legal immigrants, would be ineligible for assistance, while the other may be a citizen-by virtue of being born after the family arrives in the U.S.-and eligible for assistance.

The inequities for the legal immigrant child grow if eligibility is linked to citizenship, rather than a specified time, since the child may not naturalize, by law, until he or she is eighteen years of age. The only route to citizenship prior to that age is through the naturalization of his or her parent. If there were a categorical denial of eligibility to all legal immigrants and the parent is unable or unwilling to naturalize, the child would suffer the consequences of a parental action that he or she cannot remedy.

Sponsors should be held financially responsible for the immigrants that they bring to this country. In particular, the Commission recommends making affidavits of support signed by sponsors legally binding for a specific period of time and the development of mechanisms to enforce sponsors pledges of financial responsibility.

Affidavits of support are one means to ensure the Consular Officer that the alien will be supported in the United States and will not become a public charge. In accordance with Board of Immigration Appeals [BIA] rulings, the signatory sponsor's ability to provide the promised support must be given due consideration in determining whether to exclude a person as likely to become a public charge. Some courts, however, have held that such affidavits of support impose only a moral-and not a legal-obligation on the signatory sponsor.

Thus, as affidavits are not legally enforceable, assurance that the alien will not become a public charge has relied primarily on the "deeming rules" applied by the statutory requirements that apply to sponsored immigrants in three federal means-tested entitlement programs-AFDC, SSI and Food Stamps. The deeming rules apply only to sponsored immigrants and are not used if a sponsored immigrant becomes blind or disabled after entry into the U.S., if an immigrant's sponsor has died, or if a sponsor's income and resources are depleted unexpectedly after the immigrant's entry. Also, refugees are statutorily exempt from deeming rules since their entry is based on humanitarian considerations rather than on family unity.

In 1993, the sponsor deeming period for SSI was temporarily extended to five years after admission. This change, authorized for a period of two fiscal years, resulted in savings that financed an extension of the Emergency Unemployment Compensation program. This use of immigrant eligibility revisions for budgetary advantage is a precedent that has opened the door to further revisions to immigrant eligibility in the current debate on welfare reform.

This extension of the deeming period for SSI resulted in part from the increased attention to the public charge issue and in part to data showing a rapid increase in SSI utilization by immigrants, many of whom are elderly and sponsored by their families. For example, in 1993, immigrants represented about 12 percent of the total SSI caseload and about 28 percent of the aged caseload, compared to 3 percent and 6 percent, respectively, in 1982. About 25 percent of all immigrants receiving SSI are legal immigrants who are not likely to have sponsors-primarily refugees, but also asylees, parolees, and others. The remaining 75 percent are legal permanent residents who are likely to have sponsors. One-third of these began to receive SSI in the year immediately following the end of the sponsor deeming period.

These data can be interpreted in various ways. Some believe that these elderly immigrants, sponsored by their families, have always intend to apply for SSI benefits as soon as the deeming restrictions are removed. They argue that, at the time of entry, these elderly individuals have no intention of being self-supporting and that their sponsoring relatives have no intention of honoring their sponsorship role beyond the deeming period, creating precisely the situation the public charge provision is supposed to prevent.

On the other hand, no laws have been broken and the data do not imply that there is any specific fraudulent activity occurring. Sponsors and their elderly immigrant relatives are merely following the rules of program eligibility as they have evolved over the years.

The one conclusion that can be unequivocally drawn from the data is that the deeming policies have generally been effective in preventing sponsored immigrants from receiving federal welfare benefits during the deeming period. However, under federal welfare benefit programs, the deeming rules apply even if immigrant sponsors are not actually

providing financial support to the immigrant they have sponsored. As the affidavit of support has been judicially interpreted as a document that is not legally binding, there is currently no legal procedure to compel sponsors actually to provide such support. It is possible that a sponsor may refuse to provide financial support to the immigrant but, due to the sponsors income and resources, the immigrant also may be ineligible for federal welfare benefits as a result of the deeming rules. The immigrant, may, however, be eligible for state and local assistance programs as these programs generally do not take into account sponsor's income in determining eligibility for benefits.

There are no data to indicate the prevalence of such sponsor abandonment of immigrants. Some experts argue that such cases are relatively rare, particularly in situations where the sponsor is a close relative of the immigrant, such as a son or daughter of an elderly immigrant. Some states and localities complain, however, that sponsored immigrants utilize their programs while awaiting the end of the deeming period for federal programs. Making the affidavit of support a legally-binding document is necessary to close this loophole in the current sponsor deeming policies.

A legally-enforceable affidavit of support is a necessary complement to deeming policies. Deeming is used not only for immigrants, but for others as well, to ensure that the income and resources of legally-liable individuals are taken into account when determining an applicant's eligibility for benefits. For example, under the SSI program, there are both spouse-to-spouse and parent-to-child deeming policies, in addition to the sponsor-to-alien deeming policy. Making the affidavit legally binding would establish the legal, financial relationship between sponsors and immigrants. Deeming policies would continue to allow benefit programs to take this relationship into account when determining a sponsored immigrant's level of financial need as part of the eligibility determination process. In defining the sponsor's responsibility, special consideration should be give to the issue of medical care.

It is likely that making the affidavit of support legally binding will serve primarily as an effective deterrent to sponsors. There is reason to assume that most citizens and legal permanent residents will voluntarily comply with such a legally-binding affidavit. But to be fully credible, mechanisms must be developed to enforce such a new legal requirement.

Consideration should be given to the particular enforcement mechanisms developed to actually enforce the affidavit, so as to avoid unnecessarily complex and costly new regulations or bureaucracies. Federal, state, and local governments should be allowed to consider the sponsor/immigrant relationship on the same legal basis as current parent/child and spouse/spouse relationships and to hold sponsors to the same standards of financial responsibility with regard to the immigrant as are currently applied to spouses and parents of children. If an immigrant claims that a sponsor is not honoring his or her financial obligation, courts could render judgments of support on behalf of the immigrant and initiative procedures to ensure that support. Also the INS and the Department of State should review their policies to determine if immigration-related sanctions should be applied against sponsors who do not abide by their responsibilities.

Finally, making the affidavit of support legally binding also should provide states the authority to ensure that sponsors do not shift their financial responsibility to state and local public assistance programs. As some courts have determined that states cannot implement the same type of deeming programs for their public assistance programs as the federal government now does for its programs, this is an important protection.

Abuse of the public charge provision should be grounds for deportation. A serious effort should be made to enhance and enforce the public charge provisions in immigration law to ensure that legal immigrants do not require public assistance and to provide clear procedures for deporting individuals who become public charges within five years after entry for reasons that existed prior to entry. In particular, the Commission recommends that deportation apply to sustained use of public benefits.

Specific provisions within U.S. immigration law are designed to ensure that those person seeking admission to this country will contribute to it, not merely take advantage of its resources and the generosity of its people. For example, U.S. immigration law currently bars the entry of those who are likely to be a public charge and contains provision for the deportation of individuals who become public charges within five years-unless they require aid for reasons that developed after entry. Effective enforcement of these provision helps minimize the number of legal immigrants who need or depend on public assistance.

These are the basic Commission recommendations that would apply to a discussion of SSI and immigrants. I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

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U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on Appropriations
Subcommittee on Appropriations for the Departments of
Commerce, Justice, State, the Judiciary and Related Agencies
March 29, 1995

Mr. Chairman, members of the subcommittee, thank you for providing this opportunity to testify today. I am Barbara Jordan, the Chair of the Commission on Immigration Reform. I am accompanied by the Commission's Executive Director, Susan Martin.

Before I begin my formal testimony, I must commend this committee on its use of new technology to bring the work of the Congress closer to the American people. As you will hear later in my testimony, the Commission shares your belief that the federal government must tap new technologies in order to make the work of government efficient and in touch with the demands of the American public.

The Commission on Immigration Reform was created by the Immigration Act of 1990. We are a fully bipartisan body. In addition to the Chair, we have eight members who were appointed by the majority and minority leadership in each house of Congress.

The Commission's mandate is to examine and make recommendations to this Congress on the implementation and impact of U.S. immigration policy. We are required to make interim reports as issues arise and a final report in September 1997. The Commission issued its first interim report in September 1994. In calendar year 1995, we intend to issue three reports with interim recommendations on a range of issues from legal immigration numbers and categories to the handling of migration emergencies and the removal of deportable aliens from the United States. In addition, we continue to pursue our long-term agenda to assess the economic, social, demographic and other impacts of immigration on the United States.

This morning I would like to describe briefly the recommendations the Commission already has made in the hopes that they will be useful to this committee in setting FY 1995 appropriations not only for the Commission, but also for other immigration-related agencies. I will then turn to our plans for this fiscal year and our request for next year's appropriations.

The Commission's 1994 report to Congress was entitled *U.S. Immigration Policy: Restoring Credibility*. The title is telling of our recommendations. The Commission believes it is essential to control illegal immigration if we are to have a credible immigration policy. We believe legal immigration is in the national interest, but see illegal immigration as a threat both to our long tradition of immigration and to our commitment to the rule of law.

The Commission recommends a comprehensive, seven-point strategy to restore credibility. Let me tell you that the strategy is neither cheap nor painless. There are no quick fixes to our immigration problems; there are no inexpensive solutions. For too long we have neglected immigration as a public policy issue and now must pay for the consequences.

Four points in our report call for special attention. First, we need improved border management. The Commission calls for a strategy of prevention of illegal entry and facilitation of legal ones in the national interest. The concept is simpler, of course, than its achievement. The Commission was highly impressed with the border operations in El Paso that aim to prevent illegal entry. It is far better to deter illegal immigration than to play the cat and mouse game that results from apprehensions followed by return followed by re-entry. To accomplish a true deterrence strategy will require additional

personnel as well as a strategic use of technology and equipment. We will also require new measures of effectiveness because apprehensions alone cannot measure success in preventing illegal entries. Our goal should be zero apprehensions-not because aliens get past the Border Patrol but because they are prevented entry in the first place.

While we tighten our control over illegal entry, we must also reduce the long waiting times at our ports of entry. It is ridiculous that people with legitimate border crossing cards feel it is more convenient to cross illegally than go through our ports of entry. But that is the case. Our own delegation waited for one and one-half hours to cross from Juarez into El Paso-and this wasn't even at rush hour. In an age of NAFTA, we must do a better job of handling the legitimate border travel. The Commission supports the development of a land border user fee whose resources would be used to open more lanes, add more inspectors and, if necessary, more ports of entry to speed this traffic.

Our second set of recommendations would reduce the magnet that jobs currently present for illegal immigration. We have concluded that illegal immigrants come primarily for employment. The Commission believes that we need to enhance our enforcement of both employer sanctions and labor standards. But, to make employer sanctions work, we must improve the means by which employers verify the work authorization of new employees. The Commission believes the most promising option is a computerized system for determining if a social security number is valid and has been issued to someone authorized to work in the United States. We are pleased that the Administration has endorsed our recommendations in this area, and we look forward to working with INS and the Social Security Administration on the design of pilot programs that will phase in and test this new verification approach. I urge this committee to provide the funding needed to develop the computerized system and implement the pilot programs.

Third, the Commission urges greater consistency in our immigration and benefits policies. We believe that illegal aliens should be eligible for no public benefits other than those of an emergency nature, in the public health and safety interest, and constitutionally protected. On the other hand, we urge the Congress to retain for legal immigrants eligibility for our safety net programs. The United States screens legal immigrants to determine if they will become public charges, but unforeseen circumstances-deaths, illnesses-occur. The Commission does not want to see individuals whom we have invited to enter become vulnerable when such situations arise. On the other hand, the Commission strongly supports efforts to make our public charge provisions work. We do not want the U.S. taxpayer to bear a burden when there is a sponsor in this country who has pledged to provide support for an immigrant. The affidavits of support signed by sponsors should be legally binding, and the provisions for deportation of those who do become a public charge-for reasons known prior to entry-should be strengthened.

The Commission also made recommendations regarding impact aid for states and localities experiencing the fiscal effects of illegal immigration. We believe the federal government has a responsibility in this area. The first responsibility is to control illegal entries; the second is to help states and localities with their fiscal problems. However, we are skeptical of some of the data used to calculate these fiscal impacts. At present, the Commission believes that the data to support reimbursement of criminal justice costs are sound and we urge immediate reimbursement of these costs. We are not prepared to make such a recommendation regarding medical and education costs. We also urge that any impact aid provided require appropriate cooperation by states and localities in the enforcement of immigration policy.

Our fourth area concerns the removal of criminal aliens. The Commission supports enhancement of the Institutional Hearing Program that permits the federal government to obtain a deportation order while criminal aliens are still serving their sentences. Once the sentence is over, it is far easier and less expensive to remove the alien after an IHP proceeding. The Commission also recommends further negotiation of bilateral treaties that will permit deportation of criminal aliens to serve their sentences in their home countries.

The Commission has provided copies of our full report to the committee so I will not go into details on the other recommendations. Let me turn my attention to this year's work. The Commission is currently at work on three reports while engaging in research needed to answer the longer-term questions in our legislative mandate. Our budget justification spells out these reports in some detail so let me emphasize our work in only one of these areas: legal immigration.

At the request of the House and Senate Judiciary Committees, the Commission has accelerated its examination of the legal immigration system in order to make recommendations by June 1. Last week, we spent a day of Executive Session

debating basic principles to underlie our legal immigration policies. We discussed the national interest in family reunification, employment-based immigration, and diversity, refugee, and humanitarian admissions and we set out the objectives that each of us wants from legal immigration. During the next two months, we turn our attention to the numbers and criteria for admission that fulfill these objectives, the procedures we use to determine the admissibility of individuals applying for permanent and temporary admission, and other similar issues.

We are also looking at naturalization and the civic integration of newcomers to the United States. I, for one, would like to see all eligible immigrants become U.S. citizens-and become citizens for the right reasons, not to receive some federal benefit but to be fully participating members of our polity. Right now, there are too many barriers to naturalization. In some districts, it can take two years to complete the process. We plan to have recommendations to improve this situation.

Now, for FY 1996. We have requested an increase in appropriations for next fiscal year because we see a significant increase in our work. We expect and support major administrative and legislative action this year on immigration reform. The Commission feels an obligation to monitor the implementation of these initiatives so that we can give an independent assessment to the Congress of their effectiveness in reducing illegal immigration.

In addition to these assessments, the Commission will also turn its attention to structural issues in the implementation of U.S. immigration policy. Having made interim recommendations on improvements we urge regarding both legal and illegal immigration, the Commission will examine the adequacy of the structures we have in place to implement such policy. In our 1994 report, we already raised a number of questions regarding implementation and coordination of policy. For example, we have concerns about our border management apparatus, the coordination between the INS and the Department of Labor in worksite investigations, and the infrastructure to support effective enforcement and service delivery. These and other similar issues will be the focus of our attention in the next fiscal year. The Commission also will continue its assessment of the labor market, fiscal, social, and demographic impacts of immigration, as required by our statutory mandate. We already have begun two major, two-year research initiatives that will provide cutting-edge information on these issues. One is an expert panel at the National Academy of Sciences to assess the literature on the demographic, labor market, and fiscal effects of immigration, to undertake new research to fill gaps in current understanding, and to report to the Commission on their conclusions regarding the short-term and long-term implications of immigration for U.S. society. The second is a binational study with Mexico that should provide new information on the scale, characteristics, and impact of the largest single source of both legal and illegal immigration to this country. This binational study will permit data collection in both countries, providing answers to questions that cannot be examined adequately with data from the U.S. alone.

I thank you again for this opportunity to discuss the work and recommendations of the Commission on Immigration Reform. I also want to state for the record our commitment to work with this Committee as you address the very challenging issues arising in the appropriation of funds to improve implementation of immigration policy. We are the creation of Congress and offer ourselves as a resource to help you in your work. Dr. Martin and I would be pleased to answer questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Chair, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
March 30, 1995

Mr. Chairman and Members of the Subcommittee, on behalf of my fellow members of the U.S. Commission on Immigration Reform, I want to thank you for this opportunity to testify. This bipartisan Commission recognizes and deeply appreciates the support which we have received from Congress, and this Subcommittee in particular.

In our first report to Congress last fall, U.S. Immigration Policy: Restoring Credibility, we sought to recommend a comprehensive strategy. We chose to focus much of that report on measures to control illegal immigration because growing frustration about it undermines our first commitment to legal immigration in the national interest.

Let me sum up the Commission's reasons for proposing that we develop a better system for worksite verification. Reducing the employment magnet is the linchpin of a comprehensive strategy to reduce illegal immigration. Illegal aliens are here for jobs. That is the attraction. So the only effective way to deter illegal immigration must include the worksite.

A better system for verifying work authorization is central to the effective enforcement of employer sanctions. The current system of verification is doubly flawed: it is too susceptible to fraud, particularly through the counterfeiting of documents; and it can lead to increased discrimination against foreign-looking and foreign-sounding authorized workers.

IRCA stipulates that all employers are required to verify all employees' identity and authorization to work. Employers are responsible for examining documentation establishing identity and employment eligibility and ensuring that the documents presented reasonably "appear" to be genuine and relate to the individual. This information is documented on the Employment Eligibility Verification Form [I-9 Form]. Under these verification provisions, employees can use a combination of more than twenty-nine different documents to prove identity and work eligibility.

The current process of employment verification has not functioned as the law intended to deter the hiring of undocumented aliens. The system may be thwarted easily by fraud. Widespread counterfeiting of documents that can be used for verification of identity and employment authorization has been reported since IRCA's implementation. Moreover, it is relatively easy to obtain genuine documents, such as birth certificates or drivers licenses, by fraudulent means. The ease of obtaining fraudulent employment eligibility documents has resulted in their increased use to satisfy I-9 requirements. The General Accounting Office [GAO] documented that 39 percent of unauthorized workers identified by INS investigators during a six-month period in 1987-1988 used proven or suspected counterfeit documentation to obtain employment. Other studies confirm similar levels of fraud. Because numerous documents-many of which may be unfamiliar to any given employer-may be shown to verify employment authorization, employers may have difficulty in determining if these documents meet the verification test, that is, that they "reasonably appear on their face to be genuine and to relate to the person presenting them."

Employer sanctions also have created problems for employees, who, if they are foreign-looking or foreign-sounding, may find themselves subject to unfair immigration-related employment practices. A number of government and private studies, including the Congressionally-mandated GAO study of discrimination, have documented practices that put a greater burden on foreign-sounding and foreignlooking applicants for employment. These include employer demands that such employees provide additional or different documentation, or that employers selectively use Form I-9 for presumed aliens but not for U.S. citizens.

Although it remains a matter of controversy whether these practices represent widespread discrimination caused by IRCA, the evidence appears consistent that even some well-meaning employers are confused by the requirements under IRCA and, as a result, violate the terms of the law. While the completion of a Form I-9 is a good faith defense against allegations of knowing hire of illegal aliens, in some cases, employers may be found to have constructive knowledge of the illegal status of their worker if they do not follow up on anomalies uncovered in the I-9 process. If they press for additional documentation because they think they have reason to believe an employee is an unauthorized worker (for example, the document does not appear to be the same as the one reproduced in the INS Handbook) and their reasoning is faulty, they may violate the antidiscrimination provisions of IRCA.

In explaining their concerns about the current verification process, employers also cite what they consider to be excessive administrative and paperwork requirements. As a recent addition to tax records and other compliance and recordkeeping requirements, the I-9 is seen by employers as one more paperwork burden. Oftentimes employers photocopy all documents presented to satisfy the I-9 process as evidence to avoid a knowing hire challenge-a formidable increase to their paperwork volume. Further, the technical complexity of the requirement places significant demands on the employer in the form of compliance instructions, training of staff, and contact time with candidates for employment.

The sheer number of documents available for use in verification presents challenges for effective implementation of employer sanctions. Some efforts are underway to correct this situation. INS has proposed regulatory changes that would reduce the number of documents to be used for verifying work authorization for aliens. In addition, voter registration cards will be eliminated from the list as they generally do not contain a photograph needed to verify identity. The Commission believes that these efforts will not solve the problems inherent in the current verification process for several reasons. Reducing the long list of documents by a few documents would still leave too many documents for effective verification; it also would be unlikely to reassure employers sufficiently about the security of the system and may even add to employer confusion and lead to a potential increase in differential treatment. Counterfeiting or the fraudulent use of documents still would continue.

The Commission reviewed options that would reduce the number of acceptable documents even more stringently. The proposals that all aliens use an INS-issued document and all citizens present one of a limited number of documents, such as a passport, birth certificate, social security card, and/or driver's license, still contain a basic flaw: the employee would still have to self-identify as an alien or citizen. Such proposals would continue to permit considerable amounts of fraud if illegal aliens declare themselves to be citizens and present counterfeited documents. They potentially also would permit perpetuation or increase of current levels of differential treatment if employers question whether foreign-looking or -sounding citizens are citizens and require an INS-issued document.

Recognizing the problems inherent in strategies to reduce documentation but not to change the overall system of verification, the Commission set a number of criteria by which it measured the potential impacts of more comprehensive reform.

First, a new system would have to be potentially more reliable and less susceptible to unfair immigration- related employment practices than the present one. Any solution would have to take into account that most documents now can be counterfeited within a relatively short time and for a cost that would be recoverable from the sale of the counterfeit documents. Employers generally do not have sufficient expertise to recognize counterfeit documents and, therefore, require a simple, effective means of validating the information presented by new workers. Moreover, the new system would need to apply not only to aliens, but also to U.S. citizens; otherwise, problems of fraud could continue (illegal aliens could claim to be U.S. citizens) and/or unfair immigration-related employment practices may increase (employers could set different documentation standards for all foreign-looking and -sounding individuals).

Second, the new system would have to meet civil liberties and privacy standards. The new verification process should provide protection against use of the system for purposes other than those specified in law. The verification system should protect the privacy of the information to be used in verifying work authorization.

Third, the system would have to lessen the time, resources, and paperwork spent by employers in verifying work authorization. The Commission is persuaded that the current I-9 process requires excessive commitment of time and resources because of the complexity of the verification process. Any new system should be simple to use and require as

little paperwork as possible for employers. It also should be simple in overall design, so that enforcement may focus on substantive violations and not become preoccupied with paperwork violations rather than knowing hire of unauthorized workers.

Fourth, the new system would have to be as cost-effective as possible. Given that illegal aliens represent at most a very small portion of the total U.S. labor force, the Commission does not think it appropriate to recommend strategies with costs out of proportion to the problem to be solved. To improve verification without undue costs is possible, we believe, if a new verification system builds to the extent possible on the existing responsibilities, capabilities, and data systems of federal agencies rather than if it were to create new mechanisms that would be used only for verification of immigration-related work authorization.

Fifth, more effective verification likely would require a companion initiative for improvements in the integrity of the underlying or "breeder documents" (such as birth certificates) used to establish identity in this country. Birth certificates are easily counterfeited or easily obtained through counterfeit means. Since counterfeiting operations have become multimillion dollar businesses, meaningful penalties would be needed to deter the counterfeiting of documents. New enforcement measures, commensurate with the scale of these operations, are needed to identify and destroy the counterfeiting rings.

The Commission believes that the most promising option for secure, nondiscriminatory verification is a computerized registry using data provided by the Social Security Administration [SSA] and the Immigration and Naturalization Service [INS].

Having assessed dozens of options for verification of work authorization, the Commission believes that the proposed computerized registry best meets the criteria described above. As envisioned by the Commission, the computerized registry would be used to verify that a social security number is valid and has been issued to the individual who is being hired. This database would be created and updated from SSA and INS files, but not connected to either. From SSA would come a limited set of data: name; social security number; and several other identifiers, such as date of birth and mother's maiden name. From INS would come information about the immigration status of lawfully-admitted immigrants, nonimmigrants, and other aliens permitted to remain temporarily or permanently in the United States. The INS data would also contain information about the duration of work authorization for aliens granted temporary employment permits.

The Commission believes the key to this process is the social security number. For decades, all workers have been required to provide employers with their social security number. The computerized registry would add only one step to this existing requirement: an employer check that the social security number is valid and has been issued to someone authorized to work in the United States.

Most citizens obtain a social security number before age eighteen, and the majority obtain it immediately after birth because it is required if a parent requests a tax exemption for a child. SSA has programs with all but four states to issue social security numbers at birth to U.S. citizens. According to SSA, among the forty-six states that participate in the Enumeration at Birth system, 85 percent of the parents of newborns elect to participate.

SSA already has taken steps to make it more difficult for unauthorized aliens to obtain social security numbers by requiring any individual over age eighteen who requests a social security number to have a face-to-face interview. SSA checks immigration status before issuing the social security card to anyone who did not receive a social security number as a child because they immigrated to this country. SSA also keeps information that designates whether the alien has full work authorization or is temporarily authorized to work with permission of INS. SSA will give social security numbers to individuals not authorized to work if needed to open up bank accounts or for other reasons not related to work, but the social security cards issued to these individuals clearly state that they are ineligible for employment.

Under the proposed verification system, the employer would not ask individuals if they are citizens or aliens. Instead, the individuals would be asked for a name and social security number. This information could then be verified with the computerized registry. The employer would be given a confirmation number if the information given by the employee matches the database information. This verification number would be kept by the employer and could be used as an affirmative defense if the employer is accused of knowingly hiring an illegal alien. If, for any reason, a match is not

found within the system, the employer would receive acknowledgement that the verification process was carried out but that, as confirmation could not be made within the system, the employee should check with the local social security office to correct the problem. It would not be necessary-or possible-for the inquiry to give to the employer information about the reason why a match was not effected.

Also under this approach, in situations where the worker has temporary authorization to work, the employer could be told the individual has work authorization but to reverify as of a particular date when the eligibility expires. By the time of reverification, the information would be updated to include the individual's current employment eligibility status. The computer registry also could verify that an alien granted authorization to work for a specific employer, for example, under certain nonimmigrant visas, did not obtain employment elsewhere. Some of the costs of the new system may be offset by savings if the computer system allows extension of work eligibility to be done through updating of the database rather than through issuance of a new INS employment authorization document [EAD].

The Commission believes a computerized registry based on the social security number is the most promising option for verification because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry rather than only an identification card guards against counterfeiting of documents. It provides more reliable information about work authorization.
- **Reduction in the potential for discrimination** based on national origin and citizenship status, as well as inappropriate demands for specific or additional documents, given that employers will not be required to ascertain whether a worker is a citizen or an immigrant and will have no reason to reject documents believed to be counterfeit. The only relevant question will be: "What is your social security number?"
- **Reduction in the time, resources, and paperwork** spent by employers in complying with the Immigration Reform and Control Act of 1986 and corresponding redirection of enforcement activities from paperwork violations to knowing hire of unauthorized workers. Through use of this system, employer confusion will be greatly reduced as employers will not need to rely on faulty documents.

The Commission recommends that the President immediately initiate and evaluate pilot programs using the proposed computerized verification system in the five states with the highest levels of illegal immigration as well as several less affected states. We are pleased that the President's immigration initiative and FY 1996 budget includes funding to begin the pilot programs.

A pilot program will: permit the testing of various approaches to using the proposed verification system; provide needed information about the advantages, disadvantages, and costs of the various approaches; develop and evaluate measures to protect civil rights and civil liberties; and ensure that any potential obstacles, such as the quality of the data used in the registry, are addressed prior to national implementation. Assuming the results are positive, Congress should pass the necessary statutory authorities to support more effective verification.

The Commission recommends that these projects be undertaken in the high impact states because that is where the bulk of the illegal alien problem is. We did not recommend that the pilots be undertaken throughout all of the five states immediately. Pilot projects should start small. At each step, we should have results to determine what to do next.

The pilot program should incorporate a number of features:

- A means by which employers will access the verification system to **validate the accuracy of information given by workers.** We have received conflicting testimony about the best way to check the applicant's identity. We have heard proposals for a more secure social security card, a counterfeit-resistant driver's license, and a telephone verification system that does not rely on any document. Several different options could be tested simultaneously in different states. The pilot program presents an opportunity to determine the most cost-effective, fraud-resistant, and nondiscriminatory method available.

  Counterfeit-resistant driver's license or state-issued identification documents. An almost universal identification document is the driver's license or identity document issued by Departments of Motor Vehicles [DMVs]. These documents are obtained in most states with a birth certificate, social security number, driver's license from another state, or other documents. During the past few years, there has been significant progress in increasing the security

of these documents, pointing to further improvements that could be made. In the issuance of drivers' licenses, states are typically using secure paperstock, lamination, and other security features with a four to five year cycle for license replacement. Several states are issuing licenses made of hard plastic with a magnetic stripe. Alteration of the card is difficult and an operation for mass producing of replicates would be very expensive. The use of a smart-card chip and a biometrics identifier on the license is currently being explored through the Department of Transportation. Digital imaging, a new technology currently used for Virginia drivers' licenses, allows for automated capture, display, and comparison of current and previously recorded signatures and photographs. Employers would not be required to assess the validity of the drivers' licenses, however. The computer registry would tell an employer if the name and social security number on a license are valid. In this way, even a very good counterfeit would not pass muster.

Social security cards. Existing social security cards cannot serve as effective identifiers of the holders of those cards. While currently issued cards are more resistant to counterfeiting than earlier versions, many easily counterfeited cards remain in circulation. There are forty-four versions (twenty-six original and eighteen replacement) of the social security card. As of June 1993, 63 percent of the total number of active card holders had been issued the new counterfeit-resistant card, still leaving a substantial number of valid older documents in use. (There is no way of knowing how many counterfeit cards are currently in use or how many illegal aliens may have obtained valid social security numbers through fraudulent means.) Even the new cards have problems as identifiers; these cards do not have any identifying information other than the individual's name. A number of proposals have been put forth in Congress and elsewhere for the development and reissuance of a more counterfeit- resistant social security card. Even apart from the immigration-related reasons for a more secure social security card, arguments in favor of reissuance point to the need for greater integrity in the social security system itself. Critics of these proposals point out the cost and inconvenience to the public of a requirement for reissuance of the social security card. Further, if a photograph is used on the new issuance, it will be necessary for cards to be reissued periodically. SSA estimates the initial cost would be in the range of $2.5 billion. The pilot program would provide an opportunity to determine the cost-effectiveness of proposals to reissue the social security card.

Telephone verification. Some experts testified that a stand-alone telephone verification system could work to verify identity if workers are asked for information that they alone know. Many credit card and bank companies use a Personal Identification Number [PIN] to verify identity. Under this proposal, employers would enter individuals' social security numbers and workers would enter a PIN that only they knew. Alternatively, or in conjunction with the PIN, employees could provide a set of identifying information: for example, name, social security number, mother's maiden name, and date of birth. The pilot would test whether a telephone verification process that requires no documentation affords sufficient protections against fraud and discrimination.

Experts note that under any of these systems, the computer system could have a built-in process for logging and auditing inquiries to identify likely fraud. For example, if the same social security number was used too often or in too many locations, the computer system would record the incidence. The system then could inform the employer that the employee must reconfirm the information in the database. The authorized worker would benefit from learning that others were using his or her social security number. The social security number might then be canceled and the authorized worker issued a new number. The unauthorized worker could not reconfirm the information and, therefore, would not be able to continue in that employment. The process would also permit estimates of likely fraud to use in determining the efficacy of the verification system.

- **Measures to ensure the accuracy of and access to the specific data needed** to ensure that employers have timely and reliable information when seeking verification of work authorization. Improvements to the Social Security Administration and INS databases must be made to ensure that these data are available. Both the INS and SSA are already improving their data systems.

  Both houses of Congress already have earmarked funds in the INS FY 1995 appropriation to enable the agency to undertake such needed reforms. INS currently is completing the process of combining several databases into one integrated system. Nonimmigrant and refugee data are now integrated into the Alien Status Verification Index [ASVI] database, that is used in the benefits verification process, the System for Alien Verification of Eligibility

[SAVE], and the Telephone Verification System [TVS] pilot for employment eligibility verification. In FY 1995, the INS information systems division will almost double its budget, from $110 million to $200 million, to improve the infrastructure of the data systems.

The Commission welcomes these steps and encourages INS and SSA to take seriously their responsibility to have accurate, accessible data fully protective of privacy. Even with these improvements in the source data for the computerized registry, procedures must be developed to ensure timely and accurate extraction as well as updating and correcting the needed data. The Commission encourages INS and SSA to cooperate in this endeavor as the proposed registry would be built upon and-once implemented-would support the primary missions of both those agencies. Each agency has a vested interest in ensuring that its data are accurate, even apart from their common interest in ensuring that unauthorized workers do not obtain jobs. It is unacceptable that neither agency's records currently can provide needed information quickly. Resources requested and used for employment and benefit authorization purposes can be seen largely as enhancing or parallel to the resource needs of the larger mission of these agencies.

- Measures to ensure against discrimination and disparate treatment of **foreign-looking or -sounding persons**. The Commission believes that the least discriminatory system would have the same requirements for citizens and aliens alike. To reduce the potential for discrimination and increase the security of the system, the Commission also believes that employers should not be required to ascertain immigration status in the process of verifying authorization for employment. Their only requirement should be to check the social security number presented by the employee against the registry and record an authorization number to demonstrate that they have done so.

- **Measures to protect civil liberties**. It is essential that explicit protections be devised against use of the database-and any card or any other means used to gain access to it-for purposes other than those specified in law. The uses to be made of the verification system must be specified clearly. We believe the worksite verification system could be used, without damage to civil liberties, for verifying eligibility to receive public benefits. However, it should be stipulated that no one should be required to carry a card, if one is used, or to present it for routine identification purposes. Also, there should be penalties for inappropriate use of the verification process. Putting these provisions in law, rather than regulation, would make it more difficult to change them later in a manner that would evade protection of civil liberties.

- **Measures to protect the privacy of the information included in the database**. The Commission is aware of the proliferation of databases and the potential for the invasion of privacy by both government and private agencies. The computer registry recommended by the Commission will be drawn from an existing national database, the Social Security Administration computer system. Given the scope of the registry, it is essential to build in explicit provisions for protecting privacy. As with other aspects of our recommendations related to civil liberties, these safeguards should be made by law, not just regulation. The resultant computer system should incorporate appropriate technical safeguards regarding authorized users' access to individual information. In establishing privacy safeguards, it is important to take into account that, while access to any one piece of information may not be intrusive, in combination with other information such access may violate privacy. In particular, safeguards must ensure that information about specific individuals-other than the limited information to be provided as a part of the verification process itself-cannot be obtained from the database. To create a viable system, institutions and individuals with expertise in privacy matters should be involved in the development and assessment of the pilots. For example, the Computer System Security and Privacy Advisory Board created by the Computer Security Act of 1987 to identify and advise on security and privacy safeguard issues relating to federal computer systems should be involved in this process.

- **Estimates of the start-up time and financial and other costs** of developing, implementing, and maintaining a national system in such a manner that verification is reliable. The establishment of the proposed computer registry is the top priority during the pilot process and the key to the effectiveness of the process. While the record structure is simple, ensuring the quality of the source data is essential. Updating the information in a timely way is another basic, but very important, requirement. The database would contain only one-half dozen data elements (name, social security number, date of birth, place of birth, mother's maiden name, immigration status code, for example), and therefore would be quite straightforward from a programming viewpoint. However, ensuring that

these elements are complete and correct for all records will require significant start-up costs in making the necessary improvements to existing databases, particularly for INS.

Informal estimates by the Social Security Administration indicate that the cost of design and development of the combined SSA/INS database is $4 million over a two-year period. Annual cost of maintaining and operating the verification system is estimated at about $32 million. This figure maintains the computer registry itself, the costs of operating the automated system for checking social security numbers against it, operator costs for calls that cannot be handled automatically, and telephone lines for an 800-number to be used by employers.

Correcting errors in the INS and SSA databases will require the largest financial input. Discrepancies referred to SSA for resolution will cost approximately $122 million initially with an annual cost of $30 million. The cost of resolving discrepancies in the INS database will be additional. INS is already taking steps to improve its recordkeeping, but under the current plan, these improvements will take several years to accomplish. Additional appropriations will be needed to speed that process and ensure that accurate information will be available in a timely manner. Correcting discrepancies in the existing SSA and INS databases would be good investments, even if the computer registry were not at issue.

- **Specification of the rights, responsibilities, and impact on individual workers and employers**. The pilot program will need to determine a number of important issues related to the rights, responsibilities, and impact upon the users of the verification system. These include, for example, what individuals must do, how long it will take for newly authorized workers to get on the system and to correct inaccurate data, and what will be required of employers and at what expense.

  Provisions also must be developed to protect both workers from denial of employment and employers from penalties in cases where the information provided by the computer registry may be missing or inaccurate.

  Even with major improvements in the reliability of the data, the pilot programs will require mechanisms for timely manual secondary verification and an appeal when there is no match. Experience with existing databases, such as SAVE, indicate a sufficiently high error rate to merit further review. If the error rate is too high, the result may be discrimination against employees who come up as false negatives. To deter such discrimination, employers could be required to retain in employment those individuals until the employment authorization is confirmed (as in the current law, verification is a post-hire process). The current pilot project on telephone verification [TVS] has this provision.

- **A plan for phasing in of the system**. The Commission recognizes that the proposed verification system will result in financial costs. The system should be phased in to lessen the immediate fiscal impact. The pilot programs should test various phase-in procedures. Given the required levels of accuracy, reliability, and convenience required, the evaluation should help measure the cost of phasing in the system nationally.

The Commission recommends evaluation of the pilot programs to assess the effectiveness of the verification system.

The evaluation should include objective measures and procedures to determine whether current problems related to fraud, discrimination, and excessive paperwork requirements for employers are effectively overcome without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy. In carrying out the various components of the evaluation, study designs should be capable not only of identifying the degree to which the pilot alternatives achieve defined goals, but also of identifying why certain outcomes have occurred. In particular, the evaluation should assess the extent to which any identified strengths and weaknesses in the pilot programs are attributable to the computerized registry itself and/or the mechanisms used to access it. This information is essential to determining if the computerized registry should be maintained as a cost-effective mechanism for verification and, if so, what means of access should be used nationally.

The Commission supports INS efforts to improve its Telephone Verification System/SAVE [TVS/SAVE] database-but only as an interim measure.

The improvements are essential for improving the data needed for the new, more effective verification process. The Commission is aware of the inadequacies of the current INS data that would be used in the proposed system. The Commission does not endorse the TVS/SAVE program as a long-term solution to the verification problem because use of TVS/SAVE requires the inadequate mechanism of self attestation by workers as to their citizenship or alienage, thus making it easy for aliens fraudulently to claim U.S. citizenship. It also imposes requirements on legal immigrants that do not apply to citizens. Nevertheless, improvements in this database as well as the Social Security Administration database are essential to the development of a more secure, less potentially discriminatory verification system.

The current Telephone Verification System builds on the ASVI database that was established for the SAVE program. SAVE was designed for verification of legal status as it pertains to eligibility for federal assistance programs.

The following information is contained in the ASVI database: alien identification number; verification number; last name; first name; and an employment eligibility statement. The time-consuming aspect of the ASVI database is that often the system, for any number of reasons (e.g., files are not updated, there is a systems error, or the number provided is not functioning) cannot provide a response to A-number queries. When this happens the system refers the case for secondary verification. In FY 1994, (September - July) there was a 17 percent secondary referral rate for the SAVE system. A study of Phase I of the TVS pilot reported a 28 percent secondary referral rate. INS is already in the process of improving its system and is working to upgrade the ASVI database and reduce the need for secondary verifications. The Commission endorses INS initiatives to improve the SAVE/ASVI system as this step is necessary before a more secure system can be achieved.

Those are the Commission's recommendations on verification of work authorization. They are part of a comprehensive approach to immigration reform which this Commission proposes. I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Susan Martin
Executive Director, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
May 17, 1995

Thank you for the opportunity to testify today on the work of the Commission on Immigration Reform as it relates to legal immigration reform. As you know, the Commission is mandated to examine and report on the impact of legal immigration on the U.S. economy, labor force, social relations, demography, natural resources, foreign policy, and national security. We have underway a number of research projects designed to provide a systematic analysis of these effects of immigration policy. In addition, the Commission undertakes site visits, field hearings, and expert consultations better to inform us of the strengths and weaknesses of U.S. immigration policy.

In the Commission's 1994 report to Congress, we provided a preliminary picture of legal immigration under the Immigration Act of 1990. The Commission now is considering options to improve legal immigration policies. The Commissioners plan to complete their deliberations by the end of this month. Barbara Jordan, the Commission's Chair, instructed me to tell you that she would be pleased to testify as soon thereafter as is convenient for you.

Today, I will present a brief profile of recent legal immigration, based on our 1994 report as updated by more recent statistics on FY 1994 admissions. I also will describe the process that the Commission has been following in developing the interim recommendations that will be available in June and touch briefly on the issues that the Commission is considering.

The legal immigration provisions of the Immigration Act of 1990 [IMMACT, P.L. 101-649] attempted to balance a number of competing interests by (1) encouraging overall limits on legal immigration through establishment of annual numerical targets for total immigration, (2) permitting continued reunification of close family members with a guaranteed minimum for family preference visas if there are increases in the number of immediate relatives of U.S. citizens seeking entry, (3) meeting present and future labor market needs by increasing the proportion admitted for employment-based reasons, giving higher priority to the entry of professionals and highly-skilled persons, and retaining a procedure for helping to ensure that foreign workers do not adversely affect employment opportunities for U.S. workers, (4) providing greater national origin diversity by offering new opportunities for migration from countries that have not recently experienced much emigration to the United States, and (5) establishing a timely and more efficient naturalization process.

IMMACT Effects On Imigration Levels

To accomplish these objectives, Congress significantly revised the INA. A note, however, about the statistics available to judge its effects: the principal provisions of IMMACT were not implemented until 1992 and immigrant admissions in 1992 were primarily from the pre-IMMACT backlog. Only the 1993 and 1994 admissions are reflective of the new policies on family and employment-based immigration. The Diversity Program did not go into effect until this fiscal year. The following analysis, therefore, must be considered preliminary.

Legal Immigration

Immigrants fall into two major categories: those whose numbers are subject to annual statutory limits and those whose numerical limits can change each year (primarily refugees) or who have no numerical limits at all. Overall admissions of

legal immigrants averaged about 640,000 annually during the five-year period prior to the implementation of IMMACT. These numbers include all immigrants, whether admitted within or outside any statutory limits. As the attached Table shows, overall admissions since IMMACT, just over 800,000 in FY 1992 and about 880,000 in FY 1993, dropped in FY 1994 to 798,394. (These numbers do not include adjustments to permanent resident status of the 2.7 million illegal aliens legalized under IRCA.)

Statutory Cap

IMMACT established a flexible worldwide level of 700,000 family-based, employment-based, and diversity immigration visas for FYs 1992-1994. In FY 1995, the worldwide level reduces to 675,000. Separate ceilings were set for each of these immigrant categories, and, as described below, subceilings were created within each category.

The total admissions under the statutory cap were about 662,000 in FY 1994.

Family-Sponsored Immigration. Concerned that a worldwide limit on family-sponsored immigration had a potential to disrupt family reunification, Congress established an overall cap that could be pierced if the number of immediate relatives of U.S. citizens, for whom there are no numerical limits, exceeded expectations. IMMACT established a minimum floor of 226,000 per year for numerically-limited, family-sponsored preferences to ensure that these visas would continue to be available. Should the number of unrestricted immediate relatives exceed 239,000 (465,000 less 226,000) in FYs 1992-1994 or 254,000 (480,000 less 226,000) after FY 1994, the family- sponsored cap would be pierced. Under the flexible cap, the number of spouses, minor children, and parents of U.S. citizens admitted in the previous year is subtracted from the overall numbers available for family sponsorship, and (as of FY 1994) the number of unused employment-based visas from the previous year is added to the total. In no event, however, can the remaining family-based visas be less than 226,000.

The family numbers were less than 500,000 in FY 1994. More specifically, the family numbers are divided as follows:

> *Immediate Relatives of U.S. Citizens*. There are no numerical limits on the admission of the spouses and minor children of U.S. citizens or the parents of U.S. citizens. The number of immediate relatives entering in FY 1994 showed a modest decline from previous levels, mostly attributed to a drop in the number of parents of U.S. citizens who entered. The total number of immediate family was just under 250,000.
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> *Unmarried Adult Children of U.S. Citizens (FB-1)*. The FB-1 limit is 23,400 visas, plus any unused numbers from the siblings of U.S. citizens (FB-4) category, a reduction from the previous limit of 54,000 because Congress recognized that this category has always been underutilized (averaging 11,000 in the second half of the 1980s) and annual increases have been low. In FY 1994, about 13,000 immigrants entered in this category.
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> Despite the worldwide low usage, waiting lists for FB-1 visas have existed for certain countries due to per-country limits, which are prorated among the various preferences. Prior to the implementation of IMMACT, some 29,000 Filipino applicants were on the waiting list, and those who had applied six years before were being admitted. Some 52,000 Filipino and 4,000 Mexican applicants now are on the waiting list. Mexicans who have been waiting for one year and Filipinos who have waited nine years are being admitted. This wait for unmarried Filipino adult children of U.S. citizens is considerably longer than the current five-year wait for unmarried adult children of permanent residents. IMMACT has thus exacerbated the backlog, which will continue to grow, as only 1,600 Filipino applicants will become eligible for admission in this category annually. While the real wait for new applicants cannot be predicted with certainty due to changing factors over time, even if the maximum number of Filipinos receive visas every year, it will take more than thirty years to admit the current 52,000 on the waiting list.
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> *Spouses, Minor Children, and Unmarried Adult Children of Permanent Residents (FB-2A and 2B) and Legalization Dependents*. IMMACT increased the family second preference allotment from 70,200, plus any unused first preference numbers, to at least 114,200 visas, plus unused FB-1 numbers. In FY 1994, 115,000 immigrants were admitted in FB-2A and 2B. An additional 34,000 spouses and minor children of

legalization petitioners also entered in FY 1994.

One objective of IMMACT was the reduction in the waiting period for reunifying spouses and children of permanent residents, particularly those from countries with significant backlogs. Prior to IMMACT, applicants from most countries were admitted after about two years. For applicants from a few nations, the waiting period was far longer. The elimination of the per-country limits for a proportion of the FB-2 visas was adopted with the purpose of reducing the waits for such groups. IMMACT accomplished that goal: it equalized the FB-2 waiting time for Mexican, Filipino, and Dominican spouses and children with the worldwide one.

The waiting list for the FB-2 category, however, remains very large and is increasing annually. As of January 1995, it was some 1.6 million, composed largely, but not exclusively, of the spouses and children of legalized aliens. Demand for 2A visas for spouses and children of legalized aliens appears to have peaked, but the relatives of other legal permanent residents are behind them on the waiting list.

Of the FB-2 backlog, more than 1.1 million are in the 2A category, some 850,000 of whom are spouses and children of legalization immigrants. 2A applicants from all countries who have waited about three years are being admitted. While the actual 2A wait for new applicants is not known, it would take at least ten years at the expected FY 1994 usage of 2A visas (about 95,000) to work through the more than one million waiting applicants. The wait may be reduced if large numbers of those who legalized under IRCA naturalize and their spouses and minor children enter under the exempt immediate relative category.

The 2B visas are now available for applicants who have been waiting about four and one-half years. The real wait for a new 2B applicant is estimated at more than fifteen years if the 28,500 limit were reached each year, unless naturalization rates increase significantly. Should the petitioner become a citizen, the 2B beneficiaries would be transferred to the first preference category (unmarried sons and daughters of U.S. citizens), thereby increasing that backlog, particularly for Mexico.

Married Children of U.S. Citizens (FB-3). The annual visa limit was lowered from 27,000 to 23,400 (plus any unused FB-2 visas) by IMMACT, which was about the average for this category in the latter part of the 1980s. In FY 1994, about 22,000 immigrants entered in this preference.

About 250,000 applicants are waiting for a visa in this category. Prior to IMMACT, visas were available for applicants who had waited about one year, with the exception of those from Mexico and the Philippines, where visas were available for those who had waited about eight and nine years, respectively. Visas are now available for those who have waited about two years from most countries. Those from Mexico and the Philippines who have waited about eight and eleven years, respectively, now have visas available to them.

Siblings of U.S. Citizens (FB-4). IMMACT essentially maintained the 65,000 visas in this category (adding any unused FB-3 visas). About 62,000 immigrants were admitted in FY 1994.

There are more than 1.6 million FB-4 registrants. Prior to IMMACT, visas were available for applicants who had waited nine years from most countries; now they are available for those who have waited ten. The longest wait is for those from the Philippines: visas were available for those who had waited fourteen years prior to IMMACT; currently they are available for those who have waited eighteen years. While for certain nationalities the wait continues to grow in this category, the numbers added each year to the backlog are decreasing, perhaps due to the very extensive waiting period. Nevertheless, it is estimated that a new applicant from the Philippines would not reach the top of the list until 43 years after approval of a petition.

Employment-Based Immigration. IMMACT extensively revised the employment-based categories and numbers to emphasize skill and, for the first time, include immigrant investors. Prior to IMMACT, 54,000 visas were available annually for occupation-based immigration, not including the special immigrants now admitted under the employment-based categories. IMMACT allows up to 140,000 employment-based visas to be issued each year to applicants and their spouses and children.

Employment-based immigration rose from an annual average of 58,000 in FY 198791 to 147,000 in FY 1993 (the latter includes unused FY 1992 employment-based numbers) and then fell to 123,000 in FY 1994. These numbers are deceptive, however, since they includes some 27,000 and 21,000, respectively, who adjusted status under the Chinese Student Protection Act [CSPA]. The economic recession may have led employers to petition for fewer immigrant workers than the number possible under the new employment ceilings. Of the 100,000 FY 1994 admissions that actually involved immigrants coming to work and their dependents, about 42,000 were the principal workers.

The employment-based numbers break down as follows:

Priority Workers (EB-1). Approximately 40,040 visas (plus unused EB-4 and EB-5 visas) are available annually for priority workers with extraordinary ability in the sciences, arts, education, business, or athletics and for outstanding professors and researchers and certain multinational executives and managers. Some 21,000 priority workers and their dependents were admitted in FY 1994. Of these, 8,000 were the actual workers, with a majority of these being multinational executives and managers.

Professionals with Advanced Degrees (EB-2). About 40,040 visas (plus unused EB-1 visas) are available annually for professionals with advanced degrees or persons of exceptional ability in the sciences, arts, or business. Some 14,400 EB-2 workers and dependents were admitted in FY 1994; the number of principal workers was about 6,700. FY 1994 numbers appear to be an accurate reflection of current demand (lower than in FY 1992-1993), as both the FYs 1992 and 1993 EB-2 figures included a significant number of pre-IMMACT third preference applicants and their dependents who had been waiting for available visas. Visas are immediately available for EB-2 workers from all countries. Prior to IMMACT, visas were available for professionals and highly-skilled immigrants (former third preference) who had waited about one and one-half years, except for the Philippines, where visas were available for applicants who had waited for sixteen years.

Skilled Workers, Professionals with Baccalaureate Degrees, and Unskilled Workers (EB-3). About 40,040 visas (plus unused EB-2 visas) are available annually to EB-3 applicants. A maximum of 10,000 of these is allotted to unskilled workers. "Unskilled" jobs are considered to be those requiring less than two years of training or experience. Some 77,000 skilled workers, professionals, unskilled workers, and their dependents were admitted in FY 1994. The 77,000 included about 21,000 Chinese Student Protection Act visas. The actual number of skilled workers and professionals was about 18,000; unskilled workers numbered some 4,100.

Prior to IMMACT, visas were available for skilled and unskilled workers (former sixth preference) who had waited about four years, though visas were unavailable at times for applicants from mainland China and India and were available for applicants from the Philippines who had waited about five years. Visas now are available for skilled workers from most countries, though backlogs exist for about 5,000 mainland Chinese and almost 8,000 Filipinos-for Chinese who have waited almost 2 years and for Filipinos who have waited one year.

The only worldwide wait for employment visas now is for unskilled workers, some 79,000 of whom make up the waiting list. Unskilled worker visas now are available for those who have waited five and one-half years, regardless of nationality. Given the large waiting list, if 10,000 unskilled workers were admitted annually, it would take several years to work through the current list. The waiting list total in this category dropped by about 15,000 in the past year, perhaps in part because the long wait for a visa discouraged new applicants.

Special Immigrants (EB-4). IMMACT placed the formerly numerically-exempt category of Special Immigrants in the numerically-limited employment-based categories. The EB-4 category is a catchall for a variety of different groups, including ministers of religion, religious workers other than ministers, certain former U.S. government workers, and certain juvenile court dependents. About 10,400 special immigrants and dependents were admitted in FY 1994. The actual number of principals was about 4,600.

Investors (EB-5). IMMACT created a new category for employment-creating investors and set the limit at

9,940 annually, of which 3,000 are reserved for new commercial enterprises in targeted employment areas. About 600 investors and dependents were admitted in FY 1993 and 444 in FY 1994.

A number of explanations have been offered about why the entry of investors is substantially below the anticipated level. Some experts believe that U.S. tax laws are largely responsible for the relatively small show of interest; unlike some other countries, the U.S. taxes all of an investor's worldwide income if an investor obtains permanent residence. Others have argued that the job-creation requirements of the original law were unrealistic. In 1992, Congress enacted legislation to create a pilot program designed to take into account the indirect creation of jobs. The pilot program began October 1, 1993. So far, no one has been admitted in the EB-4 category under the pilot program. INA provisions offer another reason for low EB-4 admissions: investors enter under a conditional status, and the final rules to remove the conditions were not issued until April 1994. Investors may have been unwilling to begin a process until they knew the conditions they must meet to obtain permanent status.

Diversity Immigration (DV-1). The Diversity Immigrant provisions contained in IMMACT aim to increase national diversity in the immigrant population by widening access to immigration to individuals from underrepresented countries who have neither family nor job ties to the United States. This permanent diversity program began in October 1994. It will provide 55,000 visas to nationals of a country that has sent fewer than 50,000 legal immigrants to the United States over the previous five years. Each applicant must have a high school education or its equivalent or two years of work experience in an occupation that requires at least two years of training or experience. In FY 1995, the numbers are to be apportioned as follows: 20,200 to Africa; 6,850 to Asia; 24,550 to Europe; 8 to North America; 2,600 to South America; and 800 to Oceania. No single country may receive more than 7 percent (3,850) of the numbers available worldwide.

As a transition toward the permanent program, Congress allocated 40,000 visas in each of three years (FYs 1992-1994) for persons from countries "adversely affected" by the 1965 Amendments to the INA, which removed national origins as the principal determinant of U.S. immigration policy. In FY 1994, 41,000 immigrants entered under the transitional diversity visas.

Immigrants outside the Statutory Cap

As the Table shows, some 136,000 immigrants not subject to a numerical cap were admitted to the U.S. in FY 1994.

Refugees. IMMACT made no changes in the refugee admissions program and the Refugee Act of 1980 continues to govern. Prior to the beginning of each fiscal year, the President, in consultation with Congress, reviews the worldwide refugee situation, determines the number of refugees in need of resettlement who are of special humanitarian concern to the U.S., and establishes the authorized number of admissions for that fiscal year. Such refugees are initially admitted under conditional status. In FY 1994, 115,000 of these refugees adjusted to permanent residents.

Asylees. The Refugee Act of 1980 established the statutory basis for granting asylum to refugees who present themselves in the U.S. or at a port of entry, rather than overseas as in the refugee admissions program. There are no legal limits on the number of individuals who may be granted asylum in the U.S. in a fiscal year. Asylees who have been in the U.S. for at least one year after being granted asylum are eligible to become permanent residents. Although asylee adjustments are exempt from the worldwide annual limits, the law places a ceiling on the number of asylees who may adjust to lawful permanent resident status each year. IMMACT increased the ceiling from 5,000 to 10,000, including dependents. Some 12,000 asylees and their dependents became permanent residents in FY 1993. This number included some asylees and their dependents eligible for and awaiting adjustment prior to IMMACT who were permitted to adjust under the new law without being subject to the annual limit. There is no current wait for asylees adjusting status, and some 6,000 asylees and their dependents adjusted in FY 1994.

Parolees. Special provisions have allowed for the entry of Indochinese and Soviets who were paroled into the U.S. between August 15, 1988 and September 30, 1992, after being denied refugee status. These parolees can adjust to permanent resident status one year after their admission to the U.S. The numbers are variable. About 5,000 parolees adjusted status in FY 1991, 14,000 in FY 1992, and 16,000 in FY 1993. About 8,000 parolees adjusted in FY 1994.

Amerasians. Special provisions also have applied in recent years to the entry of Amerasians born in Vietnam between January 1, 1962 and January 1, 1976 and fathered by a U.S. citizen. Eligible Amerasians are issued permanent resident visas for entry. Some 11,000 Amerasians were admitted in FY 1993. These numbers include accompanying family members and guardians. Some 3,000 were admitted in FY 1994.

Other Immigrants. Immigrants can enter under a number of other categories, including categories for Cuban/Haitian entrants, registered nurses, and individuals granted suspension of deportation. (An alien otherwise deportable is eligible to adjust status under the discretionary suspension of deportation if that person has been in the U.S. for at least seven years, is of good moral character, and his deportation would result in extreme hardship.)

Characteristics of Legal Immigrants

IMMACT has not significantly changed the characteristics of the immigrants entering the United States, which is not surprising given the relatively short period IMMACT has been in effect. The categories of immigration revised or added by IMMACT accounted for less than 30 percent of the annual number of immigrants admitted in fiscal year 1992 (employment-based preferences-maximum of 140,000; legalization dependents-maximum of 55,000; and the transitional diversity program-maximum of 40,000). Most immigration continues to be based on family reunification; thus the new immigrant pool primarily reflects the characteristics of the recent immigrant pool and is not likely to change in the immediate future.

The Commission is midway through an analysis of the characteristics of immigrants entering in FY 1994. Our September report provided data on the characteristics of legal immigrants through FY 1993, as gathered by the U.S. Immigration and Naturalization Service. Data on legal admissions are summarized for those who arrived during the 1980s, the two-year period immediately before IMMACT took effect (FYs 1990-1991), and the two-year period after IMMACT took effect (FYs 1992-1993). Aliens granted permanent resident status under the provisions of IRCA are treated separately. Their characteristics are pertinent to understanding future immigration trends because their relatives account for a large share of the family backlog.

Places of Origin. Asia and North America, principally Mexico, continued to be the two largest source regions of legal immigrants, with 41.7 and 30.7 percent of the total immigrants admitted during FYs 1992-1993, respectively. The percentage admitted from these two regions declined slightly from 72.9 in FYs 1990-1991 to 72.4 in 1992-1993. The increases in the overall limits under IMMACT, however, have allowed for increased numbers of immigrants from all the regions of the world. North America and, especially Mexico, had the largest average annual increase between the two two-year periods (68,022 or 36 percent increase), while Oceania had the smallest increase (472 or 11 percent increase).

The countries with the largest increases in the number of immigrants admitted between 1990-1991 and 1992-1993 were primarily countries that were major sources during the 1980s: Mexico; Mainland China; Vietnam; and the Dominican Republic. Other countries had large increases, both in terms of numbers and percent: Poland; El Salvador; the United Kingdom; Ireland; and Japan.

The elimination of the per-country limit for 75 percent of the FB-2A spouses and children of permanent residents allowed for increased immigration from countries with large backlogs, such as Mexico and the Dominican Republic. Mexican immigration also increased due to the temporary category added under IMMACT allowing for the immigration of spouses and children of legalization dependents-nearly three-quarters of all legalization dependents were born in Mexico and El Salvador.

The country with the largest increase in employment-based immigration was Mainland China, which increased from an average of 2,585 a year before IMMACT to 24,800 after IMMACT. More than one-half of the increase was due to the Chinese Student Protection Act, which allowed certain Chinese persons in the United States to adjust status under the EB-3 category. Other countries with a large average annual increase in employment-based immigration after IMMACT were: India; the Philippines; Canada; the United Kingdom; and Taiwan. Immigrants from El Salvador, who previously had been the largest group entering under the old 6th preference, declined an average of 800 over the two, two-year periods, a decline largely due to the reduction in the number of visas available for unskilled workers.

Of the 120,000 transitional diversity visas issued in FYs 1992-1994, 40 percent were legislated to go to natives of Ireland. During the first two years of the program, Ireland accounted for 33.1 percent of the arrivals, second to Poland with 35.9 percent. The number of Irish immigrants entering the United States did not reach 40 percent because of a lack of demand. The transitional diversity program was largely responsible for the significant increases in immigration from these two countries. Other countries accounting for a large number of diversity immigrants during FYs 1992-1993 were the United Kingdom (8.6 percent) and Japan (8.3).

Age and Gender. The median age of immigrants admitted in FY 1992 and FY 1993 was twenty-eight years, no different than immigrants admitted in FYs 1990-1991, and only a slight increase (from twenty-seven) for immigrants admitted during FYs 1982-1989. Even though the median ages did not change significantly between the two-year periods beginning in 1990 and 1992, the data indicate a long-term trend towards a more even distribution of immigrants by age. Although the largest number of entering immigrants are typically in their twenties, recently the percentage of immigrants who enter in their twenties has declined and the percentage of immigrants who enter in their forties and fifties has increased. It is difficult to draw any conclusions from these data on the impact of IMMACT, as the change appears to predate IMMACT. IRCA immigrants were much older than other immigrants at their time of adjustment; however, many have been in the United States for more than ten years and, thus, were younger at the time of their entry.

Nearly 54 percent of the immigrants admitted in FYs 1992 and 1993 were female. By contrast, during the 1980s, men and women were equally represented. The trend toward more women admitted as legal immigrants began prior to IMMACT. It is likely to be reinforced, however, by the entry of the family members of aliens legalized under IRCA. Very high proportions of young adult legalized aliens were men, many of whom already have petitioned for their wives and children.

Intended Residence. Immigration follows much the same pattern as in the 1980s regarding intended residence. Approximately 70 percent of the immigrants intend to live in the six states of California (28.7 percent), New York (17.2), Texas (7.1), Florida (6.5), New Jersey (5.7), and Illinois (4.7). Many immigrants settle in large urban areas; more than 25 percent intend to live either in New York City or Los Angeles. Other metropolitan areas with significant immigrant arrivals are Chicago, Miami, Washington, DC, and San Francisco.

The patterns of residence of the IRCA immigrants is different than other legal immigrants. Although the top six states are the same for IRCA immigrants as for other immigrants, IRCA immigrants are more concentrated. More than 85 percent of IRCA immigrants live in the top six states and more than 50 percent live in California. The family members of the legalized aliens who immigrate in the future should further increase the proportion of legal immigrants residing in California and Texas.

Occupation. The increase in the employment-based preference limit from approximately 54,000 in 1991 to 140,000 in 1992 could have the most impact on the occupational characteristics of new immigrants. Beyond increasing overall admissions, IMMACT reduced the number of unskilled immigrants and their family members from 27,000 to 10,000, while raising the number of highly-skilled immigrants allowed to enter from 27,000 to approximately 110,000.

The reported occupations of immigrants of working age changed only slightly after IMMACT. (All but about 6 percent of adult immigrants report an occupation or report that they are homemakers, students, unemployed, or retired. What is reported may be either their last job in their home country or, if entering under the employment-based preferences or adjusting in the U.S., the job they are or will be performing in the United States.) The percentage of immigrants who reported they were professionals or executives increased from 15.0 percent in the two-year period before IMMACT to 17.0 percent after IMMACT. Every other occupation group declined, except for operators, fabricators, and laborers, which increased from 9.2 to 9.7 percent. The shift in occupational characteristics is consistent for both males and females.

Issues to Be Considered

The Commission is now engaged in a systematic examination of the effects of legal immigration in order to develop interim recommendations this year and longer-term recommendations in our final report to Congress. Among the areas under review are:

Family Reunification. U.S. immigration policy is based mainly on family reunification. The Commission's mandate includes an explicit requirement to assess the impact that the establishment of a national level of immigration has upon the availability and priority of family preference visas, including examination of: the role of family reunification in the integration of new immigrants into U.S. society; the effects of IMMACT on the numbers of individuals admitted for family reunification; the effects of IMMACT on the waiting period for family-sponsored preferences; the effects of different family reunification policies on future demand for visas; the extent to which extended waiting periods for the admission of spouses and children contribute to unlawful immigration; the priority to be given to the admission of individuals of different family ties (that is, spouses, minor children, adult children, siblings); and other issues. The Commission is paying particularly close attention to the effects of legalization on family admissions and backlogs.

Impact on labor needs, employment and other economic conditions in the United States. Both the long and short-term effects of immigration on the labor market need to be understood in formulating sound policy. The evolving international context of the U.S. economy must be a part of this analysis along with the U.S. economic restructuring that has led to more U.S. workers finding different kinds and amounts of employment in service-as opposed to manufacturing-industries. More specifically, the Commission is examining: the characteristics of immigrants and nonimmigrants (hereinafter "migrants") entering the U.S. under different categories as they relate to U.S. labor market considerations-education, skill level, occupation, employment experience, etc.; having entered, their labor force participation rate, employment, wages/income and job mobility experience by different categories of immigration; the impact of migrants in different categories on the labor force participation rate, employment, and earnings of domestic workers (by race, ethnicity, citizenship); the impact of migrants in different categories on the working conditions and benefits of domestic workers; the effects of migrants on specific industries; the extent to which migrants admitted under different employment-based provisions continue to work in the jobs for which they were admitted or in jobs in similar occupations or industries; the type and impact of entrepreneurial activities in which migrants engage; and the impact of various immigrant categories on the generation of jobs for U.S. workers.

The Commission has sought preliminary data on these issues for our interim report. For our final report, we have contracted with the National Academy of Sciences to form an expert panel that will include labor economists, sociologists, demographers, and others concerned with changing labor force and economic effects of immigration.

Social and Civic Incorporation. Immigrants historically have brought to the United States different cultural, religious, and political backgrounds. Over the last few decades, our new immigrant population has shifted from predominantly European to largely Asian and Latin American. Unlike earlier periods of immigration, admissions are not dominated by a small number of countries. At the turn of the century, the top five source countries accounted for 75 percent of new legal arrivals. During the 1990s, the top fifteen countries account for fewer than 70 percent. These top sending countries include such diverse nations (in terms of economic status, political systems, religious backgrounds, and racial makeup) as Mexico, China, Philippines, Vietnam, the former Soviet Union, and the United Kingdom. The Commission inquires about the effects of our immigrant population on social and community relations, as well as the effects of American life on immigrants. Further the Commission is looking at the civic integration of immigrants, including participation in local, state, and national political affairs, development of political constituencies, and other manifestations of civic involvement. The Commission plans to issue recommendations on naturalization as part of its interim report in June.

Refugee and Humanitarian Issues. There are well over 20 million refugees and at least another 25 million internally-displaced people who have fled from violence and persecution but have not crossed an international border. The U.S. plays an important role in refugee affairs as the principal donor to international refugee programs, a principal supporter of durable solutions to refugee crises, and a major receiver of refugees for resettlement. The Refugee Act of 1980 adopted the international definition of refugees, rejecting the earlier U.S. definition that specified that refugees were individuals fleeing Communist countries. Yet, refugees from (former) communist countries continue to account for the vast majority of those admitted to the U.S. as refugees. The Commission is examining questions about: what role refugee resettlement should play in the post-Cold War era; what factors should replace Cold War criteria in deciding who should be given priority for resettlement; and what size program makes sense in light of these changing standards and of the continued numbers of refugees in need of the assistance and protection that the U.S. has traditionally provided. The Commission is examining these issues in conjunction with its analyses of the U.S. capacity to respond to migration emergencies headed directly for the United States.

CIR Activities Related to Legal Immigration Reform

To date, the Commission has held expert consultations on family-based admissions, employment-based admissions, refugee resettlement and other humanitarian admissions, and the demographic effects of immigration policy. We have held field hearings and consultations on legal immigration policy in: Chicago, Illinois, with a particular focus on naturalization; Lowell, Massachusetts, looking especially at the effects of immigration on a small city; New York, New York, with its heterogeneous immigrant population; Central Texas, with particular focus on immigration in high-tech industries; and Phoenix, Arizona, with a particular focus on land use and other effects of increased population.

The Commission continues to undertake research aimed at clarifying the effects of legal immigration on U.S. society and economy. We have testified to you previously that the Commission is not satisfied with the reliability of immigration data. As noted above, the Commission is working with the National Academy of Sciences to establish an expert panel that will present its conclusions on the demographic, labor market, fiscal, and other economic effects of immigration. The panel will include a wide range of expertise not only on the literature directly related to the effects of immigration, but also on the various areas in which immigration's impact is felt, so that we can get beyond disputes about data that ought to be matters of fact.

The Commissioners have engaged in extensive discussions about the national interests to be served by immigration, the extent to which current policies serve these national interests, the extent to which immigration benefits or harms the already-resident U.S. population, and the advantages and disadvantages of various options to correct problems identified through this process. As in the Commission's 1994 report to Congress, the aim of this year's recommendations is to suggest ways that U.S. immigration policy may best meet high standards of credibility in its formulation and its implementation.

As I stated at the outset of this testimony, Professor Jordan looks forward to sharing the Commission's recommendations with you next month. In the meantime, I would be pleased to answer questions you may have about the data presented in our 1994 report or our activities in preparation for our forthcoming recommendations.

U.S. COMMISSION ON IMMIGRATION REFORM

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U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Chair, U.S. Commission on Immigration Reform
Before a Joint U.S. House of Representatives Committee on the Judiciary
Subcommittee on Immigration and Claims
and
U.S. Senate Committee on the Judiciary
Subcommittee on Immigration
June 28, 1995

Thank you for providing this opportunity to present the Commission on Immigration Reform's interim recommendations on legal immigration reform. This Commission was mandated by the Immigration Act of 1990 to examine and make recommendations regarding the implementation and impact of U.S. immigration policy.

In fulfilling this mandate, the Commission has held public hearings and consultations in Los Angeles, Miami, El Paso, Chicago, Lowell, New York, Austin, San Juan, and Phoenix. During the site visits, the Commission visited service agencies, community groups, and others with interest in immigration. We met with university-based researchers in these areas in order to be better informed of the cutting-edge research available on the local effects of immigration.

The Commissioners also held expert consultations on the national-level labor market impacts of immigration, the demographic effects, and the fiscal impacts on federal, state, and local programs. In addition, we held public meetings on the various parts of our legal immigration system, with separate sessions with practitioners familiar with family-based immigration, employment-based immigration, and refugee admissions. We undertook systematic analysis of the available research on such topics as the economic and social characteristics of recent immigrants, the impact of immigration on federal, state, and local benefit programs, the economic adaptation of immigrants, and the demographic and environmental effects of immigration. The Commission also commissioned research that modeled likely future demand for immigrant admissions. This research continues in preparation for our final report to Congress in 1997, but our work to date provides useful perspectives for interim recommendations.

Foremost, the Commission concludes that a properly regulated system of legal immigration is in the national interest of the United States. Such a system enhances the benefits of immigration while protecting against potential harms.

Immigrants often create new businesses and other employment-generating activities and, in this manner, promote the renewal of city neighborhoods and commercial districts. Immigrants also can strengthen America's economic and political ties with other nations and, thereby, enhance our ability to compete in a global economy and provide leadership in international and humanitarian affairs. Properly regulated immigration further strengthens American scientific, literary, artistic, and other cultural resources. It promotes family values and ties that are important components of good schools and strong communities. At a time of troubling ethnic strife in many parts of the world, an effective American immigration policy can demonstrate to other countries that religious and ethnic diversity are compatible with national civic unity in a democratic and free society.

Legal immigration, however, has costs, as well as benefits. Immigrants with relatively low education and skills may compete for jobs and public services with the most vulnerable of Americans, particularly those who are unemployed or underemployed. Jobs generated by immigrant businesses do not always address this problem. Concentrated and/or rapid entry of immigrants into a locality may impose immediate net costs, particularly in education, where expenditures are required to meet the additional and special needs of newcomers. Concentration of new immigrants can exacerbate tensions among ethnic groups. Certain legal immigrant populations may impose other costs: refugees often have special needs for health and other services, making resettlement significantly more costly than overseas solutions to refugee problems; elderly new immigrants are more likely to draw upon public services than elderly native-born Americans or

immigrants who came to the United States at a younger age.

The Commission supports the basic framework of current immigration policy-family unification, employment-based immigration, and refugee admissions. We considered alternative frameworks, particularly a point system, but rejected these approaches. We believe that a system that relies on formulas and bureaucratic procedures for determining which immigrants meet the formula is not as effective in protecting the national interest as one that relies on the judgment of American families and employers within a framework that protects U.S. workers from unfair competition.

At the same time, the Commission is convinced that our current immigration system must undergo major reform to ensure that admissions continue to serve our national interests. Hence, the Commission recommends a significant redefinition of priorities and a reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration system.

In developing our recommendations, the Commission was guided by the following principles:

1) Clear goals and priorities must define our immigration policy;

2) Effective policy means enforcement of immigration limits;

3) Regular periodic review is needed to ensure flexibility to adjust to changing circumstances in the United States;

4) Immigration policy should be comprehensible and its implementation efficient;

5) Sponsors are responsible for ensuring that immigrants do not become burdens on the American taxpayer;

6) Immigration policy must protect U.S. workers against unfair competition from foreign workers, with an appropriately higher level of protection to the most vulnerable in our society;

7) Both temporary and permanent admissions categories must be seen as integral parts of a cohesive immigration policy;

8) A sound immigration policy supports Americanization, by which we mean the sharing of such American values as the belief in liberty, democracy, and equal opportunity;

9) Fundamental immigration reform, as proposed by the Commission, requires a period of transition to get from the present system to the new one.

Following these principles:

The Commission recommends a tripartite immigration policy that permits the entry of nuclear family members, professional and skilled workers, and refugees, with additional steps to address the continued aftereffects of the 1986 Immigration Reform and Control Act that provided legal status to formerly illegal aliens. We propose a core immigration admissions level of 550,000 per year, to be divided as follows:

Nuclear family immigration	400,000
Skill-based immigration	100,000
Refugees	50,000

The Commission further recommends that Congress authorize 150,000 visas annually for the admission of the spouses and minor children of legal permanent residents who have been awaiting entry until such time that the backlog is eliminated.

The Commission recommends that admission levels be authorized by Congress for a specified time period (e.g., three to five years) in order to ensure regular periodic review and, if needed, change by Congress.

More specifically, the Commission recommends changes in the components of U.S. immigration policy, including family-based immigration, skills-based immigration, and refugee resettlement. The Commission also addresses issues related to Americanization of new immigrants, with a particular focus on naturalization.

Nuclear Family Immigration

Immigration supports the national interest by promoting strong and intact nuclear families-that is, the basic social unit consisting of parents and their dependent children living in one household. Immigration contributes to this national interest by permitting the entry of close family members of U.S. citizens and permanent residents who otherwise may be separated for years. Immigration policy also can contribute to the strength of U.S. families by ensuring that immigrants receive any needed financial support from their own relatives and, thus, impose no financial burdens upon the taxpaying public.

The Commission recommends:

A prioritization of family relationships to determine who will be admitted through family-based immigration, with admission numbers going to those who are of the highest priority. Only to the extent that visas are available after the demand in higher priorities is met should visas be made available to lower priority categories. Following this reasoning, the Commission makes further recommendations.

- Spouses and minor children of U.S. citizens should continue to be admitted as the first priority. Also to be admitted under this priority are the small number of adult children dependent on U.S. citizen parents because of a mental or physical disability. This policy permits the expeditious entry of the closest family members while reinforcing the notion that citizenship confers additional benefits on those who become fully participating members of our polity.

- Parents of U.S. citizens should be admitted as the second priority. However, the Commission is mindful of the potential negative impacts that the entry of parents may pose for the U.S. taxpayer if these individuals utilize Supplemental Security Income, Medicaid, and similar programs. Therefore, the Commission believes that continued admission of parents should be contingent on a legally-enforceable affidavit of support. The affidavit should ensure that parents who are unable to work enough quarters to become eligible for Social Security or Medicare do not become a burden to taxpayers through use of SSI, Medicaid, or equivalent state and local services. Further, the Commission recommends that affidavit signers (petitioners and/or coguarantors) should provide: verifiable assurance that they indeed have the capacity to provide what may be a lifetime of financial support to the parent immigrants; and verifiable assurance of the purchase of what may be lifetime health coverage for the parent immigrants (obtained either privately or through buying into Medicare, which the government should make available at an actuarially fair price).

- Third priority should be allocated to spouses, minor children, and adult dependent children (as above) of legal permanent residents [LPRs].

The Commission further recommends sufficient additional numbers, on an interim basis, to eliminate the backlog in the category for admission of spouses and minor children of LPRs. We believe that this backlog, which results primarily from the Immigration Reform and Control Act, can be cleared without creating another waiting list. By the end of this fiscal year, 824,000 spouses and minor children of aliens legalized under IRCA will be waiting for visas. The number of new applications has fallen to only a handful for this group. However, since the filing of applications by the legalization beneficiaries, a backlog of 279,000 (or about 80,000 per year) spouses and minor children of other LPRs has developed. Under our current system, it would take more than a decade to clear the backlog, even with substantial naturalization. In the meantime, when an LPR sponsors a spouse and/or minor child, that individual goes to the end of the waiting list of 1.1 million.

Priority for clearance of the backlog should go first to the spouses and minor children of LPRs who themselves entered lawfully under the regular immigration preferences. Only afterwards should expedited admission be offered to the

spouses and minor children of LPRs who entered under one of the legalization provisions of the Immigration Reform and Control Act.

The Commission recommends this separate treatment of the family members of those who became permanent residents through regular immigration and those who legalized under the IRCA because:

- The circumstances are different for the two sets of spouses and minor children. Many of the families of the immigrants who legalized under IRCA are in the United States and, under the Family Unity provisions of the Immigration Act of 1990, have a quasi-legal status that permits their continued presence and work authorization. Many of the families of the other legal immigrants are separated, with their spouses and/or minor child(ren) living outside of the United States.

- As of December 31, 1995, most legalized aliens will be eligible to naturalize. As citizens, they will be able to expedite the admission of their spouses and minor children without the additional visas earmarked for LPRs.

- The legalized already have received special treatment in obtaining amnesty. To further reward their earlier illegal entry by giving equal or higher priority to the entry of their relatives sends the wrong message at a time in which the U.S. must obtain greater control over unauthorized entry.

The addition of 150,000 visas will permit the elimination of the regular LPR beneficiary backlog within three years and the legalization beneficiary backlog in five to eight years. Thereafter, the entry of all spouses and minor children of LPRs should be possible within a year of application under the proposed 400,000 admissions ceiling on family-based immigration.

The Commission recommends elimination of other family-based admission categories, including:

Adult, unmarried sons and daughters of U.S. citizens;

Adult, married sons and daughters of U.S. citizens;

Adult unmarried sons and daughters of legal permanent residents, and;

Siblings of U.S. citizens.

The Commission acknowledges that many individuals in these categories have contributed to U.S. society. Nevertheless, it is necessary at this time to emphasize the reunification of nuclear families. The elimination of these categories should take place one year after the date that legislation is enacted to accomplish this purpose. In this way, the plans of U.S. families that are on the verge of reunifying with their foreign siblings and adult children will not be unfairly disrupted. The Commission recommends elimination of these categories for several reasons.

- The numbers now used to admit these individuals in more extended family relationships could be used instead to reduce the waiting time for closer family members without raising the overall levels of immigration.

- Elimination of these preferences will remove extraordinary backlogs that now undermine the credibility of our policy. Credible immigration policy should not give false hopes to applicants. An individual now applying under the sibling category, for example, could not expect to enter the U.S. legally for more than a decade.

- Unless there is a compelling national interest to do otherwise, immigrants should be chosen on the basis of the skills they contribute to the U.S. economy. The Commission believes that admission of nuclear family members and refugees provide such a compelling national interest, even if they are low-skilled. Reunification of adult children and siblings of adult citizens solely because of their family relationship is not as compelling.

The Commission recommends amendment of Section 201(c) of the Immigration and Naturalization Act [INA] to provide that otherwise unused immigrant visa numbers for a fiscal year be made available to people who have a priority date that would entitle them to processing in that year but who were not issued visas. Given the large

backlog of spouses and minor children, all efforts should be made to ensure their expeditious entry by fully utilizing authorized visas. Under current policy, visas unused because of administrative delay or personal reasons are lost. Allowing such unused visas to be made available to otherwise eligible immigrants after the end of that fiscal year ensures that all the visas allocated for family-sponsored immigrants would be used and charged to the given fiscal year. The new fiscal year visa numbers would not reflect an increase in visas allocated over the annual worldwide limit for family-based immigration.

For example, if 400,000 visas were allocated for family-sponsored immigrant in FY 1997, and during that year only 390,000 visas were issued because 10,000 immigrants were delayed beyond the end of the fiscal year, the remaining 10,000 visas could be issued to the delayed or other eligible aliens during the next fiscal year but would count toward the original year. Under the proposed amendment, the Department of State could charge to FY 1997 all visas allocated in that year even though the visas themselves might not be issued in FY 1997. As the recommendation affects only aliens already entitled to a visa, annual number limitations would not be exceeded.

The Commission further recommends that the INA be amended to address better the aging-out problem of certain aliens. One unfortunate side effect of waiting lists is the aging-out of aliens while awaiting their already approved petition. This issue, which arises particularly in the case of the minor children of legal permanent residents, will become even more of a problem with the elimination of admission opportunities for adult children. For example, the minor child of a legalized alien may have been granted Family Unity status with the understanding that eventually a visa would be available. Under current law, a child who has aged-out would rarely be deported but is no longer eligible for permanent residence as a minor child. A provision stating that a person entitled to status at the time a petition is approved shall continue to be entitled to that status, regardless of his or her age, would allow such applicants to retain their eligibility for immigrant visas.

Skill-Based Immigration

Immigration can support the national interest by bringing to the U.S. individuals whose skills would benefit our society. It also can help U.S. businesses compete in the global economy. This national interest in the competitiveness of business must be balanced by an equally compelling national interest in developing a U.S. workforce that has the skills necessary to compete in the global economy. Immigration policy can contribute to this national interest by:

- Focusing on the admission of highly-skilled individuals;
- Giving employers access to a global labor market when they cannot identify U.S. workers with knowledge and expertise required for a specific job or when they demonstrate a labor shortage that cannot be filled through short-term training programs;
- Helping companies conducting business, both in the United States and internationally, reassign personnel as needed to maintain their competitiveness;
- Encouraging entrepreneurial activities and other investment in the United States aimed at creation of jobs;
- Providing a means of ensuring that U.S. workers are not displaced or otherwise adversely affected by the entry of foreign workers; and
- Providing incentives or penalties to help ensure that employers in the U.S. engage in serious recruitment of American workers (for example, national rather than local recruitment where appropriate) and contribute significantly to the training of the domestic U.S. workforce.

  The Commission recommends that the preferences for the admission of skill-based immigrants be reorganized to establish two categories: those subject to a labor market test, which we would expect to be the norm; and those who, for significant and specific policy reasons, should be exempt from such a labor market test. Labor market-testing requires a demonstration that a business has a bona fide need for the skills of a foreign worker and cannot find a qualified U.S. worker or one who could be readily trained for the intended job.

  Exempt workers should include those individuals whose entry will generate economic growth and who hold no potential for undermining the employment prospects and remuneration of U.S. workers. The following individuals should be exempt:

- Individuals at the very top of their chosen field whose extraordinary ability in the sciences, arts, education, business, and athletics is demonstrated by sustained national or international acclaim and whose achievements have been recognized through extensive documentation, or individuals who have demonstrated the potential for extraordinary achievement in their chosen field through extensive documentation, including receipt of international prizes and the testimony of appropriate experts;
- Managers and executives of international businesses. Greater safeguards must be put in place to ensure that only bona fide international businesses benefit from this policy;
- Entrepreneurs whose active investment in new commercial enterprises generate a significant number of jobs for American workers in the United States;
- A limited number of individuals ordained by a religious denomination and other religious workers who have carried on the religious vocation abroad during the two years immediately preceding the application for admission and who are members of a religious denomination having a bona fide nonprofit, religious organization in the United States that sponsors them.

Labor market-tested foreign workers permitted to immigrate to the United States under these categories should include only those who have attained a baccalaureate or higher academic degree or those who are needed to fill jobs that require a high level of specific skills above the entry or journeyman level. Categories that would require a test of the domestic labor market include:

- Professionals with advanced degrees, including professors and researchers who do not meet the definition of "extraordinary;"
- Professionals with baccalaureate degrees and skilled workers with a minimum of five years of specialized work experience, whose admission should be scrutinized strictly to ensure that they will have no adverse effect on similarly qualified U.S. workers.

The Commission recommends the elimination of the admission of unskilled workers. Unless there is another compelling interest, such as in the entry of nuclear families and refugees, it is not in the national interest to admit unskilled workers, especially when the U.S. economy is showing difficulty in absorbing disadvantaged workers and efforts towards welfare reform indicate that many unskilled Americans will be entering the labor force.

The Commission is not satisfied with current labor certification procedures because they are neither timely enough to meet the needs of employers with a bona fide interest in hiring a foreign worker nor effective in protecting the interests of U.S. workers. We seek to replace a failed and expensive regulatory system with one that is market-driven. (The cost to the federal government was about $70 million in 1992.)

The Commission recommends replacing the labor certification procedure with the following more timely and effective labor market test:

n To demonstrate the bona fide need for a foreign worker and to increase competitiveness of U.S. workers, an employer should be required to pay a substantial fee, that is, make a substantial financial investment into a certified private sector initiative dedicated to increasing the competitiveness of U.S. workers, for example through education and training. Employers seeking to hire foreign workers already incur substantial financial costs and face lengthy processing delays. Under the Commission's proposal, the fee would go towards developing a well-trained U.S. workforce rather than supporting costly bureaucratic processes. To ensure that the employer, and not the foreign worker, pays the fee, penalties should be imposed upon violators.

- Employers should demonstrate that they have engaged in appropriate attempts to find a qualified U.S. worker using normal company recruitment procedures that meet industry-wide standards and offering wages that are at least 5 percent above the prevailing wage.

- The resulting permanent resident status so obtained should be conditional for a two-year period. Conditional status would be removed at the end of that period if the foreign worker is still employed by the same employer at the same or higher level and if the employer demonstrates that the attested wage has been paid. The law should specify conditions under which the foreign worker could obtain a waiver of the two-year requirement. For example, it could be waived in situations where unanticipated circumstances, such as

layoffs or business failure occur or where an employer's unfair labor practices would render the foreign worker subject to abuse. To prevent both fraud and abuse against workers, penalties should be authorized.

To provide greater flexibility and allow for market adjustments, the Commission recommends that skill-based visas not used in a fiscal year be carried over to the next year's skill-based numbers. In this way, skill-based visas unused during a downturn in the economy would be readily available if business improves and there is greater need for skilled foreign workers.

Refugee Resettlement

The Commission strongly affirms that the United States should continue its commitment to resettle refugees as one of several elements of humanitarian protection for the persecuted. Refugee admissions fulfill a humanitarian commitment to provide protection and assistance to those who otherwise would be persecuted or endangered. The Commission recommends that, on an interim basis:

- The U.S. should allocate 50,000 admission numbers each year to the entry of refugees from overseas;
- Other than in emergency situations, any refugee admissions in excess of the 50,000 admission level could occur only with more active participation by Congress than occurs in the current consultation process;
- In the case of an emergency, the President may authorize the admission of additional refugees upon certification of the emergency circumstances necessitating such action. The Congress may prevent the emergency admissions only with a two-house veto of the Presidential action.

Allocating a set number of refugee admissions, with provisions to exceed this number in case of an emergency or other changed circumstances, ensures a continued U.S. commitment to resettlement, particularly following the expected closure of the current refugee programs in Southeast Asia and, possibly, the former Soviet Union. These two programs account for almost 80 percent of current resettlement (about 87,000 out of 112,000 admissions in FY 1994).

Reform of the current consultation process is needed to ensure Congressional oversight of decisions made to exceed the 50,000 limit. Current consultations are often pro forma and occur very late in the planning process. As discussed below, the Commission will provide recommendations on mechanisms for decisionmaking on numbers in a forthcoming report.

The U.S. should take leadership in generating international responses to refugee crises, with particular focus on international burdensharing and regional solutions. Future policies also must take into account the relative weight to be given resettlement versus the other avenues open to the United States to help protect and assist refugees worldwide, including support for repatriation of refugees to their homelands when conditions permit.

The Commission recommends a thorough assessment of the criteria used to admit refugees for resettlement and the procedures for their admission. The contexts for making future policy regarding refugee resettlement are in flux. The refugee resettlement program must be revamped to meet the needs of a post-Cold War world, in which extreme nationalism and ethnic conflicts continue to produce massive population displacements while resolution of other conflicts is permitting large-scale voluntary repatriation. Resettlement criteria should take into account the protection of refugees who otherwise would be endangered in a country of origin or asylum and who would have no other alternatives.

The Commission is reviewing a variety of issues related to refugee resettlement, including: the priority system; in-country refugee processing; country-specific legislation; procedural issues; Congressional and Executive branch roles, including the consultation process; the role of international organizations; parole authority; and domestic assistance, including the role of the state and local organizations (e.g., nongovernmental organizations and voluntary agencies).

The Commission also is engaged in a thorough review of issues related to immigration emergencies. Specific

recommendations on this subject-which may include modification of the above interim recommendations on refugee resettlement-will be included in a Commission report planned for the end of 1995.

Nonimmigrant Admissions

The Commission believes that both permanent and temporary (nonimmigrant) admissions must be considered as part of an integrated immigration system. Although we are deferring specific recommendations on most nonimmigrant issues until we have completed a comprehensive review, we do note two areas of particular interest.

Temporary Workers and Foreign Students. **The Commission intends to examine in depth the nonimmigrant temporary worker and foreign student systems and their relationships to permanent immigration**. In particular, we will be looking at ways to simplify and achieve greater coordination in these systems and to make recommendations as a result of this study. A high percentage of applicants for permanent skill-based admission are already in this country on temporary work or student visas. Businesses that intend to petition for permanent visas for new hires frequently obtain temporary visas first because of long delays in processing. In addition, a significant number of individuals admitted for temporary study or work seek permanent jobs during their stay. As noted above, these categories of temporary admission must be seen as integral parts of a coherent legal immigration policy. The Commission will address these specific issues in a later report.

Agriculture Guestworker Program. **The Commission believes that an agriculture guestworker program, sometimes referred to as a revisiting of the "bracero agreement," is not in the national interest and unanimously and strongly agrees that such a program would be a grievous mistake**.

First, the Commission is highly skeptical of the need for an agricultural guestworker program at this time or in the near future. Proponents of such a program have failed to demonstrate that a labor shortage is about to occur or that there are no means other than a guestworker program available to agricultural producers to obtain sufficient employees in their industry.

Guestworker programs effectively expand rural poverty. Moreover, guestworker programs are predicated on limitations on the freedom of those who are invited to enter and work. Experience has shown that such limitations are incompatible with the values of democratic societies. For that very reason, "temporary" guestworkers tend to become permanent residents, de facto or even de jure. The ongoing inconsistency between the stated intent of a guestworker program and the actual consequences cannot be ignored by policymakers who seek credibility in a reformed system.

Americanization

The United States is one of the most successful multiethnic nations in history. It has united immigrants and their descendants from all over the world around a commitment to democratic ideals and constitutional principles. Those ideals and principles have been embraced by persons from an extraordinary variety of religious and ethnic backgrounds, partly because they permit and protect religious and cultural diversity within a framework of national political unity.

Cultural and religious diversity does not pose a threat to the national interest as long as public policies ensure civic unity. Such policies should help newcomers learn to speak, read, and write English effectively. They should strengthen civic education in the teaching of American history for all Americans. They should lead to the vigorous enforcement of laws against hate crimes and of laws to deter and to punish discrimination. Of course, such policies should encourage the naturalization of immigrants as the path to full civic participation.

At the same time, immigration to the United States should be understood as a privilege, not a right. Immigration carries with it obligations to embrace the common core of the American civic culture, to seek to become able to communicate-to the extent possible-in English with other citizens and residents, and to adapt to fundamental constitutional principles and democratic institutions.

In its further deliberations, the Commission will consider other public policies that are believed by some to encourage ethnocentrism in the name of multiculturalism or to promote political separatism in the name of civil rights. It will review whether bilingual education and affirmative action as applied to immigrants and their children promote, rather than detract from, civic unity. Now that immigrants come from more than 160 nations and many more ethnic groups, it is extremely important that public policies facilitate, not inhibit, the Americanization of newcomers.

Naturalization is the most visible manifestation of civic incorporation. At present, there is greater interest in naturalization than there is a capacity to act upon this interest. Large backlogs must be overcome so that the nation can benefit from the growing commitment of immigrants to become American citizens.

The Commission strongly recommends that INS adopt and implement as a strategic goal the reduction of processing time and backlogs for naturalization while maintaining rigorous standards in processing applications. The Commission also urges Congress to appropriate sufficient resources to support the implementation of this strategic goal. Applicants for naturalization pay a fee designed to cover the costs of the application process. The fees go into an account dedicated to use for examinations. The Commission believes that naturalization applicants have the right to receive the timely service that their fee represents. Naturalization fees should not subsidize other activities. Nor should an efficient naturalization procedure require a reallocation of resources from other priority functions. If the current fee is not adequate to cover the full costs of timely naturalization, it should be increased appropriately.

Further, the Commission urges INS to:

- Set a standard reasonable time frame for processing naturalization applications. The time frame should permit timely review of applications without lowering the standards for civics and English language knowledge or compromising the required background checks. The INS also should improve process and policies, as well as allocation of resources, to establish a level of efficiency that can withstand fluctuations in volume.
- Continue to recruit national and community-based organizations, both public and private, as well as employers, to assist in facilitating smooth operation of the processing of naturalization applications. These organizations have proved very helpful in prior partnerships with INS in: overseeing proper completion of applications; taking security check fingerprints; serving as testing sites for the required English and civics examinations; briefing applicants on procedures; providing less intimidating final interview sites; and reviewing files before interviews to make certain that examiners need spend time only on substantive interview issues.
- Ensure that there are adequate numbers of personnel to complete naturalization processing efficiently. To reduce waiting periods in districts with backlogs, INS should reassign personnel and, where appropriate, designate examiners who will do naturalization interviews exclusively. In instances where an interview can be waived, INS should permit naturalization applications to be filed, reviewed, and approved at one of its four regional service centers
- Carefully scrutinize the naturalization applications of all Special Agricultural Workers [SAW] to assure their original SAW status was properly granted. Reports of widespread fraud in this program require such special attention to applications for U.S. citizenship by SAW legalization beneficiaries.

The Commission urges both the public and private sectors to assist legal immigrants in their preparation for naturalization. The Commission urges private industry, churches, community groups, and individual volunteers to redouble their efforts to provide English language instruction and civics education to immigrants. The current increased interest in naturalization presents an opportunity to use instruction in English, U.S. history, and civics to help immigrants participate more fully in the life of the community. Private sector initiatives would fill current gaps in such services. These programs also would benefit the providers, particularly businesses, who would gain from a workforce better able to communicate in English.

The Commission supports targeted outreach programs aimed at informing eligible immigrants about the requirements for naturalization. Outreach programs are critical to civic incorporation. They encourage immigrants

to want to become citizens and help ensure awareness of opportunity and equitable access to information about naturalization.

U.S. COMMISSION ON IMMIGRATION REFORM

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U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Richard M. Estrada
Commissioner, U.S. Commission on Immigration Reform
Before the U.S. House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
December 7, 1995

Agricultural Guestworker Programs

Mr. Chairman:

The following points represent a summary of my formal written testimony:

- Reviving or expanding agricultural guestworker programs would fly in the face of evidence of high employment in the agricultural labor sector;
- The external costs of foreign agricultural labor, including social service costs, represent a taxpayer-funded labor subsidy to employers;
- Agricultural guestworker programs have few or no protections for guestworkers;
- Agricultural guestworker programs are labeled "temporary" but contain no mechanisms to ensure the return of guestworkers;
- Agricultural guestworker programs have historically promoted illegal immigration instead of reducing it;
- Reviving or expanding agricultural guestworker programs is risky in the context of current external costs, such as social services, and the likelihood that such costs will increase at the local and state level in the context of devolution.

In the face of such evidence my testimony concludes that reviving or expanding agricultural guestworker programs is not in the national interest of the United States.

Mr. Chairman, thank you kindly for the opportunity to testify before you today. I am honored to have been invited. My name is Richard M. Estrada. I am a native of New Mexico, currently based in Dallas, Texas.

I hold the title of associate editor of the editorial page of *The Dallas Morning New*s. I am also a columnist under contract to *The Washington Post* Writers Group. In addition, I am a member of the U.S. Commission on Immigration Reform, a nine-member bipartisan panel appointed by Congress. A political independent, I happen to have been appointed by the Senate Republican leadership.

Also for the record, I would like to note that in 1986 and 1987 I worked for the Center for Immigration Studies and the Federation for American Immigration Reform. The following testimony is based on years of personal interest in and professional investigation into the issue.

My most recent fact-finding trip occurred last month when I traveled to the state where the question of foreign agricultural labor is most prominent, California. There I met with some of those who most fervently support, as well as those who most fervently oppose, the revival or expansion of agricultural guestworker programs. I sincerely hope the

facts and viewpoints I present here today will be of some use to you and your colleagues as you craft immigration-related policy in this area.

The Commission on Immigration Reform has already strongly recommended against the revival of an agricultural guestworker program, such as the one that occurred under the terms of the so-called Bracero Agreement in effect from 1942 to December 31, 1964.

The internal deliberations of the Commission have not always been studies in harmony. But it may interest you to know that on no issue has there been greater agreement than on this one. Simply stated, the Commission, which substantially represents a very broad spectrum of views and opinions on immigration, does not consider a revived agricultural guestworker program to be in the national interest. If I may, I would now like to give you my reasons as to why this is so.

Free vs. Unfree Labor

I oppose new or expanded agricultural guestworker programs because they represent "unfree" labor.

Doubtless, some will immediately object to the use of this term because all the workers in question would presumably come to America willingly. Despite uncertainty about the circumstances under which guest laborers in such programs are selected, let us concede for the sake of argument that all guestworkers do in fact come willingly.

One must still insist that the absence of slavery does not imply the presence of freedom. As commonly understood, the term free labor also implies that an individual can sell his or her labor on the open market to whomever will contract for it. It is in this regard that guestworker programs are, by definition, unfree labor arrangements or, at the very least, not totally free labor arrangements.

To be specific, the agricultural guestworker is explicitly obligated not to sell his or her labor anywhere else but to the agricultural employer who sponsors entry. Employers tend to prize guestworkers for their abilities, true. But they also value them because they have no options and are, therefore, more malleable. (Employers tend to prefer the term "disciplined.")

This basic characteristic is the ugly underbelly of any and all agricultural guestworker programs: the foreign worker is virtually indentured to the agricultural employer, with an important exception. Unlike indentured servitude as practiced in America in the eighteenth century, the guestworker has no expectation based in the legal provisions of his or her entry that he or she will be able to become a free laborer in America.

In addition, guestworker programs tend to have no worker protections. When it come to housing and health care, uneducated and often illiterate guestworkers, who often do not speak English and who have little or no disposable income, are left to fend for themselves. There are thousands of such people roaming the agriculture-based communities of America today. Reasonable and honorable people may disagree about guestworker programs in general, but the specific practice of providing no meaningful worker protections in this manner is unacceptable. It is wrong. It is immoral.

Finally, Congress should consider that the "Bracero" guestworker program was implemented in 1942 under extremely unusual conditions. With millions of native-born rural workers suddenly called off to war, turning to foreign labor through a temporary guestworker program was justified. Even so, the fact that it took more than twenty years to end the Bracero program, long after the end of the Second World War, should give Congress pause about reintroducing it. Cheap, unskilled foreign labor has proven to be an opiate to agricultural employers. Congress should dispense it sparingly, if at all.

"Needs" of Growers and Consumers

A serious analysis of the agricultural guestworker issue must of course weigh the arguments of those who are lobbying for an expansion in the supply of agricultural guestworkers. In particular, fruit and vegetable growers routinely maintain that a sizable and replenishable foreign agricultural labor supply is imperative, not only for their own economic survival,

but also for the benefit of the American consumer at large.

In promoting their demands, growers routinely raise worst-case scenarios. They invoke the specter of produce rotting in the fields as a direct result of an insufficient labor supply. They also allege that, absent whatever levels of foreign labor they may demand at any given time, consumers will be obligated to pay sky-high prices for their fruits and vegetables.

Such arguments possess elements of truth. Common sense says that having too few workers may indeed result in an inability to pick an entire crop, especially within the limited window of opportunity that some, but not all, growers have. And, should the crop yield be insufficient to meet consumer demand, the most basic law of economics says that the greater the demand, the greater the price of the produce will tend to be.

Still, these arguments must be placed in context. The first thing to note about them is their absolute or extreme nature. Virtually no one other than agricultural employers is implying that any labor shortage at all is occurring or is about to occur. Anyone who reviews the historical record will find that allegations of actual or impending labor shortages have been common in this debate but that actual labor shortages have been rare.

Consider the unfounded scare about shortages of apple pickers in Washington state in 1987 or the enormous oversupply of labor that obtains in California normally, as proved by unemployment figures in agricultural regions of the state.

I recently heard testimony from growers in Fresno about what they termed a very serious labor shortage in the early fall of 1990. However, a review of economic data pertaining to the raisin industry at the time found that at the height of the alleged shortage, they offered a piece rate increase of a few pennies, at best. This during a time in which the value of the California raisin industry was in dramatic ascent.

Indeed, one often gets the feeling that when growers say they can't find workers, they fail to complete the sentence. What they really mean is that they can't find workers at the extremely low wages and working conditions they offer.

Aside from wages and working conditions, Congress would be well advised to study the issue of living conditions. In many cases, agricultural employers are hiring workers who live in the worst conditions imaginable. Lest anyone think I am exaggerating, consider the case of Mexican agricultural workers in northern San Diego County, California. For years, this region has seen agricultural workers literally live in holes in the ground that have been lined with plastic. These are popularly called "spider holes."

Around Fresno, to the north, they have been known to live in cars or in the most primitive tin and cardboard shacks. This represents no improvement over the situation in Texas some twenty years ago when rural laborers were found to be living in chicken coops. In contrast, the rural unincorporated subdivisions of the Mexican border are castles. The *colonias* are unincorporated rural subdivisions lacking services and featuring the worst public health menace in America.

In a situation where workers routinely endure such deprivation, California agricultural experts say that projected labor shortages have proven to be largely mythical. The number of people currently residing in the United Sates who want to work is simply too great. Once again, when considering the contrary arguments of growers, Congress should ask itself fundamental questions about wages and working conditions.

One of the most renowned agricultural economists in the world, Professor Philip Martin of the University of California at Davis, says that contrary to grower arguments, U.S. agribusiness has consistently experienced a labor ***oversupply***. He does not see a shortage on the horizon.

As for the "need" of consumers for cheap fruits and vegetables, one might also allege a "need" for inexpensive but high quality automobiles. But having a "need" does not automatically imply that the nation should expand the supply of unskilled foreign labor supply in order to meet that need. Field labor is but a small percentage of the retail price.

Again, the question is not so much whether consumers will be deprived of fruits and vegetables, but what price the free market will oblige them to pay. Even then, it is not as if the demand for fruits and vegetables is inelastic. People will forgo or buy less of what they cannot afford. Strawberries are not essential to human survival.

In America, products are supposed to be offered for sale in a free market. There is no God-given right to cheap and exploitable foreign labor, and there is no God-given right to cheap fruits and vegetables. Yet such an assumption is inherent in many of the arguments made by argibusiness.

Later in my comments, I will consider the factor of "external" costs related to foreign agricultural labor. Such costs raise a legitimate question as to whether the constant replenishment of the agricultural labor supply represents a *de facto* labor market subsidy to growers that is being unwittingly paid for by all taxpayers.

Arguments about skyrocketing prices for produce should be carefully analyzed against the historical record. In the years leading up to the termination of the U.S.-Mexico agricultural guestworker accord, or Bracero Program, at the end of 1964, growers routinely argued that a lack of labor would cause the price of tomatoes to skyrocket. Instead, the price fell.

Why? Because the sudden decline in the volume of available agricultural labor promoted the development and availability of something that growers often refuse to discuss openly--the introduction of mechanization in the tomato industry. Mechanization not only staved off the economic ruination that agribusiness had warned against, it also increased efficiency and productivity and actually led to a drop in prices.

Congress may wish to note that within the last two months, Florida sugar cane growers have finally decided to mechanize because of world competition on the global sugar market. Sadly, this is occurring some thirty years after Edward R. Murrow's famous expose of brutal working conditions in Florida agriculture in the celebrated documentary, "Harvest of Shame."

Now, it is true that not all categories of produce lend themselves to mechanization. But the basic point is that a blind acceptance of demands for additional foreign agricultural labor will help ensure that such alternatives never materialize. It will actually promote the continuation of a labor intensive system. If Congress is concerned with the nation's increased economic efficiency and productivity, it may wish to ponder what a continued blind reliance on labor intensiveness in agriculture implies for the country over time.

There is no reason to question the sincerity of agricultural employers when they talk about the possible ruination of their enterprises. And they are doubtless concerned that American consumers will not be blessed with the fruits--and vegetables--of their labor, or that of their guestworkers.

However, I would suggest that if Congress is to examine the full range of factors, it must consider a fundamental point of economics that agricultural employers almost never volunteer: To wit, the greater the number of workers there are vying for a particular job, the lower the wages and working conditions agricultural employers will be obliged to offer.

Congress has considered these issues before. Some, if not all, of you will remember that a landmark legislative compromise occurred less than a decade ago in the context of the 1986 Immigration Reform and Control Act, also known as the Simpson-Rodino bill. At the time, agricultural interests said they would be satisfied by an expansion in the number of agricultural workers through a Special Agricultural Workers provision. Nearly 1.1 million formerly illegal aliens purporting to be agricultural workers were granted legal status in a program saturated with fraud.

Keep in mind that the main point of the 1986 act was to implement an employer sanctions mechanism that would allow the United States to control illegal immigration. After having agreed to the legislation because of the legalization of agricultural workers, agribusiness is, in effect, now coming back to repudiate the compromise of 1986 and ask for still more foreign agricultural labor.

The difference is that this time around they do not want such labor to be afforded the opportunity to legalize. This time they do not want totally free labor. This time they want guestworkers.

According to testimony I heard from agribusiness and its representatives in California last month, the new request is predicated on the assumption that loopholes in the employer sanctions law of 1986 may actually be plugged by Congress in the near future. They referred specifically to the expected passage and implementation of a worker

verification system.

If that happens, agribusiness fears a decline in its labor supply. In this regard, Congress should know that a representative of the Western Grower-Shipper Vegetable Association publicly stated last year that illegal aliens comprise 50 percent of the work force of the Santa Maria Valley in Santa Barbara County, California. This is not necessarily evidence that only alien workers are available, but rather that the growers are hiring large numbers of aliens.

Congress should take careful note of what this new argument is really saying. In effect, growers are claiming that while agribusiness is not knowingly hiring illegal aliens--an act that is illegal under the 1986 legislation--they are nonetheless fearful that if the law is actually enforced, agribusiness will have fewer illegal aliens to hire.

I have no specific evidence to justify the assertion that agricultural employers are knowingly hiring illegally aliens as defined under IRCA, and I will not make that charge here. Yet, whatever defense they may raise in the context of the confusion over work eligibility documents--the factor cited as the main drawback to effective employer sanctions enforcement--that cannot be permitted to cloud the fact that the growers are fundamentally opposed to the spirit of the 1986 act, which, to repeat, is the reduction and control of illegal immigration.

Agribusiness now says we should forget about the compromise of 1986 and revive the so-called Bracero Agreement or expand the H-2A program. Before Congress acquiesces in such a request, it may wish to weigh the growers' assertions against powerful evidence from many agricultural areas that unemployment is high in rural labor sectors. That certainly was the message I recently heard during a visit to Fresno.

Moreover, labor economists point out that California agribusiness in particular does not want so much a stable supply of labor, but rather a dependable system of constantly disposable and replenishable labor. Foreign labor is best for their needs precisely because it represents a never-ending pool and because the constant replacement of such labor ensures that the entire workforce will, in the classic phraseology of those who are familiar with the bottom line of illegal or legally admitted but not totally free labor, "work hard and scared."

Those who doubt this should inquire about the labor made legally available to growers by Congress a decade ago. Reports emanating from California note that formerly illegal aliens who were legalized under the 1986 Special Agricultural Workers provision are today deeply concerned that they are about to be displaced by a new agricultural guestworker program or the expansion of an existing one. They fear being tossed aside as the next victims of what might be called the Dixie Cup system of labor replenishment.

In my opinion, they are right to be afraid. Longtime observers know that the constant replacement and replenishment of labor is the Holy Grail of the agribusiness labor system.

In passing, I should also note the important side issues of unemployment benefits and Social Security taxes. Illegal aliens are not eligible for unemployment benefits, which, in the case of unemployed legal workers, are charged against an account for which the individual employer is responsible. Citizens and legal residents are eligible for such benefits. In effect, agricultural employers end up paying around 4 percent less for those workers who are not eligible for unemployment benefits than for those workers who are.

By itself, that may be a compelling reason for agricultural employers to promote a constant supply of labor that is not eligible for the benefit made available to legal residents. More dramatic still is the factor of Social Security taxes. Hiring foreign workers for whom Social Security taxes are not paid represents nearly a 15 percent wage premium right off the bat. No matter how hard a citizen of the United States may work in the fields, these factors represent two strikes against his or her employment in the agricultural sector.

Congress should consider such points the next time it hears that illegal aliens and guestworkers do jobs Americans won't do. Still, to focus only on the costs of labor in the fields would be to miss one of the most important facets of the entire issue. Congress would be well advised to weigh other real-world costs, as well.

External Costs

On November 15, about three weeks ago, I was present at a hearing of the U.S. Commission on Immigration Reform in Fresno. The hearing dealt with the issue of agriculture and foreign workers. That hearing only underscored a point that has been made time and again throughout the Southwest and West, in particular. Illegal immigration and legalized illegal aliens represent costs for the nation that go far beyond the cost of their labor.

In Fresno, I heard the testimony of Mayor Jim Patterson, who complained that the residents of his agriculture-based city are currently paying what he calls "a large immigration tax." Mayor Patterson specifically blamed this unwritten and unlegislated tax on the federal government.

Specifically, he complained about Congress' failure to control the borders. He pointed to specific areas in which his city will no longer be receiving funding from the federal government because of congressional reforms. He also linked the growing social and budgetary impact of massive legal and illegal immigration to the unprecedented ballot initiative to deny public benefits to illegal aliens, known as Proposition 187. At the same time, however, he expressed support for an agricultural guestworker program.

Both he and all other elected officeholders interested in this public policy issue, including Congress, may wish to ask themselves if we as a society can have it both ways. In other words, can we lament the consequences of the expansion of the low-skill, low-wage labor supply and then turn around and lobby for the admission of still more of that labor?

It may make political sense in areas and states where agriculture is a powerful industry, but does it stand the test of common sense? Does it make budgetary sense? Is it in the national interest?

In truth, a gamut of publicly-funded costs must be considered by policymakers who seek to ascertain the impact of legislating an expansion of foreign agricultural labor. Assuming for the sake of argument that the workers in question and their families do not access the welfare system, policymakers should consider costs relating to basic services, such as running water and waste water, street maintenance, police and fire services, public health services, publicly-funded housing, the administration of justice, food and shelter for prisoners, public education, heightened unemployment and underemployment, and the consequent utilization of unemployment and other benefits by displaced citizens and other legal residents.

In Fresno alone, huge increases in waste water flows have obligated the city to build a $200 million expansion to the city's waste water treatment facility. After investigating the heightened demand, city authorities routinely found examples of families with ten, twelve, and even fifteen children, and a total of twenty or thirty people living in one- or two-bedroom apartments, according to Mayor Patterson.

Also, Congress should consider that just because it is difficult to put a price tag on a concept, such as the dilution of quality of life stemming from overcrowding, that does not mean that such a price is not being paid.

When one takes into consideration the gamut of costs that U.S. citizens and legal residents are paying as a direct result of the large-scale presence of foreign agricultural workers, illegal and legal, the residents of an individual community, such as Fresno, are not the only ones who are being impacted. Other agriculture-based communities, the citizens of California as a whole, and the citizens of the United Sates also pay for such costs to one extent or another.

Agricultural work is by definition seasonal. Yet, regardless of theory, the fact remains that even after the harvest season is over, the agricultural laborers often remain. Congress should fully understand the implications of too easily acquiescing in demands for massive influxes of additional foreign agricultural labor, *ex ante*--that is, before there is evidence of need--instead of *ex post*.

Regardless of whether inexpensive alien agricultural labor helps keep the costs of fruits and vegetables down for consumers, it must be weighed against the costs that are external to the economic activity in agriculture itself. When the gamut of associated public costs are taken into consideration, such additional costs can only be perceived, in my opinion, as a labor market subsidy paid for by the public to the agricultural employers. I have not ventured to estimate the size of that subsidy. But surely it is in the hundreds of millions of dollars.

Agribusiness routinely talks about the high quality of its produce. At that real-world price, it had better be very good

indeed. Whatever else one may say about this situation, I consider it to be fundamentally antithetical to the principles of a free market. When the economics of agricultural labor is weighed in its totality, there is reason to ask whether agribusiness today is privatizing the profit while commonizing the cost.

Social Consequences

For about a quarter century now, the United States has been experiencing what immigration experts have called the Fourth Wave of American Immigration. In 1965, Congress reintroduced mass immigration after a hiatus of some forty years.

All evidence indicates that it did not understand the consequences of the new policy. Indeed, the history of modern U.S. immigration policy is the history of dealing with the unintended consequences of each new policy shift.

The current wave of immigration is the first one to occur in America's postindustrial era. Similarly, it is the first one to occur since the creation of the modern American welfare state. Both these facts have enormous consequences for our society.

This is not the place to explore the factors related to socioeconomic polarization in the United States today. Suffice it to say that labor experts routinely note that the prospects of upward mobility in the country today are not what they once were. Prospects are best for people with relatively high levels of skills and education and, logically, they are worse for people with few or no skills and little or no education.

More to the point, the jobs being created today are in the higher end, not the lower end. Simultaneously, immigration today accounts for about 40 percent of labor force growth and about 40 percent of population growth. Against this backdrop, Congress should ask itself whether expanding the supply of low-skill and often uneducated labor is advisable.

The proponents of a revived agricultural guestworker system or of the expansion of an existing program such as H-2A will likely argue that such observations are irrelevant to their case. After all, they say, the introduction of low-skill labor they are calling for is "temporary." Moreover, the proponents of such programs have also suggested that the revival of "Bracero" or the expansion of H-2A will in fact serve to diminish the pressures of illegal immigration.

To be sure, seasonal cross-border migration by young male agricultural laborers does exist. At the same time, however, it is also true that all guestworker programs have seen the refusal of substantial numbers of workers to return to their homelands. Many have either resettled their families in the United States or have established families here after having arrived.

The growers may call it "temporary" labor. Congress may call it "temporary" labor. But that does not mean that a substantial portion of that labor will in fact turn out to be anything other than permanent. In fact, this is the clear and consistent record of the Bracero Program and indeed of all "temporary" worker programs in Western countries.

As for the possibility that expanding the number of agricultural guestworkers will reduce illegal immigration, the historical record simply does not bear this out. Contrary to the recently published Pollyannish opinions of Professor Julian Simon and others, history indicates that the Bracero Program actually paved the way for higher levels of illegal immigration and dug the channels deeper.

Professor Simon has attempted to buttress his argument by citing examples of very low levels of illegal immigration in the 1950s. Yet, for whatever reason, he has refused to acknowledge the year 1954, in which more than one million apprehensions of illegal aliens occurred. More to the point, during the 22 years of the Bracero Program, when approximately 4.6 million braceros were admitted into the United States, no fewer than 5.3 million apprehensions of illegal aliens took place. [See accompanying table.]

Congress may judge for itself whether the Bracero Program reduced illegal immigration in the past. As for the future, it may wish to consider this question in the context of the current economic turmoil in the largest source of illegal alien agricultural labor to this country, Mexico.

If history is any guide, substantial numbers of temporary guestworkers will in fact become permanent members of our society. Sometimes, this may even occur regardless of their own initial intent. Such vagaries will only increase the difficulty of assimilating low-wage, low-skill Americans of all backgrounds into the social and economic mainstream. Given that the coincidence of race and poverty is one of the most challenging issues facing the United States today, Congress may wish to consider the long-term consequences of importing more unskilled labor.

Consider the following example: Recently, the tri-counties of Ventura, Santa Barbara, and San Luis Obispo in California were granted a Job Training Partnership Act grant of $511,605 to retrain farmworkers. One local expert whom I have interviewed told me that the application stated in part: "Since IRCA was passed in 1986 the ranks of farmworkers have dramatically increased. . . . The population eligible to receive these benefits (unemployment insurance) is estimated to exceed 76,500 workers" in the three counties cited.

The cost of retraining all 76,500 farmworkers in just three counties would be a staggering $466 million. Yet, the Department of Labor has only $82 million available ***nationwide*** to retrain farmworkers throughout the United States.

I am not here to argue for greater appropriations for job training programs. But I am suggesting that Congress consider the real-world costs of expanding the agricultural labor supply in terms of such factors as heightened unemployment and the heightened demand for social services. Without entering into the debate over devolution, I would suggest that Congress also consider this factor.

American Values

As Congress considers reviving or expanding guestworker programs, it may wish to ask itself a number of basic questions. Here are a few for your consideration:

If a guestworker is tied by law to one employer, what is the range of limitations on the freedom of that guestworker? What happens if the agricultural guestworker wishes to leave the agricultural sector and work elsewhere in the U.S. economy? What happens if the guestworker falls in love and wishes to marry a legal resident? What happens if a guestworker should become the parent of a child born on U.S. soil, even if the guestworker is single?

Who, exactly, is responsible for ensuring that such guestworkers do not go into other labor sectors? What, exactly, is the penalty for failure to comply with any such responsibility? Who, exactly, is to oversee the enforcement of any such rules, regulations, and law? Exactly what resources will Congress afford those given that mission?

A failure to carefully answer these and many other questions would, I believe, represent a failure on the part of Congress to ensure truth in advertising. That is to say, if Congress proposes to legislate a temporary guestworker arrangement, then Congress, in my view, has the responsibility to ensure that it is temporary. The litmus test for any guestworker program is whether that program contains mechanisms to ensure the return of the guestworker.

If, upon due consideration, Congress wishes to grant full and permanent legal status to foreigners willing to work in agriculture, then Congress should do that. But to promise one thing, while failing to ensure that the promise is kept, will only intensify the already deep frustration felt by the American people over an immigration system most of them consider to be in shambles, according to poll after poll.

Finally, when the United States went to war in the Persian Gulf a few years ago, we as a nation were hugely embarrassed when, upon liberating Kuwait, we discovered that country's exploitative guestworker system. In Kuwait, guestworkers were seen as being good enough to do the dirty work of their hosts, but not good enough to become full members of the polity. Indeed, they were often treated with a disdain that recalled some of the worst features of nineteenth century American slavery.

Filipino domestic servants, for example, were found to have no legal rights whatsoever, their passports were found to have been seized upon admission, they represented unfree labor tied explicitly to their employers, and they were often subjected to physical and even sexual abuse. All of these excesses are exactly the kinds of things Americans have been trying to erase from their nation for decades.

But the plain fact of the matter is that agricultural guestworker programs are themselves affronts to human dignity and freedom to one degree or another. In no western liberal democracy has such a program been successful. All of them have experienced troubling consequences. Congress may wish to consider the droll observation of one European observer of the guestworker experience: "We wanted workers, but we got people instead."

I commend you for studying this complicated and challenging issue. I fully realize the pressures you face. I wish you Godspeed. But please allow me to help you make up your mind one way or the other by taking a clear stand in my testimony here today: I cannot and will not recommend the Kuwait model of guest labor for the United States.

Thank you again for your courtesies and for inviting me to testify.

Apprehensions During the Bracero Years

Year	Apprehensions
1942	11,784
1943	11,175
1944	31,174
1945	69,164
1946	99,591
1947	193,657
1948	192,779
1949	288,253
1950	468,339
1951	509,040
1952	543,535
1953	885,587
1954*	1,089,583
1955	254,096
1956	87,696
1957	59,918
1958	53,474
1959	45,336
1960	70,684
1961	88,823
1962	92,758
1963	88,712
1964	86,597

*Operation "Wetback"

Total of 5.3 million apprehensions during the 22-year period, while approximately 4.6 million braceros were admitted.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Barbara Jordan
Professor, Lyndon Baines Johnson School of Public Affairs
University of Texas at Austin
Chair, U.S. Commission on Immigration Reform
Before the House of Representatives
Committee on the Judiciary
Subcommittee on Immigration and Claims
December 13, 1995

Birthright Citizenship

Good morning. I am Barbara Jordan, and I am pleased to have this opportunity to testify on such an important matter. I am here in a dual capacity. I was once a member of the House Judiciary Committee, and I have studied the Constitution. Presently, I teach political values and ethics at the LBJ School of the University of Texas. I hope I can bring some education and experience to bear before you today.

I am also Chair of the bipartisan Commission on Immigration Reform. As you know, our Commission has been deeply engaged in debate regarding our national interest in sound immigration policy--in solving problems, completing unfinished business, and avoiding future error. We have issued two reports to date, making recommendations for specific reforms to Congress. Our first report recommended a comprehensive strategy for deterring illegal immigration. It is called *U.S. Immigration Policy: Restoring Credibility*, and I will have more to say about it in a moment.

Our second report is called *Legal Immigration: Setting Priorities*, which we presented to Congress this spring. We on this Commission have been gratified that our work has helped this Subcommittee in preparing legislation to advance the national interest in immigration policy. We are a Congressional commission, and it is our job to serve you.

But this Commission has not made recommendations on the matter before you today. As a bipartisan Congressional panel, we have not addressed the 14th Amendment's application to immigration. But, personally I would like to do so now--briefly.

There are profound problems, as I see it, in the Constitutional amendments before this Subcommittee. By making the immigration status of the mother the key to an American-born child's citizenship, for example, one of these amendments would require that the federal government disown its obligations to citizen children. Consider the case of a citizen father married to a foreign mother. If the child is born abroad, the child is automatically made a U.S. citizen upon petition. If the child is born while the mother is in the United States, perhaps by overstaying a tourist visa from Thanksgiving to Christmas, neither the father's citizenship nor the birth on U.S. soil of an American child provides that child American citizenship. In fact, the father's natural right to pass on his citizenship to the child is denied. He must ask the government to bless his child.

But it is not the practical problems, profound as they are, on which I wish to focus. It is the principle.

There are three ways to become an American--by choice, through naturalization; by blood, through having an American parent; and by birth in the United States. It is also true that most nations do not have these three methods. The simplest contrast is Germany. With very few exceptions, you can only be a German if your ancestors were German. There are hundreds of thousands of second and third generations of people, born in Germany, knowing no other nation, who are not German, who will never be German. Congress should think again whether you wish to make the United States more

like Germany.

De Tocqueville wrote of America that, "The government of a democracy brings the notion of political rights to the level of the humblest citizens." And that is what we are talking about: citizenship. It is a beautiful word. It is an American word. The modern concept of citizenship is largely an American invention. It has Greek and Roman roots, to be sure. But we grew in the soil of the United States the modern concept of citizenship that so much of the world has adopted at last.

With all due respect to my Republican colleagues, the true "conservative revolution" happened in 1776. The Founders, you will recall, originally fought only to claim as colonists their rights as Englishmen. It was when King and Parliament denied those rights that they took the revolutionary step of asserting that these rights were not granted to them as subjects from the Crown, but that "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights." This idea--the *American* idea--is that governments do not grant rights. We are born with them.

I would be the last person to claim that our nation is perfect. But we have a kind of perfection in us because our founding principle is universal: that we are all created equal regardless of race, religion, or national ancestry. When the Declaration of Independence was written, when the Constitution was adopted, when the Bill of Rights was added to it, they all applied almost exclusively to white men of Anglo-Saxon descent who owned property on the East Coast. They did not apply to me. I am female. I am black. But these self-evident principles apply to me now as they apply to everyone in this room.

To deny birthright citizenship would derail this engine of American liberty. Progress in America is not an accident. It was immigration that drove us down the track toward a broader and more truthful vision of ourselves. It was immigration that taught us that, in this country, it does not matter where you came from, or who your parents were. What counts is who you are. The 14th Amendment to the Constitution says, in part: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State in which they reside."

This was originally a statute, the Civil Rights Act of 1866. Its authors knew that, as a statute, it was vulnerable to being overturned by future lawmakers. That, they determined, must not happen. We must not forget the history of the 14th Amendment, or the context in which it was passed. We had fought a bloody civil war. And now, three amendments to the Constitution were adopted--to end slavery; to provide equal protection of the laws; and to guarantee the right to vote.

I do not believe it is possible to amend the Constitution, or alter the meaning of its words, by statute. In this case, any attempt would have significant negative consequences. For example, H.R. 1363 would specify that certain children of illegal aliens are "not subject to the jurisdiction of the United States." Do we really want to give these individuals immunity from federal prosecution for criminal acts? I am not sure how we could prosecute someone not subject to our jurisdiction.

So, if the Congress wishes to deny birthright citizenship to children of illegal aliens, it must follow the intentionally arduous path of a Constitutional amendment. I hope that you will not take this step.

A constitutional amendment requires a supermajority vote in both the House and the Senate and the ratification of two-thirds of the state legislatures, presently thirty-eight states. Even if--which I oppose --it was sound policy to so amend the Constitution, it will take time. It will take resources. It will divide the country on the most profound level--the question of who we are as a people and who says so.

Let me go beyond my personal views here, to speak as the Chair of the U.S. Commission on Immigration Reform. Do not let debate on birthright citizenship distract you from the urgent business of controlling illegal immigration, which is essential to the credibility of our commitment to the national interest in legal immigration.

Ably led by your Subcommittee Chair, Lamar Smith and the ranking minority member, John Bryant, you have an opportunity in this Congress to take significant steps to deter illegal immigration and promote lawful immigration in the national interest. You have labored in this Subcommittee to produce a bill, H.R. 2202, which takes some of the prudent,

measured steps recommended by this bipartisan Commission to do what needs to be done. The comprehensive strategy this Commission recommended last year to deter illegal immigration has seven parts:

1) Better border management;
2) Development of a better system for worksite verification;
3) Benefits eligibility consistent with the goals of immigration policy;
4) Deportation of illegal aliens;
5) Emergency management;
6) Reliable data;
7) Attacking the root causes of unlawful migration in the sending countries.

There is no one who knows better than those who serve on this Commission how hard it has been to advocate these tough choices. But we believe that they are necessary and that through your actions as legislators valuable progress in all of these areas is within reach.

Please do not be distracted from these real measures to attack illegal immigration through the Constitutional amendment process. There are far better ways to deal with illegal immigration than to cut the Constitutional baby with a sword and say, "This half is a citizen, and that half is not."

There will be those who will try to deny reality when the whole House faces this issue shortly. But the vast majority of illegal aliens do not come to America to bear children, although it does happen. In three years and dozens of hearings, consultations, and expert discussions, no one has ever reported to the Commission that the vast majority of births to illegal aliens are anything more than a reflection of the large numbers of illegal aliens who are here. The reason most illegal aliens come to our country boils down to three words: They get jobs.

There will be a vote on the House floor on retaining the provision to test worksite verification that the Judiciary Committee approved in H.R. 2202. There will be those who claim that it is not worth testing the system you have endorsed. There are also those who whisper in these hallways that illegal immigration isn't so bad, so long as they will work hard for low pay, so long as they do the dirty jobs that Americans supposedly won't do, so long as their children aren't to become Americans.

Caution: There are nations in the world that have tried this, and we are not like them. We are not a nation that is permanently divided into "us", and "them." You heard last week from my colleague on the Commission, Richard Estrada, who gave as his view that the United States must not follow the Kuwait model, where citizens are the privileged elite and foreigners do the dirty work. I agree.

The Commission on Immigration Reform has outlined a comprehensive strategy to deter illegal immigration--including the development and testing of a reliable system for worksite verification that protects our civil liberties.

I believe that treating us all alike is the appropriate way to attack illegal immigration. I will be delighted to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Susan Martin
Executive Director, U.S. Commission on Immigration Reform
Before the U.S. Senate
Committee on the Judiciary
Subcommittee on Immigration
February 6th, 1996

On behalf of the Members of the U.S. Commission on Immigration Reform, I want to thank you for the opportunity to testify before you today.

First, I would like to say a brief word about our Chair, the late Professor Barbara Jordan. Professor Jordan accepted appointment as Chair because she believed that debate about immigration policy and reform of its problem areas were necessary if we were to retain our strong tradition as a nation of immigrants committed to the rule of law. I know that she was very proud of the work of the Commission and grateful to the members of this Subcommittee, in particular, for the support you have given the Commission, as well as for the many courtesies you showed her as Chair. We hope that the rest of the Commission's work in fulfilling the mandate of the 1990 Act, with a series of interim reports before the final report on September 30, 1997, will live up to the high standard she has set for us.

The Commission is pleased that this Committee continues to examine the eligibility of immigrants for public benefits, with particular attention to the Supplementary Security Income program. The Commission strongly recommends that legal immigrants continue to retain eligibility for the safety net provided by needs-tested public programs, but further recommends a tightening of provisions to ensure that immigrants do not become public charges.

That immigrant utilization of SSI is growing is confirmed by administrative data. Rather than go into detail on the data itself, which I do in my written testimony and which others have done today, let me briefly note the Commission's recommendations along with their reasoning.

The Commission believes the following principles should guide policy on benefits eligibility for SSI.

Legal Immigrants

First: The safety net provided by needs-tested programs should be available to those whom we affirmatively have accepted as legal immigrants into our communities. The U.S. admits immigrants on the basis that they will not be a public charge. However, circumstances may arise after an immigrant's entry that create a pressing need for public help--unexpected illness, injuries sustained due to a serious accident, loss of employment, a death in the family. Under such circumstances, legal immigrants should be eligible for public benefits if they meet other eligibility criteria. We are not prepared to remove the safety net from under individuals who, we hope, will become full members of our polity.

A policy that categorically denies legal immigrants access to such safety nets based solely on alienage would lead to gross inequities between very similar individuals and undermine our immigration goals to reunite families and to integrate immigrants into American society quickly. For example, posit a family whose income is below poverty level with two children, one a legal immigrant who becomes disabled after entry, the other a healthy U.S. citizen born after the family immigrated. Under proposals to deny benefits to legal immigrants, the disabled child would be ineligible for assistance, while the healthy U.S. citizen child would be eligible for assistance if the family met income requirements.

The inequities for the legal immigrant child grow if eligibility is linked to citizenship, rather than a specified time, as the child by law may not naturalize until he or she is eighteen years of age. The only route to citizenship prior to that age is through the naturalization of his or her parent. If there were a categorical denial of eligibility to all legal immigrants and the parent was unable or unwilling to naturalize, the child would suffer the consequences of a parental action that he or

she could not remedy.

Second: Sponsors should be held financially responsible for the immigrants whom they bring to this country. In particular, the Commission recommends making affidavits of support signed by sponsors legally binding for a specific period of time and the development of mechanisms to enforce sponsors' pledges of financial responsibility.

Affidavits of support are one means to ensure the Consular Officer that the alien will be supported in the United States and will not become a public charge. In accordance with Board of Immigration Appeals [BIA] rulings, the signatory sponsor's ability to provide the promised support must be given due consideration in determining whether to exclude a person as likely to become a public charge. Some courts, however, have held that such affidavits of support impose only a moral--and not a legal--obligation on the signatory sponsor.

It is important to note that the affidavit of support becomes a condition of entry only when the Consular Officer finds that the intending immigrant is likely to become a public charge. In other words, if the sponsor did not promise to provide support, the immigrant would not be allowed to enter the United States. We believe this promise should have greater force in law to ensure that the responsibilities are upheld.

The affidavit should ensure that parents who are unable to work enough quarters to become eligible for Social Security or Medicare do not become a burden to taxpayers through use of SSI, Medicaid, or equivalent state and local assistance. Further, the Commission recommends that affidavit signers (petitioners and, if necessary, coguarantors) should provide:

- Verifiable assurance that they indeed have the capacity to provide what may be a lifetime of financial support to the parent immigrants; and

- Verifiable assurance of the purchase of what may be lifetime health coverage for the parent immigrants (obtained either privately or through buying into Medicare, which the government should make available at an actuarially fair price).

Requiring such a commitment from sponsors should not be confused with a bar on eligibility for the immigrant before or after naturalization. As I stated, the Commission recommends against categorical denial of eligibility on the basis of alienage. Legal immigrants and citizens should be treated alike as far as their eligibility is concerned. If a sponsor is no longer able to provide support, the needy immigrant should have recourse to public benefits. If the sponsor abandons his or her responsibility, the needy immigrant should have recourse to public benefits. All efforts should be made, however, to enforce the sponsor's legal responsibility to repay the public coffers and resume support as quickly as possible.

The distinction between eligibility and financial responsibility is an important one that affects not only immigrants but citizens as well. For example, a U.S. citizen child may be eligible to receive public benefits if he or she meets income criteria, but the child's eligibility does not dissolve his or her parent from the financial responsibility to provide support to the child. Similarly, a U.S. citizen spouse retains eligibility for benefits, but that does not absolve his or her spouse from financial responsibilities.

The equivalent relationship in immigration policy is the affidavit of support signed by sponsors of new immigrants. Just as a parent's responsibility for a child is irrespective of the child's citizenship, the sponsor's responsibility for a parent whose entry is conditioned on a contractual arrangement specified in the affidavit is irrespective of future naturalization.

The Commission further recommends that entry be contingent on verifiable assurance of the purchase of health insurance, again for the lifetime of the parent or until the parent becomes eligible for Medicare on the basis of his or her work history. Without such a health insurance requirement, parents are likely to access taxpayer-financed health programs such as Medicaid or general assistance. We recognize that such a requirement may be prohibitively expensive for many families, particularly if the parent is over the age of sixty-five. The current private health care market generally lacks affordable health plans covering doctor, hospital, and long-term care services for elderly individuals. Moreover, most private long-term care policies are limited in both duration and extent of coverage. Therefore, we recommend that the government establish an option that would allow sponsored parents age sixty-five or older to purchase Medicare (parts A and B) at an actuarially fair price, which we understand would be about $4,000 to $5,000 per year. On top of that, the parent or sponsor also would have to show purchase of a long-term care policy that would offset some or all of

the costs that might otherwise accrue to Medicaid.

The Commission does not intend a legally binding affidavit of support to be a punitive measure towards either the sponsor who attempts to meet the requirements in good faith or the immigrant who may be financially abandoned by the sponsor. If the sponsor becomes financially incapable of providing support because of changed circumstances (the sponsor's illness or accident, for example), the requirements of the affidavit would be removed until the sponsor was able to resume them. If the immigrant is abandoned, however, the legally-binding affidavit permits the immigrant to obtain help while the efforts are made to enforce the sponsor's responsibility.

This recommendation permits the continued entry of parents because it would assure that they would not be excludable as public charges who pose a burden to U.S. taxpayers. It also protects sponsored spouses and children by enforcing affidavits signed on their behalf and ensuring that assistance is available to them if the sponsoring parent or spouse is unable or unwilling to provide support. Finally, it protects the taxpayer. As Professor Jordan said in a speech last summer:

> "[E]ven nuclear family reunification is not without obligations on the part of those who benefit from immigration. The Commission believes that those who sponsor new immigrants have responsibility for ensuring that their relatives do not become a burden on taxpayers. You and I should not have to pay for someone else's family reunification."

Developing effective enforcement mechanisms related to the affidavit is critical to the success of this recommendation in order to avoid creating any future incentives to abuse or defraud the system. A number of options may be appropriate, including a role for the Department of Justice in investigating alleged abdications of responsibility that lead to use of public benefits. Federal, state, and local programs providing cash and medical assistance could be required to report to the Department of Justice the receipt of benefits by any sponsored immigrant. This approach would establish affidavit enforcement activities within the primary law enforcement agency and avoid placing additional enforcement burdens on health and social service programs. Alternatively, the enforcement could be undertaken by the Department of Health and Human Services or the Social Security Administration. In any case, communication among these agencies would be essential.

Third: Abuse of the public charge provision should be grounds for deportation. A serious effort should be made to enhance and enforce the public charge provisions in immigration law to ensure that legal immigrants do not require public assistance and to provide clear procedures for deporting individuals who become public charges within five years after entry for reasons that existed prior to entry. In particular, the Commission recommends that deportation apply to sustained use of public benefits.

Specific provisions within U.S. immigration law are designed to ensure that those persons seeking admission to this country will contribute to it, not merely take advantage of its resources and the generosity of its people. For example U.S. immigration law currently bars the entry of those who are likely to be public charges and contains provision for the deportation of individuals who become public charges within five years--unless they require aid for reasons that developed after entry. Effective enforcement of these provisions helps minimize the number of legal immigrants who need or depend on public assistance.

Refugees

Let me conclude with a few words about refugees and their eligibility for SSI. The Commission currently is undertaking a full examination of the domestic assistance program for refugees resettled in the United States. My remarks here are more personal, based on fifteen years of work on refugee issues, rather than on behalf of the Commission. The high rate of welfare dependency has been a concern to all of us who have interest in maintaining a strong U.S. commitment to refugee admissions. Certainly, many refugees become economically self-sufficient and important contributors to our economy and broader society. However, a significant proportion of refugees continue to receive public assistance many years after their entry. Some refugees clearly need significant levels and periods of assistance. It is unreasonable to assume that an elderly, seriously traumatized refugee will become self-supporting. Barring that person from eligibility for SSI after a specified period undermines the humanitarian nature of our original decision to admit him or her. But, many more refugees are dependent on public programs, including SSI, than can be explained by the presence of this

relatively small number of seriously disabled victims of persecution.

Welfare reform provides an opportunity to revisit the refugee assistance program. So, too, does the expected change in the number and composition of refugee admissions once resettlement has wound down in the two major, Cold War-related programs for admission of refugees from the former Soviet Union and Southeast Asia. I hope that the Congress will give the Commission time to finish our investigation and consultations with the Executive Branch, private resettlement agencies, state governments, and others before adopting changes in SSI or AFDC policy that could have significant ramifications for refugee resettlement.

I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Harold Ezell
President, The Ezell Group, Inc.
Member, U.S. Commission on Immigration Reform
Before the House of Representatives

Committee on Economic and Educational Opportunities
February 22, 1996

Mr. Chairman, Members of the Committee, I want to thank you for inviting me to testify here today, and I also want to welcome you--those of you who are not Californians--to the State of California. I know that Randy Cunningham agrees with me that it is a good thing when committees of the Congress come back to the rest of the nation to see the effects of the policies which you enact in our behalf. It is especially fitting that you are here in San Diego to examine immigration policies. We all hope that you learn something while you are here, and all of us Californians will be glad to help you in that endeavor.

My name is Harold Ezell. I am President of the Ezell Group, which is an international financial and business consulting firm based in Newport Beach. Years ago, I founded a chain of restaurants, so I have considerable real-world business experience. Based in part on that experience, President Ronald Reagan appointed me to be Western Regional Commissioner for the INS. While I was Western Commissioner, we implemented the Immigration Reform and Control Act, including both the amnesty provisions and sanctions on employers who knowingly hire illegal aliens.

I left the INS after the Reagan administration to return to the private sector--gratefully--but I have stayed active in the immigration debate. In 1992, the House Republican Leadership appointed me to serve on the U.S. Commission on Immigration Reform, which is a bipartisan Congressional advisory commission. It is important to hear that word "bipartisan," because immigration isn't a partisan political issue. All of the Commission's recommendations have been unanimous, or with only one dissenter. This from a nine-member Commission with Reagan Republicans and Tip O'Neill Democrats on it, who don't agree on anything--except on how important it is to preserve our heritage as a nation of immigrants dedicated to the rule of law.

The American people are fed up with illegal immigration. It is against the law, and I would remind you that every one of us who has served in public office takes an oath to ensure that the laws are faithfully executed. If thefederal government was doing its job to stop illegal immigration, there would never have been a need for Prop 187, which was supported by an overwhelming majority of California voters, nearly 60 percent.

I am speaking here in my capacity as a member of the Commission on Immigration Reform. In our first report to Congress in September 1994, entitled *U.S. Immigration Policy: Restoring Credibility*, we sought to recommend a comprehensive strategy to faithfully execute the laws against illegal immigration. We chose to focus much of that report on controlling illegal immigration.

Now, let me be clear about this: illegal aliens do come here and use welfare and other public benefits programs. They do send their kids to our schools, and have babies in our hospitals. Those are very serious matters, and they impose costs on the taxpayer. But I am here to tell you, that the reason most illegal aliens come here can be summed up in three little words: *They get jobs.*

Reducing the employment magnet has to be the linchpin of a comprehensive strategy to reduce illegal immigration. Jobs are the attraction. So the only effective way to deter illegal immigration must include the worksite.

Better border enforcement is necessary, but not sufficient. In this San Diego Sector alone, apprehensions in fiscal 1995 were more than 524,000. You can police the border, you can certainly manage it better, but border enforcement has its

limits.

Visa overstayers make up fully half of the influx of illegal aliens who take up permanent residence here illegally every year. That is 150,000 out of 300,000 new illegal aliens who remain here permanently every year, on top of an illegal population that is already close to 5 million. No amount of border enforcement can solve that half of the problem--the people who enter legally, and then do not leave when they should.

We simply must develop a better system for verifying work authorization. That is central to effective enforcement of employer sanctions.

The I-9 process we have now is doubly-flawed. It does *not* do what it was supposed to do, namely deter the employment of illegal aliens. What it *does* do, we do not want--namely, make businesses do paperwork, while creating all kinds of opportunities for fraud and forgeries. It may even provide an excuse for, if it does not actually provoke, discrimination against workers who happen to look or sound foreign.

Honest employers are caught between the proverbial rock and a hard place. Because the system is based on documents, employers are placed in a position of making judgments many do not feel qualified to make.

If an employer accepts false documents presented by an unauthorized worker, that employer is vulnerable to employer sanctions for having hired someone under false pretences, regardless of the fact that they may well have been fooled themselves. Yet if an employer chooses to doubt particular documents, and asks for more from some workers and not from others, that is discrimination.

The Commission believes that the way to develop a better system of worksite verification is immediately to test the most promising option. After examining a wide range of alternatives, the Commission concluded that the most promising option for secure, nondiscriminatory verification is a computerized registry based on the Social Security Number.

For decades, all workers have been required to provide employers with their Social Security Number. We want to replace the I-9, this paper chase that doesn't do anybody any good, with a single electronic step to validate information every worker must already provide.

The Commission believes electronic validation of the Social Security Number is the most promising option because it holds great potential for accomplishing the following:

- **Reduction in the potential for fraud.** Using a computerized registry, rather than relying on documents, guards against counterfeits.
- **Reduction in the potential for discrimination.** All workers must present the same information to be validated.
- **Reduction in the time, resources and paperwork spent by employers in complying with IRCA.** INS employees who now chase paper could be redirected to chase down those who knowingly hire illegal workers.

The Commission believes that the computer registry will be preferable to other ways of addressing the problems in the current system. I recently looked at the Telephone Verification System, called TVS, which the INS has been testing. The INS is expanding this test, first from 9 to 200 sites, and eventually to 1,000 sites. I have seen ther system in place and working. It is very effective and accurate. Now, you should look at what the businesses that have used TVS say. They like it. They find that it works. We support this INS effort--but only as an interim measure. It is not the solution. But it shows the way to a solution.

The fatal flaw in the TVS system is that it ultimately depends on self-attestation. Workers are asked whether they are citizens or aliens. It is simply not sound law enforcement to rely on lawbreakers to tell the truth.

But the reaction from the real business that have used it shows that we can develop a better system for worksite verification. When you get back to Washington, don't be snowed by the inside-the-Beltway types who are going to try to

sell you a line about how this is some scheme to take away our liberties and impose costs on the taxpayer. What they want is to let employers hire illegal aliens--and *that* undermines our liberties and imposes huge costs on the taxpayer.

The Commission also looked at the feasibility and effectiveness of reducing the number of documents used in verification. Again, we support such efforts as interim measures. But the fatal flaw here is the vulnerability of all documents to counterfeiting. We heard expert testimony that any document, even the most tamper-proof ones, can be forged so well that only experts can identify the fakes. Employers cannot be expected to identify counterfeit documents.

The Commission recognizes that the computer registry cannot and should not be implemented nationally without substantial testing.

The Commission recommends that pilot projects be undertaken in the five highimpact states--California, Texas, Florida, New York and Illinois--because that is where the bulk of the illegal alien problem is. We also recommend that, in time, the pilots should be extended to several less-affected states. But we did *not* recommend that the registry be tested throughout all of the five states immediately, nor even in all of any one of the states. Pilot projects should start small. At each step, we should have results to determine what to do next.

Second, there must be objective, systematic evaluation of the pilot programs. This Commission expects to have meaningful results from the initial phase of pilot testing by 1997. We will incorporate these results in our final report to Congress. We intend to make an informed recommendation on whether that system should be implemented nationwide, with particular attention to civil liberties and privacy concerns. The features of pilot programs should include:

- **A means by which employers will access the verification system to validate the accuracy of information given by workers.** We received conflicting testimony about the best way to ascertain that a new hire is who he or she claims to be. Some believe that the tamper-resistant driver's licenses now being issued by many states can do the job; others strongly advocate testing a more secure Social Security card.

- But it is also possible that electronic validation through a telephone system would require no document at all. Every ATM system uses a PIN number to protect our money. We should test to see if personal information, such as the mother's maiden name and date of birth, that is already part of the Social Security database, can serve the same function for worksite verification.

- **Measures to ensure the accuracy of the necessary data.** Improvements must be made in both the INS and Social Security Administration databases to ensure that employers have timely and reliable access to what they need. Frankly, no one can be opposed to improving the reliability of the data in these agencies. There is no protection of liberty in government error.

- **Measures to ensure against discrimination.** One key to the Commission's recommendation is that employers would no longer have to ascertain whether a worker is a citizen or an alien, native-born or an immigrant. All workers would have to present the same information to be validated.

- **Measures to protect civil liberties.** Explicit protections should be devised to ensure that the registry is only used for its intended purposes. The Commission believes that electronically validating the Social Security Number could be used to ascertain eligibility for public benefits, without damage to civil liberties, because everyone receiving public assistance must already present a Social Security Number just as they do for work. But the registry is not to be used for routine identification purposes, and there must be penalties for inappropriate use of the verification process. The Commission's unanimous, unequivocal view is that no one should be required to carry a document and produce it on demand to prove their right to be here.

- **Measures to protect privacy.** Explicit provisions also must be built into the system to safeguard individual privacy. The information contained in the registry will be minimal, given its limited purpose. But the Commission is aware that while access to any one piece of information may not be intrusive, in combination with other information, it can lead to privacy violations.

- **Estimates of the start-up time and financial and other costs.** The Social Security Administration made

preliminary estimates for the Commission of its cost for pilot projects: $4 million over the first two years for design and development; and annual costs of maintenance and operation of $32 million. Discrepancies referred to the Social Security Administration were estimated to cost $122 million initially, and $30 million per year thereafter. So the total cost of the registry over five years, according to the Social Security Administration, would be approximately $300 million.

- By way of comparison, the Urban Institute estimates that illegal aliens cost seven states more than $2.1 billion a year. Spending $300 million over five years to save $2 billion each year is a sound investment.

- But the INS cost must be added to the SSA estimate. The Clinton Administration's latest budget request calls for $28.3 million for verification systems pilots, although this also includes the expanded TVS program. The bulk of the INS cost, however, will be cleaning up their own data, which should be done regardless of the pilot projects to improve worksite verification.

- **Specification of the rights, responsibilities and impact on individual workers and employers.** In particular, the Commission recommendation for false negatives is that no one--*no one*--should be fired if their employer does not get a validation code from the registry after hiring. It is entirely possible that a new hire has merely given their Social Security Number wrong. There is no one who has a greater incentive to correct errors, whether they are at the INS or the Social Security Administration, than a legitimate worker who has just learned from the registry that there is a problem. Such problems should be corrected, anyway. I pay into the Social Security system. I want to be sure that the number I have been using is correct. I do not want it misappropriated by an illegal alien.

- **A plan for phasing-in the system.** Pilot projects should test various methods for phasing in improvements in worksite verification, according to the test results.

Objective measures and procedures must be included to determine whether current problems related to fraud, discrimination and excessive paperwork requirements for employers are effectively overcome without imposing undue costs on the government, employers, or employees. The evaluation should pay particular attention to the effectiveness of the measures used to protect civil liberties and privacy.

The Commission also recommends reducing the fraudulent access to so-called "breeder documents," particularly birth certificates, that can be used to establish an identity in this country. We recommend these steps:

- Standardized application form for birth certificates;

- Interstate and intrastate matching of birth and death records;

- Only certified copies of birth certificates issued by states should be accepted by federal agencies;

- Standard design and paperstock for all certified copies of birth certificates to reduce counterfeiting;

- Encouraging states to computerize birth records depositories.

The Commission also recommends imposition of greater penalties on those producing or selling fraudulent documents. RICO provisions to facilitate racketeering investigations also should cover conspiracy to produce and sell fraudulent documents.

Those are the Commission's recommendations on worksite verification. They are a part of a comprehensive approach to immigration reform that this Commission is developing. As you know, the Commission has also made recommendations on the national interest in legal immigration to deliver promptly on our top priorities of skilled immigration and uniting nuclear families.

The key to our work so far has been that, through intense discussions and study, we have managed to arrive at a bipartisan consensus. We hope to continue that record in a systematic evaluation of what our immigration policy should be in the twentyfirst century. In that effort, we appreciated this Committee's important role in Congressional

consideration of our work.

I will be glad to answer any questions.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Michael S. Teitelbaum
Acting Co-Chair, U.S. Commission on Immigration Reform
Before the House of Representatives
Committee on the Judiciary
Subcommitte on Immigration and Claims
May 16, 1996

I would like to thank the Subcommittee for inviting the Commission to testify today. As you know, we are a bipartisan Commission. There are now eight members, evenly divided between those appointed by the Republican and Democratic leaderships of the House and the Senate. The Congress has mandated that this Commission examine some of the most contentious issues on the national agenda, and we have tried to do that in a serious, objective, and professional way.

Our recommendations on illegal immigration were unanimous: nine to zero. Those on legal immigration reform were unanimous-less-one: eight to one. It is in that spirit that I would like to focus my own remarks, not only as a member of the Commission, but also as a professional demographer.

The Commission believes that properly-regulated legal immigration serves our national interests in many ways, and it supports the basic framework of current immigration policy based on family unification, employment, and refugee resettlement. But we are convinced that the current legal immigration system is not properly regulated and that it requires major reform to ensure that actual admissions continue to serve our national interest.

At any level of immigration, there are costs as well as benefits. This is particularly true because immigration does not impact uniformly on the nation. The bulk of immigration affects just a handful of states and, in many of those states, it affects particular communities and regions most strongly. And, like many things, much of the costs tend to be immediate while the benefits may take many years or decades.

So it is necessary to strike a balance. We believe that the way to serve the national interest best is first to set priorities--and I know how politically difficult this can be--and then to implement policies that effectively deliver on these priorities.

We did not conclude that the national interest requires substantial immediate cuts in legal immigration. Nor did we see any imperative for increasing legal immigration. The priorities should drive the numbers, not the reverse. As you will hear from my colleague Larry Fuchs in a moment, we believe that the current system simply does not deliver on the nation's top immigration priorities.

We all know that current U.S. immigration law essentially provides both U.S. citizens and recent immigrants with an entitlement to apply for immigrant visas for their foreign family members. Unhappily, this system fails the basic test of truth in advertising. For there is an enormous disparity between the entitlement to apply and the right to receive. The result is truly enormous backlogs.

As you know, this disparity was greatly exacerbated by the 1986 Immigration Reform and Control Act that, due to widespread fraud, ended up legalizing far more illegal aliens than promised (nearly three million). All of these millions of legalized illegal aliens rapidly became entitled to petition for immigrant visas for their family members, in turn producing a skyrocketing backlog of such applications. But it is simply false to argue (as some advocates have done without the slightest embarrassment) that the existence of backlogs is a one-time phenomenon that can be managed without establishing some clear priorities. As you will shortly hear in some detail, unless substantial reforms are implemented by you in the Congress, we can expect very sizeable backlogs to continue--indeed to grow substantially, and indefinitely, into the foreseeable future.

Along with these growing backlogs, we can also expect to see significant increases in the numbers of legal immigrants actually admitted through the remainder of this century. After the turn of the next century, these much higher admissions numbers seem likely to begin to taper down, but to levels that will still be higher than at present. And it's only fair to tell you that this projection of long-term downturn is far less firm than that of the earlier upturn; as in all projections, the further out one goes, the less seriously one should take them.

Overall, I don't find fault with the INS' revised projections of what will happen if the Congress declines to reset immigration priorities. You should expect increased admissions of legal immigrants, up more than 200,000 from the 720,000 recorded in 1995, to about 950,000 two years later (I've allowed a constant 100,000 visas for refugee and asylum admissions, which for some reason are not included in the INS projections), and then tapering downward to levels averaging about 820,000 in the out-years. To paraphrase Mark Twain, news of declining trends in legal immigration has been greatly exaggerated.

What is most important is that, despite these significant increases in the overall level of legal immigration, current policies will also succeed in producing ever-increasing petitions for immigration visas that are unlikely to be available. This policy-by-inaction will produce two highly undesirable results: more separated nuclear families; and continuing and substantial increases in the already unacceptably large and long waiting lists for brothers and sisters, which now stretch out to time scales beyond all acceptability.

The Commission concluded that neither a major increase nor a major decrease in total immigration numbers is needed during the next several years. Over the coming decade, the U.S. can sustain current levels of immigration, that is, about 700,000 per year, without damage or undue costs to our economy or our society. What we determined, however, was that we need to have a major reprioritization of our admission categories.

That is exactly what the Commission recommended--a transfer of visas now used to admit adult children, siblings and "diversity" immigrants into a backlog clearance program to admit more expeditiously those we considered to be the highest priority--spouses and minor children. Once priorities were so reset, and the now-large backlogs in highest priority categories were eliminated, immigration would fall back to the levels we saw only a decade ago, before passage of the 1986 and 1990 immigration acts--about 550,000 admissions per year--and new backlogs would not be created. We recommended further that Congress re-assess immigration levels and priorities every three to five years to allow sensible adjustments as conditions change.

Let me add one personal note. The press stories I have seen suggest that some Members of Congress were angrily surprised to learn late last month that the INS had all along been projecting that the recent declines in legal immigration it was then actively reporting would be quite temporary and soon would reverse themselves into substantial increases. I expect that some of the journalists and editors (at the Washington Post and the Los Angeles Times, for example) who published naive stories about a declining trend in legal immigration--some seemingly based upon the INS press release of March 28, 1996 headlined "U.S. Legal Immigration Down 10.4 Percent in 1995"--may also feel a bit snookered.

The truth is that data on immigration, and the factors that affect them, are very complicated and nuanced critters. Moreover, as a demographer, I know how difficult it is to do intelligent demographic projections and how sensitive these are to choices that must be made about key assumptions. Immigration projections are demographic projections "with bells on," i.e., subject to further uncertainties, such as future trends in naturalization and rates of petitioning by relatives and employers.

For these reasons, I think it would be helpful to the Congress to have some independent means for assessing both current immigration data and alternative projections of future immigration levels and patterns, much the way the Congressional Budget Office provides an independent assessment of budget issues.

I am not sure of what would be the optimal location of such an independent, analytical capacity, which need not be at all large (a single part-time analyst with sophistication would be quite sufficient). It could be in the Congressional Research Service, or in the Congressional Budget Office itself. I do not think it should be a Commission, which has a limited life, nor do I think this sort of scholarly, objective analysis is the sort of thing on which Congressional committees can be expected to devote their very limited in-house staff resources.

But clearly, it is important to plan future immigration policy based on some general knowledge of what current patterns of immigration actually are and what different factors mean for future admissions, including the impact of naturalization on demand for visas in all family-based categories. It would be a very great disservice to the nation if immigration data were to become a matter for dispute or suspicion between the parties or between the Executive and Legislative branches. Perhaps the surest way to avoid that is for Congress to have its own independent source of such expertise.

Thank you for your kind attention.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Lawrence Fuchs
Acting Co-Chair, U.S. Commission on Immigration Reform
Before the House of Representatives
Committee on the Judiciary
Subcommitte on Immigration and Claims
May 16, 1996

I appreciate your asking both the Republican and the Democrat-appointed vice chairs of the Commission to testify today. Although it is impossible in a democracy to keep partisanship wholly out of any major issue in a national debate, we on the Commission, under Barbara Jordan's leadership, have striven to do just that, and I believe we have succeeded.

You have asked us to testify on recent projections for the levels of legal immigration in the next several years. The revised projections that were announced by the INS a few weeks ago are consistent with the basic calculations that this Commission used in making our recommendations on the priorities for legal immigration in June of last year. In a moment, our Executive Director, Susan Martin, will explain the details of the informal projections on which the Commission based our discussions, with particular emphasis on the backlogs for spouses and minor children of legal permanent residents and for the brothers and sisters of U.S. citizens.

The important question to ask about these projections for future immigration is: Do they show that we are delivering on our priorities for legal immigration?

There are two points to be made about the subject of priorities.

First, it is clearly in the national interest--as a matter of priority--to re-unify nuclear families in their new homes in this country as quickly as possible. It is clearly ***not*** in the national interest to keep immigrants in the United States separated from their spouses and minor children. You will hear from Susan Martin's testimony that, without the legal immigration reforms recommended by the Commission, the separation of nuclear families will become a lasting feature of U.S. immigration policy.

Second, as long as our system for legal immigration fails to recognize human nature--that the relationship between spouses and minor children is felt to be closer, and more important, than the relationship between more extended family members--we will encourage illegal immigration.

Indeed, many of the opponents of legal immigration reform in both the House and Senate argued that most of these spouses and minor children are already in the United States. That is true. Some are here illegally. They could have remained separated from husbands, wives, and small children outside the U.S. That would have complied with the law, but it also would have defied human realities. They chose to disobey the law to keep their immediate families together.

Moreover, we should not ignore the rest of the problem. There are more than 300,000 spouses and young children separated by U.S. law, a number that will increase substantially over the next several years unless we take action. They obey the law and so cannot enter the United States as a whole family. Those who are from countries such as India, Korea, and Taiwan cannot even obtain a visitor's visa because of their pending application as immigrants. I hope that this Committee will meet with members of the organization called Professionals for Spousal Reunification. This Commission did, and heard from them about the lengthy separations of husbands and wives living abroad that are imposed by this failure to implement priorities in U.S. law, a failure that serves no national interest whatsoever.

None of this is to say that brothers and sisters and their spouses and children or adult children, whether married or unmarried, are not part of the family. Nor do we say that they are not capable of making important contributions to the U.S. as immigrants. But this is a question of priorities. It is more a question of priorities than of numbers.

As my colleague Michael Teitelbaum just said, the Commission recommended that legal immigration at a level of about 700,000 over the next five to eight years is in the national interest, as long as priorities are established and implemented. The one dissenter to our Commission consensus argued that we could accomplish these goals at current levels or by increasing levels of legal immigration, provided that the siblings and adult children wait longer. But the Commission disagreed by a vote of eight to one.

So as you debate the impact of higher levels of legal immigration, please bear in mind the Commission's view that the critical question is: What are our priorities for legal immigration? It is our view as a Commission that those priorities should dictate the numbers to a considerable extent.

Thank you.

U.S. COMMISSION ON IMMIGRATION REFORM

Last update August 15, 1996

U.S. COMMISSION ON IMMIGRATION REFORM

Testimony of Lawrence Fuchs
Meyer and Walter Jaffee Professor of American Civilization and Politics
Brandeis University
Vice Chair, U.S. Commission on Immigration Reform
Submitted to the U.S. Senate Committee on the Judiciary Subcommitte on Immigration
October 22, 1996

In my testimony, I try to provide a framework for examining the evolution of the essential characteristics of American nationality and citizenship. I will make a few specific recommendations and general comments on strengthening the meaning of citizenship.

There are usually three qualities that make up a sense of nationhood: a founding myth that explains the origins and purpose of the nation; a compelling narrative that tells a story about the core values that emanate from that myth and the heroes and heroines of that story; and finally, rituals that remind the people of that story, embodying the myth, its values, its heroes and heroines, and symbols.

Founding myths, accounting for the origins of a nation and explaining its destiny, usually are tribal (based on genealogy or blood) as with the Abraham story in the Old Testament (God told Abraham to create a new nation) or the tale of Theseus, the mythical Athenian king who defeated the horrible Minotaur of Crete and united twelve small independent states of Attica, making Athens the capital of the new state. The foundation of Rome was attributed to Romulus, son of Mars, the god of war, who, after having been raised with his brother Remus by a she-wolf, conquered the Sabines and built a new city on the Tiber River on the spot where their lives had been saved. Japan, according to its traditional founding myth, was established because a favorite descendent of the Sun Goddess created the Japanese islands and became the first Emperor, from whom all emperors are descended.

Early in its history, spokesmen for the new American nation explained that the U.S. was created as a nation in which individual liberty, opportunity, and reward for individual achievement would prosper. This powerful new myth provided an ideological rationalization for the selfish interest early settlers had in recruiting European immigrants to claim the land, fight Indians, and later to work in the mines and factories. It became the founding myth of a new political culture, uniting white Americans from different religious and national backgrounds, and later others who were not white, in a sense of shared American nationhood. Belief in the myth motivated Americans to create new political institutions and practices that Alexis de Tocqueville, an early nineteenth century French visitor, saw as encouraging a patriotism that grew "by the exercise of civil rights." What he called the "patriotism of a republic" was based on the premise that it is possible to interest men and women in the welfare of their country by making them participants in its government and by so doing to enlist their enthusiastic loyalty to a national community. Here, the feeling of "we-ness" that is usually based on similar physical characteristics, language, or religion (or a combination of them) was replaced by a belief in the myth itself and the values, heroes and heroines, symbols and rituals revolving around the idea of freedom. It was this civic culture that replaced a more tribal culture as a basis of nationhood and appeared to teach men and women to work together with those "who otherwise would have always lived apart."

They myth and its values were embodied in a narrative, beginning with the American Revolution. The narrative tells of the struggle to enlarge freedom for an increasing number of persons regardless of their national origin, color, or religion. It recalls the Civil War, the Second World War against Nazism, the civil rights revolution of the 1960s and 1970s, the continuing immigrant saga, and the successful defense of freedom and democracy against the Soviet Union and its totalitarian system of government.

This American story about the struggle for freedom-freedom sought, freedom thwarted, freedom won, and freedom enlarged-includes oppression, exploitation, and terrible harm against those whom the insiders thought of as outsiders. But the main story line is clear: a long-term expansion of freedom-a continual rebirth of freedom (to use Lincoln's

words), although often interrupted. That sense of continuing renewal is reflected in part in the slogans of the twentieth century activist presidents, such as "The New Freedom" (Wilson), "The New Deal" (Franklin D. Roosevelt), "The Fair Deal" (Truman), "The New Frontier" (Kennedy), "The Great Society" (Johnson), and "The New Beginning" (Reagan). The American story relies heavily on texts that are often treated as though they are sacred: the Declaration of Independence; the Constitution, and especially its Bill of Rights and Fourteenth Amendment; Lincoln's Gettysburg Address and Second Inaugural Address; and Martin Luther King's "I have a dream" speech.

The preamble to the Constitution calls upon Americans to "form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity. . . ." More than any other nation, Americans have emphasized liberty as its central value. Liberty was grounded in what they called the equality of every person under God, a belief asserted in the Declaration of Independence:

We hold these truth to be self evident, that all men [and women] are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness.

By emphasizing equal rights in a nation that authorized slavery, the founders introduced a profound moral ambiguity that some argue has not yet been entirely resolved. The idea of equality became as compelling as that of liberty in American political discourse, but its meaning is less clear. Liberty meant freedom from government interference to the founders and still retains essentially that meaning. But what does equality mean? Does it mean social equality, equality under the laws, equality of opportunity, equality of condition-or some combination of them? Equality, in all its many meanings, took on great significance in the rhetoric of public live and social discourse and even in family life in America.

The American narrative is also about the tension between the values of liberty and quality. Much of the debate in American domestic politics is about society's obligation to promote equality of opportunity for those who are born to inherently unequal conditions. Those who are suspicious about public policies that attempt to do that point out that equality of opportunity implies the opportunity to compete with and rise about others and to be rewarded for one's successful efforts. The opposite view holds that without government intervention, equality of opportunity can have little meaning for those born to economically or otherwise disadvantaged circumstances. However, much Americans differ in the debate as to how they should promote equality of opportunity, most of them deeply cherish equality of opportunity as an American value.

In recent years, the political debate has focused increasingly on the role of government in providing equality of opportunity through policies that give particular recognition to the claims of members of groups who have suffered (and many say continue to suffer) restricted opportunity because they are women, African-Americans, or members of other designated minority groups. The very fact that disadvantage is presumed to be a condition that inheres in membership in such groups regardless of one's individual circumstances (health, wealth, education of parents, family situation) has given new meaning to the question of the relationship of the pluribus to the unum. Group membership has become an increasingly powerful way of defining individual identity, and public policies now go beyond equality under the law in recognizing gender, color, and national origin as a basis for what is usually called affirmative action regardless of individual circumstances. In addition, some members of groups designated as disadvantaged claim a status of inherited victimization that deepens their sense of grievance against the political and economic system that they see as dominated by white males. As a result, much of the current debate about multiculturalism revolves around their insistence on having their separateness acknowledged and affirmed in public policy generally, including education. Some, including even white males, reject the idea of a common culture, even a common political culture, as long as members of certain groups cannot show aggregate (group) results in economic, educational, and political attainment equal to that of white males.

Others see in this view of American life a danger to the value of liberty itself. They ask what freedom means if not the freedom to assert one's individuality regardless of inherited group status. What does it mean unless one is free to cross group boundaries regardless of one's color or inherited religion or nationality? What, they ask, will happen under the strains of increasing diversity if those who live, work, and vote in this country begin to think of themselves first and foremost as members of separate groups and not as Americans?

My own view is more optimistic than these questions imply. I agree with those who believe that the tension between the claims of the pluribus and the requirements of the unum can be resolved in a nation that values both liberty and equality, but only if we pay at least as much attention to the requirements of the unum as to the histories, sensibilities, and claims of the pluribus.

I think that serious scholars of this subject of Americanization are in virtually unanimous agreement that civic virtue and good citizenship in the United States has nothing to do with race or ethnicity, despite the burgeoning claims of polemicists to the contrary. That conclusion is demonstrated overwhelmingly by the evidence during these past 250 years. To argue that whites or Anglo-Americans have been more devoted to principles of liberty and justice for all flies in the face of the facts.

American values are accessible to anyone, regardless of race, religion, or ancestral background, precisely because our most important principle is the equal protection of the laws for all, regardless of race, religion, or national origin. That is the genius of the system, which must be protected and nourished.

A robust idea of American citizenship depends on a widespread understanding and appreciation-and even celebration-of the American constitutional system, its symbols and rituals, its heroes and heroines.

I believe there are several things that can be done to encourage that robust sense of citizenship for native-born and naturalized citizens. Here are six of them:

- First, an all-out commitment to the renewal of American civic education in our schools and communities;
- Second, a steady modification and ultimate abandonment of the dangerous notion of group rights as embodied in the harder forms of affirmative action, including abandonment by the year 2010 of the current racial categories in the U.S. census;
- Third, an all-out commitment to use the best pedagogic methods available to make certain that no one graduates from eighth grade without being able to speak, read, and write English effectively;
- Fourth, an expanded commitment for English language training for adults who need and want it;
- Fifth, a change in our naturalization oath and naturalization requirements, making the oath simpler and more appropriate, and making the requirements more meaningful;
- Sixth, a stronger commitment than ever to making equality of the laws and equality of opportunity real for the poorest and otherwise most vulnerable of our citizens.

What do I mean by a commitment to civic education? I believe the Secretary of Education should call a conference of state educational leaders to examine the possibility of developing a common core civic curriculum. I don't mean curriculum just for one grade level in a civics course, although that could and should be a part of it. I mean that our schools should teach the essential of American history and constitutional principles repeatedly at different grade levels in appropriate ways. I also mean that the Pledge of Allegiance should be recited and discussed. What does the goal of liberty and justice for all mean? What do we mean by majority rule and individual rights?

I mean putting the pictures of George Washington, Abraham Lincoln, and Franklin Delano Roosevelt back on the schoolroom walls and teaching how their roles in the Revolution, the Civil War, and World War II relate to the Declaration of Independence, Lincoln's Gettysburg Address, and FDR's Four Freedoms in the American search to expand the meaning of liberty and justice for all.

I mean a curriculum that nourishes civic virtue in action by including community service, as a number of schools now do. I mean a curriculum that encourages all Americans, not just those in the schools, to think about the meaning of Independence Day, Thanksgiving, Memorial Day, and Martin Luther King's birthday. And whatever happened to "I Am An American Day?" Lets bring it back. What a wonderful occasion for naturalization ceremonies, community service, and local competition for young essayists to say what being an American means to them.

Throughout most of American history, Independence Day, July 4th, was the most important national holiday. Different ethnic groups often combined their celebration of American independence and the and the values of American life in their own particular way. In the 1880s in Worcester, Massachusetts, the Ancient Order of the Hibernians, an Irish

nationalist society, held a picnic on July 4th in which the exuberance of the Irish served both as a preservation of Irish customs and a defense of American freedoms. Independence Day in Worcester in the 1890s attracted a large proportion of the Swedish-American population, who began with services at one of eight Swedish Protestant churches and ended at the picnic with patriotic speeches, sometimes in Swedish. All the ethnic groups of Worcester used Independence Day as an opportunity to express their own ethnic identity even as they celebrated American freedoms.

As new immigrant-ethnic groups claimed an American identity for themselves, a great many Anglo-Saxon Protestants, particularly in New England, thought of Independence Day as their special holiday. When President Ulysses S. Grant and key members of his cabinet joined the centennial celebration of the beginning of the American revolution at Concord and Lexington, Massachusetts, on April 19, 1875, they listened to speeches made only by illustrious Anglo-Americans, including some of the great poets of New England. The master of ceremonies of the festive day in Lexington reminded the audience that all of the foreign heroes at Lexington and Concord had English names.

Then the Anglo-Americans, especially in New England, thought of themselves as the charter members of the Republic. Americans from other backgrounds were relative newcomers, and persons of color were still treated essentially as outsiders by those who held governmental and economic power, despite the Thirteenth, Fourteenth, and Fifteenth Amendments to the Constitution. A few years after the centennial, their position as outsiders would be more sharply defined. Blacks in the south would be subjugated, for the most part, to a segregated rural working class-sharecroppers, for the most part. Chinese laborers would be excluded from immigrating to the United States, and an Act was passed in 1887 by the Congress to break up native American Indian lands and assimilate the Indians.

One hundred years later, the bicentennial of the Revolution was celebrated by emphasizing American diversity. That was also true of the centennial of the Statue of Liberty, the bicentennial of the Constitution, and the celebration of the restoration of Ellis Island. Ethnicity had become central to the American story-to the way Americans looked at themselves and presented themselves to the world. On the mall of the nation's capital on July 4th, 1983, the National Symphony was conducted by a Russian refugee, Mstlav Rostropovich, who played the distinctive American music of Jewish-American composers George Gerswhin and Aaron Copeland. Arias from Porgy and Bess were sung by the great American black singer, Leontyne Price. "A Lincoln Portrait" was narrated by the black American baseball player Willie Stargell. Newcomer Americans from at least two dozen Asian, African, and Latin American countries tapped and drummed to "The Star and Stripes Forever," composed by the Portuguese-American, John Philp Sousa.

The Fourth of July emphasizes national independence and personal freedom. Thanksgiving, which has become the other major holiday of America's civic culture, also offers an opportunity for celebrating e pluribus unum. The theme of Thanksgiving, proclaimed by George Washington in 1789 and again by President Lincoln in 1863 as a national holiday memorializing the 1621 feast of thanks given by Pilgrims (who did not call themselves Pilgrims or wear tall hats or black suits with wide collars or eat turkey) at Plymouth, still retained a more or less religious appreciation of the benefits of freedom and opportunity in the U.S. But in the 1970s and 1980s, Thanksgiving became another occasion for the celebration of ethnic diversity. In 1976, The New York Times told of an Italian family who ate a Thanksgiving dinner as they imagined Columbus might have had. A Russian-American family featured a Russian dessert made from cranberries; a Chinese-American family ate Peking duck instead of turkey; and an Austrian-American family feasted on braised turkey and white beans. A Boston Globe story in 1985 told of Cambodians, Vietnamese, and Laotians celebrating Thanksgiving at a feast sponsored by the Jewish Vocational Service. There, the refugee families ate fiery nuk chau sauce and cha gio egg rolls along with their roast turkey, cranberry sauce, and pumpkin pie.

By 1986, a writer for The New York Times concluded that "as an American holiday, Thanksgiving's universality must lie in its ability to welcome succeeding generation of immigrant to these shores." She wrote of Haitians, Barbadians, Jamaicans, Panamanians, and Trinidadians sitting down with family members for dinners that merged the culinary traditions of their homeland cultures with those of the more traditional Thanksgiving. "For me," reported one second-generation American of West Indian background, "Thanksgiving is a mixing of the black-American traditions with the Caribbean."

A civic education curriculum does not denigrate ethnic and religious diversity in the United States. Far from it. It honors it and even celebrates it. But it would not permit, as now occurs in many universities and some high schools, the encouragement of ethnocentrism in the name of multiculturalism.

I will skip a discussion my second point-the question of group rights as I have written about it extensively elsewhere. There has been a tendency in American public discourse to speak of group rights as though they were civil rights. Civil rights apply to individuals. We have no place in our constitutional system for group rights, except for native American Indians and possibly ethnic Hawaiians, Aleuts, and Eskimos.

The importance of English seems self-evident. The more linguistically capable Americans are, the better. But English is a must for anyone to participate substantially in the national political community or the enter the competition for opportunities in a vast continental and global economy. English is an important sign of national identity. My immigrant, orphan, illiterate grandmother could not write English or any other language until the day she died, and she was a magnificent human being who raised eight dedicated, patriotic Americans. But her limited knowledge of English restricted her chances-she never held any job except that of maid-and cut her off from many aspects of American life. We need a national volunteer effort not just to teach children English, as called for by President Clinton, but also to expand English teaching resources for adult immigrants and refugees.

The next recommendation-improving the naturalization test-is one I have not written or testified about before. The present naturalization oath includes archaic language that takes away from its meaning. It reads:

I hereby declare, on oath, that I absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, of whom or which I have heretofore been a subject or citizen; that I will support and defend the Constitution and laws of the United States of America against all enemies, foreign and domestic; that I will bear truth and allegiance to the same; that I will bear arms on behalf of the United States when required by the law; that I will perform noncombattant service in the armed forces of the United States when required by the law; that I will perform work of national importance under civilian direction when required by the law; and that I take this obligation freely without any mental reservation or purpose of evasion; so help me God.

It is amazing that the oath has held up as long as it has. But surely we can do something about such archaic language as "abjure" and "fidelity to any foreign prince, potentate." One possibility would be:

I, (name), take this solemn oath (or "make this solemn affirmation) freely and without mental reservation or purpose of evasion. My allegiance is to the United States of America above any other nation. I promise to support and honor the Constitution and laws of my new country and their principles of liberty and justice for all. I pledge to defend them by force of arms, noncombatant military service, or civilian work of national importance if necessary.

One might suspect that I am in favor of making naturalization easier by recommending a change in language. That is not the case. I want the naturalization oath to be understood. I am concerned about any tendency to reduce further the civic education and English language requirements for naturalization. There is considerable evidence that the naturalization ceremony, when done with dignity, stimulates feelings of patriotic loyalty for newcomer citizens around basic values of liberty and equality of opportunity. Newspaper accounts of naturalization swearing-in ceremonies repeatedly tell of the enthusiasm with which these new citizens embrace them. A Russian-Jewish refugee from Kiev, who was one of ninety-seven immigrants from twenty-eight countries sworn in as U.S. citizens at the Monticello home of Thomas Jefferson, told a television reporter after his naturalization ceremony: "I believe the most important thing that brought me to this country is the dream about the future of my kids, to grow them in a free country, to be independent, to be whatever they want. . . . The United States. My land of opportunity." Another immigrant, this one from Vietnam, told a reporter after the same ceremony: ". . . this is the best place . . . this is the best opportunity, in America." In El Paso, Texas, a new Trinidadian-American said: "We feel there are more opportunities here for us and our family . . ."

Freedom to work and make a living is one of the inducements to become an American citizen. But the speeches made by those who preside over naturalization ceremonies usually stress the importance of other freedoms. At many ceremonies, naturalized citizens are given a copy of the Bill of Rights. And many new citizens respond. A newly-naturalized, Cuban-American told reporters that becoming an American is the greatest thing "because here we can have what everyone should have, and that means our human rights. In short, freedom."

We need to mobilize volunteer resources to support the naturalization work of the INS. I believe the presidential leadership, with presidential leadership, with the cooperation of governors, mayors, civic and service organizations,

universities, corporations, and labor unions, we can process naturalization expeditiously without demeaning its significance. Panels of distinguished Americans from various walks of life can be enlisted as accredited volunteers to participate in managing naturalization ceremonies.

I also believe we should consider requiring a variety of standardized written civics and history tests in English for passing of the naturalization exam. This would cut down the time used in oral interviews and elevate the significance of passing the exam by making standards more uniform. Exceptions could be made for compassionate reasons, as they are now.

I will conclude by saying that if people living in poverty had heard my remarks up to this point, they would be likely to think them utterly irrelevant to their own lives. Jacob Riis examined the relationship of civic virtue and citizenship to poverty in 1902 in his book The Battle with the Slum. He wrote that where the slum flourishes unchallenged in the cities, "citizen virtue," as a he called it, is starved. It is not enough, he wrote, to repeat that all men are created equal.

So let us remember that citizenship does not flourish in mean streets where unemployment, drive-by shootings and crack cocaine are widespread. Nor is civic virtue helped by a hostile reception to immigrants. It does nothing to cultivate a robust ideal of citizenship to categorically deny safety net welfare benefits to legal immigrants who need them through no fault of their own or of their sponsors. Nor will civic virtue be promoted by denial of a public school education to the children illegal aliens or by the modification of birthright citizenship.

Why do we care so much about citizenship in U.S.? I think it is because we were the first nation to say that citizenship is not a question of complying with the wishes of the sovereign or a matter of blood. It is entirely voluntary. No government can force it on you or take it away unless you lied to get it. It is a matter of our free will. That revolutionary idea is at the heart of our experiment in self government. We believe that ordinary women and men, regardless of their ancestry, can make a democratic republic work. This is not just an abstract issue: too much blood has been spilt in order to make this idea a reality to everyone born in this country, regardless of race, ancestry, religion, or economic circumstances.

Some of my friends are extremely worried about the fact that our constitutional system permits dual citizenship. I urge them to keep in mind that loyalty cannot be compelled. The loyalty of subjects may be compelled, but not that of totally free citizens. The power to win loyalty in this culture of voluntary citizenship has been demonstrated many times in American history. Witness the extraordinary record of Japanese-Americans in the 442nd regimental combat team in World War II. Note the story of Sergeant Jimmy Lopez, one of the American hostages held by Iran in 1980, who wrote on the wall where he was imprisoned: "Viva el rojo, blanco e azul!" (Long live the red, white, and blue). Tell your grandchildren the story of Guy Gabald�n a Mexican-American who won the silver star in the Second World War. Raised in East Los Angles by a Japanese-American family who taught him to speak Japanese fluently, he won the medal for persuading one thousand Japanese soldiers to surrender during the battle for the island of Saipan.

These stories illustrate the strength of our civic culture. But they do not mean we can be complacent. The civil culture must be nourished. Attention must be paid. And Senator Simpson, you should be congratulated for doing just that.

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INTRODUCTION

Immigration and immigrant policy is about immigrants, their families and the rest of us. It is about the meaning of American nationality and the foundation of national unity. It is about uniting persons from all over the world in a common civic culture.

The process of becoming an American is most simply called "Americanization," which must always be a two-way street. All Americans, not just immigrants, should understand the importance of our shared civic culture to our national community. This final report of the U.S. Commission on Immigration Reform makes recommendations to further the goals of Americanization by setting out *immigrant* policies to help orient immigrants and their new communities, to improve educational programs that help immigrants and their children learn English and civics, and to reinforce the integrity of the naturalization process through which immigrants become U.S. citizens.

This report also makes recommendations regarding *immigration* policy. It reiterates the conclusions we reached in three interim reports-on unlawful migration, legal immigration, and refugee and asylum policy-and makes additional recommendations for reforming immigration policies. Further, in this report, the Commission recommends ways to improve the structure and management of the federal agencies responsible for achieving the goals of immigration policy. It is our hope that this final report *Becoming An American: Immigration and Immigrant Policy*, along with our three interim reports, constitutes a full response to the work assigned the Commission by Congress: to assess the national interest in immigration and report how it can best be achieved.

MANDATE AND METHODS

Public Law 101-649, the Immigration Act of 1990, established this Commission to review and evaluate the impact of immigration policy. More specifically, the Commission must report on the impact of immigration on: the need for labor and skills; employment and other economic conditions; social, demographic, and environmental impact of immigration; and impact of immigrants on the foreign policy and national security interests of the United States. The Commission engaged in a wide variety of fact-finding activities to fulfill this mandate. Site visits were conducted throughout the United States. Commission members visited immigrant and refugee communities in California, Texas, Florida, New York, Massachusetts, Illinois, Arizona, Washington, Kansas, Virginia, Washington, DC, Puerto Rico and the Commonwealth of the Northern Mariana Islands. We also visited such major source countries as Mexico, the Dominican Republic, Cuba, Haiti, and the Philippines. To increase our understanding of international refugee policy issues, we visited Bosnia, Croatia, Germany, and Kenya, and we consulted with Geneva-based officials from the U.N. High Commission for Refugees and the International Organization for Migration. We held more than forty public hearings, consultations with government and private sector officials, and expert roundtable discussions.

IMMIGRATION TODAY

The effects of immigration are numerous, complex, and varied. Immigrants contribute in many ways to the United States: to its vibrant and diverse communities; to its lively and participatory democracy; to its vital intellectual and cultural life, to its renowned job-creating entrepreneurship and marketplaces; and to its family values and hard-work ethic. However, there are costs as well as benefits from today's immigration. Those workers most at risk in our restructuring economy low-skilled workers in production and service jobs are those who directly compete with today's low-skilled immigrants. Further, immigration presents special challenges to certain states and local communities that disproportionately bear the fiscal and other costs of incorporating newcomers.

Properly-regulated immigration and immigrant policy serves the national interest by ensuring the entry of those who will contribute most to our society and helping lawful newcomers adjust to life in the United States. It must give due consideration to shifting economic realities. A well-regulated system sets priorities for admission; facilitates nuclear family reunification; gives U.S. employers access to a global labor market while ensuring that U.S. workers are not displaced or otherwise adversely affected; and fulfills our commitment to resettle refugees as one of several elements of humanitarian protection of the persecuted.

[1] Please see the full report for a more detailed discussion of the economic, social, demographic, foreign policy, and national security implications for U.S. immigration.

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AMERICANIZATION AND INTEGRATION OF IMMIGRANTS

A DECLARATION OF PRINCIPLES AND VALUES

Immigration to the United States has created one of the world's most successful multiethnic nations. We believe these truths constitute the distinctive characteristics of American nationality:

- American unity depends upon a widely-held belief in the principles and values embodied in the American Constitution and their fulfillment in practice: equal protection and justice under the law; freedom of speech and religion; and representative government;
- Lawfully admitted newcomers of any ancestral nationality without regard to race, ethnicity, or religion truly become Americans when they give allegiance to these principles and values;
- Ethnic and religious diversity based on personal freedom is compatible with national unity; and
- The nation is strengthened when those who live in it communicate effectively with each other in English, even as many persons retain or acquire the ability to communicate in other languages.

As long as we live by these principles and help newcomers to learn and practice them, we will continue to be a nation that benefits from substantial but well-regulated immigration. We must pay attention to our core values, as we have tried to do in our recommendations throughout this report. Then, we will continue to realize the lofty goal of *E Pluribus Unum*.[2]

AMERICANIZATION

The Commission reiterates its call for the Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity. The United States has fought for the principles of individual rights and equal protection under the law, notions that now apply to all our residents. We have long recognized that immigrants are entitled to the full protection of our Constitution and laws. And, the U.S. has the sovereign right to impose obligations on immigrants.

In our 1995 report to Congress, the Commission called for a new commitment to Americanization. In a public speech that same year, Barbara Jordan, our late chair, noted: "That word earned a bad reputation when it was stolen by racists and xenophobes in the 1920s. But it is our word, and we are taking it back." Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence. Americanization means the civic incorporation of immigrants, that is the cultivation of

a shared commitment to the American values of liberty, democracy, and equal opportunity.

The Commission proposes that the principles of Americanization be made more explicit through the covenant between immigrant and nation. Immigrants become part of us, and we grow and become all the stronger for having embraced them. In this spirit, the Commission sees the covenant as:

- ***Voluntary.*** Immigration to the United States ﷺa benefit to both citizens and immigrantsﷺ is not an entitlement and Americanization cannot be forced.

- ***Mutual and Reciprocal.*** Immigration presents mutual obligations. Immigrants must accept the obligations we imposeﷺto obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society.

- ***Individual, Not Collective.*** The United States is a nation founded on the proposition that each individual is born with certain rights and that the purpose of government is to secure these rights. The United States admits immigrants as individuals (or individual members of families). As long as the United States continues to emphasize the rights of individuals over those of groups, we need not fear that the diversity brought by immigration will lead to ethnic division or disunity.

To help achieve full integration of newcomers, the Commission calls upon federal, state, and local governments to provide renewed leadership and resources to a program to promote Americanization that requires:

- Developing capacities to orient both newcomers and receiving communities;

- Educating newcomers in English language skills and our core civic values; and

- Revisiting the meaning and conferral of citizenship to ensure the integrity of the naturalization process.

ORIENTATION

The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups. Information and orientation should be provided both to immigrants and to their receiving communities.

The Commission believes the federal government should help immigrants and local communities by:

- Giving orientation materials to legal immigrants upon admission that include, but are not limited to: a welcoming greeting; a brief discussion of U.S. history, law, and principles of U.S. democracy; tools to help the immigrant locate and use services for which they are eligible; and other immigration-related information and documents. All immigrants would receive the same materials. The packets would be available in English and other dominant immigrant languages.

- Encouraging state governments to establish information clearinghouses in major immigrant receiving communities. The Commission recommends that the federal government provide modest incentive grants to states to encourage them to establish and maintain local resources that would provide information to immigrants and local communities.

- Promoting public/private partnerships to orient and assist immigrants in adapting to life in the United States. While the federal government makes the decisions about how many and which immigrants will be admitted to the

United States, the actual process of integration takes place in local communities. Local government, schools, businesses, charities, foundations, religious institutions, ethnic associations, and other groups play important roles in the Americanization process.

EDUCATION

Education is the principal tool of Americanization. Local educational institutions have the primary responsibility for educating immigrants. However, there is a federal role in promoting and funding English language acquisition and other academic and civic orientation for both immigrant children and adults.

The Commission urges a renewed commitment to the education of immigrant children. The number of school-aged children of immigrants is growing and expected to increase dramatically. These children, mostly young, speak more than 150 different languages; many have difficulty communicating in English. They are enrolled in public schools as well as in secular and religious private schools throughout the country. And, in addition to the problems other students have, they face particular problems in gaining an education often because of language difficulties.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program. English is the most critical of basic skills for successful integration. English can be taught to children in many ways. Effective programs share certain common characteristics. Based on a review of these programs, the Commission emphasizes the need for public and private educational programs to:

- Conduct regular evaluations of students' English competence and their ability to apply it to academic subjects. Such evaluations will ensure placement of immigrant children into regular English-speaking classes as soon as they are prepared. Regular evaluation also will highlight strengths and weaknesses in educational programs and provide insight on improvements that are needed to ensure timely English acquisition.

- Collect and analyze data on immigrant students, including their linguistic and academic performance and the efficacy of the instructional methods used in programs for immigrant children.

- Include appropriate grade-level instruction in other academic disciplines. Coordination with teachers, curricula, and instruction outside of English acquisition will promote students' mastery of regular subject matter while they expeditiously learn English.

- Involve parents of immigrant students in their schooling. A characteristic of many of the most successful language acquisition programs is the active involvement of parents in the education of their children.

The Commission encourages programs that are responsive to the needs of immigrant children and an orientation to United States school systems and the community,such as we have seen in "newcomer schools." Newcomer schools must not isolate immigrant newcomers. Instead, they must be transitional and actively promote the timely integration of students into mainstream schools.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship. An understanding of the history of the United States and the principles and practices of our government are an essential for all students, immigrants and natives alike. Americanization requires a renewed emphasis on the common core of civic culture that unites individuals from many ethnic and racial groups.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students. There is a disturbing shortage of qualified teachers for children with limited English proficiency, of teacher training programs for producing such teachers, and of other support for effective English acquisition instruction.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of

immigration on school systems and that is adequate to alleviate these impacts. There are costs and responsibilities for language acquisition and immigrant education programs that are not now being met. We urge the federal government to do its fair share in meeting this challenge. The long-term costs of failure in terms of dropouts and poorly educated adults will be far larger for the nation and local communities than the costs of such programs. More specifically, we urge the federal government to:

- Provide flexibility in federal funding for the teaching of English to immigrant students to achieve maximum local choice of instructional model.The federal government should not mandate any one mode of instruction (e.g., bilingual education, English as a second language programs, immersion).

- Make funding contingent on performance outcomes—that is, English language acquisition and mastery of regular academic subject matter by students served in these programs. School systems receiving funds because of large numbers of children with limited English proficiency and immigrant children should be held to rigorous performance standards. Federal and state funding incentives should promote—not impede—expeditious placement in regular, English-speaking classes.

The Commission urges the federal, state, and local governments and private institutions to enhance educational opportunities for adult immigrants. Education for basic skills and literacy in English is the major vehicle that integrates adult immigrants into American society and participation in its civic activities. Literate adults are more likely to participate in the workforce and twice as likely to participate in our democracy. Literate adults foster literacy in their children, and parents' educational levels positively affect their children's academic performance.

Adult education is severely underfunded. Available resources are inadequate to meet the demand for adult immigrant education, particularly for English proficiency and job skills. In recognition of the benefits they receive from immigration, the Commission urges leaders from businesses and corporations to participate in skills training, English instruction, and civics education programs for immigrants. Religious schools and institutions, charities, foundations, community organizations, public and private schools, colleges and universities also can contribute resources, facilities, and expertise.

NATURALIZATION

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer (except to become President). The naturalization process must be credible, and it must be accorded the formality and ceremony appropriate to its importance.

The Commission believes that the current legal requirements for naturalization are appropriate, but improvements are needed in the means used to measure whether an applicant meets these requirements. With regard to the specific legal requirements, the Commission supports:

- Maintaining requirements that legal immigrants must reside in the United States for five years (three years for spouses of U.S. citizens and Lawful Permanent Residents [LPRs] who serve in the military) before naturalizing. We believe five years is adequate for immigrants to embrace, understand, and demonstrate their knowledge of the principles of American democracy.

- Improving the mechanisms used to demonstrate knowledge of U.S. history, civics, and English competence. The Commission believes that the tests used in naturalization should seek to determine if applicants have a meaningful knowledge of U.S. history and civics and are able to communicate in English. The tests should be standardized and aim to evaluate a common core of information to be understood by all new citizens.

- Expediting swearing-in ceremonies while maintaining their solemnity and dignity. In districts where the federal court has exercised sole jurisdiction to conduct the swearing-in ceremonies, long delays often result from crowded

court calendars. The Commission recommends that Congress restore the Executive Branch's sole jurisdiction for naturalization to reduce this waiting time. The Executive Branch should continue to work with federal judges as well as other qualified institutions, such as state courts and Immigration Judges, to ensure that swearing-in ceremonies are consistently conducted in a timely, efficient, and dignified manner.

- Revising the naturalization oath to make it comprehensible, solemn, and meaningful. The current oath is not easy to comprehend. We believe it is not widely understood by new citizens. Its wording includes dated language, archaic form, and convoluted grammar. The Commission proposes the following revision of the oath as capturing the essence of naturalization.

> *Solemnly, freely, and*
> *without any mental reservation,*
> *I, [name] hereby renounce under oath*
> *[or upon affirmation]*
> *all former political allegiances.*
> *My sole political fidelity*
> *and allegiance from this day forward*
> *is to the United States of America.*
> *I pledge to support and respect*
> *its Constitution and laws.*
> *Where and if lawfully required,*
> *I further commit myself to defend them against all enemies,*
> *foreign and domestic, either by military or civilian service.*
> *This I do solemnly swear [or affirm].*

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process. The vast majority of applicants for naturalization are law-abiding immigrants who contribute to our society. The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens. Its value also is undermined when the process permits the abuse of our laws by naturalizing applicants who are not entitled to citizenship.

Recognizing steps already are underway to reengineer the naturalization process, the Commission supports the following approaches:

- Instituting efficiencies without sacrificing quality controls. In the Commission's 1995 report to Congress, we recommended that the Immigration and Naturalization Service [INS] and the Congress take steps to expedite the processing of naturalization applications while maintaining rigorous standards. Two years later, the naturalization process still takes too long, and previous efforts to expedite processing resulted in serious violations of the integrity of the system. Instituting a system that is both credible and efficient remains a pressing need.

- Improving the integrity and processing of fingerprints. The Commission believes that only service providers under direct control of the federal government should be authorized to take fingerprints. If the federal government does not take fingerprints itself but instead contracts with service providers, it must screen and monitor such providers rigorously for their capacity, capability, and integrity. Failure to meet standards would mean the contract would be terminated.

- Contracting with a single English and civics testing service. The Commission recommends that the federal government contract with one national and respected testing service to develop and administer the English and civics tests to naturalization applicants. Having one organization under contract should help the government substantially improve its oversight. Moreover, contracting with a highly-respected and nationally-recognized testing service will help ensure a high-quality product.

- Increasing professionalism. While many naturalization staff are highly professional in carrying out their duties, reports from district offices, congressional hearings, and complaints from naturalization applicants demonstrate continued dissatisfaction with the quality of naturalization services. Recruitment and training of longer-term staff

assigned to adjudicating applications and overseeing quality control would help overcome some of these problems.

- Improving automation. The Commission is encouraged by plans to develop linkages among data sources related to naturalization. The Commission recommends continued funding for an up-to-date, advanced, electronic automation system for information entry and recordkeeping.

- Establishing clear fee-waiver guidelines and implementing them consistently. Under current law, the Attorney General is authorized to grant fee waivers to naturalization applicants. The Commission has received accounts of legitimate requests being denied. Clear guidelines and consistent implementation are needed to ensure that *bona fide* requests are granted, while guarding against abuse.

[2] Our national motto, E Pluribus Unum, "from many, one," was originally conceived to denote the union of the thirteen states into one nation. Throughout our history, *E Pluribus Unum* has also come to mean the vital unity of our national community founded on individual freedom and the diversity that flows from it.

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FRAMEWORK FOR IMMIGRATION POLICY

In our previous reports, the Commission defined a credible immigration policy "by a simple yardstick: people who should get in do get in, people who should not get in are kept out; and people who are judged deportable are required to leave." By these measures, we have made substantial, but incomplete, progress. What follows are the Commission's recommendations for comprehensive reform to achieve more fully a credible framework for immigration policy.

LEGAL PERMANENT ADMISSIONS

The Commission reiterates its support for a properly-regulated system for admitting lawful permanent residents.[3] Research and analyses conducted since the issuance of the Commission's report on legal immigration support our view that a properly-regulated system of legal permanent admissions serves the national interest. The Commission urges reforms in our legal immigration system to enhance the benefits accruing from the entry of newcomers while guarding against harms, particularly to the most vulnerable of U.S. residents—those who are themselves unskilled and living in poverty. More specifically, the Commission reiterates its support for:

- **A significant redefinition of priorities and reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.** The current framework for legal immigration—family, skills, and humanitarian admissions—makes sense. However, the statutory and regulatory priorities and procedures for admissions do not adequately support the stated intentions of legal immigration—to reunify families, to provide employers an opportunity to recruit foreign workers to meet labor needs, and to respond to humanitarian crises around the world. During the two years since our report on legal immigration, the problems in the legal admission system have not been solved. Indeed, some of them have worsened.

  Current immigration levels should be sustained for the next several years while the U.S. revamps its legal immigration system and shifts the priorities for admission away from the extended family and toward the nuclear family and away from the unskilled and toward the higher-skilled immigrant. Thereafter, modest reductions in levels of immigration —to about 550,000 per year, comparable to those of the 1980s— will result from the changed priority system. The Commission continues to believe that legal admission numbers should be authorized by Congress for a specified time (e.g., three to five years) to ensure regular, periodic review and, if needed, change by Congress. This review should consider the adequacy of admission numbers for accomplishing priorities.

- **Family-based admissions that give priority to nuclear family members—spouses and minor children of U.S. citizens, parents of U.S. citizens, and spouses and minor children of lawful permanent residents—and include a backlog clearance program to permit the most expeditious entry of the spouses and minor children of LPRs.** The Commission recommends allocation of 550,000 family-based admission numbers each year until the large backlog of spouses and minor children is cleared. Numbers going to lower priority categories

(e.g., adult children, siblings, and diversity immigrants), should be transferred to the nuclear family categories. Thereafter Congress should set sufficient admission numbers to permit all spouses and minor children to enter expeditiously.

Since the Commission first reported its findings on legal admission, the problems associated with family-based admissions have grown. In 1995, the wait between application and admission of the spouses and minor children of LPRs was approximately three years. It is now more than four and one-half years and still growing. Moreover, various statutory changes made in 1996 make it all the more important that Congress take specific action to clear the backlog quickly to regularize the status of the spouses and minor children of legal permanent residents in the United States. In an effort to deter illegal migration, Congress expanded the bases and number of grounds upon which persons may be denied legal status because of a previous illegal entry or overstay of a visa. An unknown, but believed to be large, number of spouses and minor children of LPRs awaiting legal status are unlawfully present in the United States. While the Commission does not condone their illegal presence, we are cognizant of the great difficulties posed by the long waiting period for a family second preference visa.

- **Skill-based admissions policies that enhance opportunities for the entry of highly-skilled immigrants, particularly those with advanced degrees, and eliminate the category for admission of unskilled workers.** The Commission continues to recommend that immigrants be chosen on the basis of the skills they contribute to the U.S. economy. Only if there is a compelling national interest—such as nuclear family reunification or humanitarian admissions—should immigrants be admitted without regard to the economic contributions they can make.

  Research shows that education plays a major role in determining the impacts of immigration. Immigration of unskilled immigrants comes at a cost to unskilled U.S. workers, particularly established immigrants for whom new immigrants are economic substitutes. Further, the difference in estimated lifetime fiscal effects of immigrants by education is striking: using the same methodology to estimate net costs and benefits, immigrants with a high school education or more are found to be net contributors while those without a high school degree continue to be net costs to taxpayers throughout their lifetime.[4]

  The Commission also continues to recommend changes in the procedures used in testing the labor market impact of employment-based admissions. Rather than use the lengthy, costly, and bureaucratic labor certification system, the Commission recommends using market forces as a labor market test. To ensure a level playing field for U.S. workers, employers would attest to having taken appropriate steps to recruit U.S. workers, paying the prevailing wage, and complying with other labor standards. Businesses recruiting foreign workers also would be required to make significant financial investments in certified private sector initiatives dedicated to improving the competitiveness of U.S. workers. These payments should be set at a per worker amount sufficient to ensure there is no financial incentive to hire a foreign worker over a qualified U.S. worker.

- **Refugee admissions based on human rights and humanitarian considerations, as one of several elements of U.S. leadership in assisting and protecting the world's persecuted.**[5] Since its very beginnings, the United States has been a place of refuge. The Commission believes continued admission of refugees sustains our humanitarian commitment to provide safety to the persecuted, enables the U.S. to pursue foreign policy interests in promoting human rights, and encourages international efforts to resettle persons requiring rescue or durable solutions. The Commission also urges the federal government to continue to support international assistance and protection for the majority of the world's refugees for whom resettlement is neither appropriate nor practical.

The Commission continues to recommend against denying benefits to legal immigrants solely because they are noncitizens. The Commission believes that the denial of safety net programs to immigrants solely because they are noncitizens is not in the national interest. In our 1994 and 1995 reports, the Commission argued that Congress should address the most significant uses of public benefit programs —particularly, elderly immigrants using Supplementary Security Income— by requiring sponsors to assume full financial responsibility for newly-arriving immigrants who otherwise would be excluded on public charge grounds. In particular, the Commission argued that sponsors of parents

who would likely become public charges assume the responsibility for the lifetimes of the immigrants (or until they became eligible for Social Security on the basis of work quarters). We also argued that sponsors of spouses and children should assume responsibility for the duration of the familial relationship or a time-specified period. We continue to believe that this targeted approach makes greater sense than a blanket denial of eligibility for public services based solely on a person's alienage.

LIMITED DURATION ADMISSIONS

Persons come to the United States for limited duration stays for several principal purposes: representation of a foreign government or other foreign entities; work; study; and short-term visits for commercial or personal purposes, such as tourism and family visits. These individuals are statutorily referred to as "nonimmigrants." In this report, however, we refer to "limited duration admissions [LDAs]," a term that better captures the nature of their admission: When the original admission expires, the alien must either leave the country or meet the criteria for a new LDA or permanent residence.

For the most part LDAs help enhance our scientific, cultural, educational, and economic strength. However, the admission of LDAs is not without costs and, as explained below, certain reforms are needed to make the system even more advantageous for the United States than it now is.

The Commission believes LDA policy should rest on the following principles:

- Clear goals and priorities;
- Systematic and comprehensible organization of LDA categories;
- Timeliness, efficiency, and flexibility in its implementation;
- Compliance with the conditions for entry and exit (and effective mechanisms to monitor and enforce this compliance);
- Credible and realistic policies governing transition from LDA to permanent immigration status;
- Protection of U.S. workers from unfair competition and of foreign workers from exploitation and abuse; and
- Appropriate attention to LDA provisions in trade negotiations to ensure future immigration reforms are not unknowingly foreclosed.

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable. The Commission recommends that the current proliferation of visa categories be restructured into five broad groups: official representatives; foreign workers; students; short-term visitors; and transitional family members. This reorganization reflects such shared characteristics of different visa categories as entry for like reasons, similarity in testing for eligibility, and similar duration of stay in the United States.

The definitions and objectives of the five limited duration visa classifications would be:[6]

- **Official representatives** are diplomats, representatives of or to international organizations, representatives of NATO or NATO forces, and their accompanying family members. The objective of this category is to permit the United States to admit temporarily individuals who represent their governments or international organizations.
- **Short-term visitors** come to the United States for commercial or personal purposes. In 1995 alone, millions of inbound visitors from other countries spent $76 billion on travel to and in the United States (on U.S. flag carriers, lodging, food, gifts, and entertainment).

- **Foreign workers** are those who are coming to perform necessary services for prescribed periods of time, at the expiration of which they must either return to their home countries or, if an employer or family member petitions successfully, adjust to permanent residence. This category would serve the labor needs demonstrated by U.S. businesses, with appropriate provisions to protect U.S. workers from unfair competition.

- **Students** are persons who are in the United States for the purpose of acquiring either academic or practical knowledge of a subject matter. This category has four major goals: to provide foreign nationals with opportunities to obtain knowledge they can take back to their home countries; to give U.S. schools access to a global pool of talented students; to permit the sharing of U.S. values and institutions with individuals from other countries; and to enhance the education of U.S. students by exposing them to foreign students and their cultures.

- **Transitional family members** include fiancé(e)s of U.S. citizens. These individuals differ from other LDAs because they are processed for immigrant status, although they do not receive such status until they marry in the U.S. and adjust. The Commission believes another category of transitional family members should be added: spouses of U.S. citizens whose weddings occur overseas but who subsequently come to the U.S. to reside.

Short-Term Visitors

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstay rates. A permanent visa waiver system requires appropriate provisions to expand the number of participating countries and clear and timely means for removing those countries that fail to meet the high standards reserved for this privilege. Congress should extend the pilot three years while the control system is implemented.

Foreign Workers

Each year, more foreign workers enter the United States as LDAs for temporary work than enter as skill-based immigrants. In FY 1996, the Department of State issued almost 278,000 limited duration worker visas, including those for spouses and children. By contrast, only 118,000 immigrant visa issuances and domestic adjustments of status in worker categories were recorded in FY 1996, far less than the legislated limit of 140,000.

The Commission recommends that the limited duration admission classification for foreign workers include three principal categories: those who, for significant and specific policy reasons, should be exempt by law from labor market protection standards; those whose admission is governed by treaty obligations; and those whose admission must adhere to specified labor market protection ***standards***. Under this recommendation, LDA worker categories are organized around the same principles that guide permanent worker categories. Accordingly, the Commission proposes different subcategories with labor market protection standards commensurate with the risks to U.S. workers we believe are posed by the foreign workers.

- **Those exempt by law from labor market protection standards** because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers. These include:

  Individuals of extraordinary ability in the sciences, arts, education, business, or athletics, demonstrated through sustained national or international acclaim and recognized for extraordinary achievements in their field of expertise.

  Managers and executives of international businesses. The global competitiveness of U.S. businesses is enhanced by the capacity of multinational corporations to move their senior staff around the world as needed.

Professors, researchers and scholars whose salary or other compensation is paid by their home government, home institution, or the U.S. government in a special program for foreign professors, researchers, and scholars.

Religious workers, including ministers of religion and professionals and other workers employed by religious nonprofit organizations in the U.S. to perform religious vocations and religious occupations.

Members of the foreign media admitted under reciprocal agreements. The U.S. benefits from the presence of members of the foreign media who help people in their countries understand events in the United States. Just as we would not want our media to be overly regulated by labor policies of foreign governments, the United States extends the same courtesy to foreign journalists working in the U.S.

- ***Foreign workers whose admission is subject to treaty obligations.*** This includes treaty traders, treaty investors, and other workers entering under specific treaties between the U.S. and the foreign nation of which the alien is a citizen or national. Under the provisions of NAFTA, for example, Canadian professionals are not subject to numerical limits or labor market testing; Mexican professionals continue to be subject to labor market tests, but will be exempt from numerical limits in 2003.

- ***Foreign workers subject by law to labor market protection standards.*** These are principally:

  Professionals and other workers who are sought by employers because of their highly-specialized skills or knowledge and/or extensive experience. Included in this category are employees of international businesses who have specialized knowledge but are not managers or executives.

  Trainees admitted to the United States for practical, on-the-job training in a variety of occupations. Trainees work in U.S. institutions as an integral part of their training program.

  Artists, musicians, entertainers, athletes, fashion models, and participants in international cultural groups that share the history, culture, and traditions of their country.

  Lesser-skilled and unskilled workers coming for seasonal or other short-term employment. Such worker programs warrant strict review, as described below. The Commission remains opposed to implementation of a large-scale program for temporary admission of lesser-skilled and unskilled workers.

The Commission recommends that the labor market tests used in admitting temporary workers in this category be commensurate with the skill level and experience of the worker.

- **Employers requesting the admission of temporary workers with highly-specialized skills or extensive experience should meet specific requirements.** Admission should be contingent on an attestation that:

  The employer will pay the greater of actual or prevailing wage and fringe benefits paid to other employees with similar experience and qualifications for the specific employment in question. Actual wage rates should be defined in a simple and straightforward manner.

  The employer has posted notice of the hire, informed coworkers at the principal place of business at which the LDA worker is employed, and provided a copy of the attestation to the LDA worker.

  The employer has paid a reasonable user fee that will be dedicated to facilitating the processing of applications and the costs of auditing compliance with all requirements.

  There is no strike or lockout in the course of a labor dispute involving the occupational classification at the place of employment.

  The employer has not dismissed, except for cause, or otherwise displaced workers in the specific job for which the alien worker is hired during the previous six months. Further, the employer will not displace or lay off, except

for cause, U.S. workers in the specific job during the ninety-day period following the filing of an application or the ninety-day periods preceding or following the filing of any visa petition supported by the application.

The employer will provide working conditions for such temporary workers that are comparable to those provided to similarly situated U.S. workers.

- **Certain at-risk employers of skilled workers** (described below) should be required to attest to having taken significant steps—for example, recruitment or training—to employ U.S. workers in the jobs for which they are recruiting foreign workers. We do not recommend, however, that current labor certification processes be used to document significant efforts to recruit. These procedures are costly, time consuming, and ultimately ineffective in protecting highly-skilled U.S. workers.

- **Employers requesting the admission of lesser-skilled workers should be required to meet a stricter labor market protection test.** Such employers should continue to be required to demonstrate that they have sought, but were unable to find, sufficient American workers prepared to work under favorable wages, benefits, and working conditions. They also should be required to specify the plans they are taking to recruit and retain U.S. workers, as well as their plans to reduce dependence on foreign labor through hiring of U.S. workers or other means. Employers should continue to be required to pay the highest of prevailing, minimum, or adverse wage rates, provide return transportation, and offer decent housing, health care, and other benefits appropriate for seasonal employees.

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards —regardless of the education, skill, or experience level of its employees— be required to obtain regular, independently-conducted audits of their compliance with the attestations made about labor market protection standards, with the results of such audit being submitted for Department of Labor review. Certain businesses, as described below, pose greater risk than others of displacing U.S. workers and/or exploiting foreign workers. The risk factors that should be considered in determining whether regular audit requirements must apply include:

- **The employer's extensive use of temporary foreign workers.** Extensive use can be defined by the percentage of the employer's workforce that is comprised of LDA workers. It also can be measured by the duration and frequency of the employer's use of temporary foreign workers.

- **The employer's history of employing temporary foreign workers.** Those employers with a history of serious violations of regular labor market protection standards or of specific labor standards related to the employment of LDA workers should be considered as at risk for future violations.

- **The employer's status as a job contracting or employment agency providing temporary foreign labor to other employers.** Risk of labor violations increases as responsibility is divided between a primary and secondary employer.

To ensure adequate protection of labor market standards, such employers should be required to submit an independent audit of their compliance with all statements attested to in their application. The independent audits should be done by recognized accounting firms that have the demonstrated capacity to determine, for example, that wages and fringe benefits were provided as promised in the attestation and conformed to the actual or prevailing wages and fringe benefits provided to similarly situated U.S. workers.

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards. To function effectively, both the exempt and nonexempt temporary worker programs must provide expeditious access to needed labor. The Commission's recommendations build on the current system of employer attestations that receive expeditious preapproval review but are subject to postapproval enforcement actions against violators. More specifically, the Commission recommends:

- **Allocating increased staff and resources to the agencies responsible for adjudicating applications for**

admission and monitoring and taking appropriate enforcement action against fraudulent applications and violations of labor market protection standards. Increased costs required for more efficient adjudication of applications can be covered by applicant fees. However, additional costs incurred for more effective investigations of compliance with labor market standards will require appropriated funds.

- **Barring the use of LDA workers by any employer who has been found to have committed willful and serious labor standards violations with respect to the employment of LDA workers. Further, upon the recommendation of any federal, state, or local tax agency, barring the use of LDA workers by any employer who has been found to have committed willful and serious payroll tax violations with respect to LDA workers.** The law currently provides for such debarment for failure to meet labor condition attestation provisions or misrepresentation of material facts on the application. Implementation of this recommendation would enable penalties to be assessed for serious labor standards violations that are not also violations of the attestations.

- **Developing an enforcement strategy to reduce evasion of the LDA labor market protection standards through contractors.** U.S. businesses' growth in contracting-out functions has raised questions of employment relationships and ultimate liability for employment-related violations, including those related to temporary foreign workers. A uniform policy for dealing with these situations is desirable for the enforcement agencies involved, as well as for employers, contractors, and workers.

CURBING UNLAWFUL MIGRATION

In its first interim report to Congress , the Commission recommended a comprehensive strategy to curb unlawful migration into the United States through prevention and removal.[7] Despite the additional resources, new policies, and often innovative strategies adopted during the past few years, illegal migration continues to be a problem. The Commission continues to believe that unlawful immigration can be curtailed consistent with our traditions, civil rights, and civil liberties. As a nation committed to the rule of law, our immigration policies must conform to the highest standards of integrity and efficiency in the enforcement of the law. We must also respect due process.

Deterrence Strategies

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration. More specifically, the Commission continues to support implementation of the following deterrence strategies:

- **An effective border management policy that accomplishes the twin goals of preventing illegal entries and facilitating legal ones.** New resources for additional Border Patrol officers, inspectors, and operational support, combined with such new strategies as operations "Hold the Line," "Gatekeeper," and "Safeguard," have improved significantly the management of the border where they are deployed. The very success of these new efforts demonstrates that to gain full control, the same level of resources and prevention strategies must be deployed at all points on the border where significant violations of U.S. immigration law are likely to occur.

- **Reducing the employment magnet is the linchpin of a comprehensive strategy to deter unlawful migration.** Economic opportunity and the prospect of employment remain the most important draw for illegal migration to this country. Strategies to deter unlawful entries and visa overstays require both a reliable process for verifying authorization to work and an enforcement capacity to ensure that employers adhere to all immigration-related labor standards. The Commission supports implementation of pilot programs to test what we believe is the most promising option for verifying work authorization: a computerized registry based on the social security number.[8]

- **Restricting eligibility of illegal aliens for publicly-funded services or assistance, except those made available**

on an emergency basis or for similar compelling reasons to protect public health and safety or to conform to constitutional requirements. Although public benefit programs do not appear to be a major magnet for illegal migrants, it is important that U.S. benefit eligibility policies send the same message as immigration policy: Illegal aliens should not be here and, therefore, should not receive assistance, except in unusual circumstances. The Commission recommended drawing a line between illegal aliens and lawfully resident legal immigrants with regard to benefits eligibility, in part to reinforce this message. We continue to believe that this demarcation between legal and illegal aliens makes sense. The Commission urges the Congress to reconsider the changes in welfare policy enacted in 1996 that blur the distinctions between legal and illegal aliens by treating them similarly for the purposes of many public benefit programs.

- **Strategies for addressing the causes of unlawful migration in source countries.** An effective strategy to curb unauthorized movements includes cooperative efforts with source countries to address the push factors that cause people to seek new lives in the United States. The Commission continues to urge the United States government to give priority in its foreign policy and international economic policy to long-term reduction in the causes of unauthorized migration.

- **Mechanisms to respond in a timely, effective, and humane manner to migration emergencies.** A credible immigration policy requires the ability to respond effectively and humanely to migration emergencies in which large numbers of people seek entry into the United States. These emergencies generally include *bona fide* refugees, other individuals with need for protection, and persons seeking a better economic life in the U.S. Failure to act appropriately and in a timely manner to determine who should be admitted and who should be returned can have profound humanitarian consequences. Further, an uncontrolled emergency can overwhelm resources and create serious problems that far outlast the emergency.[9]

Removals

A credible immigration system requires the effective and timely removal of aliens who can be determined through constitutionally-sound procedures to have no right to remain in the United States. If unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally.

Our current removal system does not work. Hundreds of thousands of aliens with final removal orders remain in the U.S. The system's ineffectiveness results from a fragmented, uncoordinated approach, rather than flawed legal procedures. The Executive Branch does not have the capacity, resources, or strategy to detain aliens likely to abscond, to monitor the whereabouts of released aliens, or to remove them.

The Commission urges immediate reforms to improve management of the removal system and ensure that aliens with final orders of deportation, exclusion, or removal are indeed removed from the United States. Establishing a more effective removal system requires changes in the management of the removal process. More specifically, the Commission recommends:

- **Establishing priorities and numerical targets for the removal of criminal and noncriminal aliens.** The Commission encourages headquarters, regional, and local immigration enforcement officials to set these priorities and numerical goals.

- **Local oversight and accountability for the development and implementation of plans to coordinate apprehensions, detention, hearings, removal, and the prevention of reentry.** With guidance on priorities, local managers in charge of the removal system would be responsible for allocation of resources to ensure that aliens in the prioritized categories are placed in the system and ultimately removed. Local managers also would be responsible and accountable for identifying effective deterrents that reduce the likelihood that removed aliens would attempt to reenter the U.S.

- **Continued attention to improved means for identifying and removing criminal aliens with a final order of deportation.** The Commission reiterates the importance of removing criminal aliens as a top priority. Our recommendation regarding the importance of removing noncriminal aliens with final orders is not intended to shift the attention of the removal system away from this priority. Rather, both criminal and noncriminal aliens must be removed to protect public safety (in the case of criminals) and to send a deterrent message (to *all* who have no permission to be here).

- **Legal rights and representation.** The Executive Branch should be authorized to develop, provide, and fund programs and services that educate aliens about their legal rights and immigration proceedings. Such programs also should encourage and facilitate legal representation where to do so would be beneficial to the system and the administration of justice. Particular attention should be focused on aliens in detention where release or removal can be expedited through such representation. Under this approach, the alien would not have a right to appointed counsel, but the government could fund services to address some of the barriers to representation.

- **Prosecutorial discretion to determine whether to proceed with cases.** Guidelines on the use of prosecutorial discretion should be developed, local Trial Attorneys trained, support staff provided, and discretion exercised with the goal of establishing a more efficient and rational hearing system. Trial attorneys should focus their efforts on trying cases that are likely to result in the removal of the alien upon completion of the proceedings.

- **Strategic use of detention and release decisions.** Detention space, always in limited supply, is in greater demand as the government has focused more on the removal of criminal aliens and as Congress mandates more categories to be detained. Detention needs to be used more strategically if removals are to be accomplished. Alternatives to detention should be developed so that detention space is used efficiently and effectively. The Commission fully supports the three-year pilot program, created with and implemented by the Vera Institute, to help define effective alternatives to detention for specific populations.

- **Improved detention conditions and monitoring.** Detention cannot be used effectively unless the conditions of detention are humane and detainees are free from physical abuse and harassment by guards. We have no doubt that appropriate criteria for all facilities can be promulgated, based on sound governmental judgment and consultation with concerned nongovernmental organizations. But most importantly, a system to monitor facilities on a regular basis must be developed. Inspections must occur more than once annually.

  Further, the Commission recommends that the Department of Justice consider placing administrative responsibility for operating detention centers with the Bureau of Prisons or U.S. Marshals Service. An immigration enforcement agency should not be shouldered with such a significant responsibility that is not part of its fundamental mission or expertise.

- **Improved data systems.** Current data systems are unable to link an apprehension to its final disposition (e.g., removal, adjustment of status). This significantly limits the use of apprehension and removal data for analytical purposes. The Commission urges development of data systems that link apprehensions and removals and provide statistics on individuals.

- **The redesigned removal system should be managed initially by a Last-In-First-Out [LIFO] strategy to demonstrate the credibility of the system.** Once a coherent system is organized and appropriate resources are assigned to removing deportable aliens—not simply to put aliens through proceedings —removals should proceed in a Last-In-First-Out mode. In this way, the government can send a credible deterrent message to failed asylum seekers, visa overstayers, users of counterfeit documents, and unauthorized workers, that their presence in the United States will not be tolerated. Such a well-organized system can establish control over the current caseload and quickly prioritize the backlog for enforcement purposes. The deterrent effect of LIFO has been shown in the asylum system where new procedures were adopted in a LIFO mode.

The Commission urges Congress to clarify that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA] and the Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA] do not apply retroactively to cases pending when the new policies and procedures went into effect. As a matter of policy, the Commission believes

that retroactive application of new immigration laws undermines the effectiveness and credibility of the immigration system. Applying newly-enacted laws or rules in an immigration proceeding that has already commenced results in inefficiency in the administration of the immigration laws. It also can raise troubling issues of fairness. Finally, it invites confusion, adds uncertainty, and fosters a lack of trust and confidence in the rule of law.

[3] For a full explanation of the Commission's recommendations see Legal Immigration: Setting Priorities, 1995. See Appendix for summary of Commissioner Leiden's dissenting statement.

[4] National Research Council. 1997. The New Americans: Economic, Demographic, and Fiscal Effects of Immigration. Washington, DC: National Academy Press.

[5] For a full explanation of the Commission's refugee-related recommendations, see U.S. Refugee Policy: Taking Leadership, 1997.

[6] The current system includes the J visa for cultural exchange, which is used for a variety of purposes, ranging from short-term visits to study and work. The workers include scholars and researchers, camp counselors, au pairs, and various others. Some work activities under the J visa demonstrate a clear cultural or education exchange; other work activities appear only tangentially related to the program's original purposes. Protection of U.S. workers by labor market tests and standards should apply to the latter group in the same manner as similarly situated temporary workers in other LDA categories. The Department of State should assess how better to fulfill the purpose of the Mutual Educational and Cultural Exchange Act of 1961 [Fulbright-Hays Act]. Such an analysis is particularly timely in light of the merger now being implemented between the Department of State and the United States Information Agency, which is responsible for administering the J visa.

[7] For a full explanation of the Commission's recommendations see: U.S. Immigration Policy: Restoring Credibility, 1994.

[8] The Concurring Statement of Commissioners Leiden and Merced can be found in the Commission's 1994 report.

[9] For a fuller discussion of the Commission's recommendation on mass migration emergencies, see U.S. Refugee Policy: Taking Leadership, 1997.

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ACHIEVING IMMIGRATION POLICY GOALS

INTRODUCTION

Restoring credibility and setting priorities —themes at the center of the Commission's policy recommendations on illegal and legal immigration, respectively— will not come to pass unless the government is structured to deliver on these policies. An effective immigration system requires both credible policy and sound management. Good management cannot overcome bad policy. Poor structures, lack of professionalism, poor planning, and failure to set priorities will foil even the best policies.

Until relatively recently, the agencies responsible for implementing immigration policy were underfunded, understaffed, and neglected. During the past few years, however, massive increases in resources and personnel, combined with significant political attention to immigration issues, have provided new opportunities to address long-standing problems. A recent General Accounting Office [GAO] report documented improvements—including, for example, a more strategic approach to the formulation of immigration enforcement programs. The Commission has seen progress in many management areas—for example, more effective border management, increased numbers of criminal alien removals, and asylum reform that has deterred abusive claims while protecting *bona fide* refugees. Nevertheless, problems remain in the operation of the U.S. immigration and naturalization system. Further improvements must be made if it is to function smoothly and effectively, anticipating and addressing, rather than reacting to, problems.

STRUCTURAL REFORM

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement; enforcement of immigration-related employment standards; adjudication of immigration and naturalization applications; and consolidation of administrative appeals. The immigration system is one of the most complicated in the federal government bureaucracy. In some cases, one agency has multiple, and sometimes conflicting, operational responsibilities. In other cases, multiple agencies have responsibility for elements of the same functions. Both situations create problems.

Mission Overload. Some of the agencies that implement the immigration laws have so many responsibilities that they have proved unable to manage all of them effectively. Between Congressional mandates and administrative determinations, these agencies must give equal weight to more priorities than any one agency can handle. Such a system is set up for failure and, with such failure, further loss of public confidence in the immigration system.

No one agency is likely to have the capacity to accomplish all of the goals of immigration policy equally well.

Immigration law enforcement requires staffing, training, resources, and a work culture that differs from what is required for effective adjudication of benefits or labor standards regulation of U.S. businesses.

Diffusion of Responsibilities Among Agencies. Responsibility for many immigration functions are spread across numerous agencies within single departments or between departments. For example, responsibility for making decisions on skill-based immigrant and LDA applications is dispersed among the Department of Labor [DOL], the Department of Justice's [DOJ] Immigration and Naturalization Service [INS], and the Department of State [DOS]. Responsibility for investigating employer compliance with immigration-related labor standards is shared by INS and DOL.

The Commission considered a range of ways to reorganize roles and responsibilities, including proposals to establish a Cabinet-level Department of Immigration Affairs. After examining the full range of options, the Commission concludes that a clear division of responsibility among existing federal agencies, with appropriate consolidation of functions, will improve management of the federal immigration system. As discussed below, ***the Commission recommends a restructuring of the immigration system's four principal operations as follows:***[10]

> ***1. Immigration enforcement at the border and in the interior of the United States in a Bureau for Immigration Enforcement at the Department of Justice;***
>
> ***2. Adjudication of eligibility for immigration-related applications (immigrant, limited duration admission asylum, refugee, and naturalization) in the Department of State under the jurisdiction of an Undersecretary for Citizenship, Immigration, and Refugee Admissions;***
>
> ***3. Enforcement of immigration-related employment standards in the Department of Labor; and***
>
> ***4. Appeals of administrative decisions including hearings on removal, in an independent body, the Agency for Immigration Review.***

The Commission believes this streamlining and reconfiguring of responsibilities will help ensure: coherence and consistency in immigration-related law enforcement; a supportive environment for adjudication of applications for immigration, refugee, and citizenship services; rigorous enforcement of immigration-related labor standards to protect U.S. workers; and fair and impartial review of immigration decisions.

Bureau for Immigration Enforcement (DOJ)

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and remove illegal aliens in a Bureau for Immigration Enforcement at the Department of Justice. The Commission believes that the importance and complexity of the enforcement function within the U.S. immigration system necessitate the establishment of a higher-level, single-focus agency within the DOJ. The Commission further recommends that the newly configured agency have the prominence and visibility that the Federal Bureau of Investigation [FBI] currently enjoys within the DOJ structure. The Director of the Bureau would be appointed for a set term (e.g., five years). The agency would be responsible for planning, implementing, managing, and evaluating all U.S. immigration enforcement activities both within the United States and overseas.

The Commission recommends the following distribution of responsibilities within the Bureau for Immigration Enforcement.

Uniformed Enforcement Officers. The Commission recommends merger of the INS Inspectors, Border Patrol, and detention officers into one unit, the Immigration Uniformed Service Branch. Its officers would be trained for duties at land, sea, and air ports of entry, between land ports on the border, and in the interior where uniformed officers are needed for enforcement.

Investigators. The Commission believes investigations will be a key part of the new agency's responsibility.

Investigators are the main agents responsible for identifying and apprehending people who are illegally residing or working in the United States, for deterring smuggling operations, for building a case against those who are not deterred, and for identifying, apprehending, and carrying out the removal of aliens with final enforceable orders of removal.

Intelligence. The Bureau will require an Intelligence Division to provide strategic assessments, training and expertise on fraud, information about smuggling networks, and tactical support to uniformed officers or investigators.

Assets Forfeiture Unit. As with the other DOJ enforcement agencies, the Bureau will have an Assets Forfeiture unit.

Pre- and Post-Trial "Probation" Officers. "Probation" functions are not now performed consistently or effectively, but the Commission believes this function is essential to more strategic use of detention space. As it is unlikely that all potentially deportable aliens could or should be detained awaiting removal, the Commission believes more attention should be given to supervised release programs and to sophisticated methods for tracking the whereabouts of those not detained.

Trial Attorneys/Prosecutors. The Commission believes that the Trial Attorneys, who in effect are the Government's immigration prosecutors, should be vested with, *and should utilize*, an important tool possessed by their criminal counterparts: prosecutorial discretion.

Field Offices. The new agency would implement its programs through a series of field offices that are structured to address comprehensively the immigration enforcement challenges of the particular locality. As the location of these offices should be driven by enforcement priorities, they are likely to be in different places than current district offices. Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices.

Citizenship, Immigration, and Refugee Admissions (DOS)

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage these activities. At present, three separate agencies—the INS, the Department of State, and the Department of Labor—play broad roles in adjudicating applications for legal immigration, limited duration admissions, refugee admissions, asylum, and/or citizenship. The Commission believes a more streamlined and accountable adjudication process, involving fewer agencies but greater safeguards, will result in faster and better determinations of these benefits. As in the current system, these services would be funded through fees paid by applicants and retained by the benefits offices for delivery of the services.

The Commission considered the advantages and disadvantages of consolidating responsibility in the Department of Justice and in the Department of State, the two agencies that already have the most significant immigration, refugee, and citizenship duties. Bearing in mind the dual problems the Commission identified in the current structures—mission overload and fragmentation of responsibility, we concluded that consolidation in the Department of State makes greater sense than creation of a new, separate benefits agency within the Department of Justice.

Taking responsibility for immigration and citizenship services out of the Department of Justice sends the right message, that legal immigration and naturalization are not principally law enforcement problems; they are opportunities for the nation as long as the services are properly regulated. Further, the Department of Justice does not have the capacity internationally to take on the many duties of the Department of State. The Department of State, however, already has a domestic presence and an adjudication capability. It issues one-half million immigrant visas and six million nonimmigrant visas each year. DOS also provides a full range of citizenship services both domestically (issuance of almost 6 million passports annually) and abroad (e.g., citizenship determinations and registration of births of U.S. citizens overseas). Indeed, DOS has devoted a major share of its personnel and its capital and operating resources to these adjudicatory functions at embassies and consulates in more than two hundred countries and in passport offices in fifteen U.S. cities.

Consolidating responsibility requires some changes in the way the Department of State administers its immigration responsibilities, which we believe will strengthen the adjudication function. Because immigration has both foreign and domestic policy import, the Department of State will need to develop mechanisms for consultation with groups representing a broad range of views and interests regarding immigration. Such consultations already occur in the refugee program. The Department of State also will need to change its historic position on review of consular decisions. At present, decisions made at INS and the Department of Labor on many immigrant and LDA applications may be appealed, but no appeal is available on consular decisions. The Commission believes that immigrant and certain limited duration admission visas with a U.S. petitioner should be subject to independent administrative appeal (see below).

The Undersecretary, who would have direct access to the Secretary of State, would be responsible for domestic and overseas immigration, citizenship, and refugee functions. These include adjudication of applications for naturalization, determinations of citizenship overseas, all immigrant and limited duration admission petitions, work authorizations and other related permits, and adjustments of status. It also would have responsibility for refugee status determinations abroad and asylum claims at home. Overseas citizenship services would continue to be provided by consular officers abroad. The agency would have enhanced capacity to detect, deter, and combat fraud and abuse among those applying for benefits.

Within the Office of the Undersecretary would be a unit responsible both for formulating and assessing immigration policy as well as reviewing and commenting on the immigration-related effects of foreign policy decisions. This policy capacity would be new for the Department of State, but it is in keeping with the important role that migration now plays in international relations.

The Undersecretary would have three principal operating bureaus:

A Bureau of Immigration Affairs would focus on the immigration process, as noted above, as well as on LDA processing. In addition to its existing overseas work, the Immigration Affairs Bureau would be responsible for domestic adjudication/examination functions, including work authorization, adjustment of status, domestic interviewing, and the issuance of appropriate documentation (e.g., green cards). The Immigration Affairs Bureau also would staff immigration information and adjudication offices in areas with immigrant concentrations.

A Bureau of Refugee Admissions and Asylum Affairs would assure an appropriate level of independence from routine immigration issues and processes. It would combine the present Bureau for Population, Refugees and Migration [PRM] responsibilities for overseas refugee admissions, the refugee and asylum offices of the INS, and the DOS asylum office in the Bureau of Democracy, Human Rights and Labor. This would integrate the key governmental offices in one of our most important and historic international activities.

A Bureau of Citizenship and Passport Affairs would be responsible for naturalization, other determinations of citizenship, and issuance of passports. Local offices performing some citizenship functions, such as overseas travel information, passport and naturalization applications, testing and interviews, could be located with local immigration services.

Overseas citizen services would continue to be handled within the newly consolidated organization. These services include: responding to inquiries as to the welfare or whereabouts of U.S. citizens; assisting when U.S. citizens die, are arrested, or experience other emergencies abroad; providing notarial services; and making citizenship determinations and issuing passports abroad.

Quality Assurance Offices would oversee records management, monitoring procedures, fraud investigations, and internal review. At present, monitoring of the quality of decisions made on applications for immigration and citizenship benefits receives insufficient attention. The Commission believes that quality decisions require some form of internal supervisory review for applicants who believe their cases have been wrongly decided. This type of review helps an agency monitor consistency and identify problems in adjudication and offers a means of correcting errors. A staff responsible for and dedicated to ensuring the quality of decisions taken on applications for immigration and citizenship should address some of the weaknesses in the current system, such as those recently identified in the naturalization process.

With respect to the domestic field structure for implementing these programs, the Regional Service Centers [RSCs] and National Visa Center [NVC] would continue to be the locus of most adjudication. The physical plants are excellent and the locally-hired staffs are trained and in place. At this time, information is passed from the RSCs to the NVC when the applicant for admission is overseas. Overseas interviews would continue to take place at embassies and consulates.

A range of other interviews would take place domestically. Ideally, to avoid long lines and waits for service, there would be smaller offices in more locations that the current INS district offices. The Commission recommends against locating these offices with the enforcement offices discussed above. Asking individuals requesting benefits or information to go to an enforcement agency sends the wrong message about the U.S. view of legal immigration.

Immigration-Related Employment Standards (DOL)

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor. These activities include enforcing compliance with requirements to verify work authorization and attestations made regarding conditions for the legal hire of temporary and permanent foreign workers. The Commission believes that as this is an issue of labor standards, the Department of Labor is the best equipped federal agency to regulate and investigate *employer compliance* with standards intended to protect U.S. workers. The hiring of unauthorized workers and the failure of employers to comply with the commitments they make (e.g., to pay prevailing wages, to have recruited U.S. workers) in obtaining legal permission to hire temporary and permanent foreign workers are violations of such labor standards. Enforcement of compliance with these requirements currently lies within the responsibility of both INS and DOL. Under consolidation, the DOL Employment Standards Administration's [ESA] Wage and Hour Division [WH] and Office of Federal Contract Compliance Programs [OFCCP] would perform these functions in conjunction with their other worksite labor standards activities.

Sanctions Against Employers Who Fail to Verify Work Authorization. The Commission believes all worksite investigations to ascertain employers' compliance with employment eligibility verification requirements should be conducted by DOL. DOL already conducts many of these investigations. However, under this recommendation, DOL also would assess penalties if employers fail to verify the employment eligibility of persons being hired. DOL would not be required to prove that an employer knowingly hired an illegal worker, just that the employer hired a worker without verification of his or her authorization to work. With implementation of the Commission's proposal for a more effective verification process, this function will be critical to deterring the employment of unauthorized workers.[11]

Enforcement of Skill-Based Immigrant and Limited Duration Admissions Requirements. The Commission believes an expedited process is needed for the admission of both temporary and permanent foreign workers, as discussed earlier in this report, as long as adequate safeguards are in place to protect the wages and working conditions of U.S. workers. To prevent abuse of an expedited system, an effective postadmission enforcement scheme is necessary.

DOL's other worksite enforcement responsibilities place it in the best position to monitor employers' compliance with the attestations submitted in the admissions process. DOL investigators are experienced in examining employment records and interviewing employees. Penalties should be established for violations of the conditions to which the employer has attested, including payment of the appropriate wages and benefits, terms and conditions of employment, or any misrepresentation or material omissions in the attestation. Such penalties should include both the assessment of significant administrative fines as well as barring egregious or repeat violators from petitioning for the admission of permanent or temporary workers.

Agency for Immigration Review

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive

Branch. The Commission believes that a system of formal administrative review of immigration-related decisions—following internal supervisory review within the initial adjudicating body—is indispensable to the integrity and operation of the immigration system. Such review guards against incorrect and arbitrary decisions and promotes fairness, accountability, legal integrity, uniform legal interpretations, and consistency in the application of the law both in individual cases and across the system as a whole.

The review function works best when it is well insulated from the initial adjudicatory function and when it is conducted by decisionmakers entrusted with the highest degree of independence. Not only is independence in decisionmaking the hallmark of meaningful and effective review, it is also critical to the reality and the perception of fair and impartial review.

Hence, the Commission recommends that the review function be conducted by a newly-created independent reviewing agency in the Executive Branch. To ensure that the new reviewing agency is independent and will exist permanently across Administrations, we believe it should be statutorily created. It would incorporate the activities now performed by several existing review bodies, including the DOJ Executive Office for Immigration Review, the INS Administrative Appeals Office, the DOL Board of Alien Labor Certification Appeals, and the DOS Board of Appellate Review. It also would have some new responsibilities.

This reviewing agency would be headed by a Director, a presidential appointee, who would coordinate the overall work of the agency, but would have no say in the substantive decisions reached on cases considered by any division or component within the agency.

There would be a trial division headed by a Chief Immigration Judge, appointed by the Director. The Chief Judge would oversee a corps of Immigration Judges sitting in immigration courts located around the country. The Immigration Judges would hear every type of case presently falling within the jurisdiction of the now-sitting Immigration Judges.

The reviewing agency also would consider appeals of decisions by the benefits adjudication agency, using staff with legal training. Although the benefits adjudication agency will handle a wide range of applications—from tourist visas to naturalization and the issuance of passports—not all determinations will be appealable, as is the case under current law. We envision that those matters that are appealable under current law would remain appealable. The only difference is that the appeal would be lodged with and considered by the new independent Agency for Immigration Review rather than by the various reviewing offices and Boards presently located among the several Departments. The administrative appeals agency also would consider appeals from certain visa denials and visa revocations by consular officers. Under current law, such decisions are not subject to formal administrative or judicial review. The Commission believes that consular decisions denying or revoking visas in specified visa categories—i.e., all immigrant visas and those LDA categories where there is a petitioner in the United States who is seeking the admission of the visa applicant—should be subject to formal administrative review. The visa applicant would have no right to appeal an adverse determination. Instead, standing to appeal a visa denial or revocation would lie only with United States petitioners, whether U.S. citizens, lawful permanent residents, or employers.

An appellate Board would sit over the trial and administrative appeals divisions of the new independent Agency for Immigration Review. This appellate Board would be the highest administrative tribunal in the land on questions and interpretations of immigration law. It would designate selected decisions as precedents for publication and distribution to the public at large. Its decisions would be binding on all officers of the Executive Branch. To ensure the greatest degree of independence, decisions by the Board would be subject to reversal or modification only as a result of judicial review by the federal courts or through congressional action. Neither the Director of the reviewing agency nor any other agency or Department head could alter, modify, or reverse a decision by the appellate Board.

MANAGEMENT REFORM

The Commission urges the federal government to make needed reforms to improve management of the immigration system. While the Commission-recommended structural changes will help improve implementation of U.S. policy,

certain management reforms also must be adopted if the restructured agencies responsible for immigration matters are to be effective in performing their functions. Structural reforms will not by themselves solve some of the management problems that have persisted in the immigration agencies.

More specifically, the Commission recommends:

- **Setting More Manageable and Fully-Funded Priorities.** The Commission urges Congress and the Executive Branch to establish and then appropriately fund a more manageable set of immigration-related priorities. More manageable means fewer objectives, but also a set of more integrated priorities, more realistically-achievable short-term and long-term goals, and greater numerical specificity on expected annual outcomes to which agencies could be held accountable.

- **Developing More Fully the Capacity for Policy Development, Planning, Monitoring, and Evaluation.** Each department with immigration-related responsibilities needs to perform a wide range of policy functions, including, but not limited to, long-range and strategic policy planning, interagency policy integration, policy review, policy coordination, priority setting, data collection and analysis, budget formulation, decisionmaking, and accountability. The Domestic Policy Council and the National Security Council in the White House can also play an important role in coordinating policy development across departments.

- **Improving Systems of Accountability.** Staff who are responsible for immigration programs should be held accountable for the results of their activities. Systems should be developed to reward or sanction managers and staff on the basis of their performance.

- **Recruiting and Training Managers.** The Commission believes enhancements must be made in the recruitment and training of managers. As immigration-related agencies grow and mandated responsibilities increase or evolve, closer attention should be paid to improving the skills and managerial capacity of immigration staff at all levels to ensure more efficient and effective use of allocated resources.

- **Strengthening Customer Service Orientation.** The Commission urges increased attention to instilling a customer-service ethic in staff, particularly those responsible for adjudication of applications for benefits.

- **Using Fees for Immigration Services More Effectively.** The Commission supports the imposition of user fees, but emphasizes: (1) that the fees should reflect true costs; (2) that the agencies collecting the fees should retain them and use them to cover the costs of those services for which the fees are levied; (3) that those paying fees should expect to be treated to timely and courteous service; and (4) that maximum flexibility should be given to agencies to expand or contract their response expeditiously as applications increase or decrease.

The Commission reiterates its 1994 recommendations concerning the need for improvements in immigration data collection, coordination, analysis, and dissemination. Although some progress has been made, much more needs to be done to collect data that will inform responsible immigration policymaking. The Commission believes that each agency involved in immigration must establish a system and develop a strategy for the collection, interagency coordination, analysis, dissemination, and use of reliable data.

Further, the Commission urges the federal government to support continuing research and analysis on the implementation and impact of immigration policy. In particular, the federal government should support data collection and analysis in the following areas: longitudinal surveys on the experiences and impact of immigrants; on the experiences and impact of foreign students and foreign workers admitted for limited duration stays; and on the patterns and impacts of unlawful migration.

[10]See Appendix for Commissioner Leiden's concurring statement.

[11]At present, DOL investigates employer compliance with the requirement to check documentation and fill out the I-9 form, while INS does this paperwork review and investigations of knowing hire of illegal aliens. The latter investigations are hampered, however, by the absence of an effective verification process and proliferation of fraudulent documents.

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U.S. COMMISSION ON IMMIGRATION REFORM

1 9 9 7
REPORT TO CONGRESS
EXECUTIVE SUMMARY

Becoming an American: Immigration and Immigrant Policy

CONCLUSION

This report concludes the work of the U.S. Commission on Immigration Reform. Together with our three interim reports, this final set of recommendations provides a framework for immigration and immigrant policy to serve our national interests today and in the years to come. The report outlines reforms that will enhance the benefits of legal immigration while mitigating potential harms, curb unlawful migration to this country, and structure and manage our immigration system to achieve all these goals. Most importantly, this report renews our call for a strong commitment to Americanization, the process by which immigrants become part of our community and we learn and adapt to their presence. Becoming an American is the theme of this report. Living up to American values and ideals is the challenge for us all.

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INTRODUCTION

Immigration and immigrant policy is about immigrants, their families and the rest of us. It is about the meaning of American nationality and the foundation of national unity. It is about uniting persons from all over the world in a common civic culture.

The process of becoming an American is most simply called "Americanization," which must always be a two-way street. All Americans, not just immigrants, should understand the importance of our shared civic culture to our national community. This final report of the U.S. Commission on Immigration Reform makes recommendations to further the goals of Americanization by setting out *immigrant* policies to help orient immigrants and their new communities, to improve educational programs that help immigrants and their children learn English and civics, and to reinforce the integrity of the naturalization process through which immigrants become U.S. citizens.

This report also makes recommendations regarding *immigration* policy. It reiterates and updates the conclusions we reached in three interim reports—on unlawful migration, legal immigration, and refugee and asylum policy—and makes additional recommendations for reforming immigration policies. Further, in this report, the Commission recommends ways to improve the structure and management of the federal agencies responsible for achieving the goals of immigration policy. It is our hope that this final report *Becoming An American: Immigration and Immigrant Policy,* along with our three interim reports, constitutes a full response to the work assigned the Commission by Congress: to assess the national interest in immigration and report how it can best be achieved.

MANDATE AND METHODS

Public Law 101-649, the Immigration Act of 1990 [IMMACT], established this Commission to review and evaluate the impact of immigration policy. More specifically, the Commission must report on immigration's impact on: the need for labor and skills; employment and other aspects of the economy; social, demographic, and environmental conditions; and the foreign policy and national security interests of the United States. The Commission engaged in a wide variety of fact-finding activities to fulfill this mandate. Site visits were conducted throughout the United States. Commission members visited immigrant and refugee communities in California, Texas, Florida, New York, Massachusetts, Illinois, Arizona, Washington, Kansas, Virginia, Washington, DC, Puerto Rico and the Commonwealth of the Northern Mariana Islands. Some Commission and staff members also visited such major source countries as Mexico, the Dominican Republic, Cuba, Haiti, and the Philippines. To increase our understanding of international refugee policy issues, members and staff of the Commission visited Bosnia, Croatia, Germany, and Kenya, and consulted with Geneva-based officials from the U.N. High Commission for Refugees and the International Organization for Migration. We held more than forty public hearings, consultations with government and private sector officials, and expert roundtable discussions.

TODAY'S IMMIGRANTS

The effects of immigration are numerous, complex, and varied. Immigrants contribute in many ways to the United States: to its vibrant and diverse communities; to its lively and participatory democracy; to its vital intellectual and cultural life; to its renowned job-creating entrepreneurship and marketplaces; and to its family values and hard-work ethic. However, there are costs as well as benefits from today's immigration. Those workers most at risk in

Immigrant Admissions by Major Category: FYs 1992-1996

Category of Admission	1992	1993	1994	1995	1996
TOTAL	**810,635**	**880,014**	**798,394**	**716,194**	**909,959**
SUBJECT TO THE NUMERICAL CAP	**655,541**	**719,701**	**662,029**	**593,234**	**771,604**
FAMILY-BASED IMMIGRANTS	**502,995**	**539,209**	**497,682**	**460,653**	**595,540**
Immediate Relatives of U.S. citizens	235,484	255,059	249,764	220,360	350,192
Spouses and children	170,720	192,631	193,394	171,978	283,592
Parents	64,764	62,428	56,370	48,382	66,600
Children born abroad to alien residents	2,116	2,030	1,883	1,894	1,658
Family-sponsored immigrants	213,123	226,776	211,961	238,122	293,751
Unmarried sons/daughters of U.S. citizens	12,486	12,819	13,181	15,182	20,885
Spouses and children of LPRs	90,486	98,604	88,673	110,960	145,990
Sons and daughters of LPRs	27,761	29,704	26,327	33,575	36,559
Married sons/daughters of U.S. citizens	22,195	23,385	22,191	20,876	25,420
Siblings of U.S. citizens	60,195	62,264	61,589	57,529	64,897
Legalization dependents	52,272	55,344	34,074	277	184
EMPLOYMENT-BASED IMMIGRANTS	**116,198**	**147,012**	**123,291**	**85,336**	**117,346**
Priority workers	5,456	21,114	21,053	17,339	27,469
Professionals w/ adv. deg. or of advanced ability	58,401	29,468	14,432	10,475	18,436
Skilled, professionals, other workers, (CSPA)	47,568	87,689	76,956	50,245	62,674
Skilled, professionals, other workers	47,568	60,774	55,659	46,032	62,273
Chinese Student Protection Act (CSPA)	X	26,915	21,297	4,213	401
Special immigrants	4,063	8,158	10,406	6,737	7,831
Investors	59	583	444	540	936
Professionals or highly skilled (Old 3rd)	340	X	X	X	X
Needed skilled or unskilled workers (Old 6th)	311	X	X	X	X
DIVERSITY PROGRAMS	**36,348**	**33,480**	**41,056**	**47,245**	**58,718**
Diversity permanent	X	X	X	40,301	58,174
Diversity transition	33,911	33,468	41,056	6,994	544
Nationals of adversely affected countries	1,557	10	X	X	X
Natives of underrepresented countries	880	2	X	X	X
NOT SUBJECT TO THE NUMERICAL CAP	**155,094**	**160,313**	**136,365**	**122,960**	**138,323**
Amerasians	17,253	11,116	2,822	939	954
Cuban/Haitian Entrants	99	62	47	42	29
Parolees, Soviet and Indochinese	13,661	15,772	8,253	3,120	2,283
Refugees and Asylees	117,037	127,343	121,434	114,632	128,367
Refugee adjustments	106,379	115,539	115,451	106,795	118,345
Asylee adjustments	10,658	11,804	5,983	7,837	10,022
Registered Nurses and their families	3,572	2,178	304	69	16
Registry, entered prior to 1/1/72	1,293	938	667	466	356
Other	2,179	2,904	2,838	3,692	6,318

Note: X = Not Applicable. Excludes persons granted LPR status under the provisions of the Immigration Reform and Control Act of 1986.
Source: Immigration and Naturalization Service, Statistics Division.

our restructuring economy—low-skilled workers in production and service jobs—are those who directly compete with today's low-skilled immigrants. Further, immigration presents special challenges to certain states and local communities that disproportionately bear the fiscal and other costs of incorporating newcomers.

Characteristics of Immigrants

In FY 1996 (the last year for which data are available), more than 900,000 immigrants came to the United States from 206 nations, for a variety of reasons and with a diverse set of personal characteristics. Not surprisingly, the characteristics of immigrants from different sending countries vary, as do their effects on the U.S. There are also differences between immigrants admitted under different classes of admission. These differences generally reflect the statutory provisions that guide admissions. [See Appendix for description of IMMACT's more specific provisions and its effects.]

1996

Top Ten Countries of Origin of Legal Immigrants

Mexico 159,731
Philippines 55,778
India 44,781
Vietnam 42,006
Mainland China 41,662
Dominican Republic 39,516
Cuba 26,415
Ukraine 21,051
Russia 19,646
Jamaica 19,029

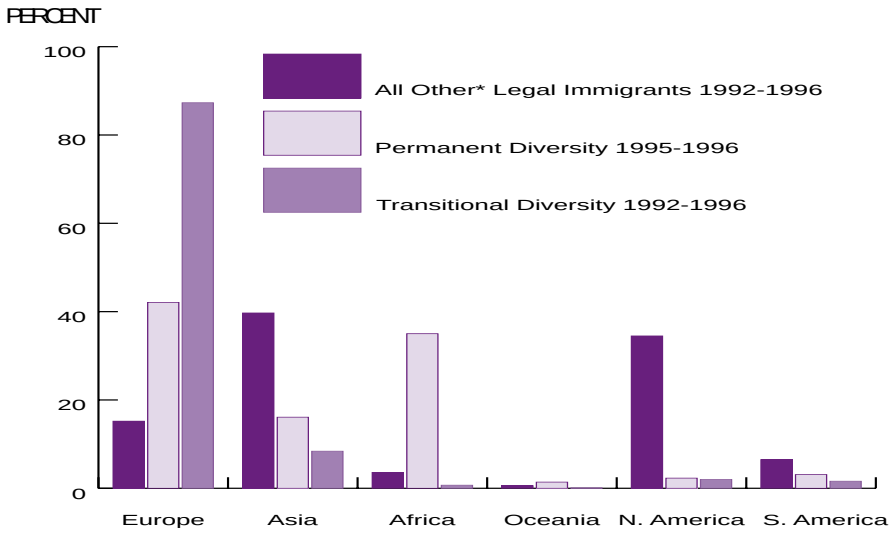
Source: INS FY 1996 Public Use Admissions Data.

Places of Origin. Asia and North America (i.e., Mexico, Canada, the Caribbean, and Central America) remain the sending regions with the largest share of immigrants. Mexico remains the largest sending country and its share of total legal immigrants to the U.S. increased from an average of 12 percent in the 1980s to more than 13 percent in FY 1994 and up to 18 percent in FY 1996. The effects of the Immigration Reform and Control Act of 1986 [IRCA], which resulted in the legalization of about two million formerly illegal Mexican residents, explains this trend. Even though the special admission category for the spouses of legalized aliens' dependents has been discontinued, Mexico benefits from the IMMACT's removal of per- country limits on the numerically limited spouse and children class of admission (FB-2A).

IMMACT established a transitional and a permanent "diversity" category for countries whose admission numbers were adversely

affected by the Immigration Act of 1965. The transitional program was in effect from FY 1992 to 1994, but unused visas were carried over through FY 1996. The permanent program went into effect in FY 1995. European countries benefitted the most from the transitional program, which mandated that as many as 40 percent of the visas could go to nationals of Ireland. Actual Irish admissions reached only 35 percent, with Polish immigrants accounting for an even larger share (38 percent). Under the permanent diversity program, 42 percent of the immigrants came from European countries and 35 percent came from Africa. The effect on African admissions is particularly noteworthy as Africans account for less than 1 percent of immigrants in other admission categories.

Origins of Diversity Immigrants versus All Other* Immigrants



*Other includes immigrants in family, employment, and humanitarian-based categories of admission.
Source: INS Public Use Admissions Data.

1996:

Top Ten Intended States of Residence of Legal Immigrants

California 199,221
New York 153,731
Texas 82,229
Florida 79,067
New Jersey 63,162
Illinois 42,154
Massachusetts 23,017
Virginia 21,329
Maryland 20,683
Washington 18,718

Source: INS FY 1996 Public Use Admissions Data.

Top Ten Intended Metro Areas of Residence of Legal Immigrants

New York 133,168
Los Angeles 64,285
Miami 41,527
Chicago 39,989
Washington DC 34,327
Houston 21,387
Boston 18,726
San Diego 18,226
San Francisco 18,171
Newark 17,939

Source: http:/www.ins.usdoj.gov/stats/annual/fy96/997.html

Intended U.S. Destinations. Immigrants in FY 1996 continue to select just a few states as their destinations. About two-thirds intend to reside in California, New York, Texas, Florida, and New Jersey. One-quarter of admissions are to California alone with another one-seventh to New York. New York City retains its place as the pre-eminent immigrant city with 15 percent of immigrants intending to go there. About 7 percent of immigrants intend to go to Los Angeles, and Miami and Chicago are in third place with about 4.5 percent each of the total. There has been little change in these leading destinations since IMMACT. However, some new destinations have emerged in recent years. For example, during the past decade, such midwestern and southern states as Mississippi, Nebraska, Kansas, Georgia and North Carolina saw more than a doubling of the number of immigrants intending to reside there. Although the numbers are significantly smaller than the more traditional destinations, absorbing more new immigrants can be a challenge for these newer destinations that often do not have the immigration-related infrastructure of the traditional receiving communities.

Age. Immigrants in FY 1996 remain young, with the largest proportion being in their later teens or twenties. A little more than one-fifth are children 15 years of age or younger, and another one-fifth are 45 years or older. More than one-half of family-based immigrants are younger than 30 years of age, reflecting the predominance of spouses and children. Because of beneficiaries, employment-based immigrants have just as many minor dependents age 15 years and younger as other groups, but more than two-fifths of these employment-based immigrants themselves are 30-44 years, the experienced and highly productive working ages. Diversity immigrants have a similar, yet somewhat younger, age distribution than other classes of admission. In contrast, and in large part due to those admitted as refugees from the former Soviet Union, humanitarian admissions tend to be somewhat older than other immigrants.

Age Groups of 1996 Legal Immigrants (Principals and Derivative Beneficiaries)

GROUP	ALL	FAMILY	EMPLOYMENT	DIVERSITY	HUMANITARIAN
15 yrs. & younger	22%	23%	20%	22%	20%
16 through 29 yrs.	31%	34%	23%	33%	27%
30 through 44 yrs.	27%	23%	44%	34%	24%
45 through 60 yrs.	15%	14%	12%	10%	21%
65 years & older	5%	5%	0%	1%	8%

Source: INS FY 1996 Public Use Admissions Data.

Gender. Females were 54 percent of admissions in FY 1996. There had been an essentially even balance of men and women during the decade of the 1980s. The increased share of females in the 1990s parallels the historical tendency toward more female immigrants throughout much of the post-World War II period. It also reflects the admission of the spouses of legalized aliens who were predominantly male. In FY 1996, family-based admissions were predominantly female (57 percent) and employment-based admissions (including beneficiaries) were evenly balanced by gender. Diversity (45 percent female) and humanitarian (48 percent female) admissions, in contrast, had more male immigrants. That a slight majority of FY 1996 humanitarian admissions were male is somewhat surprising given that worldwide refugee populations are disproportionately female.

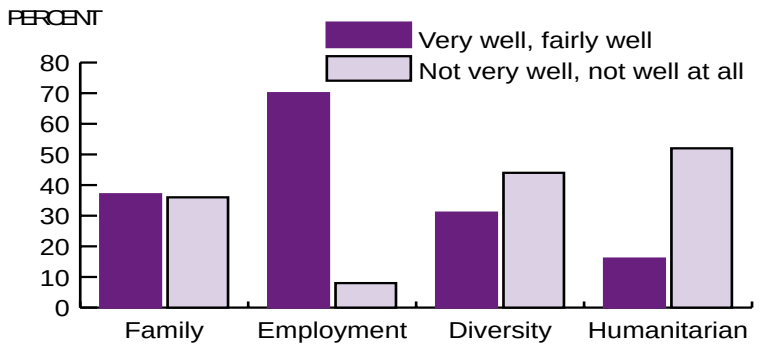
English ability. The Immigration and Naturalization Service [INS] admissions data do not include information on English language ability (or education, as discussed below). The following analysis draws instead on preliminary data from the New Immigrant Survey [NIS],[1] which studied a sample of immigrants admitted in FY 1996. The NIS is a pilot study designed to test the feasibility of a longi-

[1] Jasso, G.; Massey, D.S.; Rosenzweig, M.R.; Smith, J.P. 1997. The New Immigrant Survey [NIS] Pilot Study: Preliminary Results. Paper presented at the Joint Meeting of the Public Health Conference on Records and Statistics and the Data Users Conference, Washington, DC. (July.)

tudinal immigrant survey. Although the data are not yet published, analysis indicates that it offers promise of providing certain information about immigrants that has not previously been available.

The NIS, using the same measure as the U.S. Census, reports on the English language proficiency of adult legal immigrants who are 18 years and older. The initial results show that employment-based immigrants report the greatest English ability—70 percent of employment-based admissions report speaking at least fairly well and less than 10 percent speak very little or no English (the remainder report an "average" speaking ability). About 37 percent of family-based admissions report speaking English at least fairly well and an almost equal proportion report speaking little or no English. The diversity immigrants tend to report even less English ability, despite the requirement that they have at least a high school education. The humanitarian admissions trail the furthest behind in reported English language ability. Only 16 percent report speaking English at least fairly well, while more than 50 percent report speaking little or no English.

English Language Proficiency among New Adult Immigrants (18 years and older): 1996

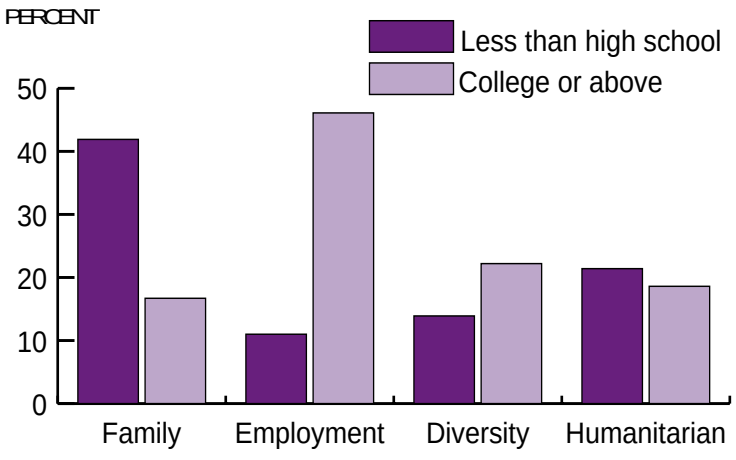


Source: Jasso, G.; et al. 1997. New Immigrant Survey Pilot Study.

Education. The years of schooling completed by immigrants is perhaps one of the most critical measures of skill level. The NIS provides our first indicators of years of education of adult legal immigrants at the time of their admission. As found in studies of foreign-born residents, the immigrants surveyed by the NIS tend to cluster at the higher or lower ends of the educational spectrum and differ significantly in their educational attainment by class of admission. Fully 46 percent of employment-based admissions have completed four years of college or a graduate degree. This figure includes principals and beneficiaries, making it likely that well-educated employment-based immigrants tend to have well-educated spouses. In contrast, just 17 percent of family-based immigrants 25 years and older have completed a college-level education while 42 percent have less than a high school education.

Diversity immigrants are required to have a high school education or two years of skilled work experience. The NIS data show that diversity immigrants tend to be better educated than family-based,

Educational Attainment of Legal Immigrants (25 years and older): 1996



Source: Jasso, G.; et al. 1997. New Immigrant Survey Pilot Study.

but not as well educated as employment-based immigrants. About 14 percent have not completed high school. They may be either principals who meet the work but not the education requirement or the spouses of the principals. Twenty-two percent of diversity immigrants have completed college or done graduate-level education, about the same proportion as among U.S. natives.[2]

The humanitarian classes of admission are less well educated than the employment-based, but are better educated than family admissions. The large number of relatively well-educated persons admitted as refugees from the Soviet Union may partly explain this finding. About 21 percent have less than a high school education, while about 19 percent have college or higher degrees.

Occupation. Ultimately, the English and educational skills that immigrants have are reflected in their occupations. The INS admissions data, which we use here, have only crude occupational classifications. It imperfectly captures the difference between immigrants who adjust into legal permanent resident [LPR] status after working in a U.S. job for several years and those who report an occupation upon admission that tells us more about what the immigrant did at home than what they will do here.

Sixty-five percent of all immigrants in FY 1996 reported no occupation or being a "homemaker," reflecting the fact that children, parents, and spouses are a large share of all admissions and most do not work at the time of entry.

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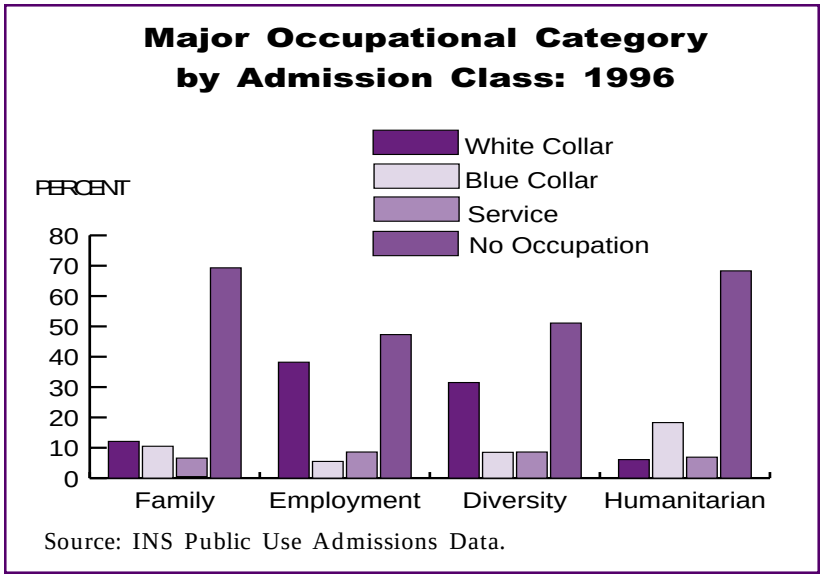
[2] The U.S. Current Population Survey [CPS] permits us to compare directly to the native-born, but the foreign-born data do not distinguish by admission status. The CPS data also include illegal aliens who have extremely low levels of education in the foreign-born category. See: Fix, M.; Passel, J.S. 1994. *Immigration and Immigrants: Setting the Record Straight*. Washington, DC: The Urban Institute. These figures for the diversity class of admission correspond to data on education collected by the U.S. Department of State for diversity immigrants only.



Source: INS Public Use Admissions Data.

Nevertheless, occupational status faithfully reflects the legal requirements of the admission class—the proportion of all immigrants not reporting an occupation is greater among family and humanitarian admissions, about 70 percent of all immigrants in each category. By way of comparison, only about one-half of all employment and diversity admissions have no reported occupation.[3] The skills which immigrants bring to the United States are reflected in their type of occupations. Family and humanitarian immigrants are primarily blue-collar workers. In contrast, employment-based and permanent diversity immigrants are predominantly white-collar workers. These broad differences between the major classes of admission have changed only slightly over the past three decades.

IMMACT has had an effect on occupational distribution within these broad categories. To gauge its effects, a research paper prepared for

[3] The initial results from the NIS pilot show that about 40 percent of adult nonexempt family immigrants are not employed. Alternatively, more than 95 percent of employment-based principals are employed. The INS admission figures for "no occupation" include children and persons who are unemployed, retired, or for whom no information is given.

FY 1996 Regular Admissions by Occupation: Predicted and Actual

OCCUPATION	PREDICTED (WITHOUT IMMACT)	ACTUAL (WITH IMMACT)	EXCESS OF ACTUAL OVER PREDICTED
WHITE-COLLAR WORKERS			
Professional, Technical, and Kindred			
Health Professionals	10,244	18.986	85%
Other Professionals	9,231	19,477	111%
Technical & Specialty	22,115	33,117	50%
Executives	20,283	30,702	51%
Sales	12,943	13,002	0%
Administrative Support	19,437	19,807	2%
BLUE-COLLAR WORKERS			
Precision Production	21,028	20,116	-4%
Operators, Fabricators, & Laborers	37,702	53,936	43%
FARMING, FORESTRY, AND FISHING	12,251	12,588	3%
SERVICE	48,180	51,797	8%
TOTAL WITH OCCUPATION	165,234	221,731	34%
TOTAL WITHOUT OCCUPATION	261,694	498,583	91%
GRAND TOTAL	426,928	730,314	69%

Note: Predicted numbers in FY 1996 are based on linear projections (from the years between 1972 and 1991), and are kept within numerical limits on nonexempt categories. Humanitarian admissions are not included.

Source: Greenwood, M.; Ziel, F.A. 1997. *The Impact of the Immigration Act of 1990 on U.S. Immigration*. Washington, DC: U.S. Commission on Immigration Reform.

the Commission calculated simple linear projections for all of the admission categories now subject to the worldwide ceiling on admissions. Data from FY 1972-1991 were analyzed and the trends identified, then projected forward to FY 1996. This analysis, therefore, paints a "what-if" picture of what today's immigration might have looked like if past trends had continued unaffected by IMMACT [see table above].

The actual total number of admissions under the worldwide ceiling in FY 1996 was 720,314 which—compared to the projected figure of

426,929—was 69 percent greater than would have been expected without IMMACT. Admissions were greater than the projected figure because IMMACT increased numerically-limited family, employment, and diversity admissions. The numerically-exempt admissions for the immediate relatives of U.S. citizens would have grown between 1992 and 1996 even without IMMACT. This analysis does not include humanitarian admissions.

Of immigrants who reported an occupation, the actual admissions in FY 1996 were 221,731 which—compared to the projected figure of 165,234—was 34 percent greater than would have been expected if IMMACT had not gone into effect. By contrast, nonworking immigrants experienced a 91 percent increase of actual over projected. This finding is not surprising as FY 1996 family admissions were significantly higher than would have been permissible under previous law. In part this was because IMMACT permitted unused FY 1995 employment-based numbers to be transferred to the FY 1996 family categories. In combination with a growth in immediate relatives (including those who would normally have been admitted in FY 1995 but were caught in processing delays), the additional visas meant more spouses and minor children entered. These immigrants are the least likely to be employed.

As might be anticipated, IMMACT's new emphasis on admitting highly-educated and skilled persons led to growth in professional occupations among those who reported an occupation. As stated above, there was an overall 34 percent increase in persons reporting an occupation. This increase was not evenly distributed, however. The number of health professionals, for example, was projected to be 10,244, but at 18,985 was 85 percent greater. The number of executives also shows a higher than expected increase. Interestingly, projections not shown here indicate that within the employment-based category, family members (beneficiaries) of the principals show the greatest growth in professional occupations. This suggests that when principals with more skills are admitted, they

bring with them spouses who are, likewise, more skilled than in the past. Further, projections not shown here indicate that the skill requirement for permanent diversity immigrants makes for more highly-skilled admissions from eligible countries. In short, IMMACT increased both the numbers of more skilled admissions and their share of immigrants admitted.

Most nonprofessional white-collar and blue-collar occupations show very little or no growth over what might have occurred without IMMACT. The one notable exception is a greater-than-expected increase in the number of "Operators, Fabricators, and Laborers." There were 53,936 admissions in these occupations compared to the 37,702 that were projected. As the employment-based access for persons with these occupations is highly limited, it appears that much of this increase is attributable to family-based admissions. It is unclear from the data, however, why this pattern has emerged.

Earnings. According to the NIS survey, the median earnings of all male immigrants admitted in 1996 was $15,600 and for women was $11,960, lower than the median earnings for natives. Compared to the earnings in their last country of residence, male immigrants experienced a 59 percent increase and women a 45 increase in earnings upon admission to the United States. Differences in earnings are, as should be expected, substantial by admission class. Many employment-based immigrants earn a median income of $36,400 on the date of their admission to LPR status, while the sibling or spouse of an LPR earns $11,750 and the spouse of a citizen earns $18,200.

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[4] National Research Council. (Smith, J.P.; Edmonston, B. eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

Effects on the Economy

An independent evaluation of immigration by a panel of eminent social scientists at the National Research Council [NRC], sponsored by the Commission,[4] found that immigration has a positive economic impact on the national level. However, the NRC panel's findings confirm the by now commonplace conclusion that there are tangible costs to certain sectors of the labor market and certain communities. This reinforces the Commission's conclusions on the need for a well-regulated system of immigrant admissions, as well as the need for attention to means of improving integration and reducing friction between newcomers and established residents.

The NRC panel estimates that immigrants may add $1-10 billion directly to the national economy each year, a small but positive amount in a $7.6 trillion economy. Many consumers, business owners, and investors benefit from the immigrant labor force. Recent newcomers may be willing to work for lower wages than other U.S. workers, although, with the exception of many immigrants with less than a high school education, most immigrants tend to earn as much as natives after a decade. Many others in the economy benefit, particularly those who do work that is complementary to that performed by immigrants. Immigrants provide the labor that has kept viable entire segments of certain labor-intensive industries, such as garment and shoemaking. Many immigrant entrepreneurs expand trade with foreign countries from which they come, and the language and cultural expertise of many immigrant employees are valuable to U.S. companies doing business abroad.

Immigrants also contribute to the economic revitalization of the communities in which they live. As middle-class natives have left the

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[5] Muller, T. 1993. *Immigrants and the American City*. New York: New York University Press. Winnick, L. 1990. *New People in Old Neighborhoods: The Role of New Immigrants in Rejuvenating New York's Communities*. New York: Russell Sage Foundation.

inner cities, immigrant newcomers have settled, established businesses, bought homes, and otherwise invested in these areas. Gateway cities, such as New York and Los Angeles, have benefitted particularly from this urban renewal. At the same time, these cities face new challenges related to immigration. Growing immigrant communities require local school systems (some of which may have otherwise faced declining enrollments) to provide sufficient classroom space and teachers. They must also develop programs to teach children who are without English skills or prior education. Overcrowded housing, drug trafficking, gang violence, sweatshops, and public health problems also may be found in many of these inner-city communities.[5]

Immigration particularly affects certain U.S. workers. The NRC panel finds that workers with less than twelve years of education are the most adversely affected by low-skilled immigrant workers. Immigrants may have reduced substantially the wages of high school dropouts, who are about one-tenth of the workforce, by 5 percent nationwide. This is a sizable impact on a group that was already poorly paid before the loss in real earnings it experienced over the past two decades. Most often it is the foreign-born worker, particularly in labor markets with large numbers of immigrants who experience the greatest competition.[6] While the education and skill level of most U.S. workers differs significantly from those of most immigrants (and therefore they are not competing for the same jobs), the new arrivals are often direct substitutes for immigrants who arrived a short time before them.[7]

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[6] Greenwood, M.; Tienda, M. 1997. U.S. Impacts of Mexican Immigration. Team Report to Mexico/United States Binational Study on Migration. Greenwood, J.; Hunt, G.L. 1995. Economic Effects of Immigrants on Native and Foreign-Born Workers: Complementarity, Sustitutability, and Other Channels of Influence. *Southern Economic Journal*. 61:4 1096.

[7] Waldinger, R. 1996. *Still the Promised City? African Americans and New Immigrants in Postindustrial New York*. Cambridge: Harvard University Press. Waldinger, R.; Bozorgmehr, M. 1996. *Ethnic Los Angeles*. New York: Russell Sage Foundation.

The evidence on the impact of immigration on native-born minorities nationwide is less clear. The NRC concluded that in the aggregate, the economic opportunities of African Americans are not reduced by immigration because African Americans and immigrants tend to be in different labor markets and reside in different cities. Other research finds small, adverse effects on African Americans.[8] These effects are found most strongly when low-skilled minority workers compete with low-skilled immigrant workers in the same industries and the same geographic areas.

The fiscal effects of immigration also are complicated. Generally, the impacts on the federal government are favorable compared to those on state and local governments. Most studies show that at the federal level, the foreign-born pay more in taxes than they receive in services. When spread across all taxpayers, this characteristic represents a very small, but positive, benefit. At the local level, however, immigrants often represent a net fiscal cost, in some cases a substantial one. Research on the resident illegal alien population finds the clearest examples of fiscal costs to states and localities.[9] In general, much of the negative effect is related to school costs that are considerable because of the larger size of many immigrant families. Although funds spent on education may be considered an investment, not just a fiscal burden, the payoff is not realized for many years.

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[8] Hamermesh, D.S.; Bean, F.D. (eds.) 1998 forthcoming. *Help or Hinderance? Immigration and Its Economic Implications for African Americans*. New York: Russell Sage Foundation.

[9] Taylor, E.; Martin, P.; Fix, M. 1997. *Poverty Amidst Prosperity: Immigration and the Changing Face of Rural Californi*a. Washington, DC: The Urban Institute Press. U.S. General Accounting Office. 1995. *Illegal Aliens: National Cost Estimates Vary Widely*. Washington, DC. 6. Clark, R.; Passel, J.S.; Zimmermann, W.N.; Fix, M.E. 1994. *Fiscal Impacts of Undocumented Aliens: Selected Estimates for Seven States.* Washington, DC: The Urban Institute Press.

Education affects fiscal impacts in a second way. Ultimately, the economic success and fiscal contributions of immigrants are determined by their educational level. The NRC panel found that immigrants who complete high school and beyond generally represent a more favorable balance of fiscal costs and contributions than do those with little or no education. Even over their lifetimes, immigrants without education are unlikely to contribute sufficient tax revenues to offset their use of services. Both groups of immigrants tend to use public services in a similar fashion, particularly as related to the schooling of their children, but the more educated immigrants tend to earn more and pay higher taxes.

Educational differences also explain why certain states and localities are more adversely affected by immigration than are others. California immigrants represent a sizeable tax burden (estimated at almost $1,200 per native-headed family per year) while New Jersey immigrants represent a more modest tax burden (estimated to be $232 per native-headed family per year). The difference can be explained largely by the differences in the average educational level of the immigrants residing in these states.[10]

English language ability also affects the economic success and fiscal impacts of immigrants. In the 1990 Census, 47 percent of the foreign-born more than 5 years of age reported not speaking English "very well." Individuals with poor English language skills tend to be confined to the lowest levels of the U.S. job market. By contrast, ability in spoken English markedly improves immigrants' earnings, especially for Hispanic and Asian adult immigrants.[11] English read-

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[10] See: Espenshade, T. 1997. *Keys to Successful Immigration: Implications of the New Jersey Experience*. Washington, DC: The Urban Institute Press.

[11] Chiswick, B.R. (ed.). 1992. *Immigration, Language, and Ethnicity*. Washington, DC: The AEI Press. 229-96.

[12] Rivera-Batiz, F.L. 1992. English Language Proficiency and the Earnings of Young Immigrants in the U.S. Labor Market. *Policy Studies Review* 11:165-75.

ing comprehension also has been found to improve the earnings of young immigrant adults.[12]

Population Growth and Natural Resources

In recent years there have been about 800,000 legal admissions and an additional estimated 200,000 to 300,000 unauthorized entries, but the net annual increase of the foreign-born population is about 700,000 each year due to return migration and mortality.[13] In 1996, the foreign-born population was 24.6 million, 9.3 percent of the U.S. population. Recent arrivals make up a large share of the resident foreign-born population; about 28 percent arrived after 1990, and an additional 35 percent during the 1980s.

It is estimated that international migration makes up somewhere between one-quarter and one-third of net annual population increase. Given current demographic trends and noting that much can happen to alter long-range forecasts, the U.S. Census Bureau projects the population to increase by 50 percent between 1995 and 2050. Immigration is likely to become a larger proportion of the net increase.[14]

The NRC report also presented estimates of population growth. It found that *without* immigration since 1950, the U.S. population would have been 14 percent smaller than its 1995 size of 263 million. The NRC projected the population to the year 2050 after making certain assumptions about mortality, fertility, and rates of group inter-mar-

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[13] National Research Council. 1997. *The New Americans: Economic, Demographic and Fiscal Effects on Immigration.* Washington, DC: National Academy Press.

[14] U.S. Bureau of the Census. 1996. *Current Population Reports.* (Feb.). Edmonston, B.; Passel, J.S. (eds.). 1994. *Immigration and Ethnicity: The Integration of American's Newest Arrivals.* Washington, DC: The Urban Institute Press.

riage. According to the projection based on these assumptions, the U.S. population would increase by 124 million persons to 387 million, with immigration responsible for two-thirds (82 million) of the increase. Of this 82 million, 45 million are immigrants and an additional 37 million increase is due to their higher assumed fertility.

Immigration affects the age structure as well as the overall population. The NRC panel projected that under current immigration policy, kindergarten through grade eight school enrollment in 2050 would be 17 percent higher than it was in 1995. High school enrollment would rise from 14.0 million in 1995 to 20.3 million in 2050. Immigration also has small effects on the proportion of the population that is elderly. No matter which immigration policies are adopted, according to the NRC, the number of persons aged 65 years and older will double between 1995 and 2050. However, the proportion of older people in the total population will be somewhat smaller with immigration.

The NRC panel's projection of the ethnic distribution of the U.S. population in 2050 shows the Hispanic population increasing from 10 to 25 percent and the Asian population from 3 to 8 percent of the population. These projections are dependent on today's rates of group intermarriage and how persons report their ethnicity. It may be that, like children of immigrants who arrived in the last century, descendents of today's immigrants will choose to report their ethnicity as being different from that of their parents, and that today's ethnic categories will not accurately describe tomorrow's populations.

What broader implications do these growth figures have? Some analysts argue that high immigration levels mean an abundant supply of youthful workers who will be a substantial spur to the economy. From this perspective, population growth is an engine for technological progress and the means to solve environmental problems, effectively spawning change out of necessity. Proponents of

this view argue that human resourcefulness has dealt with population growth in the past and the solutions often have left us better off. Adding more people may "cause us more problems, but at the same time there will be more people to solve these problems."[15]

Others are concerned about the negative consequences of population growth, particularly on the environment, infrastructure, and services.[16] They see population growth as imposing pressures on our natural resources and quality of life, raising special concerns in the arid regions of the southwest or sites of industries relocating to the south central states.[17] Those concerned argue that our future well-being depends upon both conservation, and stabilizing population growth.[18]

This debate primarily concerns total U.S. population growth, which is strongly influenced by immigration. Still, there is little or no information about whether immigrants have *differential* impacts distinct from the population increase they produce on the U.S. environment.[19]

The Commission did find that rapid inflows of immigrants can pose difficulties for those who must plan for community growth. Schools sometimes receive large numbers of new immigrant students that had not been planned for. Housing and infrastructure development

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[15] Simon, J. 1994. More People, Greater Wealth, More Resources, Healthier Environment. *Economic Affairs* (April) 22-29.

[16] Beck, R. 1994. *Re-Charting America's Future: Responses to Arguments Against Stabilizing U.S. Population and Limiting Immigration.* Petoskey, MI: The Social Contract Press.

[17] U.S. Commission on Immigration Reform. 1995. Mesa, Arizona U.S. Commission on Immigration Reform roundtable.U.S. Commission on Immigration Reform 1997. Site visit to Garden City, Kansas.

[18] Abernethy, V. 1994. *Population Politics.* New York: Insight Press.

[19] Kraly, E.P. 1995. *U.S. Immigration and the Environment: Scientific Research and Analytic Issues.* Washington, DC: U.S. Commission on Immigration Reform.

may not be adequate in affected urban and rural communities.[20] New immigrant destinations, sometimes to areas that have not had new immigrants for a century or more, can put particular stress on communities that have experienced rapid growth in the past decade.

Foreign Policy and National Security Interests

Immigration matters frequently are intertwined with foreign policy and national security. Today, migration and refugee issues are matters of high international politics engaging the heads of state involved in defense, internal security, and external relations.[21] International migration intersects with foreign policy in two principal ways. The U.N. Security Council has acknowledged that migration can pose threats to international peace and security through economic or social instability or humanitarian disasters. Migration can also build positive relations with other countries and thereby promote national security. As a consequence, migration itself requires bilateral and international attention to help address the causes and consequences of movements of people.

During the Cold War, a foreign policy priority was the destabilizing of Communist regimes. Refugee policy was often a tool to achieve that strategic goal, for instance, by encouraging the flow of migrants from Eastern Europe or Cuba. Elsewhere, political, economic, and military involvement in Southeast Asia and the Dominican Republic had significant migration consequences, as large numbers of Southeast Asians and Dominicans ended up as refugees and immigrants

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[20] Taylor, E.; Martin, P.; Fix, M. 1997. *Poverty Amidst Prosperity: Immigration and the Changing Face of Rural Californi*a. Washington, DC: The Urban Institute Press.

[21] Weiner, M. 1992. Security, Stability, and International Migration. *International Security* 17:3 (Winter) 91-126.

to the U.S. These foreign policy priorities generally have had significant immigration consequences years later.

Alternatively, immigration concerns sometimes have played a significant role in U.S. foreign policy, especially when mass movements to the U.S. are feared. A stated rationale for U.S. Central-American policy in the 1980s was to prevent a mass movement that would occur if anti-American Marxist dictatorships were established in Central America. One of the explicit reasons for the military intervention in Haiti in 1994 was to restrain the flow of migrants onto U.S. shores. And, although the U.S. does not officially maintain relations with Cuba, migration concerns gained priority over diplomatic ones leading to negotiations on the Cuban Migration Agreement and to a reversal of policy regarding the interdiction of Cuban migrants.

Some observers believe that environmental causes now rival economic and political instability as a major source of forced migration throughout the world. There are estimates that as many as one-hundred million people may be displaced, in part, because of degradation of land and natural resources. "That will increase the pressure to migrate to places like the United States."[22] The pervasive deterioration of Mexico's rural drylands may contribute to between 700,000 and 900,000 people a year leaving rural areas.[23] Environmental degradation in Mexico, Haiti, and Central America also are believed to have migration consequences for the U.S. Often environmental problems intersect with other causes. One researcher argues that migrants from Haiti may be considered "environmental refugees" because the root causes of their migrations are land deg-

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[22] Schwartz, M.L.; Notini, J. 1994. *Desertification and Migration: Mexico and the United States*. Washington, DC: U.S. Commission on Immigration Reform.

[23] National Heritage Institute. 1997. *Environmental Degradation and Migration: The U.S./Mexico Case Study*. Report prepared for the U.S. Commission on Immigration Reform.

radation and the Haitian government's unwillingness to act in the interest of the general population."[24]

Stabilizing economic growth and democracy may be an effective means of reducing migration pressures. The Commission for the Study of International Migration and Cooperative Economic Development[25] concluded that, over the long run of a generation or more, trade and investment are likely to reduce migration pressures. Supporters of the North American Free Trade Agreement [NAFTA] argued that NAFTA-related development eventually will reduce unauthorized Mexican migration. The U.S. has provided the reinstalled democratically-elected government of Haiti with a great deal of rehabilitation assistance that should aid the stability of that country.

CONCLUSION

Properly-regulated immigration and immigrant policy serves the national interest by ensuring the entry of those who will contribute most to our society and helping lawful newcomers adjust to life in the United States. It must give due consideration to shifting economic realities. A well-regulated system sets priorities for admission; facilitates nuclear family reunification; gives employers access to a global labor market while protecting U.S. workers; helps to generate jobs and economic growth; and fulfills our commitment to resettle refugees as one of several elements of humanitarian protection of the persecuted.

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[24] Catanese, A. 1990/91. *Haiti's Refugees: Political, Economic, Environmental.* (Paper 17). San Francisco: Natural Heritage Institute; Indianapolis: Universities Field Staff International.

[25] The Commission for the Study of International Migration and Cooperative Economic Development. 1990. *Unauthorized Migration: An Economic Development Response*. Washington, DC.

AMERICANIZATION AND INTEGRATION OF IMMIGRANTS

A DECLARATION OF PRINCIPLES AND VALUES

Immigration to the United States has created one of the world's most successful multiethnic nations. We believe these truths constitute the distinctive characteristics of American nationality:

- American unity depends upon a widely-held belief in the principles and values embodied in the American Constitution and their fulfillment in practice: equal protection and justice under the law; freedom of speech and religion; and representative government;

- Lawfully-admitted newcomers of any ancestral nationality—without regard to race, ethnicity, or religion—truly become Americans when they give allegiance to these principles and values;

- Ethnic and religious diversity based on personal freedom is compatible with national unity; and

- The nation is strengthened when those who live in it communicate effectively with each other in English, even as many persons retain or acquire the ability to communicate in other languages.

As long as we live by these principles and help newcomers to learn and practice them, we will continue to be a nation that benefits from substantial but well-regulated immigration. We must pay attention

to our core values, as we have tried to do in our recommendations throughout this report. Then, we will continue to realize the lofty goal of *E Pluribus Unum*.[1]

AMERICANIZATION

The Commission reiterates its call for the Americanization of new immigrants.

The Commission reiterates its call for the Americanization of new immigrants, that is the cultivation of a shared commitment to the American values of liberty, democracy and equal opportunity. The U.S. has fought for the principles of individual rights and equal protection under the law, notions that now apply to all our residents. We have long recognized that immigrants are entitled to the full protection of our Constitution and laws. The U.S. also has the sovereign right to impose appropriate obligations on immigrants.

In our 1995 report to Congress, the Commission called for a new commitment to Americanization. In a public speech that same year, Barbara Jordan, our late chair, noted: "That word earned a bad reputation when it was stolen by racists and xenophobes in the 1920s. But it is our word, and we are taking it back." Americanization is the process of integration by which immigrants become part of our communities and by which our communities and the nation learn from and adapt to their presence.

This process enhances our unity by focusing on what is important, through acknowledging that the many real differences among us as individuals do not alter our essential character as a nation.

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[1] Our national motto, *E Pluribus Unum*, "from many, one," was originally conceived to denote the union of the thirteen states into one nation. Throughout our history, *E Pluribus Unum* also has come to mean the vital unity of our national community founded on individual freedom and the diversity that flows from it.

This Americanization process depends on a set of expectations that the United States, which chooses to invite legal immigrants, legitimately has of newcomers. It applies equally to the expectations immigrants legitimately have of their new home.

The Commission proposes that the principles of Americanization be made more explicit through the covenant between immigrant and citizens. These principles are not mere abstractions. They can form a covenant between ourselves and immigrant newcomers. As President Johnson eloquently stated in 1965:

> They came here—the exile and the stranger. . . . They made a covenant with this land. Conceived in justice, written in liberty, bound in union, it was meant one day to inspire the hopes of all mankind; and it binds us still. If we keep its terms, we shall flourish.

We have not always abided by its terms, but the ideal of a covenant between immigrant and nation still captures the essence of Americanization. Immigrants become part of us, and we grow and become the stronger for having embraced them. In this spirit, the Commission sees the covenant between immigrants and ourselves as:

> ***Voluntary***. Immigration to the United States—a benefit to both citizens and immigrants—is not an entitlement and Americanization cannot be forced. We as a nation choose to admit immigrants because we find lawful immigration serves our interests in many ways. Likewise, no one requires immigrants to come here or to become citizens; they choose to come and, if they naturalize, they choose to become a part of our polity.

Mutual and reciprocal. Immigration presents mutual obligations. Immigrants must accept the obligations we impose—to obey our laws, to pay taxes, to respect other cultures and ethnic groups. At the same time, citizens incur obligations to provide an environment in which newcomers can become fully participating members of our society. We must not exclude them from our community nor bar them from the polity after admission. This obligation to immigrants by no means excuses us from our obligations to our own disadvantaged populations. To the extent that immigration poses undue burdens on our communities, our citizenry, or immigrants themselves, we have an obligation to recognize and address them.

Thus the United States assumes an obligation to those it admits, as immigrants assume an obligation to this country they chose. Having affirmatively admitted the newcomer, the federal government necessarily extends civic and societal rights. Unfortunately recent legislative changes effectively have excluded immigrants from the public safety net until such time as they become naturalized citizens. This Commission previously recommended against such action. We believe it is likely that these changes will lead to greater problems both for immigrants and for the communities in which they live. Legislation that leads immigrants to seek citizenship to protect eligibility for social benefits, rather than out of commitment to our polity, provides the wrong incentive. The effect is not to exalt citizenship, but to diminish it.

Individual, not collective. The United States is a nation founded on the proposition that each individual is born with certain rights and that the purpose of government is to secure these rights. The United States admits immigrants as individuals (or individual members of families). As long as the United States continues to emphasize the rights of

individuals over those of groups, we need not fear that the diversity brought by immigration will lead to ethnic division or disunity. Of course, the right to assemble and join with others is a fundamental right of all Americans, immigrants included. However, unlike other countries, including those from which many immigrants come, rights in the United States are not defined by ethnicity, religion, or membership in any group; nor can immigrants be denied rights because they are members of a particular ethnic, religious, or political group.

The Commission believes that the federal government should take the lead and invite states and local governments and the private sector to join in promoting Americanization**.** For example, "I Am an American Day" was once widely celebrated in public schools and local communities. Recent immigration legislation mandates naturalization ceremonies on the 4th of July. While the federal government cannot and should not be the sole instrument of Americanization, it can provide important leadership in supporting the implementation of programs designed to promote full integration of newcomers.

To help achieve full integration of newcomers, the Commission calls upon federal, state, and local governments to provide renewed leadership and resources to a program to promote Americanization that requires:

- Developing capacities to orient both newcomers and receiving communities;

- Educating newcomers in English language skills and our core civic values; and

- Revisiting the meaning and conferral of citizenship to ensure the integrity of the naturalization process.

The Commission recommends that the federal government take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities about their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups.

ORIENTATION

The Commission recommends that the federal, state, and local governments take an active role in helping newcomers become self-reliant: orienting immigrants and receiving communities as to their mutual rights and responsibilities, providing information they need for successful integration, and encouraging the development of local capacities to mediate when divisions occur between groups. Information and orientation must be provided both to immigrants and to their receiving communities. The experience of "newcomer schools" is that providing coordinated information and advice on life in the United States accelerates the integration of newcomers, which, in turn, decreases the negative impacts on communities. Information on expected impacts and successful programs can help localities foster immigrant integration and mediate differences to avoid community conflicts.

More specifically, to integrate into American society, immigrants need information on their legal rights and obligations, on American core civic beliefs, on how to access services, and on immigration-related requirements. Communities require information on the numbers and characteristics of immigrants arriving in their midst, the eligibility of newcomers for various services, the legal responsibilities of state and local government agencies, and similar matters. The Commission believes the federal government should help immigrants and local communities by:

- **Giving orientation materials to legal immigrants upon admission** that include, but are not limited to: a welcoming greeting; a brief discussion of U.S. history, law, and principles of U.S. democracy; tools to help the immigrant locate and use services for which they are eligible; and other immigration-related information and documents. All immigrants would receive the same materials. The packets would

be available in English and the main immigrant languages. It is not the Commission's intent to prescribe all parts of an orientation packet but, rather, to suggest the most important information and key resources that should be included.

Welcoming statement. The Welcoming Statement would congratulate immigrants on their decision to become permanent residents of the United States. It also would summarize the basic principles that all Americans embrace.

Example of a Welcoming Statement

Congratulations on your decision to immigrate to the United States of America. Best wishes for a successful settlement in your new home. This is a proud country of individual freedom, opportunity, and diversity with a long tradition of immigration. Finding success and opportunity in the United States can be difficult. We realize that immigrants face many challenges as they become self-reliant, such as learning a new language and adjusting to new circumstances. The U.S. has learned from its tradition of immigration that patience, tolerance, and adaptability are required from each and every one of us.

Basic American principles that you are asked to embrace include: a commitment to serve the best interests of the United States and the community in which you live; knowledge of and respect for our laws and democratic institutions; respect for freedom of speech and religion; and a commitment not to discriminate against others on the basis of nationality, race, sex, or religion. The excerpts from the U.S. history and law section of your orientation packet should serve to illustrate the meaning of these important principles.

We the people of the United States welcome you.

Example of Documents on the Founding Principles

On July 4, 1776, the Continental Congress adopted a Declaration drafted by Thomas Jefferson that defined the commitment of a new nation to the principles of liberty and justice for all:

> *We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these rights, Governments are instituted among Men, deriving their just Powers from the Consent of the Governed. . . .*

The greatest contradiction in the new nation's founding was the institution of human slavery, which ended only after a bloody civil war (1860-1864). After the decisive battle at Gettysburg, in 1863, Abraham Lincoln dedicated the cemetery, ending with these words:

> *[W]e here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.*

After the Civil War, the effort to live up to the promises of the founding principles intensified. In 1872, Susan B. Anthony was arrested for attempting to vote in a Presidential election. Her speech on the rights of women was an important step toward gaining women the vote:

> *The preamble of the federal Constitution says . . . It was we, the people; not we, the white male citizens; nor yet we, the male citizens; but we, the whole people, who formed the Union. And we formed it, not to give the blessings of liberty, but to secure them; not the half of ourselves and our posterity; but to the whole people —women as well as men.*

Way into the twentieth century, the founding principles continue to challenge Americans. In 1963, the Reverend Dr. Martin Luther King, Jr. led a peaceful March on Washington, and spoke on the steps of the Lincoln Memorial in the cause of civil rights.

> *When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness . . .*
>
> *I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident; that all men are created equal. . . . I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character . . . And if America is to be a great nation this must become true.*

U.S. history, law, and principles of democracy. This would include a brief history of the United States and of the principles listed in the welcoming statement, followed by excerpts from relevant historical documents. It would stress that American civic culture is based on a trust in ordinary people's ability to govern themselves through their elected representatives who are then accountable to the people, on the right of all members of the polity to participate in public life as equals, and on the freedom of individual members of the community to differ from each other in religion and other private matters.

Tools for settlement. This section would emphasize the development of self-reliance. It would include general information and checklists to aid immigrants in finding and using services in their community that may help them in developing economic independence.

Example of Tools for Settlement

What to expect upon immigration: information to orient newcomers on federal policies and services, such as a pre-/ post-arrival checklist on admissions, information for those adjusting status on new rights and responsibilities as permanent residents, reminder to register for military service if necessary, the role of government agencies and service providers; consumer protection and tax policies;

How to secure basic needs: information on housing, employment, education and language training, health, transportation, police and fire protection, managing finances, and cultural adjustment;

Finding assistance and advice: telephone numbers for the local information clearinghouses, government agencies; documents listing weight and measurement conversions, U.S. holidays, instructions in using the telephone and postal systems; a U.S. map;

Getting involved in the community: listings of community organizations (e.g., civic, sports, arts) and volunteer opportunities.

Immigration information and documents. This section would provide necessary immigration forms, information on naturalization, and a card for non-English-speaking immigrants to indicate their need for an interpreter.

- **Encouraging state governments to establish information clearinghouses in major immigrant receiving communities.** The Commission recommends that the federal government provide modest incentive grants to states to encourage them to establish and maintain local resources that would provide information to immigrants and local communities. For example, local information clearinghouses could provide information to immigrants on rights and responsibilities, naturalization, education and training, and the world of work. They could have materials available on tenant law and renter/landlord rights and responsibilities. They could spell out how U.S. family law (regarding marriage and prohibiting spouse and child abuse, polygamy, and female genital mutilation, etc.) may differ from other cultures. They could provide information on public life (driving, insurance, hunting/fishing licences, law enforcement, consumer protection, etc.). They could also provide information to local public and private organizations about immigrants, e.g., documentation, culture/background, eligibility status for programs, work authorization verification.

  The resource centers could develop, translate and disseminate materials; foster partnerships among immigrant interest groups, ethnic churches, and service providers (advisory boards, taskforces, planning boards, coalitions); and develop volunteer networks in immigrant communities to help newly-arriving immigrants. These efforts could help reduce community tensions arising from immigration by providing accurate information and helping communities find ways to mediate these tensions. The resource centers could also

provide information on model programs implemented by businesses, service agencies, and others.

The Office of Refugee Resettlement in the Department of Health and Human Services, which already provides funding for refugee services, could administer this grant program. Each state receiving funds would designate the local structure through which the funding would be administered as part of its application for funds. Some states are likely to designate the state refugee coordinator's office, but others may designate the state education department. States had similar flexibility when they received funds under the State Legalization Impact Assistance Grant [SLIAG] program.

These already-existing structures could easily integrate the proposed services with only modest financial increments. Based on its consultations, the Commission believes that an annual appropriation of $30-35 million would cover development of orientation materials and underwrite services in forty to fifty targeted communities. The monies should be administered flexibly, not as a formula to each state. Targeted areas should include those with historically significant numbers of immigrants as well as communities experiencing a sudden growth in immigrant arrivals. (In Garden City, Kansas, for example, the Commission observed how the arrival of new meatpacking plants changed the population from one with few foreign-born residents a decade ago to one with a sizeable immigrant component today.)

- **Promoting public/private partnerships to orient and assist immigrants in adapting to life in the United States.** The Commission previously has called for a renewed public/private partnership in the Americanization of immigrants. While the federal government makes the decisions about how many and which immigrants will be admitted to the

United States, the actual process of integration takes place in local communities. Local government, schools, businesses, religious institutions, ethnic associations, and other groups play important roles in the Americanization process.

Project Vida in El Paso provides medical services to the Latino border community. Funded by the Presbyterian Church and public/private grants and contracts, Vida developed "one-stop shopping" for primary health care, education, housing, and other social services. It built 20 affordable rental units; and helped to generate an increase in local elementary school reading scores.

The Commission urges the federal government to assemble leaders from the public and private sectors at the federal, state, and local levels to discuss ways to invigorate a public/private partnership to promote Americanization. The participants should include representatives of state and local educational systems, businesses, labor, local governments, and community organizations. The meeting would address ways to enhance resources for instruction in English language acquisition, civic understanding, and workplace skills. The federal grant program described above also could help promote more coordinated efforts at the local level by establishing advisory structures representing the various public and private institutions with interest in immigration matters.

The Fannie Mae Foundation built a model public/private initiative with community-based organizations, public officials, and lenders to facilitate home ownership and naturalization for immigrants.

EDUCATION

Education is the principal tool of Americanization. Local educational institutions have the primary responsibility for educating immigrants. However, there is a federal role in promoting and funding English language acquisition and other academic programs for both immigrant children and adults.

The Commission urges a renewed commitment to the education of immigrant children. The number of school-aged children of immigrants is growing and expected to increase dramatically. These children, mostly young, speak more than 150 different languages; many have difficulty communicating in English. They are enrolled in public schools as well as in secular and religious private schools through the country.

In addition to the problems other students have, immigrant children face particular problems in gaining an education—often because of language difficulties. The 1990 Census shows that 87 percent of immigrant children attended high school as compared to 93 percent of natives. More than one-fourth of Mexican immigrant youth between ages 15 and 17 were not in school in 1990. While some dropped out, others never "dropped in" to school in the first place.

The Commission urges a renewed commitment to the education of immigrant children.

Immigrant children often come from countries with customs, traditions, and social and governmental structures that differ from those they encounter in the U.S.; some have little or no formal education and no understanding of the American school system; some arrive with personal experiences of trauma and war; many older children come from countries where school ends at a younger age; many experience lengthy delays in being mainstreamed into regular English-speaking classes; and some do not receive appropriate-level instruction in other academic subjects while they are learning English.

Immigrant children also bring strengths to American society. For example, their native-language skills contribute to building the future multilingual workforce needed in a global economy; sharing of their cultural heritage will promote the sensitivity of that workforce as it interacts in a worldwide marketplace. Many immigrant children who enroll in school and then remain to graduate do well academically. These immigrant children are more likely than natives to prepare for, attend, and complete college.[2] The key, however, is helping them achieve sufficient English proficiency to be able to participate.

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction pro-

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[2] Venez, G.; Abrahamse, A. 1996. *How Immigrants Fare in U.S. Education.* Santa Monica: RAND. Rumbaut, R.G.; Cornelius, W.A. 1995. *California's Immigrant Children: Theory, Research, and Implications for Educational Policy.* San Diego: Center for U.S. Mexican Studies.

gram. English is the most critical of basic skills for successful integration. English can be taught to children in many ways. Effective programs share certain common characteristics. Based on a review of these programs, the Commission emphasizes the need to*:*

The Commission emphasizes that rapid acquisition of English should be the paramount goal of any immigrant language instruction program.

- **Conduct regular evaluations of students' English competence and their ability to apply it to academic subjects.** Such evaluations will ensure placement of immigrant children into regular English-speaking classes as soon as they are prepared. Regular evaluation also will highlight strengths and weaknesses in educational programs and provide insight on improvements that are needed to ensure timely English acquisition.

- **Collect and analyze data regularly on students, their linguistic and academic performance, and the method of instruction.** Presently, federal, state, and local governments fail to collect and analyze adequate, uniform, data on bilingual and other forms of English instruction. Such failure hinders overall evaluation and the responsible allocation of government funds. A 1997 National Research Council report[3] pointed out the need for new systems to support data collection and research in this area. The NRC recommended establishment of a new Department of Education Advisory Committee on Research on English-Language Learners, urged the National Center for Education Statistics to take the lead in collecting data on students and programs, and recommended that the Office of Bilingual Education and Minority Language Affairs take the lead in developing and evaluating programs to enhance teacher development.

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[3] National Research Council (August, D; Hakuta, K. eds.). 1997. *Improving Schooling for Language-Minority Children: A Research Agenda.* Washington, DC: National Academy Press.

- **Include appropriate grade-level instruction in other academic disciplines.** Coordination with teachers, curricula, and instruction outside of English acquisition will promote students' mastery of regular subject matter while they learn English.

- **Involve parents of immigrant students in their schooling.** A characteristic of many of the most successful language acquisition programs is the active involvement of parents in the education of their children. Such "family literacy" models include programs that promote frequent parent-teacher conferences and that also encourage non-English-speaking parents to enroll in English as a Second Language [ESL] programs. Some of the adult programs are offered at the local school in the evenings.

Seattle's Sharples Center teaches refugee students with limited or no English proficiency in grades six through twelve. They are grouped by English language ability, not age. Because of high demand, they usually can stay for only six months or less. The program focuses on preventing subsequent low academic perfor-mance and also pre-venting the high dropout rates that occur when students with limited English proficiency are mainstreamed too soon.

The Commission encourages programs that are responsive to the needs of immigrant children and an orientation to United States school systems and the community, such as we have seen in "newcomer schools." Newcomer schools must not isolate immigrant newcomers. Instead, they must be transitional and actively promote the timely integration of students into mainstream schools. Successful programs recognize the special needs of immigrant children, particularly refugees. They share information among resettlement programs and school administrators and among English acquisition and regular classroom teachers. Along with English and other academic subjects, newcomer schools teach basic school survival and living skills (such as how the local transportation system works and how to shop for food) and develop intercultural communications. Some also provide access to a wide range of support services, such as health screenings and immunizations.

The Commission encourages programs that are responsive to immigrant children's needs and an orientation to United States school systems and the community.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship. An understanding

of the history of the United States and the principles and practices of our government are essential for all students, immigrants and natives alike. Americanization requires a renewed emphasis on the common core of civic culture that unites individuals from many ethnic and racial groups. Civics instruction teaches students both the responsibilities and the rights of United States citizenship. Civics education also can help immigrant students turning eighteen to prepare for naturalization. The Commission recommends that local school boards institute civics programs that:

San Francisco's Newcomer High School was the nation's first high school devoted entirely to immigrants. Students with less than six years of education and/or poor English skills may attend for up to a year of intensive instruction based on their English ability rather than on their age. Before they are mainstreamed, students are taken to see their new school and meet their new teachers.

- Teach that the U.S. is united by the constitutional principles of individual rights and equal justice under the law;

- Restore the emphasis on such traditional American leaders as Washington, Jefferson, and Lincoln, who defined the American promise of liberty and equality for all, and incorporate other heroes and heroines, such as Sojourner Truth, Susan B. Anthony, Martin Luther King, Jr., Franklin Roosevelt, and Barbara Jordan, who expanded their promise to all Americans;

- Stress the importance of civic holidays and of American symbols and rituals, for example, the flag and the Pledge of Allegiance.

The Commission recommends the revival and emphasis on instruction of all kindergarten through grade twelve students in the common civic culture that is essential to citizenship.

Civics instruction in public schools should be rooted in the Declaration of Independence, the Constitution—particularly the Preamble, the Bill of Rights, and the Fourteenth Amendment. Emphasizing the ideals in these documents is in no way a distortion of U.S. history. Instruction in the history of the United States, as a unique engine of human liberty notwithstanding its faults, is an indispensable foundation for solid civics training for all Americans.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

There is a disturbing shortage of qualified teachers for children with limited English proficiency, of teacher training programs for producing such teachers, and of other support for effective English acquisition instruction. More than 50 percent of teachers in current bilingual education programs have no formal education in teaching students with limited English skills. Teachers are often unprepared and untrained in understanding how the cultural background and experiences of immigrant children may affect their ability to learn. They need to understand that while many students quickly acquire skill in using and understanding English in social situations, acquiring academic proficiency in English takes longer.

All teachers of immigrant students—those who teach English and those who teach other academic subjects—need training to develop the most effective tools for imparting knowledge to students with limited English proficiency. Teachers also need help in understanding how best to involve immigrant parents who may themselves be limited in their command of English. Schools that have been effective in involving immigrant parents in their children's education tend to be more effective in retaining and educating students. To promote such involvement, teachers must be sensitive to differences in language and culture that may impede an immigrant parent's ability to participate in school activities.

The Commission emphasizes the urgent need to recruit, train, and provide support to teachers who work with immigrant students.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts. Urban and rural schools often require federal assistance when confronted with large numbers of immigrant students. Current federal support comes through several unrelated funding streams: some is geared to particular instructional models; some is directed to address impacts of large numbers of new arrivals; however, most comes indirectly through monies targeted to schools with economically disadvantaged children who are performing poorly.

The Commission supports immigrant education funding that is based on a more accurate assessment of the impact of immigration on school systems and that is adequate to alleviate these impacts.

Washington, DC's public Bell Multicultural High School offers secondary and adult day/evening intensive English classes, vocational programs, career development, dropout prevention, technical preparation, and comprehensive math and science. Bell students have high attendance rates, high advanced placement exam scores, and high rates of continuing on to higher education. Last year counselors assisted more than 30 students to become citizens. Many staff are both immigrant and multilingual and, thus, can both empathize with students' transitions and support Bell's strong native language-maintenance program.

There are costs and responsibilities for language acquisition and immigrant education programs that are not now being met. We urge the federal government to do its fair share in meeting this challenge. The long-run costs of failure in terms of dropouts and poorly-educated adults will be far larger for the nation and local communities than the costs of such programs.

More specifically, we urge the federal government to:

- **Provide flexibility in federal funding for the teaching of English to immigrant students to achieve maximum local choice of instructional model.** The federal government should not mandate any one mode of instruction (e.g., bilingual education, English as a Second Language programs, immersion). Research indicates that no one pedagogical model for English instruction works more effectively than any other. What makes for success are: the commitment of the local school system to educate its English learners; well-trained teachers who are adept at English language instruction; involvement of parents; frequent evaluation of student language acquisition; and a plan for timely placements in mainstream programs.

- **Make funding contingent on performance outcomes—that is, English language acquisition and mastery of regular academic subject matter by students served in these programs.** School systems receiving funds because of large numbers of children with limited English proficiency and immigrant children should be held to rigorous performance standards. Incentives should promote—not impede—expeditious placement in regular, English-speaking, classes.

The Commission urges the federal, state, and local governments and private institutions to enhance educational opportunities for adult

immigrants. Education for basic skills and literacy in English is the major vehicle that integrates adult immigrants into American society and participation in its civic activities. Literate adults are more likely to participate in the workforce and twice as likely to participate in our democracy. Literate adults foster literacy in their children, and parents' educational levels positively affect their children's academic performance.

The Carlos Rosario Adult and Career Center in Washington DC. was for 25 years the only DC public school teaching English to adult foreigners, graduating classes as large as 650 students. Closed due to funding constraints, it reopened with private funding in a church in Chinatown. Courses are offered in computer use, nursing assistance, and GED.

According to the 1990 Census, a total of 5.8 million adults reported that they speak English "not well" or "not at all." This number continues to grow because of the entry of non-English-speaking immigrants. Researchers estimate that 600,000 adults with only limited or no English now enter the United States each year. Immigrants who are illiterate even in their native language or who have only a few years of schooling consequently are confined to employment in dead-end jobs.

The Commission urges the federal, state and local governments and private institutions to enhance educational opportunities for adult immigrants.

Adult education is severely underfunded. Available resources are inadequate to meet the demand for adult immigrant education, particularly for English proficiency and job skills. Enrollment in adult English as a Second Language classes increased 183 percent from 1980 to 1990; neither classes nor funding have kept pace with demand. In Massachusetts, a state widely recognized for its excellent adult education programs, an estimated 11,000 of the 16,000 on the waiting list for adult basic education are waiting for ESL services.

Three principal problems impede the capacity to expand opportunities for adult education. First, funding to subsidize courses is limited. Many adult immigrants are willing and able to pay some tuition for courses, expecting a positive return on this investment. However, given average income levels of uneducated, unskilled immigrants, they are unlikely to be able to cover the total costs of adult education courses.

The Resources Occupational Training Program in Brooklyn, New York, a nonprofit adult vocational training program, operates as an affiliate of the Catholic Migration Office of the Diocese of Brook-lyn. Launched in 1994 with seed money from an Italian businessman, it trains and places 98 percent of its immigrant students in well-paying jobs without government assistance.

Second, teacher training programs are limited, resulting in shortages in the number of qualified teachers. For example, in Massachusetts, there are only two training programs for teachers of ESL to adults and no Masters-level program for teachers of adult basic education. Many schools utilize volunteers to serve as tutors, but there is an insufficient number of trained teachers to provide guidance to these volunteer aides.

The third impediment relates to the general quality of adult education programs. The General Accounting Office [GAO] reported in 1995 that adult education and literacy programs funded by the U.S. Department of Education have no defined objectives, valid assessment instruments, or accurate program data.

In the early part of the twentieth century, state departments of education and local school boards played an active role in the Americanization of immigrants. They committed resources to adult education in evening and weekend classes because they recognized the importance of economic and civic incorporation into their communities. Similarly, many turn-of-the-century businesses participated in the Americanization movement, recognizing the benefits to their operations accruing from a literate, educated workforce.

Responding to requests from its limited English-speaking employees, the United Electric Control Corporation in Watertown, Massachusetts in 1992 launched an educational and vocational skills training program. Em-ployees are given time off from work to take courses in a program that is so successful that it led to the formation of a consortium of Boston area high-technology companies to provide the same services. In this case, the program was given a jump start by a federal workplace literacy program grant.

There has been a shift away from this once widely-held public perception of immigrant adult education as a local responsibility, with its local community- and school-based programs. The source of funding is federal and state (as compared to kindergarten through grade twelve education that is financed primarily through local taxes). While many local school districts continue to provide classrooms and other resources, others do not. In this setting of excess demand for adult education, volunteers and low-cost options do exist. Access to relatively inexpensive classroom space often is a major impediment to program implementation. But—even though publicly-owned classroom space is often available and unused during evening and weekend hours—such limitations persist.

In recognition of the benefits they receive from immigration, the Commission urges leaders from businesses and corporations to participate in skills training, English instruction, and civics education programs for immigrants. Religious schools and institutions, charities, foundations, community organizations, public and private schools, colleges and universities also can contribute resources, facilities, and expertise. All of these sectors benefit from having skilled, English-speaking workers and residents. For example, local school systems could open schools after hours to community groups providing English instruction on a volunteer basis, and businesses could provide employees the opportunity for such classes at the jobsite. Such public/private partnerships can contribute in many ways to a greater range of educational opportunities for immigrants.

The Boeing Company and the International Association of Machinists provide training and skills development to current and laid-off workers that includes English as a Second Language and professional English development. Boeing also provided in-kind production services for a community-based organization naturalization video series in eight languages.

NATURALIZATION

Naturalization is the most important act that a legal immigrant undertakes in the process of becoming an American. Taking this step confers upon the immigrant all the rights and responsibilities of civic and political participation that the United States has to offer (except becoming President). The Commission reiterates its belief that no action should be taken that detracts from the appeal of citizenship as an opportunity to become a member of the polity. The naturalization process must be credible, and it must be accorded the formality and ceremony appropriate to its importance.

Maid Bess, a contract apparel business in Salem, Virginia provides free on-site English instruction to its refugee employees with the help of a local refugee resettlement agency. Among its more than 400 employees, 17 national and ethnic groups are represented. On its annual "International Day," all employees are encour-aged to dress in the traditional costume of their native country or that of their ancestors.

The Commission believes that the current legal requirements for naturalization are appropriate, but improvements are needed in the means used to measure that an applicant meets these requirements.

To naturalize, legal immigrants must meet certain threshold requirements; these have remained remarkably consistent throughout our history. At present, to naturalize, a legal permanent residents must reside in the United States for five years (three years for spouses of

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U.S. citizens and legal permanent residents who serve in the military); demonstrate the ability to read, write, speak, and understand English; pass a U.S. history and civics exam; be of good moral character; and take an oath of allegiance.

With regard to the specific legal requirements, the Commission supports:

- **Maintaining requirements that legal immigrants must reside in the United States for five years (three years for spouses of U.S. citizens and Lawful Permanent Residents who serve in the military) before naturalizing**. We believe five years is adequate for immigrants to embrace, understand, and demonstrate their knowledge of the principles of American democracy.

- **Improving the mechanisms used to demonstrate knowledge of U.S. history, civics, and English competence.** The Commission believes that the tests used in naturalization should seek to determine if applicants have a meaningful knowledge of U.S. history and civics and are able to communicate in English. The current tests do not adequately assess such understanding or abilities. The civics test, for example, relies on memorization of discrete facts rather than on substantive understanding of the basic concepts of civic participation.

  INS district offices vary significantly from each other in the methods by which they administer the test and in the threshold number of correct answers needed for passage. In some cases, examiners scale the tests to the perceived educational abilities of applicants. The lack of uniform standards governing whether an applicant has satisfactorily fulfilled the

The nonprofit Arlington Community Foundation in Virginia funds and organizes grassroots programs to assist immigrants in their transition to American society. It sponsors local community organizations, festivals, and focus groups to identify and address sources of tension be-tween longtime residents and newcomers. It also supports local initiatives to assist immigrant entre-preneurs and parents of school-age children to understand how American institutions work. In 1995, it founded the Washington Partnership for New Americans to encourage naturalization.

requirements is disturbing. Such inconsistencies pose undue confusion for qualified legal residents and undermine public confidence in the naturalization process.

The Commission believes the tests should be standardized and aim to evaluate a common core of information to be understood by all new citizens. The U.S. history and civics test should assess whether applicants understand the basic principles of U.S. government: for example, what it means to have freedom of speech or the freedom to assemble. The English test should accurately and fairly measure an immigrant's ability to speak, read, and write; the current practice of dictating English sentences for applicants to write is not an effective means of testing English proficiency.

INS is now undertaking a full review of its interview and testing criteria, including the content and format of the English and civics portions of the test. The Commission encourages officials responsible for naturalization to consult and enlist the assistance of professional educators, pedagogical experts, and standardized test providers in the development of new history/civics and English standards and tests. Consideration should be given to separating the English reading, writing, and comprehension components from the personal interview. Often, applicants are nervous about making a mistake during the interview and demonstrate less English proficiency than they may have. This separation also would work to the advantage of those responsible for adjudicating applications as interviews would be reserved for applicants who had fulfilled the English and civics requirements, sparing scheduling and interviewing of unqualified applicants.

The Arlington County, Virginia, Wilson Center provides education and training for immigrants using federal refugee program funds for language and employment services. It offers citizenship and English as a Second Language classes (focusing on child rearing and family violence). As the school registration center for foreign-born children, it can readily inform immi-grants of its services.

The American Telephone and Telegraph Company in India Hill, Illinois, learned the lengthy naturalization process was of major concern for its employees. It worked with the Chicago INS office to distribute naturalization applications and study guides to employees and provided space for officials to conduct interviews and naturalization ceremonies. A total of 400 employees and their family members became citizens.

These new standards will be meaningful only if applied equitably and there is a much greater capacity to monitor the agencies that give the tests. [See below.]

A more predictable and standardized testing process also must include consistent and rational exemptions for elderly legal permanent residents. At present English language exemptions are granted to legal permanent residents aged 50 years or older who have lived in the United States at least twenty years and to those 55 years of age who have resided in the U.S. for at least fifteen years. Special consideration on the civics component is given to naturalization applicants aged 65 or older who have resided in the U.S. for at least twenty years. The Commission supports these exemptions. However, it makes little sense to confer such exemptions on long-term legal residents, yet not on more recent elderly legal residents who have had less time to acquire English proficiency. The Commission calls for a thorough review of the current testing exemptions and urges the Congress to consider additional, narrowly-tailored exemptions to the English requirement for qualified elderly immigrants who have resided in the U.S. for fewer years than required by the current exemptions.

The Voter Education Registration and Action Program of the New England Literacy Resource Center in Boston, Massachusetts promotes adult literacy so that its students can take informed action on issues that concern them. The Center is supported by National Institute for Literacy grants under the 1991 National Literacy Act. In the November 1996 election, 467 out of 550 of the program's adult learners —85%— participated.

- **Expediting swearing-in ceremonies while maintaining their solemnity and dignity.** Approved applicants must take an oath of allegiance before U.S. citizenship is conferred upon them. Generally, the oath is administered in public ceremonies by federal judges. Most such ceremonies are solemn and dignified public affirmations of a mutual obligation that new Americans and their adopted country make to each other. However, in districts where the federal court has exercised sole jurisdiction to conduct the swearing-in cer-

emonies, long delays often result from crowded court calendars.

The Commission believes a more expeditious approach to the swearing-in ceremony should be adopted. Timely ceremonies need not sacrifice the ceremonial and traditional aspects of the ceremony that the Commission strongly believes are essential. The Commission believes the solemnity and pomp of the current judicial ceremonies should be maintained and could be enhanced by the inclusion of distinguished speakers. However, would-be citizens who have passed all requirements for naturalization should not be denied timely citizenship because of processing delays in scheduling swearing-in ceremonies.

Until 1990, the federal judiciary had sole jurisdiction to confer citizenship on an approved naturalization applicant. The Immigration Act of 1990, however, transferred authority to confer citizenship to the INS. Within one year, the Judicial Naturalization Amendments of 1991 reinstated the judiciary, albeit in a somewhat modified role. Consequently, judges who choose to exercise sole jurisdiction are granted forty-five days from notification of eligible applicants in which to perform swearing-in ceremonies. Despite the changes instituted by the 1991 Amendments, immigrants typically wait considerably longer to be sworn in as new citizens.

Such delays can have significant consequences for legal residents; they are unable to apply for particular jobs, travel abroad, vote, or receive certain benefits such as Food Stamps and Supplementary Security Income [SSI]. The Commission is concerned that as the number of newly-approved citizenship applicants increases, along with an increasing caseload

for the federal judiciary, the federal courts' capacity to perform timely ceremonies may be further hampered.

The Commission recommends that to reduce this waiting time Congress restore the Executive Branch's sole jurisdiction for naturalization. The Executive Branch should continue to work with federal judges as well as other qualified institutions and personnel, such as state courts or Immigration Judges, to ensure that swearing-in ceremonies are consistently conducted in a timely, efficient, and dignified manner. Eminent persons who would add dignity to the ceremony could be invited to participate as well. Standards of conduct should be developed for all such participants to assure, for example, that all remarks are free of partisan politics.

- **Revising the naturalization oath to make it comprehensible, solemn, and meaningful.** Taking the oath is a critical legal step in becoming a naturalized citizen. Its words convey the core meaning of becoming an American citizen. Thus, it is imperative that it be understandable by all who take it. We recommend that those naturalizing be given a written copy of the oath that they can read during the swearing-in and that they can keep as a meaningful memento. The current oath is not easy to comprehend. We believe it is not widely understood by new citizens. Its wording includes dated language, archaic form, and convoluted grammar. Although the 1952 statute does not prescribe any particular wording, it does require that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all

enemies, foreign and domestic; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

The Commission proposes the following revision of the oath as capturing the essence of naturalization.

> ***Solemnly, freely, and***
> ***without any mental reservation,***
> ***I,*** **[name]** ***hereby renounce under oath***
> ***[or upon affirmation]***
> ***all former political allegiances.***
> ***My sole political fidelity***
> ***and allegiance from this day forward***
> ***is to the United States of America.***
> ***I pledge to support and respect***
> ***its Constitution and laws.***
> ***Where and if lawfully required,***
> ***I further commit myself to defend them against all enemies, foreign and domestic, either by military or civilian service.***
> ***This I do solemnly swear [or affirm],***
> ***So help me God.***[4]

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process. The vast majority of applicants for naturalization are law-abiding immigrants who contribute to our society. The value of Americanization is eroded whenever unnecessary obstacles prevent eligible immigrants from becoming citizens. Its value also is undermined when the

The Commission calls for urgently needed reforms to increase the efficiency and integrity of the naturalization process.

[4] As is the case under current regulations, when applicants, by reason of religious training and belief or for other reasons of good conscience, cannot swear an oath, they may substitute "solemnly affirm" and delete "so help me God."

process permits the abuse of our laws by naturalizing applicants who are not entitled to citizenship. For the process of Americanization to succeed, it must provide fair and timely service to legal residents applying for citizenship. It must also earn the trust and confidence of the general public.

In August 1995, the INS launched an initiative to address many of the most serious impediments to naturalization, including a backlog in excess of 300,000 persons and processing times that in larger cities approached four years. Consequently, the Service hired more than 1,000 new personnel, opened several additional branch offices, and established direct mail centers.

While these new resources resulted in record numbers of naturalizations, improprieties in granting citizenship to criminal aliens and fraud in the testing process undermined the goals of the program. It is fair to conclude that the new program revealed many of the structural and managerial weaknesses of the overall naturalization process. Subsequent Congressional hearings and independent investigations demonstrate that many of the most serious problems preceded the new initiative and were exacerbated by the increasing number of applications.

The Department of Justice [DOJ] has launched a variety of new initiatives to reengineer naturalization. DOJ named a Director for Naturalization Operations charged with overseeing management and reform of the naturalization program, including quality assurance and field operations. DOJ also contracted with Coopers and Lybrand to conduct a two-year review of the implementation and administration of the INS naturalization program.

Recognizing steps already are underway to reengineer the naturalization process, the Commission supports the following approaches:

- **Instituting efficiencies without sacrificing quality controls.** In the Commission's 1995 report to Congress, we recommended that the Immigration and Naturalization Service and the Congress take steps to expedite the processing of naturalization applications while maintaining rigorous standards. Two years later, the naturalization process still takes too long, and previous efforts to expedite processing resulted in serious violation of the integrity of the system.

  Because of failures in processing that resulted in the naturalization of ineligible applicants, new procedures subsequently were adopted to reduce inadvertent naturalization of criminal aliens. These new procedures, while not foolproof in barring criminals from naturalizing, have led to processing delays. At the same time, adequate staffing remains a problem. Congress has authorized reprogramming of funds to hire additional staff, but the Committees permitted temporary hires for most of the new positions even though the number of applications remain large. An entirely temporary workforce with short contracts lends instability to a process that already has problems. Instituting a system that has sufficient continuity of personnel and that is both credible and efficient therefore remains a pressing need.

- **Improving the integrity and processing of fingerprints.** Before applicants for naturalization can receive citizenship, they must submit fingerprints for FBI review to determine if the applicants have any disqualifying criminal background. Problems that delay thousands of applications have been identified in the operation of private agencies taking the fingerprints of applicants for citizenship. These problems include smudged prints and failure of applicants to sign or properly complete forms. Further, no mechanism now ex-

ists to verify accurately that the individual submitting the prints is the person whose prints are on the application.

To improve this process, the INS placed restrictions on who may qualify to offer fingerprint services. INS now accepts only fingerprints provided by Designated Fingerprint Services [DFS] trained and authorized by INS. These include local law enforcement agencies, nonprofit agencies, and fingerprint convenience stores. These restrictions may improve the quality of the prints, but do nothing to ensure that fingerprint services consistently and competently verify the identity of individuals whose prints are submitted. While law enforcement agencies have a vested interest in preserving the quality of fingerprints, they have heavy workloads and do not always give high priority to naturalization requests. Nonprofit, community-based organizations appear to take clear fingerprints, but there are questions about their competence to assess the validity of identity documents.

The Commission believes than only service providers under direct control of the federal government should be authorized to take fingerprints. If the federal government does not take fingerprints itself but instead contracts with service providers, it must screen and monitor such providers rigorously for their capacity, capability, and integrity. Failure to meet standards would result in termination of the contract.

- **Contracting with a single English and civics testing service.** The Commission urges a fundamental restructuring of the policies and procedures with which private agencies test naturalization applicants for their knowledge of English and civics.

A 1991 regulation authorized the INS to recognize the results of private for-profit and nonprofit testing services. The rationale was that private testing of civics and English would help to adjudicate citizenship applicants more expeditiously. By 1994, six organizations had been authorized by the INS to administer the citizenship exam.

Congressional hearings during the fall of 1996 revealed disturbing weaknesses in the use of private testers that undermined the integrity of the citizenship test. In response to reports that private, for-profit testing services were engaging in price gouging, cheating, and fraud, INS investigated three sites. In April and May of 1996, INS made some changes to improve testing site oversight Local INS offices were directed to conduct unannounced inspections of citizenship-testing affiliate locations if the office did not already have an inspection plan in place. The congressional hearings revealed that private testers continued to be inadequately supervised or disciplined by either INS or their parent company.

The Commission recommends that the federal government contract with one national and respected testing service to develop and give the English and civics tests to naturalization applicants. Having one organization under contract should help the government substantially improve its oversight. Moreover, continuity with a highly-respected and nationally-recognized testing service will help ensure a high quality product.

- **Increasing professionalism**. While many naturalization staff are highly professional in carrying out their duties, reports

from district offices, congressional hearings, and complaints from naturalization applicants demonstrate continued dissatisfaction with the quality of naturalization services. The Commission believes that a culture of customer-oriented service must be developed.

Recent audits point to very high levels of noncompliance with established practices and excessive error rates even in such basic tasks as filling in the proper names and identifying numbers on forms. Mistakes pose two serious problems for the naturalization process. First, legitimate applicants for naturalization face unnecessary delays while clerical and other mistakes are corrected. Second, ineligible applicants, including felons, may be able to obtain citizenship through administrative error. While INS must pursue denaturalization of such improperly naturalized citizens vigorously within legal limits, it is difficult to reverse grants of citizenship once made. Recruitment and training of longer-term staff assigned to adjudicating applications and overseeing quality control would help overcome some of these problems.

- **Improving automation.** According to the INS, the number of naturalization applicants projected for fiscal year 1997 and each of the following few years will exceed 1.8 million. As more and more immigrants apply for naturalization and choose to become part of the American polity, there is a greater need for efficient and accurate recordkeeping. Current systems are inadequate to meet such a demand for service. Both the INS and FBI rely on paper rather than electronic files, which is inefficient and subject to permanent loss or misplacement of documents. The inability of INS to provide accurate data on the number of recently-naturalized citizens who had undergone full background investigations is a particularly glaring example of the present system's

vulnerabilities. The costs to applicants and to INS credibility are significant. The Commission is encouraged by plans to develop linkages among data sources related to naturalization. The Commission recommends continued funding for an up-to-date, advanced, electronic automation system for information entry and recordkeeping.

- **Establishing clear fee and other waiver guidelines and implementing them consistently.** Under current law, the Attorney General is authorized to grant fee waivers to naturalization applicants. The Commission has received accounts of legitimate requests being denied. The prospective increase in naturalization fees may precipitate more fee waiver requests or perhaps discourage applicants. Clear guidelines and consistent implementation are needed to ensure that *bona fide* requests are granted, while guarding against abuse.

  The 1994 Immigration and Nationality Technical Corrections Act provided exceptions to the English proficiency and civics requirements for naturalization for persons with physical or developmental disabilities or with mental impairments. After extensive consideration and opportunities for public comment, the INS published its final rule in March 1997.

  The new rule emphasizes medically determinable standards that promote integrity and fairness. Further, the new rule does not confer a blanket exemption. Hence, judging whether an applicant's disability would bestow a disability waiver is inherently complex.

  The Commission believes that rigorous and equitable interpretation of the new rule will require that adjudicators are properly trained. Further, implementation must be strictly monitored to ensure that exceptions allowed by law are made

available to otherwise qualified legal residents. Finally, to ensure that the qualifications and procedures are understood and adhered to, the Commission recommends a thorough public education effort.

A CREDIBLE FRAMEWORK FOR IMMIGRATION POLICY

In our previous reports, the Commission defined a credible immigration policy "by a simple yardstick: people who should get in do get in, people who should not get in are kept out; and people who are judged deportable are required to leave." By these measures, the U.S. has made substantial, but incomplete, progress. What follows are the Commission's recommendations for comprehensive reform to achieve more fully a credible framework for immigration policy.

LEGAL PERMANENT ADMISSIONS

The Commission reiterates its support for a properly-regulated ***system for admitting legal permanent residents.***[1] Research and analyses conducted since the issuance of the Commission's report on legal immigration support our view that a properly regulated system of legal permanent admissions serves the national interest. We reiterate that such a system enhances the national benefits while protecting against potential harms.

The Commission reiterates its support for a properly-regulated system for admitting legal permanent residents.

This position is supported by a recent report we commissioned from the National Research Council on the impacts of immigration.[2] The panel concluded that "immigration produces net economic gains for domestic residents" in the form of increased productivity and reduced consumer prices. The benefits go well beyond economic ones, however. The panel also identified social and cultural gains

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[1] For a full explanation of the Commission's recommendations see *Legal Immigration: Setting Priorities,* 1995. See Appendix for summary of Commissioner Leiden's dissenting statement.

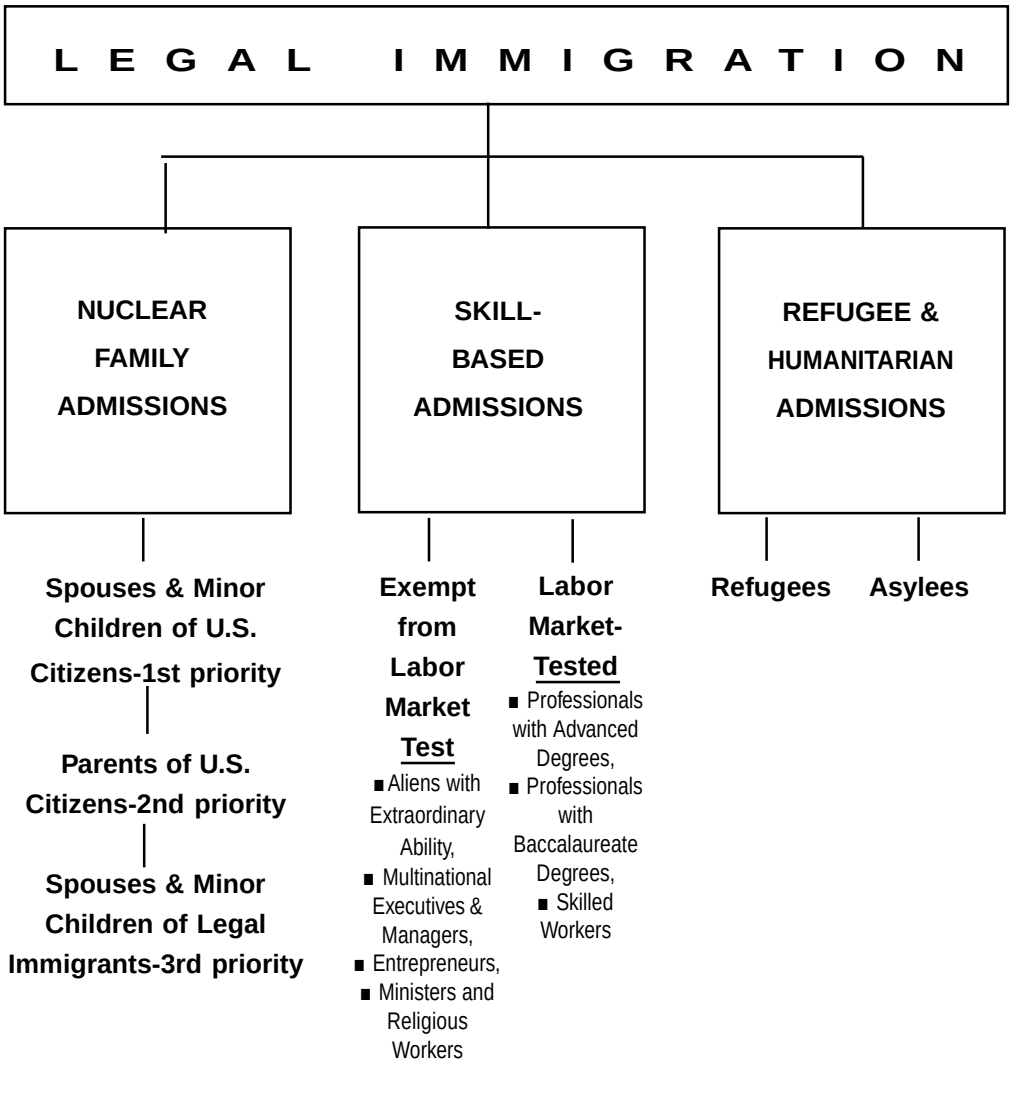
[2] National Research Council. (J.P. Smith, B. Edmonston, eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration.* Washington, DC: National Academy Press. 62.

resulting from immigration, particularly through the entry of highly-talented immigrants who choose to live and contribute to the United States. The report continues: "Even when the economy as a whole gains, however, there may be losers as well as gainers among different groups of U.S. residents." The principal "gainers" are the immigrants themselves, owners of capital, higher-skilled workers who are complements to most immigrants (who are themselves lower-skilled) and consumers. The principal "losers" are the low-skilled workers who compete with immigrants and whose wages fall as a result. On a fiscal basis, the panel found national-level net contributions of tax revenues resulting from immigration, but the panel also identified significant net fiscal costs to the taxpayers of states with large number of immigrants. These high fiscal impacts are due, particularly, to the presence of sizeable numbers of lesser-skilled immigrants whose tax payments, even over a lifetime, are insufficient to cover their use of services.

The Commission urges reforms in our legal immigration system to enhance the benefits accruing from the entry of newcomers while guarding against harms, particularly to the most vulnerable of U.S. residents—those who are themselves unskilled and living in poverty. More specifically, the Commission reiterates its support for:

- **A significant redefinition of priorities and reallocation of existing admission numbers to fulfill more effectively the objectives of our immigration policy.** The Commission's more specific recommendations on priorities and procedures for admission stem not only from the above analysis of the effects of immigration but also from our review of the workings of the admission system. We argued in our 1995 report that the current framework for legal immigration—family, skills, and humanitarian admissions—makes sense. However, the statutory and regulatory priorities and procedures for admissions do not support the stated intentions of legal

Proposed Tripartite Immigration System



immigration—to reunify families, to provide employers an opportunity to recruit foreign workers to meet labor needs, and to respond to humanitarian crises around the world. During the two years since our report on legal immigration, the problems in the legal admission system have not been solved. Indeed, some of them have worsened as is discussed below.

We believe current immigration levels should be sustained for the next several years while the U.S. revamps its legal immigration system and shifts the priorities for admissions away from extended family and toward nuclear family and away from unskilled and toward higher skilled immigrants. Thereafter, modest reductions in levels of immigration—to about 550,000 per year, comparable to those of the 1980s—will result from the changing priority system.

The Commission continues to believe that legal admission numbers should be authorized by Congress for a specified time (e.g., three to five years) to ensure regular, periodic review and, if needed, change by Congress. This review should consider the adequacy of admission numbers for accomplishing priorities. It also should consider the economic and other domestic needs and capacities of the United States to absorb newcomers.

- **Family-based admissions that give priority to nuclear family members—spouses and minor children of U.S. citizens, parents of U.S. citizens, and spouses and minor children of legal permanent residents—and include a backlog clearance program to permit the most expeditious entry of the spouses and minor children of LPRs.**

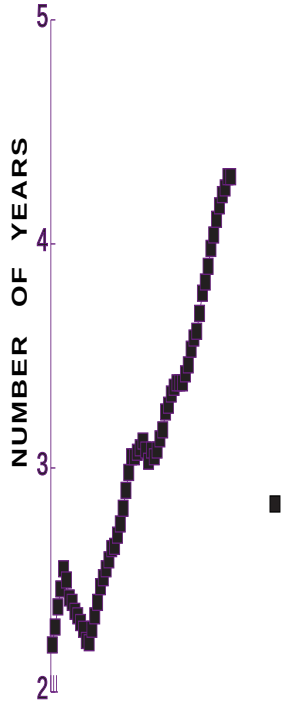
The Commission recommends allocation of 550,000 family-based admission numbers each year until the large backlog

of spouses and minor children is cleared. The backlog, which numbers more than 1 million persons, consists of the nuclear family members of legal immigrants who married after the U.S. spouse became a permanent resident, as well as spouses and minor children of aliens legalized under IRCA (most of whom are now eligible to naturalize). Numbers going to lower priority categories (e.g., adult children, siblings, and diversity immigrants), should be transferred to the nuclear family categories. Thereafter Congress should set sufficient admission numbers to permit all spouses and minor children of citizens and LPRs to enter expeditiously.

Since the Commission first reported its findings on legal admissions, the problems associated with family-based admissions have grown. In 1995, the wait between application and admission of the spouses and minor children of LPRs was about three years. It is now more than four years and still growing.[3]

Various statutory changes enacted in 1996 make it all the more important that Congress take specific action to clear the backlog quickly to regularize the status of the spouses and minor children of legal permanent residents in the United States. In an effort to deter illegal migration, Congress expanded the bases and number of grounds upon which persons may be denied legal status because of a previous illegal entry or overstay of a visa. Most important, a person un-

Waiting Time for Spouses and Minor Children of LPRs (FB-2A)



Source: DOS Visa Office
Visa Bulletin (1992-1997).

[3] It appears that the priority date (i.e., the cut-off date by which an approved petition must have been filed) has moved forward as much as it has only because of delays in processing applications for adjustment of status within the United States. When it became clear that INS could not keep up with the adjustment backlog, the Department of State moved up the priority date to continue processing visas overseas. As many of the adjustment applications are still to be processed, it is likely that there will be very little movement on the priority date during the next several months.

lawfully present for more than six months will be inadmissible for three years, and those unlawfully present for more than one year will be inadmissible for ten years.[4] If Congress decides not to renew the provision [known as Section 245(i)] that permits these individuals to adjust status within the United States, they will be unable to become legal immigrants even if they meet all other admission criteria.

An unknown, but believed to be large, number of spouses and minor children awaiting legal status are unlawfully present in the United States. While the Commission does not condone their illegal presence, we are cognizant of the great difficulties posed by the four-or-more-year waiting period for a family second-preference visa. U.S. immigration policy should not force legal immigrants to choose between family responsibilities and vows and their continued presence in the United States. The Commission believes no spouse or minor child should have to wait more than one year to be reunited with their U.S. petitioner.

The Commission is also concerned with the impact on nuclear family reunification of the provisions adopted in the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA] to address perceived abuses in the use of parole. We agree that parole should be used only in exceptional circumstances and that Congress should be involved more directly in decisions to parole large numbers of individuals for permanent residence. We further recognize the validity of efforts to count long-term parolees against worldwide numerical ceilings. However, we do not agree with

[4] IIRIRA permits the Attorney General to provide a waiver for spouses and minor children if there is an extreme hardship to the U.S. petitioner. Although standards have not been set for implementing this provision, mere separation from family members generally has not counted as an "extreme hardship" in applying other provisions where extreme hardship is a ground for relief.

the IIRIRA provisions that count parolees against family-based admission numbers. Moreover, the language of IIRIRA requires the counting of those admitted with the intention that they reside permanently *and* those who are paroled for short stays but who are not known to have left one year later. For the first time in U.S. law, persons illegally in the U.S. would be counted against legal admission ceilings. This creates a conflict between policies. Moreover, inadequacies in current entry-exit controls mean that some parolees who leave the country will be determined to have remained and will also be counted against the legal admissions ceiling. Because the parole numbers are deducted from the family preferences, the new provisions hold the potential for delaying still further the already unacceptable delays in admission of nuclear family members.

The Commission believes that the national interest in the entry of nuclear family members outweighs that of more extended family members. We recognize that others disagree; they argue that the bonds to adult children and adult siblings can be as strong as the bond between spouses and with minor children. They also point to the valuable assistance provided by many extended families in setting up and running businesses and providing child care and other supportive services. Whatever the cultural and economic values attached to each family relationship, however, the far stronger responsibilities to one's spouse and minor children are well established in the U.S. We continue to believe that our family reunification system will remain seriously flawed until the spouses and minor children of LPRs are treated as a priority.

An end to extended visa categories is justified even apart from the large nuclear family backlog. The Commission pointed out in its 1995 report that the extraordinarily large

waiting list for siblings of U.S. citizens, and to a lesser extent, adult children undermines the integrity of the legal immigration system.

The backlog for siblings of adult U.S. citizens has stabilized during the past two years, but at a very large level. In January, 1995, there were 1.6 million on the waiting list; as of January 1997, the waiting list was 1.5 million. Except for oversubscribed countries, siblings who applied ten years ago are now eligible to enter. Admissions from the Philippines are of those who applied almost twenty years ago. These extended waiting periods mean that most siblings enter well into their working lives, limiting the time during which they can make a contribution to the U.S. economy. More than one-half of all the siblings and their spouses admitted in FY 1996 were above the age of 45. In other immigration categories, most principals are in their twenties or thirties.

The backlog for adult children is growing. In January 1995, there were about 70,000 unmarried sons and daughters of citizens, 500,000 unmarried sons and daughters of LPRs, and 260,000 married sons and daughters of citizens in the backlog. As of January 1997, the unmarried backlog had grown to more than 90,000 and 575,000, respectively, and the married children backlog is more than 310,000.

A particular concern is the "aging out" of children who were minors at the time of application, but who turned 21 years of age while awaiting their green cards. The Commission proposed in our 1995 report that the Immigration and Nationality Act [INA] be amended so that "a person entitled to status at the time a petition is approved shall continue to be entitled to that status regardless of his or her age."

- **Skill-based admissions policies that enhance opportunities for the entry of highly-skilled immigrants, particularly those with advanced degrees, and eliminate the category for admission of unskilled workers.** The Commission continues to recommend that immigrants be chosen on the basis of the skills they contribute to the U.S. economy. Only if there is a compelling national interest—such as nuclear family reunification or humanitarian admissions—should immigrants be admitted without regard to the economic contributions they can make. The reunification of adult children and siblings of adult citizens solely because of family relationship is not as compelling.

  A number of the NRC report's findings argue for increasing the proportion of immigrants who are highly-skilled and educated so as to maximize fiscal contributions, minimize fiscal impacts, and protect the economic opportunities of unskilled U.S. workers. The NRC research shows that education plays a major role in determining the impacts of immigration. Immigration of unskilled immigrants comes at a cost to unskilled U.S. workers, particularly established immigrants for whom new immigrants are economic substitutes. Further, the difference in estimated fiscal effects of immigrants by education is striking: using the same methodology to estimate net costs and benefits, immigrants with a high school education or more are likely to be net contributors while those without a high school degree are likely to be net costs to taxpayers.

  Shifting priorities to higher skilled employment-based immigrants will have a beneficial multiplier effect. The highly-skilled are, in effect, new seed immigrants who will petition for admission of their family members. The educational

level of the spouses and children of highly-educated persons tends to be in the same range. Hence, our society benefits not only from the entry of highly-skilled immigrants themselves, but also from the entry of their family.

The Commission's framework for legal skill-based admissions includes two broad categories. The first category would cover individuals who are exempt from labor market tests because their entry will generate economic growth and/or significantly enhance U.S. intellectual and cultural strength without undermining the employment prospects and remuneration of U.S. workers: aliens with extraordinary ability, multinational executives and managers, entrepreneurs, and ministers and religious workers. The second category covers individuals subject to labor market tests, including professionals with advanced degrees, professionals with baccalaureate degrees, and skilled workers with specialized work experience.

In our 1995 report, the Commission recommended allocation of 100,000 admission slots to skill-based immigrants. That number represented an increase of about 10 percent over actual usage of these visas, but a decline from the statutory ceiling of 130,000 admission numbers (i.e., 140,000 minus the 10,000 allocated to lesser skilled workers). We further recommended that unused skill-based admissions carry over to the following year's skill-based admissions.

The trend in admission of skill-based immigrants supports our 1995 recommendations, but also indicates the great need to monitor and revise admission numbers as needed. In FY 1995, 85,000 employment-based immigrants were admitted, including 7,900 unskilled workers. This number was artificially low, however, because of INS delays in adjudicating

applications for adjustment of status. In FY 1996, admissions totaled 117,000, including 12,000 unskilled workers. The 100,000 skilled admission numbers recommended by the Commission would have been sufficient to cover the period 1994-1996 (with the carry-over provision). However, if the FY 1996 spike turns out to be real (rather than an artifact of the adjustment of status delays of FY 1995), the number of employment-based visas may need to be revised.

The Commission also continues to recommend changes in the procedures used in testing the labor market impact of employment-based admissions. Rather than use the lengthy, costly, and ineffectual labor certification system, the Commission recommends using market forces as a labor market test. To ensure a level playing field for U.S. workers, employers would attest to having used normal company recruiting procedures that meet industry-wide standards, paying the prevailing wage, and complying with other labor standards. Businesses recruiting foreign workers also would be required to make significant financial investments in certified private sector initiatives dedicated to improving the competitiveness of U.S. workers. These payments should be set at a per-worker amount sufficient to ensure there is no financial incentive to hire a foreign worker over a qualified U.S. worker. Labor certification continues to be a time-consuming, unproductive way to protect U.S. workers from unfair competition from immigrant workers. The Department of Labor has tried to institute reforms that have streamlined the process for certain applications. The result, however, has been to slow down even further other applications that do not meet the streamlining requirements.

- **Refugee admissions based on human rights and humanitarian considerations, as one of several elements of** U.S.

leadership in assisting and protecting the world's **persecuted.**[5] Since its very beginnings, the United States has been a place of refuge. Today, when millions of refugees are displaced because of persecution, human rights violations, or warfare, U.S. leadership in responding to refugee crises is critical. The Commission believes continued admission of refugees sustains our humanitarian commitment to provide safety to the persecuted, enables the U.S. to pursue foreign policy interests in promoting human rights, and encourages international efforts to resettle persons requiring rescue or durable solutions. The Commission also urges the federal government to continue to support international assistance and protection for the majority of the world's refugees for whom resettlement is neither appropriate nor practical.

Admissions to the U.S. should be seen within the context of broader U.S. interests in protecting and assisting refugees worldwide. The Commission believes a comprehensive U.S. refugee policy should be coordinated by an office within the National Security Council [NSC] to serve as the White House focal point for domestic and international refugee and related humanitarian issues: to care for and protect refugees overseas; to resettle the few for whom U.S. resettlement is the only or best option and provide sensible transitional assistance to them; to operate an effective system for protecting *bona fide* asylum seekers in the U.S. while deterring those who are not; and to adopt a humane and effective plan to respond to mass migration emergencies.

The admission of refugees should be divided into two broad priority groups with numbers allocated accordingly. The first priority would be for refugees who are in urgent need

[5] For a full explanation of the Commission's refugee-related recommendations, see *U.S. Refugee Policy: Taking Leadership,* 1997.

of rescue and refugees who are the immediate relatives of persons already living legally in the United States. The second priority would include refugees whose admission is of special humanitarian interest to the United States but who are not in imminent danger where they currently reside. Admission numbers would be sufficient each year to guarantee entry to all *bona fide* applicants within the first priority and an agreed-upon number for the second priority Family members and close household members who are dependent on the principal applicant for financial or physical security should also be included among admissions within this priority system.

The United States should set annual numerical targets—but not a statutory limit—for future refugee admissions. The Commission recommends an improved consultation process that will help ensure that admission numbers and allocations meet U.S. national and international interests. The annual consultations should be strengthened by considering projections of admission levels and priorities for at least two years beyond the fiscal year under immediate consideration. Input should be solicited from a wide range of human rights and humanitarian organizations with knowledge of conditions precipitating the need for resettlement.

The United States also should use an active, inclusive process for identifying and making decisions regarding the admissibility of applicants for resettlement, conferring with a broad set of agencies in identifying possible candidates for resettlement. The U.S. government should confer with a broader set of agencies in identifying possible candidates for resettlement, including international and local human rights organizations, relief agencies providing assistance to refugees, and host governments.

The Commission further believes changes are needed to make the administrative processes for admission more flexible and streamlined in determinations of eligibility in order to respond quickly to refugee crises. Also, refugees should be admitted with LPR status except in cases where there has been inadequate opportunity prior to admission for the admitting officer to thoroughly review the case(s).

The Commission supports a continuing program of assistance to refugees after entry. The current array of assistance and services that characterize the resettlement program should be maintained, but with increased attention to services that prepare refugees for rapid economic self-sufficiency and civic participation. In addition, the federal, state, and local agencies involved in resettlement should develop a national plan for streamlining the program to address the complexity of the funding process and reporting requirements, the overlap of programs and responsibilities, and the lack of clear accountability for the outcomes of the program.

The current public/private partnership in the domestic resettlement program should be continued, but for a three-year trial period their division of responsibility should be more explicit, with (1) the public sector assuming responsibility for refugees eligible for the publicly funded public assistance programs and (2) the private sector being responsible for a limited duration program for refugees not eligible for the mainstream public programs.

The mechanisms by which the refugee program is funded should be strengthened through changes to the Refugee Act: (1) to specify a minimum time period of special refugee cash and medical assistance provided to refugees not eligible for Temporary Assistance for Needy Families [TANF] or Supplemental Security Income [SSI]; (2) to permit the appropria-

tion of "no year" money for the cash and medical assistance portion of the Office of Refugee Resettlement [ORR] budget; (3) to broaden the consultation process to ensure greater consistency between admission decisions and appropriation of funds to support refugee assistance and services; and (4) to establish a domestic emergency fund.

The Commission continues to recommend against denying benefits to legal immigrants solely because they are noncitizens. The Commission believes that the denial of safety net programs to immigrants solely because they are noncitizens is not in the national interest. In previous reports, the Commission argued that Congress should address the most significant uses of public benefit programs —particularly, elderly immigrants using Supplementary Security Income—by requiring sponsors to assume full financial responsibility for newly-arriving immigrants who otherwise would be excluded on public charge grounds. In particular, the Commission argued that sponsors of parents who would likely become public charges assume the responsibility for the lifetimes of the immigrants (or until they became eligible for Social Security on the basis of work quarters). We also argued that sponsors of spouses and children should assume responsibility for the duration of the familial relationship or a time-specified period. We continue to believe that this targeted approach makes greater sense than a blanket denial of eligibility for public services solely on the basis of a person's alienage.

The Commission continues to recommend against denying benefits to legal immigrants solely because they are noncitizens.

Basing eligibility for assistance on citizenship debases citizenship. We encourage immigrants to become citizens in order to participate fully in the civic life of the country. We do not want immigrants to become citizens solely because the alternative is the serious economic hardship that may result if benefits are lost or unavailable. In some cases, categorical denial of eligibility to legal aliens undermines the very purpose of our immigration policy. For example, the United States admits refugees, as noted above, to provide protection against the dangerous situations they encounter in their home coun-

tries and first-asylum countries. Some of the most vulnerable refugees requiring such protection are the elderly and disabled who will have the greatest difficulty meeting our naturalization standards.

This is not to deny that elderly and disabled immigrants pose a cost to U.S. taxpayers. The NRC report confirms this fact. By contrast, however, immigrants who come during their prime working years generally do not pose a net cost to the taxpayer over their lifetime. Most of the fiscal impact related to the presence of immigrants comes in the area of education, which can be seen as both a cost and an investment as education has long-term benefits to the United States both in a more skilled workforce and in higher income and resulting tax payments.

The Congress did not accept the Commission's recommendations to preserve the safety net. Some eligibility for elderly and disabled immigrants receiving Supplementary Security Income lost as of the enactment of the welfare reform legislation has been restored as a result of budget negotiations. Eligibility for food stamps and other programs designed for the working poor were not restored, however. And, future immigrants will be ineligible for SSI even if they become disabled after entry and have no other means of support.

The Congress did adopt, but in a modified version, the Commission's recommendation for binding affidavits of support. The 1996 legislation framed the requirement in two ways that differ from the Commission's recommendations. First, the legally-binding affidavit, with its more rigorous requirements regarding the income of sponsors, applies to some persons who are not likely to be public charges but not to others who are likely to require assistance. The affidavits apply to *all* family-based immigrants, not just to those who are likely to be public charges. By contrast, the new affidavit will not be used for other admission categories (for example, diversity immigrants) even if an immigrant is likely to be a public charge.

Second, under the new legislation, the same time periods and requirements apply to everyone who signs an affidavit. The affidavits are in force until the immigrant works forty quarters or becomes a U.S. citizen. The Commission believes the period of responsibility should be geared instead to the family relationship and likely period during which the immigrant may require assistance. For example, the sponsors of an elderly parent would be required to assume a longer (even an indefinite) period of support if the parent is of an age that makes it unlikely that he or she would become self-supporting. The responsibility for a spouse, however, would be for a time-limited period or for the duration of the marriage, whichever is longer. Under the new law, the responsibility of petitioners of younger immigrants is so open-ended that it does not provide a realistic or fair set of obligations. For example, if a U.S. citizen marries a foreign student with a professional degree and a job offer, the U.S. citizen must now take on a open-ended obligation to the foreign student, an obligation that carries on even if the marriage ends in divorce. If the immigrant spouse chooses not to work (and therefore doesn't meet the forty quarters requirement) and not to naturalize, the citizen remains responsible for his or her financial support (at 125 percent of the poverty level) indefinitely. The law has no "good cause" exception.

To conclude, the Commission's recommendations on legal admissions are as relevant today as they were in 1995. The Commission urges the Congress to take the measures needed to reform our legal immigration policies so it best serves the national interest in a well-regulated immigration system.

LIMITED DURATION ADMISSIONS

Persons come to the United States for limited duration stays for several principal purposes: representation of a foreign government or other foreign entities; work; study; and short-term visits for commercial or personal purposes, such as tourism or family visits. These individuals are statutorily referred to as "nonimmigrants." In this report, however, we refer to "limited duration admissions [LDAs]", a term that better captures the nature of their admission. When the original admission expires, the alien must either leave the country or meet the criteria for a new LDA or permanent residence. The term "nonimmigrants" is misleading as some LDAs entering the United States are really in transition to permanent residence, and other LDAs enter for temporary stays and become permanent residents based on marriage or skills.[6]

The benefits of a well-regulated system of LDAs are palpable. LDAs represent a considerable boon to the U.S. economy. The tourism and travel industry (domestic and international) is the second largest employer in the United States and generates 6 percent of the nation's Gross Domestic Product [GDP]. International tourism provides a net trade surplus (dollars international visitors spend here minus dollars U.S. visitors spend outside the U.S.) of $18 billion. Worldwide, the U.S. earned the most from international visitors—more than $64 billion.

Foreign students and workers often enrich the cultural, social, and scientific life of the United States. Our universities gain access to many talented students worldwide, thus maintaining the global competitiveness of the U.S. system of higher education. Foreign students give U.S. students the opportunity to learn about foreign

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[6] Certain LDA categories, such as those for fiancé(e)s, intracompany transferees, and specialty workers provide explicit bridges to permanent immigration.

Limited Duration Admissions and Visa Issuances

Class of Admission	Admissions (Entries) 1996	Visa Issuances 1996
All classes*	24,842,503	6,237,870
Foreign government officials (& families) (A)	118,157	78,078
Temporary visitors for business and pleasure (B1, B2)	22,880,270	4,947,899
Transit aliens (C)	325,538	186,556
Treaty traders and investors (& families) (E)	138,568	29,909
Students (F1, M1)	426,903	247,432
Students' spouses/children (F2, M2)	32,485	21,518
Representatives (& families) to international organizations (G)	79,528	30,258
Temporary workers and trainees	227,440	81,531
Specialty occupations (H-1B)	144,458	58,327
Performing services unavailable (H2)	23,980	23,204
Agricultural workers (H-2A)	9,635	11,004
Unskilled workers (H-2B)	14,345	12,200
Workers with extraordinary ability (O1, O2)	9,289	4,359
Internationally recognized athletes or entertainers (P1, P2, P3)	33,633	23,885
Exchange & religious workers (Q1, R1)	11,048	5,946
Spouses/children of temporary workers and trainees (H4, O3, P4, R2)	53,572	38,496
Exchange visitors (J1)	215,475	171,164
Spouses/children of exchange visitors (J2)	41,250	33,068
Intracompany transferees (L1)	140,457	32,098
Spouses/children of transferees (L2)	73,305	37,617

Sources: Admissions: U.S. Immigration and Naturalization Service statistical division. Visa Issuances: U.S. Department of State. 1996. *Report of the Visa Office, 1996*. Washington, DC: DOS, Bureau of Consular Affairs.

*Categories may not equal total because of omitted categories (e.g., fiancé(e)s of U.S. citizens, overlapping Canadian Free Trade Agreement professionals, unknown, NATO officials and professionals, and foreign media).

societies and cultures and, on returning home—often to positions of leadership—share their exposure to our democratic values, constitutional principles, and economic system. Foreign workers give employers timely access to a global labor market when they cannot identify or quickly train U.S. workers with knowledge and expertise required for a specific job. These worker programs also help companies conducting business both in the U.S. and internationally to reassign personnel as needed to maintain their competitiveness. As economies become increasingly integrated, companies are attracting more and more U.S. workers abroad as well.

Yet, LDAs pose problems for U.S. society under two principal circumstances: when the aliens fail to depart at the end of their legal stay; and when they present unfair competition to U.S. workers. The first problem is an enforcement one. Although overstayers represent a minute portion of the LDAs admitted each year, they are a significant part of the illegal immigration problem. The Immigration and Naturalization Service estimates that as many as 40 percent of the illegal aliens currently in the country originally entered with LDAs, many as short-term visitors. An equally pressing problem is the current inability to track the continued presence and whereabouts of many longer-term LDAs, particularly foreign students, after their arrival in the United States. This lack of capacity to monitor their presence exacerbates the problems of overstay and other violations of their legal status.

The second issue arising in limited duration admissions relates to the criteria for admission of foreign workers and the procedures used to determine their impact on U.S. workers. A proper balance must be struck in the LDA system between enhancing the productivity and global competitiveness of the U.S. economy through access to foreign workers and protecting U.S. workers against unfair competition.

The availability of foreign workers may create a dependency on

them. It has been well-documented that reliance on foreign workers in low-wage, low-skill occupations, such as farm work, creates disincentives for employers to improve pay and working conditions for American workers. When employers fail to recruit domestically or to pay wages that meet industry-wide standards, the resulting dependence—even on professionals—may adversely affect both U.S. workers in that occupation and U.S. companies that adhere to appropriate labor standards. For many of the foreign workers, even wages and working conditions that are very poor by U.S. standards are much better than those available at home. In a few egregious cases, businesses have hired temporary foreign workers after laying off their own domestic workforce.

The Immigration Act of 1990 imposed numerical limits on two employment categories where such dependence was feared: H-1B (specialty workers) is capped at 65,000 per year, and H-2B (unskilled workers) is capped at 66,000 per year. While the H-2B category is far from its numerical limits, the statutory cap on annual H-1B admissions was reached for the first time in FY 1997. INS announced in August 1997 the formation of a waiting list because approved workers would be ineligible to enter until the start of the next fiscal year. If the trend in applications continues, the cap is likely to be reached even earlier in FY 1998. Hence, employers petitioning late in the year would be required to wait for the admission of approved workers.

The current business users of the H-1B tend to fall into two distinct categories. One group of employers is clearly unlikely to become dependent on foreign workers but potentially is adversely affected by the numerical limits. These employers tend to hire relatively few foreign workers (for example, measured as a proportion of their overall workforce). Generally, they have identified specific foreign workers whose specialized skills are needed. Often, the company has done extensive recruitment in the United States and has been unable to find qualified workers with the specific skills they seek.

Because foreign workers represent a relatively small proportion of their workforce, there is little risk that foreign hires will cause either job displacement or wage depression for U.S. workers.

A second group of employers includes companies that make extensive use of H-1B professionals (again, as measured by proportion of their workforce). Sometimes, they seek approval in the same application for a large number of foreign workers who share minimal professional qualifications. But even within this more dependent group, there is variation in the risk posed by the importation of foreign workers to U.S. workers. Some employers recruit domestically or take other steps to employ U.S. workers, but they are unable to find sufficient professionals to fill their needs. Other employers recruit exclusively overseas and make no effort to employ qualified U.S. workers. They may utilize the H-1B workers in their own operations or contract the foreign workers to other employers.

Under current law, the numerical limits, and now required waiting time, pertain equally to the employer who has few foreign workers and the employer who has only foreign workers. Similarly, the same provisions apply to the employer who has recruited extensively within the United States and been unable to find a worker with the needed specialized skills and to the employer who does no domestic
recruitment.

The recommendations presented in this report seek to maximize the potential benefits for the U.S. economy and society resulting from the admission of LDAs while minimizing the potential negative effects. They build on—and in some cases reinforce—the Commission's previous recommendations for reforming the permanent legal immigration system. The overarching goal is to maintain the advantages that accrue to American society from entry of LDAs while protecting the legitimate interests of American workers and businesses from unfair competition.

Principles for a Properly-Regulated System

The Commission believes that LDA policy should rest on the following principles:

- **Clear goals and priorities**. LDA policy should clearly differentiate the goals of each set of visa categories, with procedures that reflect the requirements of each type of visa and subsequent admission. With more than forty different LDA visas provided for under current law, as discussed below, it is often difficult to identify how the goals of one category differ from those of others.

- **Systematic and comprehensible organization of LDA categories**. The statutory definitions, criteria, and procedures for visas and admission have developed in an *ad hoc* fashion. There is now accumulation of more than forty different LDA visas (subsumed under nineteen alphabetical headings), including overlapping categories for students, workers, and other visitors, as well as additional visas added to address the concerns of specific interest groups. Simplification of the system would enable businesses, educators, persons with LDAs, government officials, and the general public to understand more clearly the requirements for visa application and admission and the responsibilities of the persons with LDAs and their sponsors. Administration of the LDA system could be simplified, with attendant reduction in cost and confusion.

- **Timeliness, efficiency, and flexibility in implementation**. LDA policy should be implemented in a timely and efficient way with sufficient flexibility in law and regulations to respond to such domestic considerations as changes in the economy and our educational systems. Because of the time-limited nature of the stay, it is imperative that the system

allow admissions decisions to be made expeditiously while retaining a capacity to identify unqualified or fraudulent applications. Similarly, the provisions to protect U.S. workers must allow for timely and efficient mechanisms to investigate complaints and impose appropriate sanctions. While a good part of the LDA system now functions in a timely way, the diffusion of responsibility in foreign worker categories reduces the potential efficiency of that part of the system. The Commission's structural reform recommendations, discussed below, will help address certain inefficiencies.

- **Compliance with conditions for entry and exit and effective mechanisms to monitor and enforce this compliance.** The LDA system should be designed to allow for greater compliance, monitoring, and enforcement. Policies should specify clearly the conditions of entry and the penalties for noncompliance. It is the responsibility of the government, with the cooperation of the private sector where appropriate, to record, track, and report on those entering for limited duration stays. Americans expect that aliens will respect and observe the conditions of their temporary admission, including departure at the end of their lawful stay, and that they will be subject to government enforcement if they fail to comply with the conditions of their admission or if they overstay. Their sponsors (generally, businesses and schools) also bear responsibility for complying with all relevant requirements. Penalties for noncompliance must be commensurate with the offense. The current system does not yet have exit controls in place. In sum, the LDA system should meet a "truth-in-advertising" test.

- **Credible and realistic policies regarding transition from LDA to permanent immigrant status.** Realistic policies should continue to differentiate between LDAs who will

remain only temporarily and those who become permanent. For example, LDAs should continue to be able to transition to immigrant status as expeditiously as possible if they enter *bona fide* marriages with U.S. citizens or meet the justifiably high education, skill standards, and prescribed labor market tests of the permanent skill-based immigration categories.

- **Protection of workers from unfair competition and of foreign workers from exploitation and abuse**. LDA worker categories present special challenges in ensuring that U.S. workers are protected from unfair competition while legitimate foreign workers are protected from exploitation. Any system of LDA admissions must include protections for both U.S. and foreign workers, protections that are commensurate with the risk of unfair competition or abuse that the specific category presents. For example, lesser-skilled workers (whether American or foreign) who are newly entering the workforce and whose skills are easily replaced are generally more vulnerable—both to displacement and exploitation—than are more highly-skilled, specialized workers. Businesses that contract out their foreign workers to other businesses pose a greater risk for labor market violations because of the greater diffusion of employer responsibility. Also, employees of firms whose workforces consist primarily of temporary foreign workers, particularly from low-wage countries, are more vulnerable to exploitation; these foreign workers may be used to displace American workers because of their fear that any complaint about wages and working conditions might lead to deportation.

- **Appropriate attention to limited duration admission policies in trade negotiations**. Important policy decisions on admission of temporary workers occurred during negotiations on the North American Free Trade Agreement [NAFTA] and the General Agreement on Trade in Services [GATS].

Some are concerned that these treaty obligations restrict the capacity to reform our LDA policies by locking current immigration law into place or establishing minimum requirements to which changes in immigration law must adhere. In the future, both the Administration, in negotiating trade agreements, and the Congress, in passing enabling legislation, should assess more carefully the long-term ramifications of trade negotiations for immigration policy. The aim should be to ensure that options for future immigration reform are not unknowingly foreclosed.

The following recommendations aim at maximizing the potential benefits accruing from admission of LDAs while minimizing the potential harmful effects.

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable.

Framework

The Commission recommends a reorganization of the visa categories for limited duration stays in the United States to make them more coherent and understandable. The Commission recommends that the current proliferation of visa categories be restructured into five broad groups: official representatives; short-term visitors; foreign workers; students; and transitional family members. Subcat-

[7] The current system includes the J visa for cultural exchange, which is used for a variety of purposes, ranging from short-term visits to study and work. The workers include scholars and researchers, camp counselors, *au pairs*, and various others. Some work activities under the J visa demonstrate a clear cultural or education exchange; other work activities appear only tangentially related to the program's original purposes. Protection of U.S. workers by labor market tests and standards should apply to the latter group in the same manner as similarly situated temporary workers in other LDA categories. The Department of State should assess how better to fulfill the purpose of the Mutual Educational and Cultural Exchange Act of 1961 [Fulbright-Hays Act]. Such an analysis is particularly timely in light of the merger now being implemented between the Department of State and the United States Information Agency, which is responsible for administering the J visa.

egories of these groups may be appropriate in some cases. This reorganization reflects such shared characteristics of different visa categories as entry for like reasons, similarity in testing for eligibility, and similar duration of stay in the United States.

The definitions and objectives of the five limited duration admission groups would be:[7]

- **Official representatives** are diplomats, representatives of or to international organizations, representatives of NATO or NATO forces, and their accompanying family members. The objective of this category is to permit the United States to admit temporarily individuals who represent their governments or international organizations. The presence of official representatives in the United States is based on reciprocity; the United States expects similar treatment for its own persons in similar capacities abroad. Under current law, these individuals are admitted under the A and G visas. For the most part, members of these groups are admitted to the United States for the duration of their status as official representatives.

- **Short-term visitors** come to the United States for commercial or personal purposes. In 1995 alone, an estimated 43.5 million inbound visitors from other countries spent $76 billion on travel to and in the United States (on U.S. flag carriers, lodging, food, gifts, and entertainment).[8] This supports the U.S. national interest in encouraging tourism and business exchange. The majority of short-term visitors enter the United States under the visa waiver program, which is available for nationals of countries demonstrating little visa

[8] The 43.5 million visitors include the admission entries of individuals from countries where a visa or visa waiver is required as well as those from Canada (no visa, visa waiver, or border crossing card required) and Mexico (border crossing card required).

abuse. (For these nationalities, visas are required for all other purposes). "Nonwaiver" nationalities must possess a B visa for tourism or business, or a C visa for transit. Some short-term visitors also enter with the J visa if they are sponsored by the U.S. Information Agency [USIA] or other U.S. government agency. Short-term visitors generally have little or no effect on the U.S. labor market as they are severely limited in what they can do in the United States. Under current law, waiver visitors are admitted for ninety days, with no option for extension; visitors admitted with B visas are normally authorized a six-month stay, with flexibility to apply for another six months. Those in transit with C visas are given up to twenty-nine days' stay. The majority of visitors by their own volition stay for very short periods. This category also includes informants/witnesses (current S classification) whose temporary entry is in the U.S. national interest because their knowledge is needed for criminal prosecutions.

- **Foreign workers** are those who are coming to perform necessary services for prescribed periods of time, at the expiration of which they must either return to their home countries or, if an employer or family member petitions successfully, adjust to permanent residence. This category would serve the labor needs demonstrated by U.S. businesses with appropriate provisions to protect U.S. workers from unfair competition. Under current law, numerous types of foreign workers are admissible under the D visa for crewmembers, E visa for treaty traders and investors, H visa for "specialty workers" and other temporary workers, I visa for foreign journalists, L visa for intracompany transferees, O visa for aliens of extraordinary ability, P visa for performers and entertainers, Q visa for participants in cultural exchange programs, and R visa for religious workers. In addition, certain other workers enter under the TN provisions created

by NAFTA. There is a second, parallel system under which other workers enter with J visas because they are sponsored by an institution approved by the U.S. Information Agency to engage in cultural exchange. Some of these J workers are paid by their own governments or home institutions whereas others receive compensation from the U.S. institutions and businesses employing them. Also included as foreign workers are trainees, that is, individuals receiving on-the-job training by working in U.S. institutions. The present multiplicity of LDA work categories could be rationalized and made to parallel similar immigrant visa categories. [See below for specific recommendations regarding foreign workers.]

- **Students** are persons who are in the United States for the purpose of acquiring either academic or practical knowledge of a subject matter. This category has four major goals: to provide foreign nationals with opportunities to obtain knowledge they can take back to their home countries; to give U.S. schools access to a global pool of talented students; to permit the sharing of U.S. values and institutions with individuals from other countries; and to enhance the education of U.S. students by exposing them to foreign students and cultures. Students now enter under at least three visa categories: F visa for academic students; J visa, also for academic students (but generally including those whose education is paid by their own government or the U.S. government rather than themselves); and M visas for vocational students.

- **Transitional family members** include fiancé(e)s of U.S. citizens. These individuals differ from other LDAs because they are processed for immigrant status, although they do not receive such status until they marry in the U.S. and adjust. The Commission believes another category of transitional family members should be added: spouses of U.S.

citizens whose weddings occur overseas but who subsequently come to the U.S. to reside. At present, a U.S. citizen cannot petition for the admission of a spouse until after the marriage. Months often pass before the foreign spouse can come to the U.S. Under the Commission's plan, the newlywed should be permitted to enter the U.S. under a transitional family visa and then complete the paperwork for legal permanent resident status.

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstays.

Short-Term Visitors

The Commission recommends that the current visa waiver pilot program for short-term business and tourist visits be made permanent upon the implementation of an entry-exit control system capable of measuring overstays. A permanent visa waiver system requires appropriate provisions to expand the number of participating countries and clear and timely means for removing those countries that fail to meet the high standards reserved for this privilege. Congress should extend the pilot three years while the control system is implemented.

Most observers recognize that the waiver has been a positive factor in increased tourism and trade and in less processing time for many travelers at ports of entry. More than one-half of the short-term visitors from waivered nationalities come to the U.S. under the waiver, and INS reports little overstay or other immigration violations from these visitors. The Department of State [DOS] has been able to reallocate its relatively high-cost overseas resources to areas that need greater attention, such as increased antifraud efforts, coping with the Diversity Visa workload, and staffing new posts in the former Soviet Union. A key factor in the success of the waiver program is the electronic sharing of "watch list" data of persons ineligible for visas between the Department of State and INS on an almost immediate basis. Being able to screen visitors arriving with-

out visas at ports of entry serves the fundamental purpose of ensuring that statutorily ineligible aliens are not admitted to the United States.

Foreign Workers

Each year, more foreign workers enter the United States as LDAs for temporary work than enter as skill-based immigrants. In FY 1996, the Department of State issued almost 278,000 limited duration worker visas, including those for spouses and children. (Other LDA workers who changed status within the United States are not reflected in these statistics. Also not considered are LDA foreign students working in the United States during their course of study or as part of their practical training, or researchers entering under J visa programs.) By contrast, only 117,000 immigrant visa issuances and domestic adjustments of status in worker categories were recorded in FY 1996, far less than the legislated limit of 140,000.

The Commission recommends that the limited duration admission classification for foreign workers include three principal categories: those who, for significant and specific policy reasons, should be exempt by law from labor market protection standards; those whose admission is governed by treaty obligations; and those whose admission must adhere to specified labor market protection standards. Under this recommendation, LDA worker categories would be organized around the same principles that guide permanent worker categories. LDA workers would be subject to rigorous tests of their impact on the labor market unless they are exempt from these tests because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers.

The Commission recommends that the limited duration admission classification for foreign workers include three principal categories: those who, for significant and specific policy reasons, should be exempt by law from labor market protection standards; those whose admission is governed by treaty obligations; and those whose admission must adhere to specified labor market protection standards.

Within the labor market protection standards group, criteria for admission are consistent with the potential adverse effect of given categories of workers. The Commission believes adverse impact is broadly related to educational and skill level of the affected workers. Although there sometimes is an adverse effect from even the most highly-skilled and experienced foreign workers, the benefits of such workers are usually large to American society as a whole. They are likely to enhance the U.S. national interest through the generation of economic activity, including the creation of jobs. In general, the higher the levels of education and skill required in a given occupation, the more likely U.S. workers will be able to compete successfully with workers from abroad. Even at the very highest levels of skill and education, however, this generalization fits some high-skill occupations, but not others.

Entry-level professionals and lesser-skilled workers pose somewhat greater risk of displacing U.S. workers because their work can more likely substitute for that of U.S. workers. If they accept lower wages and benefits or poorer working conditions, they present unfair competition to U.S. workers and their employers may gain an unfair advantage over other U.S. employers. Similarly, unskilled foreign workers present the greatest potential for adverse impact because they are competing with some of the most vulnerable of American workers. Accordingly, the Commission proposes different sub-categories with labor market protection standards commensurate with the risks we believe are posed by the workers.

- **Those exempt by law from labor market protection standards** because their admission will generate substantial economic growth and/or significantly enhance U.S. intellectual and cultural strength and pose little potential for undermining the employment prospects and remuneration of U.S. workers. These include:

Individuals of extraordinary ability in the sciences, arts, education, business, or athletics, demonstrated through sustained national or international acclaim and recognized for extraordinary achievements in their field of expertise. These individuals now enter under the O visa. This category is comparable to the first priority in our permanent resident system. The U.S. national interest is well served by entry of individuals at the very top of their chosen fields who can contribute during their temporary stay to U.S. economic growth and intellectual and cultural strength.

Managers and executives of international businesses (current L visa), also comparable to the first priority in the legal permanent resident system. The global competitiveness of U.S. businesses is enhanced by the capacity of multinational corporations to move their senior staff around the world as needed. Often, there is only temporary need for a transfer, although permanent relocation may later be required. Under current law, the person with a LDA visa must have been employed by the firm, corporation, affiliate or subsidiary continuously for one year within the three years preceding the application for admission. As discussed below, the Commission believes greater safeguards must be in place to ensure that only *bona fide* international businesses benefit from this policy.

Professors, researchers and scholars whose salary or other compensation is paid by their home government, home institution, or the U.S. government in a special program for foreign professors, researchers, and scholars. Each year, professors, researchers, and scholars enter the United States on sabbatical from their own universities or research institutes, often with a J visa. Also in this category are foreign members of research teams cofunded by the United States and

other countries. These individuals present substantial benefits to the United States in the expertise and resources they bring, and they pose no threat of displacement of U.S. researchers as their salaries are from foreign sources or they enter under a U.S. government-funded program, such as the Fulbright Program, whose resources are earmarked through an appropriation process for foreign researchers and scholars.

Religious workers, including ministers of religion and professionals and other workers employed by religious nonprofit organizations in the U.S. to perform religious vocations and religious occupations. Under current law, religious workers must have had at least two years' prior membership in the religious organization (current R visa).

Members of the foreign media admitted under reciprocal agreements (current I visa). The U.S. benefits from the presence of members of the foreign media who help people in their countries understand events in the United States. Just as we would not want our media to be overly regulated by labor policies of foreign governments, the United States extends the same courtesy to foreign journalists working in the U.S.

- **Foreign workers whose admission is subject to treaty obligations.** This includes treaty traders, treaty investors, and other workers entering under specific treaties between the U.S. and the foreign nation of which the alien is a citizen or national. Under the provisions of NAFTA, for example, Canadian professionals are not subject to numerical limits or labor market testing; Mexican professionals continue to be subject to labor market tests, but will be exempt from numerical limits in 2003.

- **Foreign workers subject by law to labor market protection standards.** These are principally:

  Professionals and other workers who are sought by employers because of their highly-specialized skills or knowledge and/or *extensive experience*. Included in this category are employees of international businesses who have specialized knowledge (now admitted under the L visa) and professionals (now covered by the H-1B visa). A diverse range of individuals may be admitted in this category, including, but not limited to, university faculty and researchers with advanced degrees, accountants and lawyers with specialized knowledge of the tax and legal codes of other countries, and electrical engineers and software systems engineers with specialized knowledge needed for systems design. This category would also cover highly-skilled workers without professional degrees if they have substantial experience in their occupation. This category includes as well aliens now admitted under the H-1B visa who have a bachelor's degree but little specialized expertise or experience.

  Trainees admitted to the United States for practical, on-the-job training in a variety of occupations. They now enter through the H-3 visa, practical training arrangements under the F visa, and the J visa provisions pertaining to physicians seeking graduate medical education and to some researchers with J visas engaged in post-doctoral studies. All of these groups have in common work in U.S. institutions as part of a training program. They are paid U.S. wages and, in many cases, are not readily distinguished from U.S. residents in the same type of on-the-job training activities.

  Institutions petitioning for foreign workers as trainees would be required to demonstrate that the principal purpose of the

program is training by showing a significant educational component to the work experience. Trainees would be paid the actual wages provided to U.S. trainees in similar programs. The trainees would be admitted for the specified duration of the training program. For example, a foreign physician admitted for graduate medical education would be admitted for the period of the specific residency program.

Artists, musicians, entertainers, athletes, fashion models, and participants in international cultural groups that share the history, culture, and traditions of their country. This category includes aliens now admitted under the P visa and Q visa, as well as fashion models admitted under H-1B visa, and athletes, musicians and other performers admitted under the H-2B visa.

Lesser-skilled and unskilled workers coming for seasonal or other short-term employment. Such worker programs warrant strict review, as described below. This category includes aliens now admitted with H-2A and H-2B visas. Requests for admission of unskilled and lesser-skilled workers should be met with heightened scrutiny. Temporary worker programs for lesser-skilled agricultural workers exert particularly harmful effects on the United States. The Commission remains opposed to implementation of a large-scale program for temporary admission of lesser-skilled and unskilled workers along the lines of the *bracero* program. Having examined the issue further during our consultations on LDA issues, we reaffirm our belief that a new guestworker program would be a grievous mistake.

Historically, guestworker programs have depressed the wages and working conditions of U.S. workers. Of particular concern is competition with unskilled American work-

ers, including recent immigrants who may have originally entered to perform the needed labor but who can be displaced by newly entering guestworkers. Foreign guestworkers often are more exploitable than lawful U.S. workers, particularly when an employer threatens deportation if the workers complain about wages or working conditions. The presence of large numbers of guestworkers in particular localities—such as rural counties with agricultural interests—presents substantial costs for housing, health care, social services, schooling, and basic infrastructure that are borne by the broader community and even by the federal government rather than by the employers who benefit from the inexpensive labor.

Despite the claims of their supporters, guestworker programs also fail to reduce unauthorized migration. To the contrary, research consistently shows that they tend to encourage and exacerbate illegal movements by setting up labor recruitment and family networks that persist long after the guestworker programs end. Moreover, guestworkers themselves often remain permanently and illegally in the country in violation of the conditions of their admission.

If new initiatives to reduce illegal migration were at some point to create real labor shortages in agriculture or other low-skill occupations, employers could request foreign workers through the LDA provisions that the Commission proposes for the admission of unskilled workers.

The Commission recommends that the labor market tests used in admitting temporary workers in this category be commensurate with the skill level and experience of the worker.

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- **Employers requesting the admission of temporary workers with highly-specialized skills or extensive experience**

should meet specific requirements. Admission should be contingent on an attestation that:

The employer will pay the greater of actual or prevailing wage and fringe benefits paid by the employer to other employees with similar experience and qualifications for the specific employment in question. Actual wage rates should be defined in a simple and straightforward manner. By this recommendation, we do not intend a complicated, bureaucratically-defined wage analysis. Rather, businesses should be able to use their own compensation systems to determine appropriate wages and benefits for the individual foreign worker hired. The entry of a small number of highly-skilled foreign workers should have minimal effect on these wage scales, which will be determined by the majority of U.S. workers employed by the business. In the absence of a company-wide system that ensures equitable compensation for similarly situated workers, the employer would be required to attest to paying prevailing wages for that job category, wages that are typical of the enterprise or nonprofit company. [See below for recommendations for at-risk employers with a significant proportion of foreign workers.]

The employer has posted notice of the hire, informed coworkers at the principal place of business at which the LDA worker is employed and provided a copy of the attestation to the LDA worker employed.

The employer has paid a reasonable user fee that will be dedicated to facilitating the processing of applications and the costs of auditing compliance with all requirements. Currently no fees are collected by the Department of Labor [DOL] for either processing or monitoring purposes. In effect, this requires taxpayers to subsidize these programs.

To ensure that the employer, and not the foreign worker, pays the user fee, penalties should be imposed upon violators.

There is no strike or lockout in the course of a labor dispute involving the occupational classification at the place of employment.

The employer has not dismissed, except for cause, or otherwise displaced workers in the specific job for which the alien is hired during the previous six months. Further, the employer will not displace or lay off, except for cause, U.S. workers in the specific job during the ninety-day period following the filing of an application or the ninety-day periods preceding or following the filing of any visa petition supported by the application.

The employer will provide working conditions for such temporary workers that are comparable to those provided to similarly situated U.S. workers.

- **Certain at-risk employers of skilled workers [described** below] should be required to attest to having taken significant steps—for example, recruitment or training—to **employ U.S. workers in the jobs for which they are recruiting foreign workers.** The Commission is aware that some companies now petitioning for H-1B workers recruit exclusively in foreign countries. The Commission believes that U.S. recruitment or hiring efforts will help ensure that qualified U.S. citizens and permanent residents have access to these jobs. We do not recommend, however, that current labor certification processes be used to document significant efforts to recruit. These procedures are costly, time consuming, and ultimately ineffective in protecting highly-skilled U.S. workers.

Under the now expired H-1A visa program for the admission of LDA registered nurses, several alternative steps were described as meeting the requirement of timely and significant steps to employ U.S. workers. These alternatives include: operating a training program for such workers at the facility (or providing participation in a training program elsewhere); providing career development programs and other methods of facilitating workers to become qualified; paying qualified workers at a rate higher than currently paid to other similarly employed workers in the geographic area; and providing reasonable opportunities for meaningful salary advancement. Examples of other steps that might qualify as meeting the timely and significant requirement include monetary incentives, special perquisites, work schedule options, and other training options.

- **Employers requesting the admission of lesser-skilled workers should be required to meet a stricter labor market protection test.** Such employers should continue to be required to demonstrate that they have sought, but were unable to find, sufficient American workers prepared to work under favorable wages, benefits, and working conditions. They also should be required to specify the steps they are taking to recruit and retain U.S. workers, as well as their plans to reduce dependence on foreign labor through hiring of U.S. workers or other means. (For example, sugar cane growers in southern Florida who had petitioned for foreign workers had success in reducing their dependence on H-2A workers through mechanization.) Employers should continue to be required to pay the highest of prevailing, minimum, or adverse wage rates, provide return transportation, and offer decent housing, health care, and other benefits appropriate for seasonal employees.

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards—regardless of the education, skill, or experience level of its employees—be required to obtain regular independently-conducted audits of their compliance with the attestations made about labor market protection standards, with the results of such audit being submitted for Department of Labor review. Certain businesses, as described below, pose greater risk than others of displacing U.S. workers and/or exploiting foreign workers. The risk factors that should be considered in determining whether stricter protection standards must apply include:

The Commission recommends that categories of employers who are at special risk of violating labor market protection standards be required to obtain regular independently-conducted audits of their compliance with the attestations made about labor market protection standards.

- **The employer's extensive use of temporary foreign workers.** Extensive use can be defined by the percentage of the employer's workforce that is comprised of LDA workers. It also can be measured by the duration and frequency of the employer's use of temporary foreign workers.

- **The employer's history of employing temporary foreign workers.** Those employers with a history of serious violations of regular labor market protection standards or specific labor standards related to the employment of LDA workers should be considered as at risk for future violations.

- **The employer's status as a job contracting or employment agency providing temporary foreign labor to other employers.** Risk of labor violations increases as responsibility is divided between a primary and secondary employer.

To ensure adequate protection of labor market standards, such employers should be required to submit an independent audit of their compliance with all statements attested in their application. The independent audits should be done by recognized accounting firms that have the demonstrated capacity to determine, for example, that

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards.

wages and fringe benefits were provided as promised in the attestation and conformed to the actual or prevailing wages and fringe benefits provided to similarly situated U.S. workers.

The Commission recommends enhanced monitoring of and enforcement against fraudulent applications and postadmission violations of labor market protection standards. To function effectively, both the exempt and nonexempt temporary worker programs must provide expeditious access to needed labor. The Commission's recommendations build on the current system of employer attestations that receive expeditious preapproval review but are subject to postapproval enforcement actions against violators. To ensure adequate safeguards for U.S. workers, the government agencies responsible for processing applications and enforcing the law must have adequate capacity to identify and act quickly against fraudulent applicants and to monitor postapproval violations of the terms under which foreign workers enter. More specifically, the Commission recommends:

- **Allocating increased staff and resources to the agencies responsible for adjudicating applications for admission and monitoring and taking appropriate enforcement action against fraudulent applicants and violators of labor market protection standards.** These agencies require additional resources to investigate potential fraud among applicants for temporary worker visas as well as violations of the labor market protection standards. Enhancing this capability has significant resource implications, especially if, as the Commission also recommends, such antifraud investigations are undertaken in a manner that does not delay visa adjudication and issuance. Increased costs required for more efficient adjudication of applications can be covered by applicant fees. However, additional costs incurred for more effective investigations of compliance with labor market standards will require appropriated funds.

Sufficient funds should be appropriated to provide the additional resources needed for adequate enforcement by the Department of Labor. These resources should be targeted at employers and contractors at special risk of violating labor market protection standards. Targeting these employers makes the most sense both in terms of economical use of resources and in protection of workers.

The Department of State also must have the capacity to make a proper investigation of cases in which fraud is suspected. This capacity is particularly needed in applications for admission of LDAs in exempt categories to ensure that use of these categories does not become a means of evading labor market protection standards. For example, the visa for intracompany transfers has been abused by persons setting up sham corporations. To comply with appropriate requirements for timely decisions, the government must have the resources to investigate suspected fraud.

- **Barring the use of LDA workers by any employer who has been found to have committed willful and serious labor standards violations with respect to the employment of LDA workers. Further, upon the recommendation of any federal, state, or local tax agency, barring the use of LDA workers by any employer who has been found to have committed willful and serious payroll tax violations with respect to LDA workers.** The law currently provides for such debarment for failure to meet labor condition attestation provisions or misrepresentation of material facts on the application. Implementation of this recommendation would enable penalties to be assessed for serious labor standards violations that are not also violations of the attestations. This would address an issue that has come to the attention of the Commission: the knowing misclassification of some

LDA workers as independent contractors, with subsequent failure to pay payroll taxes or other legally-required deductions to the appropriate governmental agency.

- **Developing an enforcement strategy to reduce evasion of the LDA labor market protection standards through use of contractors.** U.S. businesses' growth in contracting-out functions has raised questions of employment relationships and ultimate liability for employment-related violations, including those related to temporary foreign workers. A uniform policy for dealing with these situations is desirable for the enforcement agencies involved, as well as for employers, contractors, and workers.

Conclusion

Limited duration admissions are an important part of immigration policy because they are linked closely to the admission of legal permanent immigrants and to our policies for deterring unlawful migration. This report seeks to treat limited duration admission policy in a comprehensive fashion, building on the recommendations made by the Commission on other aspects of immigration policy. The opportunities presented by the admission of limited duration admissions are significant. With the type of regulation recommended herein, the United States will be able to continue to benefit from these admissions while mitigating potential harmful effects, particularly on vulnerable U.S. populations.

CURBING UNLAWFUL MIGRATION

In its first interim report to Congress this Commission recommended a comprehensive strategy to curb unlawful migration into the United States through prevention and removal.[9] That report focused on deterrence—steps that could prevent illegal entry and unauthorized work. The Commission found that curbing unlawful immigration required: (1) better border management; (2) more effective deterrence of the employment of unauthorized workers; (3) a more consistent benefits eligibility policy; (4) cooperative efforts with source countries; (5) improved data collection and analysis; (6) mechanisms to address migration emergencies; (7) and an improved capacity to remove deportable aliens. The Commission presented detailed recommendations on the first five elements of this strategy (border, worksite, benefits, source country, and data). Our report on refugee policy detailed more specific recommendations on the sixth, migration emergencies.[10] This final report provides more detailed recommendations on the seventh, removals.

Since 1994, the immigration system as a whole has undergone almost unprecedented change. As Congress, the public, and the Administration focused more keenly on immigration, the financial resources available to INS grew from $1.5 billion in FY 1994 to a projected $3.6 billion in FY 1998. During the same period, INS staffing is expected to rise 65 percent, from 17,000 in FY 1994 to more than 28,000 in FY 1998. Once in 1994,[11] and three times in 1996,[12] enactment of major legislation made substantive and substantial changes in laws affecting illegal migration. Many of these statutory and administrative actions sought to implement the Commission's 1994 recommendations.

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9 *U.S. Immigration Policy: Restoring Credibility*, 1994.

10 *U.S. Refugee Policy: Taking Leadership, 1997.*

11 Violent Crime Control and Law Enforcement Act of 1994.

12 Antiterrorism and Effective Death Penalty Act of 1996 [AEDPA], Illegal Immigration Reform and Immigrant Responsibility Act of 1996 [IIRIRA], Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Deterrence Strategies

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration.

The Commission reiterates its 1994 recommendations supporting a comprehensive strategy to deter illegal migration. Despite the additional resources, new policies, and often innovative strategies adopted during the past few years, illegal migration continues to be a problem. In October 1996, INS released its latest estimates of the illegal alien population in the United States: some 5 million undocumented migrants reside in the United States, a number growing by approximately 275,000 annually; 41 percent of these are nonimmigrant overstays; the remaining 59 percent probably entered illegally and without inspection.

The Commission continues to believe that unlawful immigration can be controlled consistent with our traditions, civil rights, and civil liberties. As a nation committed to the rule of law, our immigration policies must conform to the highest standards of integrity and efficiency in the enforcement of the law. We must also respect due process. The Commission believes that the comprehensive strategy we outlined in 1994 continues to hold the best promise for reducing levels of illegal migration. These policies, combined with the structural and management recommendations detailed later in this report, can restore the credibility of our immigration system by both deterring illegal entry and facilitating legal crossings. The Commission emphasizes, however, that no one part of this strategy will, on its own, solve the problem of unauthorized migration.

More specifically, the Commission continues to support implementation of the following deterrence strategies:

- **An effective border management policy that accomplishes the twin goals of preventing illegal entries and facilitating legal ones.** Increased resources for additional Border Patrol officers, inspectors, and operational support, combined with

such new strategies as operations "Hold the Line," "Gatekeeper," and "Safeguard," have improved significantly the management of the border where they are deployed. The very success of these new efforts demonstrates that to gain full control, the same level of resources and prevention strategies must be deployed at all points along the border where significant violations of U.S. immigration law are likely to occur.

Implementing effective prevention strategies. In 1994, "Operation Hold the Line" in El Paso, Texas successfully challenged outmoded border control concepts. This effort then served as the model for efforts to control other parts of the border, particularly in the San Diego area. The result, "Operation Gatekeeper," utilizing a strategy described as "Prevention through Deterrence," began on October 1, 1994, and included the commitment of significant new resources and the implementation of innovative new strategies.

Phase I (1994) of the plan had the greatest impact on the area around Imperial Beach in San Diego County. For many years this area accounted for approximately 25 percent of illegal crossings across the southwest border. Utilization of new equipment led to apprehension of greater numbers, and use of new techniques cracked down on alien smuggling rings. Reinforcement of interior checkpoints helped capture those who made it illegally across the border.

Phase II (begun in June 1995) consisted mainly of reinforcing nearby ports of entry seen as the next likely route for aliens whose illegal entry was disrupted by "Operation Gatekeeper." INS placed additional service inspectors at the border, constructed fencing at strategic locations, installed a fingerprint identification system , and added increased lighting at ports of entry.

Phase III (begun in 1996) is designed to extend control over increasing sections of the southwest border as additional staff and equipment become available. The San Diego Border Patrol Sector now has almost 2,000 agents working along the border.

Where these new initiatives have been instituted, the number of people seeking to cross is significantly reduced. On Commission site visits, residents of El Paso and Imperial Beach, the main beneficiaries to date of the new enforcement efforts, cited reduction in vagrancy and petty crime as evidence of reduced illegal crossings through their communities. Preliminary research data reveal that it now takes longer and costs more to enter the United States illegally. Illegal migrants now must now cross through tougher terrain and need the assistance of smugglers. Migrant smuggling increasingly is becoming specialized and professionalized.

The 1997 Binational Study, *Migration Between Mexico and the United States,* reports that a systematic survey of border crossers indicates fewer actual crossers but longer periods of stay in the United States. Thus, it appears that while new border initiatives may deter some movements, they do not fully reduce either levels or impacts of illegal migration. In other words, border control is a necessary, but not sufficient, response to illegal migration.

Evidence also shows that in response to the new initiatives migrants have shifted their entry patterns. For example, as Imperial Beach and its neighboring communities came under control, the numbers of illegal entries rose in eastern San Diego county, the Imperial Valley, Arizona, and south Texas. As the Commission noted in 1994, the immigration

system must have the capacity to prevent entry across the southern border. Mobile, rapid response teams initially can help plug holes along the border, but eventually, a prevention capacity must be established in every likely crossing area.

Protecting human rights. Effective border management is not without its human toll, increased violence along the border, as well as deaths resulting from exposure to extreme weather in mountain and desert areas. Both border crossers and Border Patrol agents have been victims of this heightened violence.

Since the implementation of the border initiatives, incidents of violence against the Border Patrol have increased. Incidents of rock-throwing, a hazard to Border Patrol agents for years, have risen. Agents now face random gunfire from south of the border. Beginning in May of 1997, six reported sniper shootings in the San Diego sector were directed at Border Patrol agents. Sustained efforts to protect agents from such violence must be at the top of the policy agenda.

Efforts also must continue to warn potential illegal border crossers—while they are still in their countries of origin—of the increased physical dangers and legal consequences of trying to cross illegally. In particular aliens must be warned of the pitfalls of using smugglers, some of whom abandon border crossers and otherwise abuse them.

Site visits in Mexico demonstrate that already widespread knowledge exists about the new difficulties in entering the United States illegally; misinformation continues to abound as well. Residents in new sending regions such as Oaxaca, traditional sending regions such as Jalisco, and border cross-

ing points such as Tijuana, all spoke of the additional costs and dangers encountered in attempting to cross the border illegally.

The Commission continues to support efforts to monitor and reduce human rights violations and potentially violent confrontations between government personnel and those believed to be seeking illegal entry into the United States. The INS formed a Citizens' Advisory Panel [CAP] that met periodically from February 1994 through February 1997, a year beyond its original expiration date. During that time, the CAP discussed ways and means for averting potential human rights abuses and outright violence by INS employees against aliens. As a result, INS adopted a formal complaint procedure for reporting alleged abuses by government employees to their supervisors and for INS to respond to those complaints. At its February 1997 meeting, the CAP decided to disband in its present form. Discussions are now underway on how best to retain the CAP input in the INS decisionmaking processes, in delivering feedback for training and supervising INS border personnel, and in responding to complaints made against employees.

Improving ports of entry. Additional pressure on ports of entry also accompany enhanced border control. The various initiatives already undertaken provide guidance for other border sites. In San Diego, "Operation Gatekeeper II" included enhanced resources for inspectors to identify individuals entering with fraudulent documents or as impostors. A Port Court was established to place these persons into formal exclusion proceedings. Presiding Immigration Judges made clear to those receiving exclusion orders that they would face criminal penalties if they were apprehended attempting to reenter within one year. To ensure that word went out that these were not idle threats, the U.S. Attorney

pledged to prosecute these cases. A relatively small number of persons were apprehended attempting reentry after receiving an exclusion order at the Port Court.

This process has changed somewhat under the new expedited removal procedures mandated by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which took effect on April 1, 1997. Under the new procedures, an alien arriving at a port of entry with fraudulent documents or without documents is referred to secondary inspection, where he or she is advised about expedited removal.[13] If the alien does not indicate a fear of persecution or an intent to apply for asylum, the alien is fingerprinted, photographed and detained until removal, which in San Diego typically takes two processing days. The alien's identity is recorded in the INS IDENT database for immediate and future determination of repeated attempts at unlawful reentry. An immigration officer's determination to remove an alien under the expedited procedures is not subject to administrative or judicial review, except under only very narrow circumstances.

Immigration officials in San Diego report a significant increase in removals as a result of the new expedited removal provisions. These gains in the capacity to remove at the border are no doubt desirable goals for an immigration enforcement agency. However, a more reliable determinant

[13] IIRIRA permits the Attorney General to apply the expedited removal provisions to aliens in the U.S. who have not been admitted or paroled [EWIs] and who have not shown to the satisfaction of the immigration officer that they have been continuously present in the U.S. for the two-year period immediately preceding the date of the determination of inadmissibility. At present, the Attorney General has elected not to apply these provisions to EWIs, although she has reserved through regulation, the option to apply the expedited removal provisions at any time, to any alien specified in that section.

of the extent to which a law actually deters the conduct it seeks to address is the recidivism rate. Thus, the effective communication of the consequences attached to the removal of an alien as a result of the new provisions is a key ingredient of the efficacy of our immigration laws. Without such public education, certain individuals are likely to be undeterred by the type of sanction exacted under the new expedited removal procedures.

Although reliable data on reentry is not yet available, the San Diego district reports an apparent increase in recidivism following implementation of the new law. It appears that an order issued by an immigration inspector does not have the psychological force of an order issued by an Immigration Judge. What is gained in expediting by the new statutory process may be lost in increased recidivism.

To counter this trend, the San Diego district has instituted a three-strike system that corresponds with the changes mandated by the new law. This system was established with the cooperation of the INS, the Executive Office for Immigration Review [EOIR], and the U.S. Attorney's Office in response to reports of apparent recidivism among aliens turned away by the expedited removal process. The first strike occurs once the INS inspector issues an expedited removal order to the alien that carries a penalty of inadmissibility for up to twenty years in some cases and permanently if the offense involves the use of a fraudulent document.

The second strike—appearance before an Immigration Judge in Port Court—occurs once the alien is apprehended after having been removed for a previous immigration or criminal violation. This step provides a critical link to deterrence: personal communication of the consequences of violating an immigration law. At the hearing, the Immigration

Judge advises the alien of the administrative sanction resulting from the attempted illegal reentry after expedited removal (i.e., a bar to admission for some period) and also of the certainty of felony prosecution if the alien attempts reentry during that period. The presence of an Immigration Judge is considered a vital component to the credibility of the San Diego district's border enforcement. The clear, unequivocal notice of the penalty aliens are likely to incur at the third step, coupled with the prospect of time spent in prison, is predicted to have more of a deterrent effect than simply turning aliens away without providing adequate notice of the consequences of their conduct.

The third strike involves felony prosecution by the U.S. Attorney's office under 8 U.S.C. § 1326(a) for illegal reentry following deportation, exclusion, or removal or under § 1326(b) for illegal reentry by certain criminal aliens who likewise have been previously removed. The penalties for a conviction under these sections of Title 8 range from sentences of not more than two years to not more than twenty years and/or a fine.

The INS and the Border Patrol are in the process of linking the IDENT system to all sectors along the southwest U.S.-Mexican border. This is especially important in light of the apparent shift in border movements to the east. Moreover, proper coordination of this system with various other law enforcement agencies to identify criminal aliens and other immigration violators may enhance the cooperation between those agencies and heighten enforcement along the border. For example, within the constraints of privacy limitations, data on criminal aliens entered into the IDENT system and furnished to the U.S. Attorney's Office would allow that office more readily to identify and prepare the criminal alien cases it intends to prosecute under the § 1326 provisions.

San Diego also is a laboratory for initiatives to facilitate legal entries while guarding against the abuses referenced above. The Commission urged in its 1994 report that port of entry operations be improved to reduce long waiting times for legal crossings. We learned in El Paso that some illegal crossers had legal authority to enter, but because of the long waits, chose to use unauthorized avenues to enter. San Diego, along with several northern border sites, has been experimenting with a Dedicated Commuter Lane [DCL] to speed legitimate border traffic. This concept combines upfront screening of the applicant for a commuter pass and use of technology to ensure that the crosser is indeed the person who previously was screened. Another innovation in San Diego is a new working relationship between INS inspections and the Customs Service to open all traffic lanes and to improve the division of responsibility: INS currently runs the port for pedestrian crossing and Customs for cargo inspections. Responsibility for inspections at the vehicle lanes still is shared by INS and Customs.

Reducing visa overstay and abuse. Visa overstay and abuse of visas and Border Crossing Cards [BCCs], particularly through unauthorized work, continue to challenge effective border management. Most of those entering with visas and BCCs come for legitimate purposes, abide by the terms of their entry, and leave when required. Out of the millions of aliens who are inspected each year, only a very small proportion (about 150,000 per year) overstay for significant periods. Any efforts to reduce abuse must also consider the widespread benefits that accrue from most visa and BCC holders. A number of policy changes could help ease legal entry while reducing abuse. The Commission previously recommended, and Congress and the Administration have taken

action for, the development of new entry-exit controls for persons entering with visas, reissuance of Border Crossing Cards to give them greater integrity, and providing significant new resources for inspections.

Monitoring and evaluating new initiatives. The various intended and unintended consequences of the new resources, policies, and initiatives in and between ports of entry make clear the need for careful monitoring. The Commission reiterates its 1994 recommendation that a systematic assessment of the effectiveness of new border strategies be undertaken by internal and external evaluators. IIRIRA mandates a General Accounting Office five-year evaluation of border management. This study should be underwritten with sufficient resources and expertise to ensure that Congress and the Executive Branch gain an independent view of the new policies' effectiveness.

- **Reducing the employment magnet is the linchpin of a comprehensive strategy to deter unlawful immigration.** Economic opportunity and the prospect of employment remain the most important draw for illegal migration to this country. Strategies to deter unlawful entries and visa overstays require both a reliable process for verifying authorization to work and an enforcement capacity to ensure that employers adhere to all immigration-related labor standards. The Commission continues to believe the following areas of worksite regulation and enforcement require improvement:

Employment authorization verification system. In our 1994 report, the Commission concluded that the single most important step that could be taken to reduce unlawful migration was development of a more effective system for verifying work authorization.

A large majority of employers will comply with the law, and they will not knowingly hire illegal aliens. However, the widespread availability of fraudulent documents makes it easy for illegal aliens to obtain jobs because employers generally have no way of determining if the workers are authorized or not. The minority of employers who knowingly hire illegal aliens, often to exploit their labor, find protection from sanctions by going through the motions of compliance while accepting counterfeit documents. The absence of a secure verification process also heightens the potential for discrimination against legally-authorized, foreign-looking or -sounding workers because employers fear that they may be inadvertently hiring illegal aliens.

The Commission concluded that the most promising option for verifying work authorization is a computerized registry based on the social security number; it unanimously recommended that such a system be tested not only for its effectiveness in deterring the employment of illegal aliens, but also for its protections against discrimination and infringements on civil liberties and privacy.[14] The Commission urged the Administration "to initiate and evaluate pilot programs using the proposed, social security-based computerized verification system in at least five states with the highest levels of illegal immigration . . ." In the interim, we recommended that INS should continue to implement pilot programs already underway that permit employers to verify the work authorization of these newly-hired workers who attest to being aliens. The existing pilot, since expanded, was a good mechanism through which INS could develop the data and other systems that would be needed in the more extensive pilots envisioned by the Commission. They continued to

[14] The Concurring Statement of Commissioners Leiden and Merced can be found in the Commission's 1994 report.

have a fatal flaw, however, in that an illegal alien could attest to being a U.S. citizen and thereby escape verification by INS.

The Commission's recommendation for a verification pilot that involved both citizens and aliens was incorporated in modified form in IIRIRA.[15] Congress mandated that the Attorney General establish a pilot confirmation system using a telephone line or other electronic media. The Commissioner of Social Security was mandated to establish a reliable, secure method to verify the social security number provided by a new hire as part of the employment confirmation process. Pilot programs testing the new confirmation process were to be implemented in, at a minimum, five of the seven states with the highest estimated illegal alien population. Participation in the pilot programs is to be voluntary for most employers. The legislation mandated participation by federal agencies and the Congress. Companies violating employer sanctions provisions can also be required to participate. The Attorney General is to report on the pilot programs after three and four years of operation.

The first of these pilot projects was to begin not later than one year from enactment of IIRIRA, or about August 1997. The first pilot project, starting in Chicago, began in late August. Called the "Joint Employment Verification Project" [JEVP], the pilot involves INS and the Social Security Administration. The verification pilot will test many of the requirements of the "Basic Pilot Program" mandated in § 403(a) of IIRIRA.

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[15] IIRIRA, Title IV—Enforcement of Restrictions Against Employment, Subtitle A: Pilot Programs for Employment Eligibility Confirmation, sections 401-405.

The JEVP will have prospective new employees fill out the current INS Form I-9, submit identification documents listed in the legislation, and include a photograph. Employers will then contact the Social Security Administration [SSA] through a touch-tone telephone (being developed under a contract with ATT) that will electronically verify identity and authorization/nonauthorization to work using the employee's social security number. If either of these is not confirmed, the prospective employee must be notified. The employee may then withdraw or contest this tentative nonconfirmation. In this case, the prospective employee has ten days in which to provide additional or corrected information to the employer. If this still does not produce confirmation of employment authorization, the employee will be told to contact SSA [for citizens] or INS [for noncitizens] to correct their record(s) and/or their status. During this confirmation process, employees cannot be terminated. If still unconfirmed at the end of the process, the employee then may be terminated. As mandated by IIRIRA, INS plans to expand implementation of the JEVP into five additional states by the end of September 1997.

In addition, IIRIRA mandates two other pilot projects, a "citizen attestation pilot project" and a "machine readable document pilot project." INS currently is formulating these additional pilot projects. The "citizen attestation pilot project" will be similar to the INS' current Employment Verification Program, while the "machine readable document pilot project" is a variation of the JEVP and the "Basic Pilot Project."

The current pilot programs are a useful step in improving verification, but they do not fully solve the problems we have identified. The Commission reiterates its support for

pilot-testing approaches that do not require employers to use the current I-9 procedure. The I-9 is flawed in several ways. First it is a document system, which is prone to counterfeiting. Second, it requires employees to specify if they are citizens or aliens. This latter requirement increases the potential for discrimination based on alienage or presumed alienage. Third, it presents an added paperwork burden for employers who must keep the I-9 file. The current pilot programs help address the first problem by providing for telephone or computer verification of information provided in the I-9. It does not address the second or third problems, however.

A system based on verification of an employee's social security number, with a match to records on work authorization for aliens, eliminates any determinations by the employer and can be implemented electronically, thus eliminating the need for work authorization documents. The Commission recognizes that the data systems are not yet in place for this preferred process to work. The federal government does not have the capacity to match social security numbers with INS work authorization data without some of the information captured on the I-9. Congress should provide sufficient time, resources, and authorities to permit development of this capability.

The Commission urges the Administration and Congress to monitor closely and evaluate the effects of these various pilot programs. As discussed in our earlier report, the evaluation should assess their effects in reducing fraud, reducing the potential for discrimination, reducing emplyers' time, resources, and amount of paperwork, and protecting privacy and civil liberties. The evaluation should be carried out by nationally-respected outside evaluators. It should be

conceived as a continuing evaluation whose results are used in modifying and improving the pilots as they are implemented.

Counterfeit documents. The Commission recommended action to reduce the availability of counterfeit documents and the fraudulent access to so-called "breeder documents," particularly birth certificates used to establish identity. The Commission is pleased to note progress in the development of new and more tamper-proof basic documents that could serve as verification documents until a general, nationwide verification system is fully in place. The Commission also believes that the federal government should develop a package of incentives and disincentives to encourage states and other localities to develop standards for issuing birth and death certificates and drivers' licenses. The Commission is pleased to note that its 1994 recommendation for imposing additional penalties on those producing and selling counterfeit documents was adopted in the IIRIRA.

Antidiscrimination strategies. In its 1994 report, the Commission expressed its concern regarding the discrimination that occurs against citizens and noncitizens as a result of the current employer sanctions system. To address this issue, the Commission recommended development of a new verification process to deter immigration-related discrimination. We also urged more proactive strategies to identify and combat immigration-related discrimination at the workplace, as well as a new study to document the nature and extent of the problem. Revisiting this issue three years later, the Commission finds that there have been a number of changes that are relevant to the Commission's recommendations.

First, the Office of Special Counsel [OSC] for unfair immi-

gration-related employment practices, formerly housed as an independent agency within the Department of Justice, has been incorporated into the DOJ's Civil Rights Division. This organizational change seems to have been well received within the Department as both the Division and OSC focus on protecting the rights of immigrants and racial and ethnic minorities.

The number of OSC staff, however, has decreased from thirty-six to about twenty-five since FY 1994. This downward trend harms OSC's ability to take the proactive role that the Commission recommended (e.g. increasing independent, targeted investigations and beginning testing programs). The Commission urges attention to this matter, as well as to the long delay in confirming a Special Counsel to head the office.

A significant portion of OSC's efforts have been directed toward the education of employees and employers, and we support these efforts. OSC has awarded 114 grants totaling $2.09 million since FY 1990 and contracted out for a five-year national public affairs/communications strategy. Its attorneys and staff have made 1,000 presentations in the last ten years, and its grantees have averaged 1,700 presentations per year. OSC also has coordinated its educational efforts with the Equal Employment Opportunity Commission, INS, and DOL and has Memoranda of Understanding with these and other agencies.

Despite this apparent coordination, however, OSC has not been involved in designing and monitoring the verification pilot programs. Reducing immigration-related employment discrimination against foreign-looking or -sounding persons was a key goal of the Commission's proposed verification

system. OSC should play a role in monitoring the verification pilots to see if the discrimination is indeed reduced as predicted.

The Commission also reiterates its recommendation for a methodologically-sound study to document the nature and extent of unfair immigration-related employment practices that have occurred since the General Accounting Office's 1990 report. Only through such a study can it be determined whether employer sanctions-related discrimination has increased or decreased and how the pilot programs compare with the current situation on this indicator.

In 1996, IIRIRA changed the INA by requiring that an intent to discriminate must be proven for an employer to be found guilty of violating IRCA's antidiscrimination procedures with respect to document requests. Some believe that the intent standard will be a difficult one to prove and that it provides the employer with a loophole. The actual effect of this provision will be known only as OSC implements the statutory change and should be monitored.

Labor standards enforcement. Protecting authorized workers from employment abuses and substandard conditions and practices remains an essential ingredient of a strategy to combat illegal migration. Employers who hire illegal aliens tend to violate other labor standards and *vice versa.* Recently uncovered examples of exploitation of illegal aliens, including indentured servitude, highlight the necessity of enhanced labor standards enforcement. The Commission recommended in our 1994 report the allocation of increased staff and resources to the Department of Labor for the enforcement of wage and hour and other labor standards. We continue to believe that these additional resources are necessary, and the Commission continues to urge Congress to

authorize and fund additional labor standards investigators whose work should target industries hiring significant numbers of illegal aliens. As described more fully later in this report, we believe that the Department of Labor should have full capacity and authority to sanction employers who fail to verify work authorization as part of the agency's duties in enforcing labor standards.

- **Restricting eligibility of illegal aliens for publicly-funded services or assistance except those made available on an emergency basis or for similar compelling reasons to protect public health and safety or to conform to constitutional requirements.** Although public benefit programs do not appear to be a major magnet for illegal migrants, it is important that U.S. benefit eligibility policies send the same message as immigration policy: Illegal aliens should not be here and, therefore, should not receive public assistance except in unusual circumstances. The Commission recommended drawing a line between illegal aliens and lawfully-resident immigrants with regard to benefits eligibility, in part to reinforce this message. Immigrants are welcome in the country and, therefore, should be eligible for our basic safety nets; illegal aliens are not welcome and should not receive our assistance. We continue to believe that this demarcation between legal and illegal aliens makes sense. The Commission urges the Congress to reconsider the changes in welfare policy enacted in 1996 that blur the distinctions between legal and illegal aliens by treating them similarly for the purposes of many public benefit programs.

- **Strategies for addressing the causes of unlawful migration in source countries.** An effective strategy to curb unauthorized movements includes cooperative efforts with source countries to address the push factors that cause people to seek new lives in the United States. The Commission contin-

ues to urge the United States government to give priority in its foreign policy and international economic policy to long-term reduction in the causes of unauthorized migration. The United States can take many unilateral steps to improve its immigration policies, but U.S. policies alone will not stop unauthorized migration.

Recognizing the complex motivations behind unlawful movements, the Commission advocated the following possible interventions, many of which have indeed occurred. They include: arrangements to facilitate trade and investment in sending countries; support for human rights and democracy building; peacekeeping operations; humanitarian assistance in countries of origin and first asylum; deployment of human rights monitors; human rights training for government officials in potential sending countries; humane treatment of citizens and minorities; and reconstruction programs after civil wars and civil conflicts. In its 1997 report on refugee policy, the Commission recommended that the U.S. government continue demonstrating leadership in international responses to refugee and related humanitarian crises, including concerted diplomatic and other efforts to prevent the emergencies from occurring.

To focus greater attention on the causes of migration, the Commission recommends development of immigration impact analyses of foreign policy and trade decisions with potential migrant sending countries. The Commission also calls for adoption of focused strategies for communities producing large numbers of U.S.-bound migrants and strengthened intelligence gathering to improve early warning of large unauthorized movements. Other efforts to reduce the pressures of migration from the sending countries would be helpful, such as programs to arrest environmental damage

throughout the hemisphere, to restore the environment in such areas as Haiti and Mexico, to improve rural development and agricultural productivity, particularly in those areas where land is becoming marginalized and unlikely to sustain the local population without an intervention strategy, and to address other environmental problems such as clearing land mines in rural Central America.

Given its proximity to the United States and its number of migrants, the Commission believes increased coordination with Mexico is essential to address problems related to migration. The Commission notes with satisfaction the efforts being conducted jointly by the government of Mexico and the United States to improve coordination strategies and actions on their respective sides of the border and encourages the continuation of such important dialogues. In particular, the Commission recognizes the work of the Binational Study on Migration Between Mexico and the United States, the Working Group on Migration and Consular Affairs, the various cross-border liaison groups established along the border, and efforts between the two countries to coordinate antismuggling efforts, regulate the movements of people across land borders, deter third-country nationals transiting Mexico *en route* to the U.S., curtail auto theft and train cargo theft, reduce border violence, and enhance cross-border law enforcement cooperation.

The Commission also notes that action has taken place at the regional level; annual discussions have been convened involving the U.S., Mexico, and Central American countries. Further, the U.S. has held direct discussions with other countries in the region, such as Cuba, with whom it signed an agreement to curb unauthorized migration of its native population.

Despite that program, the need remains for forward looking consultative mechanisms between the U.S. and other countries. These should focus on exploring future policies and their migration implications as well as developing various policy scenarios and options for addressing unauthorized migration. Joint data collection and analysis also would be useful in resolving some of the disagreements surrounding migration, for example joint solutions to address the economic and social costs of the migration.

- **Mechanisms to respond in a timely, effective, and humane manner to migration emergencies.** A credible immigration policy requires the ability to respond effectively and humanely to migration emergencies in which large numbers of people seek entry into the United States. These emergencies generally include *bona fide* refugees, other individuals in need of protection, and persons seeking a better economic life in the U.S. Failure to act appropriately and in a timely manner to determine who should be admitted and who should be returned can have profound humanitarian consequences. Further, an uncontrolled emergency can overwhelm resources and create serious problems that far outlast the emergency.[16]

  Leadership. Past experiences demonstrate that leadership and a chain of command must be established quickly during an unfolding mass migration emergency to ensure an effective response. The proposed National Security Council focal point for refugee issues should assume these responsibilities because of the political nature of the decisions, the need for high Executive Branch access, and the need for credibility that derives from sufficient authority and government experience.

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[16] For a fuller discussion of the Commission's recommendation on mass migration emergencies, see *U.S. Refugee Policy: Taking Leadership*, 1997.

Regional advance preparation. Mass migrations are likely to continue within this hemisphere. To respond effectively and humanely to future crises, the U.S. and its regional partners need a plan for a regional temporary protection system. This plan should identify sites, prepare protection guidelines and processing procedures at the primary protection sites and other locations, and create a funding proposal that clarifies financial responsibilities and accounts for marginal additional costs. It also should include measures to avert and resolve crises and develop plans for implementing durable solutions.

Domestic advance preparation. The U.S. must also finalize its own federal contingency planning for migration emergencies that has been under development during the past decade (with review and revision as needed). The presence of a such a contingency plan identifying various scenarios, policy responses, and appropriate steps for implementing them can help avoid both dangerous and costly *ad hoc* decisionmaking and disruption of normal operations. An effective and viable emergency response, however, requires that the agencies have sufficient resources and authorities to carry out their responsibilities. Thus, as part of this process, the U.S. must develop a realistic financing strategy and mechanisms to trigger allocation of funds.

Increased coordination among federal agencies involved in emergency responses—as well as with state and local agencies—also is necessary to ensure that the appropriate participants are identified and involved in the discussions and that as many decisions and responsibilities as possible are agreed upon prior to emergency situations. This would facilitate emergency responses by reducing the reluctance of state and local government to be involved, by clarifying lines of authority, and by increasing trust between the par-

ties. If they had the statutory authority to allow them to respond rapidly and efficiently, agencies with operational responsibility for mass migration emergencies could be more effective. This operational responsibility must include the authority to assign tasks to other agencies as needed.

Removals

A credible immigration system requires the effective and timely removal of aliens determined through constitutionally-sound procedures to have no right to remain in the United States. As the Commission stated in its 1994 Report, if unlawful aliens believe that they can remain indefinitely once they are within our national borders, there will be increased incentives to try to enter or remain illegally.

Our current removal system does not work. Hundreds of thousands of aliens with final removal orders remain in the U.S. The system's ineffectiveness results from a fragmented, uncoordinated approach, rather than flawed legal procedures. The Executive Branch does not have the capacity, resources, or strategy to detain aliens likely to abscond, to monitor the whereabouts of released aliens, or to remove them.

A large number of aliens—more than 250,000 in the past eight years—have been issued removal orders but have never been removed.[17] [See chart: Comparison of Removal Orders and Actual Removals.] In studying how the current system produces such a large number of unexecuted final removal orders, the Commission finds that the removal process is neither conceived of nor managed as an integrated system.

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[17] Prior to IIRIRA, such orders were referred to as "deportation" and "exclusion" orders.

Comparison of Removal Orders and Actual Removals

YEAR	1989	1990	1991	1992	1993	1994	1995	1996	1997 (1st half)
ORDERS	48,000	52,000	60,000	65,000	70,000	84,000	105,000	131,000	64,000
REMOVALS	34,000	30,000	33,000	43,000	43,000	45,000	51,000	69,000	42,000
UNEXECUTED ORDERS	14,000	22,000	27,000	22,000	27,000	39,000	54,000	62,000	22,000
CRIMINAL REMOVALS	8,000	12,000	17,000	24,000	28,000	31,000	33,000	37,000	23,000
NONCRIMINAL ALIEN REMOVALS	26,000	18,000	16,000	19,000	15,000	14,000	18,000	32,000	19,000
INS DISTRICT IN SAN DIEGO REMOVALS	—	7,000	8,000	8,000	8,000	9,000	12,000	23,000	13,000

Sources: INS, EOIR, Administratively Final Removal Order by Month: Summary, July 24, 1997

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In its 1994 report, the Commission recommended that the top enforcement priority should be the removal of criminal aliens from the U.S. in such a way that their potential return to the U.S. will be minimized. The INS has made considerable progress recently in removing larger numbers of criminal aliens. This year, INS is on track to remove 70 percent more criminal aliens than were removed in FY 1993. Despite these advances, the actual number of criminal alien removals still lags behind the total number who should be deported from this country.[18]

INS has been able to increase the number of criminal alien removals by detaining previously incarcerated aliens after they complete serving their sentences, through conclusion of their proceedings, and removal can be effected. More significantly, INS and the Executive Office for Immigration Review developed the Institutional Hearing Program [IHP] through which removal hearings are held in the prisons. When final orders are issued in this setting, criminal aliens can be deported directly from state or federal prisons, alleviating INS' need to detain them during deportation proceedings. The Commission recommended enhanced use of the IHP in its 1994 report. As the recent GAO testimony cited above indicates, improvements are still needed to ensure that INS identifies and deports all removable criminal aliens.

Further, while the INS has increased criminal alien removals over the last several years, noncriminal alien removals remained static

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[18] See, e.g., GAO Testimony, "Criminal Aliens: INS' Efforts to Identify and Remove Imprisoned Aliens Need to Be Improved," before the Immigration and Claims Subcommittee, Committee on the Judiciary, House of Representatives, July 15, 1997.

until 1996, as the chart comparing removal orders and actual orders indicates. The recent increase in noncriminal removals may be somewhat related to increased detention space and resources authorized by Congress. However, much of the increase appears localized, suggesting that other forces are at work. As the chart further shows, removals from the San Diego District represent much of the increase and are related directly to the establishment of a Port Court in 1995.[19]

Even with these increased removals, the system needs significant improvements before it can be regarded as credible, that is able to deport most of the aliens with final orders of removal. To achieve this goal will require a new approach to correct a fundamental flaw—the fragmentation in the current conception and management of the removal system. Each part of the system—Investigations, Trial Attorneys, and Detention and Deportation—acts independently, impeding the total system's efficiency and leaving no one accountable for growing numbers of unexecuted final orders of removal.

The system starts with INS investigations of potential immigration law violations. When investigators find such violations, they issue notices placing aliens in removal proceedings. At that point, the investigators are finished with their assigned tasks; they are never connected to the results of their work—whether the alien was ultimately ordered removed and actually deported. Nor is their performance evaluated in connection with actual removals or with the priority that policymakers place on the removal of particular catego-

[19] When "Operation Gatekeeper" changed the patterns of how aliens attempted to enter the U.S. illegally and resulted in a significant increase in the number of aliens trying to cross with false documents at the port of entry, the U.S. Attorney worked with INS and EOIR to establish a more expeditious removal process for aliens apprehended at ports of entry. Previously, such aliens were simply turned back to Mexico; under the new system, they were placed in exclusion proceedings at the newly created Port Court. The aliens were detained for a few days, and the exclusion proceedings were expeditious because they were uncontested.

ries of aliens. Investigators do not, as a matter of practice, distinguish among priorities when initiating the formal removal process; both the worst violators and those who may have good claims for relief are placed in the same costly and time-consuming proceedings.

Once the proceedings have commenced, the INS Trial Attorney is responsible for the case. The volume of cases for each Trial Attorney is very large; yet, again there is no considered prioritization about which cases to proceed against and which not. Key policymakers do not provide guidance to Trial Attorneys about prioritizing cases, and, even if such guidance were provided, Trial Attorneys say that they are not given sufficient time to review cases to determine whether a case is worth pursuing. Again, there is no connection to the ultimate aim of the system—removing those who should be deported.

The system suffers further because many aliens are unrepresented and thus do not receive advice on whether to go forward because they have a chance of being granted relief. As the Commission learned in studying the results of the Florence Representation Project [see below], the removal process works much more efficiently when aliens receive advice of counsel. Those with weak cases generally do not pursue relief through proceedings if they understand from counsel that they will be wasting their time. As the late Chief Immigration Judge Robie pointed out, representation generally makes the court system work more efficiently. For example, Immigration Judges often grant continuances to unrepresented aliens to give them time to obtain counsel. In certain types of cases (particularly asylum claims), some judges are hesitant to proceed in the absence of representation. When a final order of removal is issued, another INS office, Detention and Deportation, takes responsibility for the case. This office is charged with managing detention space and effecting removal. The reality is that there will never be enough

space to detain everyone who should be removed. Nonetheless, no plan has been devised to pursue alternatives. The only experiment the INS has launched is the Vera Appearance Assistance Program that plans to test the utility of supervised release on various limited populations [as discussed below]. Unfortunately, due to internal INS problems, that pilot may not gain access to one of the main groups it should test—asylum seekers who meet the credible fear standard. No strategy has been devised for determining when, after the first hearing on the merits, detention is advisable because the likelihood of absconding is higher. Notices ordering removable aliens to report for deportation, known as "run" letters, continue to be issued at a 90+ percent no-show rate. No strategy has been developed for picking up aliens with final orders even when there is a recent address.

Establishing a more effective removal system requires changes in the management of the removal process. More specifically, the Commission recommends:

- **Establishing priorities and numerical targets for the removal of criminal *and* noncriminal aliens.** The Commission encourages headquarters, regional, and local immigration enforcement officials to set these priorities and numerical goals. Based on the above analysis of removal orders and actual removals, it appears that beyond the very highest removal priority—convicted criminals—targeted priorities of particular categories generally have not been developed at the national and local levels. Nor has INS developed numerical targets for the removal of specific categories of noncriminal aliens. This absence of prioritization and performance measures generally precludes serious consideration of what strategies, resources, and training will be needed to effect the desired removals.

Establishing removal of criminal aliens as a priority and setting numerical targets helped identify such new strategies as the IHP. The same process can work with regard to other categories of aliens, as can be seen in San Diego. Aliens who attempted to enter there with fraudulent documents were singled out as a priority for removal with an exclusion order. Formerly, those presenting fraudulent documents were permitted simply to withdraw their application for admission with no penalty. Setting the priority to remove aliens attempting reentry led to the decision to increase Inspection staff, establish a Port Court, identify additional detention space, and gain a commitment from the U.S. Attorney to prosecute those who attempted reentry after exclusion.

Failed asylum seekers [as the Commission recommended in our June 1997 Refugee Report], visa overstayers, unauthorized workers in targeted industries, and those who use false documents are categories that require attention if our removal system is to become credible and deter abuse. Setting priorities and numerical targets will help the government manage what is potentially a huge caseload of removable aliens.

- **Local oversight and accountability for the development and implementation of plans to coordinate apprehensions, detention, hearings, removal, and the prevention of reentry.** With guidance on priorities, local managers in charge of the removal system would be responsible for allocation of resources to ensure that aliens in the prioritized categories are placed in the process and ultimately removed. Local managers also would be responsible and accountable for identifying effective deterrents to reduce the likelihood that removed aliens would attempt to reenter the U.S. Managers need to redesign the system so that resources are balanced from beginning to end. Right now, the system is lopsided

and disconnected. The front end (Investigations) drives the system, and the back end (actual removals) is neglected. That imbalance can be corrected if the local offices develop plans to coordinate apprehensions, detention, hearings, and the removal process in ways that target the particular priorities in different districts. As discussed above, the San Diego district has had some success in focusing on aliens trying to enter with false documents. After identifying this priority, the U.S. Attorney coordinated the key federal government actors to ensure that these aliens were placed into proceedings, either returned to Mexico or detained for several days awaiting the hearing, promptly removed after the issuance of a final order, and prosecuted if they reentered.

As discussed above, the local INS Trial Attorneys, who are part of the General Counsel's Office, currently do not play a significant role in driving the removal system. The Commission believes Trial Attorney offices should function in the same manner that U.S. and District Attorney Offices do. Those offices determine which cases they will prosecute; and these determinations guide detectives as to which cases they bring to the U.S. or District Attorney for prosecution. Congress should provide sufficient resources to support such initiatives. Based on the policy guidance and plans developed by headquarters, regional and local offices, the chief Trial Attorneys [now called District Counsel] should make it clear to investigators which cases they will pursue in proceedings and which cases they will not. Investigators should then target these priority cases. Local heads of Immigration Enforcement Offices should be held accountable for the planning and implementation of this reconceived removal system. To ensure such accountability, these local officials should have authority over both the prosecutorial and police functions.

- **Continued attention to improved means for identifying and removing criminal aliens with a final order of deportation.** The Commission reiterates the importance of removing criminal aliens as a top priority. Our recommendation regarding the importance of removing noncriminal aliens with final orders is not intended to shift the attention of the removal system away from this priority. Rather, both criminal and noncriminal aliens must be removed to protect public safety (in the case of criminals) and to send a deterrent message to *all* who have no permission to be here.

  To improve the effectiveness of the criminal removal system, criminal aliens must be identified as early in the process as possible. The local jail pilot project mandated by § 329 of IIRIRA should be used to help determine how early in the criminal process identification should occur. The Department of Justice and the state and local criminal justice agencies should develop uniform means of identification, and the data systems of these agencies should be linked to identify more effectively criminal aliens who should be removed.

  With respect to the Institutional Hearing Program, the GAO found that the INS (1) failed to identify many removable criminal aliens and initiate IHP proceedings for them before they were released from prison, and (2) did not complete the IHP by the time of prison release for the majority of criminal aliens it did identify. GAO recommended improved data systems to track the IHP status of each foreign-born inmate and the development of a workload analysis model to identify the IHP resources needed in any period to achieve overall program goals. The Commission believes that the development of uniform means of such identification and linked data also will help the program achieve its goals.

The Commission urges the Department of Justice to attend carefully to actual removals in two additional ways. First, we have heard serious complaints from foreign authorities that they are not being notified that the U.S. is returning a criminal alien. DOJ must develop an improved notification process so that appropriate authorities in the countries to which criminal aliens are being returned can plan for such returns and take these individuals into custody if necessary. Second, we also have learned that many criminal aliens are being returned unescorted. For public safety reasons, criminal aliens should be returned by escort.

- **Legal rights and representation.** The Executive Branch should be authorized to develop, provide, and fund programs and services to educate aliens about their legal rights and immigration proceedings. Such programs also should encourage and facilitate legal representation where to do so would be beneficial to the system and the administration of justice. Particular attention should be focused on aliens in detention where release or removal can be expedited through such representation. The alien would not have a right to appointed counsel, but the government could fund services to address some of the barriers to representation.

  Under the provisions of § 292 of the Immigration and Nationality Act, an alien placed in proceedings is guaranteed the privilege of being represented by an attorney or other qualified legal representative, but at no expense to the government. Under this system, the alien is provided with a list of local attorneys and accredited organizations practicing immigration law who might be able to provide legal representation. Studies have shown that the vast majority of aliens in proceedings before Immigration Judges are not represented by counsel. This is accounted for by several

factors including the lack of English proficiency on the part of aliens, a lack of understanding of the legal process and of their legal rights, the lack of funds to hire an attorney, and an inability to find someone available and willing to represent them. Securing the services of an attorney or otherwise qualified legal representative presents a particular challenge for detained aliens whose freedom is constrained, who have limited phone privileges, and who find themselves situated in locales not readily served by or accessible to the legal community.

Experience demonstrates that when aliens are represented in proceedings, cases move more efficiently, economically, and expeditiously through the system. Indeed, represented aliens with little or no chance of prevailing can be more readily weeded out of the system. Aliens who have legal representation are much more likely to appear at their hearings than unrepresented aliens. Fewer continuances are needed or granted in the case of represented aliens. Hearings take less time. Issues presented for decision by the immigration courts and on appeal are more readily narrowed. Applications for relief are better prepared and presented in immigration court. Appeals are more cogently presented and are supported by legal briefs. Simply put, when aliens in proceedings or on appeal have legal representation, the system works better.

The Commission visited the Florence Immigration and Refugee Rights Project in Florence, Arizona, a project that demonstrates the advantages of programs designed to educate aliens about their rights and that provides a triage system to secure representation for those with a likely avenue for relief. The Project screens detainees for eligibility for immigration benefits and relief from deportation, exclusion, or removal, informs aliens about their rights, and directly rep-

resents as many as it can handle, with the overflow referred out to *pro bono* attorneys. The Project has been recognized for its success and assistance in moving cases through the system while affording due process. An evaluation of the Project found that aliens with representation had a better opportunity to become aware of their rights and legal options. Many inside and out of government believe that the Florence Project reduces alien detention time, expedites removal by decreasing necessary immigration court time, and increases court efficiency. Representation also decreases anxiety and behavioral problems among detainees.

The Commission believes that programs like the Florence Project should be facilitated and encouraged. Moreover, the Commission believes that the Executive Branch should be granted the authority to develop, provide, and fund other programs and services that inform aliens about their rights and the proceedings in which they are placed and to otherwise facilitate legal representation where to do so is a benefit to the system. Under this approach, the alien would not have a right to appointed counsel, but the government could fund ancillary services, such as rights presentations, interpreters, transportation, attorney/client meeting places, and training to address some of the barriers to increased legal representation.

- **Prosecutorial discretion to determine whether to proceed with cases.** Guidelines on the use of prosecutorial discretion should be developed; local Trial Attorneys should be trained to exercise discretion and support staff should be provided to ensure that Trial Attorneys have the time needed to screen cases prior to hearings. Discretion should be exercised with the goal of establishing a more efficient and rational hearing system.

In addition to targeting priority cases, the District and U.S. Attorneys decide which of those cases to prosecute based on an assessment of the strength of each case. In contrast, by and large, the INS prosecutes all cases that appear to involve violations of law. The Commission is concerned about the cost of litigating every case, both in terms of the credibility of the system and expenditure of public funds. We have recommended setting priorities as a strategy to establish credibility and to send a deterrent message. Here we urge the development of a system based on a sensible goal: prosecution of those who actually will be removed.

To establish a removal system that operates efficiently by prosecuting appropriate cases and settling those, for example, where relief is likely to be established, guidelines should be developed and issued by the General Counsel. Trial Attorneys should be trained to create and apply these guidelines nationwide. Finally, Trial Attorneys need time to screen cases prior to a removal hearing and to determine whether the alien has a strong claim for relief. To free up their time, support staff should be provided to handle the clerical work that currently burdens the Trial Attorneys. By wisely applying their discretion, the Trial Attorneys could then focus their attention on immigration court cases that are likely to result in the removal of the alien upon completion of the proceedings. This "out-of-court" approach also would assist the Immigration Judges and the private immigration bar by reducing the amount of time all parties spend in immigration court.

- **Strategic use of detention and release decisions.** Detention space, always in limited supply, is in greater demand as the government has focused more on the removal of criminal aliens and as Congress mandates more categories to be detained. IIRIRA requires the Attorney General to detain all

aliens found inadmissible or deportable on criminal or terrorist grounds. The criminal grounds include convictions for certain crimes now categorized as "aggravated felonies" for which a sentence of one year imprisonment or more may be imposed. Congress enacted these changes knowing that current detention space and personnel were insufficient to execute such expanded detention requirements and allowed the Attorney General to waive these requirements for two one-year periods while developing the capacity to handle these developments. The Attorney General notified the Judiciary Committees of the insufficiencies for the first year. IIRIRA also requires the detention of asylum seekers during the credible fear determination process.

Detention needs to be used more strategically if the government is going to target and remove designated categories of aliens determined to be priorities in particular locales. If it appears that asylum abuse is getting out of hand in one locality, for example, detention space would be needed to ensure that failed asylum seekers are removed.

Alternatives to detention should be developed so that detention space is used efficiently and effectively. In 1997, INS initiated a three-year pilot program, created with and implemented by the Vera Institute of Justice, that may help define effective alternatives to detention for specific populations. The Vera Assistance Appearance Program aims to develop and validate with formal research a supervision program that will increase both appearances at immigration court proceedings and compliance with the legal process among those not detained, while ensuring efficient use of detention space. The program thus aims to address important removal problems: The Executive Branch can detain only a fraction of individuals in removal proceedings; those who are not detained often do not appear in court and rarely

comply with removal orders. The pilot will free up valuable detention space by keeping out of detention aliens who may eventually be granted relief. If the Vera pilot demonstrates the utility of supervised release, an assessment of chances for relief and community ties or supervision would assist the Department of Justice in determining more precisely when detention is needed in each case to ensure that aliens who ultimately receive no relief do not abscond. It is hoped that the pilot will provide insight into the use of reporting mechanisms as well as the role of community organizations who take responsibility for maintaining contact with and reminding those released of their responsibilities to the immigration court.

The Commission considers the Vera pilot of great importance to the development of an effective removal system. INS officials at headquarters and in the local offices should work together to see that this pilot serves as a valid test of detention alternatives. In particular, the pilot should be permitted access to those asylum seekers who meet the "credible fear" test for two reasons. First, detaining individuals who have met an initial threshold demonstrating their likelihood of obtaining asylum is not a good use of scarce detention resources. As the Commission stated in its Refugee Report, "credible fear" is an appropriate standard for determining who will be released from detention; it is not appropriate for determining who will gain access to an asylum hearing, except under exceptional circumstances. Second, asylum seekers who have met the credible fear test will enable the pilot to test the utility of supervised release and make recommendations on the role of community ties and sponsors.

Additional alternatives should be developed to address local situations. For example, in border communities, aliens with pending cases could be permitted to return to Mexico and come to Port Court for their hearing in lieu of detention, as occurs in San Diego. The aliens in such proceedings are told the consequence of their failure to appear—that they will be found excludable in absentia and criminally prosecuted if they attempt to reenter.

- **Improved detention conditions and monitoring.** Over the past two decades, INS has taken on significant responsibilities in detaining aliens. INS detains a broad range of aliens of both genders, from criminals to asylum seekers. While short detention periods typically are contemplated for those awaiting removal hearings, the results often are otherwise. The INS has also become the long-term jailer for a significant number of removable aliens from Cuba, Vietnam, and other nations. INS currently operates nine Service Processing Centers and, like the U.S. Marshals, contracts bed space with many state and local jails. In recent years, Congress has increased significantly resources for detention space: total available beds per day totaled 8,600 in 1996; INS is close to reaching its goal of 12,000 by October 1997.

  Serious problems have occurred, the most prominent in 1995 when the ESMOR Contract Facility in Elizabeth, New Jersey, was shut down following an incident in which detainees voiced complaints of physical abuse, stealing, and harassment by guards. INS' own investigation of the facility uncovered serious management problems. More regularly, complaints regarding local jails have included human rights abuses, overcrowding, poor nourishment, mixing of women

and juveniles with men and of asylum seekers with criminals, and lack of access to health care, counsel, family, and recreation.

Detention cannot be used effectively unless and until the conditions of detention are humane and detainees are free from physical abuse and harassment by guards. We have no doubt that appropriate criteria for all facilities can be promulgated, based on sound governmental judgment and consultation with concerned nongovernmental organizations. But most importantly, a system to monitor facilities and publish findings on a regular basis must be developed. Inspections must occur more than once annually.

Further, the Commission recommends that the Department of Justice consider placing administrative responsibility for operating detention centers with the Bureau of Prisons or U.S. Marshals Service. An immigration enforcement agency should not be shouldered with such a significant responsibility that is not part of its mission or expertise.

- **Improved data systems.** The Commission recommends that data systems link apprehensions and removals. Current data systems are unable to link an apprehension to its final disposition (e.g., removal, adjustment of status). In addition, INS statistics relate to events, not individuals. This significantly limits the use of apprehension and removal data for analytical purposes. The Commission urges development of data systems that link apprehensions and removals and provide statistics on individuals. This would foster a better understanding of apprehension as a removal tool and provide better information on recidivism.

- **The redesigned removal system should be managed initially by a Last-In-First-Out [LIFO] strategy to demonstrate**

the credibility of the system. Once a coherent system is organized and appropriate resources are assigned to removing deportable aliens—not simply to put aliens through proceedings—removals should proceed in a Last-In-First-Out mode. In this way, the government can send a credible deterrent message to failed asylum seekers, visa overstayers, users of counterfeit documents, and unauthorized workers, that their presence in the United States will not be tolerated. The LIFO model has worked successfully in the affirmative asylum system, allowing the government to demonstrate control over the current caseload and to quickly establish priorities for dealing with the backlog for enforcement purposes. It can provide both the measure of success for the removal system as well as convey the proper deterrent message.

The Commission urges Congress to clarify that the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 and the Antiterrorism and Effective Death Penalty Act of 1996 do not apply retroactively to cases pending when the new policies and procedures went into effect. As a matter of policy, the Commission believes that retroactive application of new immigration laws undermines the effectiveness and credibility of the immigration system. Applying newly-enacted laws or rules in an immigration proceeding that is pending results in inefficiency in the administration of the immigration laws. It also can raise troubling issues of fairness.

The Commission urges Congress to clarify that IIRIRA and AEDPA do not apply retroactively to cases pending when the new policies and procedures went into effect.

There is no uniform effective date for the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 in its entirety. Instead, and to the extent it has spoken on the matter, Congress has imposed several different effective dates depending on the provisions involved. Most of the new removal provisions became effective on April 1, 1997. The fact that a statutory provision takes effect upon enactment or upon a future date certain, does not re-

solve the issue of whether the provision applies to cases already pending. When new statutory provisions are applied to such categories of cases, it is generically considered a "retroactive" application of the law.[20]

Although retroactive application of new statutory requirements by Congress is legally permissible (subject to certain constitutional constraints), it does not constitute sound public policy. Ours is a system governed by the rule of law. In our view, retroactively changing the applicable rules once a legal proceeding has commenced not only is manifestly unfair, but also invites confusion, adds uncertainty, and fosters a lack of trust and confidence in the rule of law.

We are concerned as well that retroactively applying new statutory provisions results in inefficiency and simply does not make good sense given the current realities of administering the immigration laws. As fully discussed earlier in this report, hundreds of thousands of outstanding administratively final orders of deportation remained unexecuted long before the enactment of either IIRIRA or

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[20] The analytical model for determining statutory retroactivity, set forth by the Supreme Court of the United States in *Langraf v. U.S.I. Film Products, Inc.*, 511 U.S. 244 (1994), is aptly encapsulated in the following excerpt from *Immigration Law and Procedure*, Gordon and Mailman, Chapter 61, Special Alert, SPA61-1, 2 (1997):

> [T]he first step is to determine whether Congress expressly defined the statute's proper reach. The language of the statute must be examined to determine whether it manifests an intent to apply to cases or conduct that arose before the law's enactment. For the statute to apply retroactively, there must be an "unambiguous directive" or an "express command" from Congress that it intended such application. In the absence of such an unambiguous directive, it must be determined whether the new statute "attaches new legal consequences to events completed before its enactment" or "would impair rights a party possessed when he acted, increase a party's liability for past conduct or impose new duties with respect to transactions already completed." If the statute has this effect, it should not apply retroactively.

AEDPA. Clearly, the system has had little problem in establishing sufficient grounds for deportation and exclusion under prior law. Moreover, although relief from deportation and exclusion under prior law was available, the number of granted applications was proportionally very small compared to the number of aliens in proceedings. The problem, then, has not been in ordering the deportation or exclusion of immigration violators, or in granting relief in a relatively small percentage of cases. The problem has been in actually removing aliens who have been found to be deportable, excludable, or removable following the conclusion of their proceedings.

As noted above, the system is not yet removing anything approaching 100 percent of the existing detained or nondetained criminal alien population for whom an administratively final order of deportation or exclusion already has been entered or who are otherwise deportable or excludable under prior law based on their criminal conduct. Moreover, the system has failed to remove significant numbers of noncriminal aliens against whom orders of deportation or exclusion have been outstanding for several years. Although retroactive application of the 1996 legislation will both significantly increase the numbers of removable aliens and decrease the numbers of aliens who might have otherwise qualified for existing relief, the system does not have the capacity actually to remove these added numbers of individuals. The resulting situation serves only to further erode the effectiveness and credibility of the immigration system as a whole.

ACHIEVING IMMIGRATION POLICY GOALS

INTRODUCTION

Restoring credibility and setting priorities—themes at the center of the Commission's policy recommendations on illegal and legal immigration, respectively—will not come to pass unless the government is structured to deliver on these policies. An effective immigration system requires both credible policy and sound management. Good management cannot overcome bad policy. Poor structures, lack of professionalism, poor planning, and failure to set priorities will foil even the best policies.

Until relatively recently, the agencies responsible for implementing immigration policy were underfunded, understaffed, and neglected. During the past few years, however, massive increases in resources and personnel, combined with significant political attention to immigration issues, have provided new opportunities to address long-standing problems. A recent General Accounting Office report documented improvements—including, for example, a more strategic approach to the formulation of immigration enforcement programs—but concluded that management problems remain. Further change is required if the overall U.S. immigration system is to function smoothly and effectively, anticipating and addressing, rather than reacting to, problems.

STRUCTURAL REFORM

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement;

The Commission recommends fundamental restructuring of responsibilities within the federal government to support more effective management of the core functions of the immigration system: border and interior enforcement, enforcement of immigration-related employment standards, adjudication of immigration and naturalization applications, and appeals of administrative decisions.

*enforcement of immigration-related employment standards; adjudication of immigration and naturalization applications; and appeals of administrative decisions***.** The immigration system is one of the most complicated in the federal government bureaucracy. In some cases, one agency has multiple, and sometimes conflicting, operational responsibilities. In other cases, multiple agencies have responsibility for elements of the same functions. Both situations create problems.

Mission overload. Some of the agencies that implement the immigration laws have so many responsibilities that they have proved unable to manage all of them effectively. Between congressional mandates and administrative determinations, these agencies must give equal weight to more priorities than any one agency can handle. Such a system is set up for failure, and, with such failure, further loss of public confidence in the immigration system.

No one agency is likely to have the capacity to accomplish all of the goals of immigration policy equally well. Immigration law enforcement requires staffing, training, resources, and a work culture that differs from what is required for effective adjudication of benefits or labor standards regulation of U.S. businesses. While some argue that enforcement and benefits are complementary functions, we agree with the Commission for the Study of International Migration and Cooperative Economic Development [Asencio Commission, after its Chair] that placing incompatible service and enforcement functions within one agency creates problems: competition for resources; lack of coordination and cooperation; and personnel practices that both encourage transfer between enforcement and service positions and create confusion regarding mission and responsibilities. Combining responsibility for enforcement and benefits also blurs the distinction between illegal migration and legal admissions. As a matter of public policy, it is important to maintain a bright line between these two forms of entry. We believe the Asencio Commission was correct in contending that separating enforcement and benefits functions

will lead to cost efficiencies, more effective enforcement, and improved service to the public.

Diffusion of responsibilities among agencies. Responsibility for many immigration functions are spread across numerous agencies within single departments or between departments. This fragmentation of responsibility is most clear in relationship to the adjudication of applications for admission as a legal permanent resident: responsibility for making decisions on skill-based immigrant and LDA applications is dispersed among the Department of Labor, the Department of Justice's Immigration and Naturalization Service and the Department of State. Responsibility for investigating employer compliance with immigration-related labor standards is shared by INS and DOL. Additionally, the United States Information Agency has responsibility for determining who will enter with a J visa, under which some exchange visitors work in this country. USIA also must sign off on requests for waivers of the two-year home residency required of some J visa holders before they can adjust their status to other nonimmigrant or immigrant categories.

A second area in which responsibility is diffused and activities are redundant is worksite enforcement. Both INS and DOL conduct investigations to determine if employers have violated the employment eligibility verification requirement. Sanctions may be imposed by INS against employers who knowingly hire unauthorized workers. The DOJ Office of Special Counsel has related responsibilities in determining if employers are engaging in immigration-related unfair employment practices.

Fragmentation of responsibility leads to conflicting messages from the various agencies, unnecessary delays in adjudication, and, when more than one agency must adjudicate the same request, redundancies in actual implementation.

Current U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE				
Immigration & Naturalization Service	✓	✓	✓	✓
Executive Office for Immigration Review				✓
DEPARTMENT OF STATE				
Consular Affairs		✓		
Bureau for Population, Refugees & Migration		✓		
Board of Appellate Review*				✓
DEPARTMENT OF LABOR				
Employment Standards Administration			✓	
Employment Training Administration		✓		
Board of Alien Labor Certification Appeals				✓

*For a limited set of nationality- and citizenship-related matters.

The Commission considered a range of ways to reorganize roles and responsibilities, including proposals to establish a Cabinet-level Department of Immigration Affairs or an independent agency along the lines of the Environmental Protection Agency. We believe a new department or independent agency is neither practical nor desirable, particularly in the context of current interest in streamlining government operations, not creating sizeable, new entities.

After examining the full range of options, the Commission con-

Proposed
U.S. Immigration System

AGENCY \ FUNCTION	IMMIGRATION ENFORCEMENT	IMMIGRATION BENEFITS	LABOR STANDARDS	APPEALS
DEPARTMENT OF JUSTICE Bureau for Immigration Enforcement	✓			
DEPARTMENT OF STATE Undersecretary for Citizenship, Immigration, and Refugee Admissions		✓		
DEPARTMENT OF LABOR Employment Standards Administration			✓	
AGENCY FOR IMMIGRATION REVIEW				✓

cludes that a clear division of responsibility among existing federal agencies, with appropriate consolidation of functions, will improve management of the federal immigration system. As discussed below, *the Commission recommends a restructuring of the immigration's four principal operations as follows:*[1]

1. ***Immigration enforcement at the border and in the interior of the U.S in a new Bureau for Immigration Enforcement at the Department of Justice;***

2. ***Adjudication of eligibility for immigration-related applications (immigrant, limited duration admission, asylum, refugee, and naturalization) in the Department of State under the jurisdiction of a new Undersecretary for Citizenship, Immigration, and Refugee Admissions;***

The Commission recommends a restructuring of the immigration system: 1. Immigration enforcement at the border and in the interior of the U.S at the Department of Justice; 2. Adjudication of eligibility for immigration-related applications in the Department of State; 3. Enforcement of immigration-related employment standards in the Department of Labor; and 4. Appeals of administrative decisions in an independent review agency.

Proposed Restructuring of the Immigration System

DEPARTMENT OF JUSTICE	DEPARTMENT OF STATE	DEPARTMENT OF LABOR	INDEPEN DENT AGENCY
BUREAU FOR IMMIGRATION ENFORCEMENT	UNDERSECRETARY FOR CITIZENSHIP, IMMIGRATION, AND REFUGEE ADMISSIONS	EMPLOYMENT STANDARDS ADMINISTRATION	AGENCY FOR IMMIGRATION REVIEW
Immigration enforcement at the border and in the interior of the United States	Adjudication of eligibility for immigration-related applications	Enforcement of immigration-related employment standards	Administrative review of all authorized immigration-related appeals

3. ***Enforcement of immigration-related employment standards in the Department of Labor; and***

4. ***Appeals of administrative decisions, including exclusion, deportation, and removal hearings, in an independent agency, the Agency for Immigration Review.***

The Commission believes this streamlining and reconfiguring of responsibilities will help ensure: coherence and consistency in immigration-related law enforcement; a supportive environment for adjudication of applications for immigration, refugee, and citizenship services; rigorous enforcement of immigration-related labor standards to protect U.S. workers; and fair and impartial review of immigration decisions.

Bureau for Immigration Enforcement (DOJ)

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and ***remove illegal aliens in a Bureau for Immigration Enforcement in the Department of Justice.*** The Commission believes that the importance and complexity of the enforcement function within the U.S. immigration system necessitate the establishment of a higher-level, single-focus agency within the DOJ. The Commission further recommends that the newly configured agency have the prominence and visibility that the Federal Bureau of Investigation [FBI] currently enjoys within the DOJ structure. The Director of the Bureau for Immigration Enforcement would be appointed for a set term (e.g., five years). The agency would be responsible for planning, implementing, managing and evaluating all U.S. immigration enforcement activities both within the United States and overseas.

The Commission recommends placing all responsibility for enforcing United States immigration laws to deter future illegal entry and remove illegal aliens in a Bureau for Immigration Enforcement in the Department of Justice.

[1] See Appendix for Commissioner Leiden's concurring statement.

The new agency's responsibilities would include many functions currently performed by the INS: inspections and admissions at air, land, and sea ports of entry and at pre-inspection facilities overseas; border management and control between ports of entry; apprehension and prosecution and removal of illegal residents and workers; oversight of pre- and post-trial/hearing release; identification and prosecution of document fraud; identification, deterrence, and prosecution of alien smuggling gangs; and other domestic and overseas deterrence activities.

The Commission believes that the current U.S. immigration system structure diffuses and confuses potential for a more concerted focus on central functions and activities. Enforcement objectives sometimes conflict with service goals and *vice versa*. Often, both compete for limited operational resources and for the time and attention of those responsible for planning, administering, and managing these programs.

The Commission is particularly concerned that although the current removal system produces more than 100,000 final removal orders each year, the system does not have the corresponding capability to remove the individuals subject to those orders. The Commission believes that it is critical to the credibility of the removal sector of the enforcement system that the agency be held accountable for setting realistic numerical priorities and producing specific outcomes. Upper-level management must be responsible for effecting an integrated system such that the agency apprehends, detains, and proceeds against those aliens it prioritizes for removal, and ultimately removes all those being issued final orders of removal.

To establish such an integrated system, the Commission recommends that the new enforcement agency have a more traditional law enforcement model structure and that it focus on police activities, pre- and post-trial probation services, and prosecution. Agency person-

nel should be upgraded to receive pay and benefits commensurate with those provided to other Department of Justice law enforcement agents. At present INS personnel performing the same functions as FBI or Drug Enforcement Agency [DEA] personnel are often at a lower-pay grade.

The police function would be carried out by *uniformed services,* such as Inspectors and Border Patrol Agents, and *investigators* who would conduct investigations and collect intelligence at the border and in the interior to deter smuggling, facilitate removals, and accomplish other similar goals. The Commission suggests turning over most detention responsibility to the U.S. Marshals Service and/or the Bureau of Prisons.

As in other law enforcement operations, particularly those in which more people are put into proceedings than can either be accommodated in detention or actually removed, there is a need for *pre- and post-trial/hearing screening* and/or *supervised release* on probation or bond. In the immigration context, these could be available, for example, to asylum-seekers who are deemed by an Asylum Officer to have demonstrated a credible fear of persecution, to those who have accepted voluntary departure and posted bond, or to those unlikely (because of close family members or other strong community ties) to abscond pending completion of their hearings or sentences.

To ensure a high expectation of individuals actually being removed from the U.S. within a certain time, the Commission believes that Trial Attorneys should have greater discretion to set priorities for apprehension and prosecution and to determine which cases are pursued for removal proceedings.

The Commission recommends the following distribution of responsibilities within the Bureau for Immigration Enforcement.

Uniformed enforcement officers. The Commission recommends merger of the INS Inspectors, Border Patrol, and detention officers into one unit, the Immigration Uniformed Service Branch. Its officers would be trained for duties at land, sea, and air ports of entry, between land ports on the border, and in the interior where uniformed officers are needed for enforcement. The unit would be accountable for both the facilitation of legal traffic at the ports of entry and the enforcement against illegal entry. It also would be responsible for moving detainees from apprehension sites to detention facilities and to hearing sites, as well as for escort duty during removals. After appropriate training, most of the officers performing these various functions could be transferred interchangeably, and opportunity for job mobility would exist across lines not now possible. As stated above, grade level and pay should be upgraded as needed to be commensurate with the law enforcement activities the officers will perform.

Unlike the current practice in which the Border Patrol reports to Sector Chiefs and Inspectors report to District Directors, all uniformed officers within a particular geographic area would be under the authority of a single, integrated immigration enforcement manager.

Investigators. The Commission believes investigations will be a key part of the new agency's responsibility. Investigators are the main agents responsible for identifying and apprehending people who are illegally residing or working in the United States, for deterring smuggling operations, for building a case against those who are not deterred, and for identifying, apprehending, and carrying out the removal of aliens with final orders of removal.

Only some 2,900 employees, out of an INS staff of more than 25,000, work on these many investigative tasks. A similar number work in INS Detention and Deportation. Most of these Deportation Officers

could—given additional on-the-job training and supervision conduct investigations. Deportation Officers now deal almost exclusively with docket control and management paperwork that could be done by lower level support staff, freeing the Deportation Officers for field work.

INS Investigators primarily work the front end of the removals process: identifying and arresting those who are illegally residing or working in the U.S. Little attention is given to the removal process as a whole, for ensuring availability of adequate detention space, allocating ample Trial Attorney and Immigration Judge time, effecting transfer to airports, and achieving physical removal. The system is bogged down with increasing numbers of aliens who are apprehended, charged with an immigration violation, put into proceedings, released due to lack of detention space or other prerequisites for effective timely processing, never appear at their hearings, or are never deported after a final order of removal is issued. The failure of careful planning and integration of the process means many of those who are apprehended are never removed. According to some observers, the INS' compartmentalized program planning, budgeting, and implementation procedures blunt attempts to integrate these functions more fully into a seamless and effective process.

"Removal Officers" in the new Bureau for Immigration Enforcement, who would integrate the functions of Investigators and Deportation Officers in apprehensions and removals, would enable the immigration system to deliver better on its commitment to actually remove those who are issued final orders. Managers would then have the flexibility to shift resources among various investigations activities as needed to produce a smooth-flowing process that ensures timely removal. As dsicussed above, grade and pay should be commensurate with the often dangerous law enforcement duties performed by investigators.

Intelligence. The Bureau for Immigration Enforcement will require an Intelligence Division to provide strategic assessments, training and expertise on fraud, information about smuggling networks, and tactical support to uniformed officers or investigators. It would act as a liaison with other federal law enforcement agencies and share information and intelligence. The Intelligence division would be one of the smallest in the agency with an anticipated staff of about 100 employees.

Assets Forfeiture Unit. As with the other DOJ enforcement agencies, the Bureau would have an Assets Forfeiture Unit. Statutory authority for Assets Forfeiture activities is a useful addition to the range of strategies and sanctions available to the U.S. law enforcement community. Augmented authorities in the 1996 immigration legislation increased both its usefulness and the potential for misuse or abuse. In order to be aggressive in using these new authorities and equally aggressive and proactive in ensuring against misuse/abuse, DOJ agencies established assets forfeiture units under the general guidance of the DOJ Assets Forfeiture Unit. Each agency, including FBI, DEA, and INS, has its own unit. These units, usually highly-placed within the agency, are the focal points for agency-wide asset-related policy implementation, field staff training, and field operations monitoring. They assist the agency's field staff in case development, monitor use of assets forfeiture funds, and oversee use of these sanctions to guard against abuse.

Pre- and post-trial "Probation" Officers. "Probation" functions are not now performed consistently or effectively in the immigration system, but the Commission believes these functions are essential to more strategic use of detention space. District Directors and Immigration Judges determine the release (either on personal recognizance or on bond) of apprehended aliens from detention. Often, release relates more to lack of detention space than to the likelihood that aliens will appear at their proceedings or assessment of aliens' danger to the community. Some aliens are given the option to

depart voluntarily, but there is little tracking of whether they actually leave the country. As it is unlikely that all potentially deportable aliens could or should be detained awaiting removal, the Commission believes more attention should be given to supervised release programs and to sophisticated methods for tracking the whereabouts of those not detained.

Pilot programs, such as the Vera Institute Appearance Assistance Program discussed above, could be expanded into more areas if successful. INS requested this three-year project in the New York area. It studies reporting requirements and the effectiveness of community sponsors in supervising the release of aliens who meet certain criteria regarding community ties, relief from removal, and public safety. The program aims to free up valuable detention space for aliens without legal remedies who are likely to abscond, while keeping those who might receive relief out of detention.

Trial Attorneys/Prosecutors. INS has nearly 800 staff involved in immigration-related legal proceedings, such as offering legalopinions and advice and representing the government's interests in proceedings before Immigration Judges and on appeal.

The Commission believes that the Trial Attorneys, who, in effect, are the Government's immigration prosecutors, should be vested with, *and should utilize*, an important tool possessed by their criminal counterparts: prosecutorial discretion. Under the current system, the Trial Attorneys do not as a practice use discretion in determining which cases to pursue. The INS does not sufficiently prioritize or target cases; instead it acts as if it had the means to prosecute each and every case effectively. Cases go forward, even when an alien will, or is likely to, prevail on an application for relief or when there is no realistic belief that the alien will ever be removed from the country. Discretion exercised at the beginning of the process and at every step would target the use of scarce resources better and contribute to a more effective and credible system. Central office lead-

ership would be required to set appropriate priorities and provide guidance to the Trial Attorneys as to the proper use of discretion.

Greater sharing of information between the Trial Attorneys, aliens, and their counsels would facilitate smoother and more expeditious movement through the system and fewer Freedom of Information Act requests. Greater use of stipulations and pretrial conferences (with sanctions resulting when attorneys are not prepared), would narrow the disputed issues needing court resolution and time.

Field Offices. The new enforcement agency would implement its programs through a series of field offices structured to address comprehensively the immigration enforcement challenges of the particular locality As the location of these offices should be driven by enforcement priorities, they would likely be located in different places than current district offices. Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices. The field office inspections officers at ports of entry would both facilitate the admission of legal limited duration admissions and immigrants and the identification of illegal entrants. Border Patrol stations along the border and at checkpoints along major interior transportation corridors would facilitate enforcement activities. Appropriate field offices also would investigate and prosecute cases and contribute to detection and destruction of smuggling rings.

Current INS Regional Offices could be retained for administrative and managerial oversight of these dispersed and diverse field offices. Most existing district offices and suboffices could be incorporated into the new agency; they also could supervise and administer the Border Patrol. [Until the mid-1950s, Border Patrol units worked out of and reported to INS District Offices.] The INS overseas enforcement presence could be retained and expanded by the new enforcement agency.

Citizenship, Immigration, and Refugee Admissions (DOS)

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage these activities. At present, three separate agencies—the INS, the Department of State, and the Department of Labor—play broad roles adjudicating applications for legal immigration, limited duration admission, refugee admission, asylum, and/or citizenship. In addition, the Department of Health and Human Services plays an ancillary role in setting requirements regarding health standards for new arrivals, and the United States Information Agency has a major role in exchange visitor programs.

The Commission recommends that all citizenship and immigration benefits adjudications be consolidated in the Department of State, and that an Undersecretary for Citizenship, Immigration, and Refugee Admissions be created to manage *these activities.*

The Commission believes a more streamlined and accountable adjudication process, involving fewer agencies but greater safeguards, would result in faster and better determinations of these benefits. Consolidation of responsibility in one department would permit a reengineering of the adjudication process to make it more efficient and timely.

In considering which department should be responsible for adjudicating citizenship and immigration benefits, the Commission considered each agency's current role and overall mission. Immigration has been a stepchild in each of the major departments with current responsibilities. The Department of State's primary role is the conduct of foreign relations, and immigration issues have been subsumed within its consular functions of protection and welfare of American citizens abroad. The Department of Justice tends to view immigration as an enforcement matter, and it is not well suited to oversee an agency that also adjudicates applications for benefits. The Department of Labor is concerned primarily with the labor market impact of immigration. The Department of Health and

Human Services plays an important role in setting and implementing domestic refugee policy, but it has a very narrow, largely health-related involvement in overall immigration policy.

Recognizing the drawbacks inherent in choosing any of these locations, the Commission nevertheless concluded that the Department of State has the greatest capacity to undertake the additional work entailed in a consolidated system.

Taking responsibility for immigration and citizenship services out of the Department of Justice sends the right message, that legal immigration and naturalization are not principally law enforcement problems; they are opportunities for the nation as long as the services are properly regulated. Further, the Department of Justice does not have the capacity internationally to take on the many duties of the Department of State. The Department of State, however, already has a domestic presence and an adjudicatory capability. It issues one-half million immigrant visas and six million nonimmigrant visas each year. DOS also provides a full range of citizenship services both domestically (issuance of almost six million passports annually) and abroad (e.g., citizenship determinations and registration of births of U.S. citizens overseas). Indeed, DOS has devoted a major share of its personnel and its capital and operating resources to these adjudicatory functions at embassies and consulates in more than two hundred countries and in passport offices in fifteen U.S. cities. In addition, the National Visa Center in New Hampshire processes and forwards to overseas posts three-quarters of a million immigrant cases.

Consolidating responsibility requires some changes in the way the Department of State administers its immigration responsibilities, which we believe would strengthen the adjudication function. This increase in domestic responsibilities may raise concern over possible decrease in attention and focus on the Department of State's tradi-

tional mandate in foreign affairs, as well as more practical caution regarding the well-known difficulties in managing the domestic aspects of immigration. Some observers also may be concerned that DOS might not give sufficient consideration to the domestic impact of immigration. To counter this perception (and some underlying reality), the Department of State would need to develop mechanisms for consultation with domestic groups representing a broad range of views and interests regarding immigration.

The Department of State also will need to change its historic position on review of consular decisions. At present, decisions made at INS and the Department of Labor on many immigrant and LDA applications may be appealed, but no appeal is available on consular decisions. The Commission believes that immigrant and certain limited duration admission visas with a U.S. petitioner should be subject to independent administrative review [see below]. The Department of State also would have to prepare its own bureaucracy to take on these new functions. A need for a renewed emphasis on training for the management of large and interrelated offices and processes will be matched by the need for superior personnel management and leadership. These highly-regarded management skills would be an ideal attraction for those Foreign Service officers who shy away from consular assignments abroad, perceiving them as unwanted digressions from the classic diplomatic career path.

The new organization would be responsible for naturalization and determination of citizenship, adjudication of all immigrant and limited duration admission petitions, work authorizations and other related permits, and adjustments of status. It also would have responsibility for refugee status determinations abroad and asylum claims at home. Overseas citizenship services would continue to be provided by consular officers abroad and in Washington. Policy and program development for all immigration activities would be incorporated into the new organization, which also would have

enhanced capacity to detect, deter, and combat fraud and abuse among those applying for benefits.

With consolidation, the Department of State would have sole responsibility for processing immigrants—from the filing of the petition in the United States and subsequent visa issuance abroad, to the production of the green card and work authorization in the U.S., and ultimately, to naturalization. Issuance of a passport to the newly-naturalized citizen would complete this almost seamless process of immigration benefits adjudications. Consolidation of these steps would permit greater operational flexibility (e.g., one-stop adjudication of petitions and forwarding to posts abroad, streamlined processing for work-related visas), greater flexibility in use of personnel (e.g., the examination function could span visa petitions and passports), and, as discussed below, greatly enhanced antifraud capabilities.

The consolidation of these functions in DOS would, of course, be a major undertaking for a relatively small department already charged with absorbing the United States Information Agency and the Arms Control and Disarmament Agency. The Department of State must be given the resources to fulfill such new responsibilities. The approximately five thousand INS and Department of Labor staff currently involved in immigration applications adjudications would likely be transferred to DOS. Many employees would remain in or near their present locations and their functions would not appreciably change.

This recommendation envisions creation of an Undersecretary who would have direct access to the Secretary of State and who would be responsible for domestic and overseas immigration, citizenship, and refugee functions.

Within the Office of the Undersecretary would be a unit responsible both for formulating and assessing immigration policy as well as

reviewing and commenting on the immigration-related effects of foreign policy decisions. This policy capacity would be new for the Department of State, but it is in keeping with the important role that migration now plays in international relations.

The Undersecretary would have three principal operating bureaus:

A Bureau of Immigration Affairs [IA] would focus on the immigration process, as noted above, as well as on LDA processing. IA's expanded responsibilities would be based on those currently assigned to the Visa Office and the National Visa Center. In addition to its existing overseas work, the Bureau of Immigration Affairs would be responsible for domestic adjudication/examination functions, including work authorization, adjustment of status, domestic interviewing, and the issuance of appropriate documentation (e.g., green cards). The Bureau of Immigration Affairs also would staff immigration information and adjudication offices in areas with immigrant concentrations. Related INS legal and regulatory staffs in Washington also would transfer to the IA Bureau, as would DOL functions regarding employment-based entry. In short, the IA Bureau would assess—in the U.S. and abroad—applications for all immigration-related benefits now performed by INS, DOL, DOS, and USIA.

Importantly, the employment verification system outlined in previous Commission recommendations also would be under the Department of State's control, although it would likely contract out the actual operation of that system. Another important part of its domestic presence would be the staffing of immigration information offices in areas of major immigrant concentrations.

A Bureau of Refugee Admissions and Asylum Affairs would assure an appropriate level of independence from routine immigration issues and processes. It would combine the present Bureau for Population, Refugees and Migration [PRM] responsibilities for over-

seas refugee admissions, the refugee and asylum offices of the INS, and the DOS asylum office in the Bureau of Democracy, Human Rights and Labor.[2] This would integrate the key governmental players in one of our most important and historic international activities. In this vein, the direct line of authority to the Secretary of State through the new Undersecretary underlines the key policy advantage for global refugee issues.

A Bureau of Citizenship and Passport Affairs would be responsible for naturalization, other determinations of citizenship, and issuance of passports. Local offices performing some citizenship functions, such as overseas travel information, passport and naturalization applications, testing and interviews, could be located at the new or expanded immigration offices noted below.

Overseas citizen services would continue to be handled within the new consolidated organization, utilizing the DOS substantial domestic and overseas staff. These services include: responding to inquiries as to the welfare or whereabouts of U.S. citizens; assisting when U.S. citizens die, are arrested, or experience other emergencies abroad; providing notarial services; and making citizenship determinations and issuing passports abroad. In some countries experiencing instability, an increasingly important activity is organizing Americans living or working in those areas into networks for efficient communication of information and warnings.

Quality Assurance Offices would oversee records management, monitoring procedures, fraud investigations, and internal review. At present, monitoring of the quality of decisions made on applica-

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[2] The Commission makes no recommendation regarding the management or organization of the overseas refugee and humanitarian assistance programs operated by PRM and the USAID Bureau for Humanitarian Response. These functions could remain within the Undersecretary for Global Affairs or be brought under the new Undersecretary for Citizenship, Immigration, and Refugee Admissions.

tions for immigration and citizenship benefits receives insufficient attention. INS enforcement officials now have the responsibility to investigate allegations of fraud in immigration and naturalization benefits programs, but monitoring the adjudications process is a low priority in an office that is also responsible for identifying and removing criminal aliens, breaking up smuggling and counterfeiting rings, and performing similar police work. A staff responsible for and dedicated to ensuring the quality of decisions taken on applications for immigration and citizenship should address some of the weaknesses, such as those recently identified in the naturalization process.

Some adjudication decisions now are reviewed by a separate administrative unit within the agency conferring benefits; others are not. The Commission believes that quality decisions require some form of supervisory review for applicants who believe their cases have been wrongly decided. This type of review helps an agency monitor consistency and identify problems in adjudication and offers a means of correcting errors. At present, DOS has procedures for some internal supervisory review of consular decisions, but it has had no need for procedures to review refusals of applications at earlier stages of adjudication. With expanded responsibilities, DOS will need to develop a comprehensive internal review process that ensures that errors are corrected with minimal disruption to the applicant and the agency.

Quality assurance requires good records. The accrued personal records of each immigrant must be accurate, up-to-date, and retrievable at each adjudicative stage: (1) petition/immigrant visa; (2) alien resident/green card; (3) naturalization; and (4) passport. The creation and maintenance of the alien filing system ("A" files) should be reviewed to assure its maximum utility in the adjudicative flow noted above. The absolute need for good immigration records cannot be overstated.

Standardized and flexible records management and the consolidation of domestic and overseas adjudication functions will greatly enhance antifraud capabilities. At present, fraud often is not discovered until after a government agency has given the case one or more approvals and the alien appears for his or her visa. The resources are not now in place for adequate review of questionable petitions, and communications between overseas posts and domestic agencies are not adequate. Even when they receive information from overseas posts about likely fraud, the domestic agencies generally do not follow up with further investigation. Consolidation within the Department of State would overcome poor coordination and communication and permit more antifraud efforts at the beginning of the process, where they are most effective. A fraudulent entry prevented, a work permit not issued to an unauthorized person, or an ineligible alien prevented from naturalization—these are far more preferable to trying to rescind a benefit granted in error.

With respect to the domestic field structure for implementing these programs, The Regional Service Centers and National Visa Center would continue to be the location of most adjudication. The physical plants are excellent and the locally-hired staffs are trained and in place. At this time, information is passed from the RSCs to the NVC when the applicant for admission is overseas. Eventually, however, the functions of the Service Centers and the Visa Center might be consolidated. Overseas interviews would continue to take place at embassies and consulates.

A range of other interviews would take place domestically. The Department of State already operates fifteen passport offices throughout the United States, many in areas of high immigrant settlement. These offices, however, are not set up for high volume interviewing. New offices, designed specifically with immigrant services in mind, would be needed. Ideally, to avoid long lines and waits for service, there would be smaller offices in more locations than the current INS district offices. The Commission recommends against locating

these offices with the enforcement offices discussed above. Asking individuals requesting benefits or information to go to an enforcement agency sends the wrong message about the U.S. view of legal immigration.

Immigration-Related Employment Standards (DOL)

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor. These activities include enforcing compliance with requirements to verify work authorization and attestations made regarding conditions for legal hire of temporary and permanent foreign workers. The Commission believes that as this is an issue of labor standards, the Department of Labor is the best equipped federal agency to regulate and investigate *employer compliance* with standards intended to protect U.S. workers. The hiring of unauthorized workers and the failure of employers to comply with the commitments they make (e.g., to pay prevailing wages, to have recruited U.S. workers) in obtaining legal permission to hire temporary and permanent foreign workers are violations of such labor standards. Responsibility for enforcing compliance with these requirements currently lies within both INS and DOL. Under consolidation, the DOL Employment Standards Administration's [ESA], Wage and Hour Division [WH] and Office of Federal Contract Compliance Programs [OFCCP] would perform these functions in conjunction with their other worksite labor standards activities.

The Commission recommends that all responsibility for enforcement of immigration-related standards for employers be consolidated in the Department of Labor.

These increased immigration-related responsibilities would require increased DOL staff and resources. In addition to performing all worksite inspections, DOL would assume new employer sanctions responsibilities. Specifically, the Commission makes the following recommendations regarding the DOL role in regulating the worksite to ensure the protection of U.S. workers.

Sanctions against employers who fail to verify work authorization. Among its provisions that address the problem of unauthorized immigration, the Immigration Reform and Control Act of 1986 made it unlawful for an employer knowingly to hire any alien not authorized to work in the U.S. IRCA requires all employers to check the identity and work eligibility documents of all workers hired. Upon hiring, employees must sign an I-9 Form certifying eligibility to work and that the documents they present to the employer are genuine. The employer then signs the form, indicates which documents were presented, and attests that they appear to be genuine and to relate to the individual who was hired. IRCA established penalties both for employers failing to comply with this process and for employers knowingly hiring unauthorized aliens. Pilot testing of a more rigorous verification process recommended in the Commission's 1994 report and adopted in large part in the immigrant legislation passed in 1996 addresses verification problems arising from the widespread use of fraudulent documents by illegal aliens.

The Commission believes all worksite investigations to ascertain employers' compliance with employment eligibility verification requirements should be conducted by the Department of Labor. Although DOL already conducts many of these investigations, under this recommendation, DOL also would assess penalties if employers fail to verify the employment eligibility of persons being hired. DOL would not be required to prove that an employer knowingly hired an illegal worker, just that the employer hired a worker without verification of his or her authorization to work. With implementation of the Commission's proposal for a more effective verification process, this function will be critical to deterring the employment of unauthorized workers.

At present, INS has the principal responsibility for employers sanctions enforcement, including: investigations and prosecution of "knowing hires" of illegal aliens and paperwork violations; worksite

raids that apprehend and remove illegal aliens; and development and maintenance of employee eligibility verification programs designed to help employers determine which individuals are authorized to work in the United States. DOL also reviews employer compliance with the employer sanctions verification processes in the course of its on-site visits to workplaces and as part of regular labor standards enforcement activities. DOL Wage and Hour and OFCCP personnel inspect the I-9 Forms on file and notify INS of the results of such inspections. DOL also is authorized to issue warning notices to employers when deficiencies are found in an employer's verification process. In practice, however, DOL has rarely issued such warnings.

Although INS and DOL jointly enforce the employer sanctions provisions, INS has the primary responsibility, including assessing civil penalties and initiating legal action. A Memorandum of Understanding between DOL and INS retains for INS the responsibility for promulgating employer sanctions program policy.

Consolidating verification enforcement at DOL gives responsibility to an agency with extensive experience regulating business compliance with labor standards, an expertise largely lacking at INS. It also permits a relatively high level of enforcement activity, as DOL completes far more employer visits than INS. The number of employer sanctions cases completed by INS has decreased sharply from 14,311 in 1990 to 5,211 in FY 1996, of which 90 percent were cases in which the agency had some reason to believe a violation occurred.[3] Over the past several years, the number of Wage and Hour on-site investigations also has decreased substantially but is still well above the INS level. The DOL reduction results largely from

[3] The lowered activity, nevertheless, represents more targeted and effective enforcement. The number of arrests during this same period increased more than 50 percent. In 1,024 cases the employers were fined; warnings were issued in 669 cases; $4,853,288 was collected in fines; and 13,848 undocumented workers were arrested.

a greatly expanded use of expedited investigations in the form of employer self-audits and conciliations in place of on-site investigations. For example, Wage and Hour conducted more than 42,000 on-site investigations and corresponding I-9 inspections in FY 1990, but less than 23,000 in FY 1996. OFCCP conducts some 4,000 on-site inspections each year. In FY 1996, approximately 70 percent of Wage and Hour investigations were complaint-driven; the remaining 30 percent were directed or targeted. Wage and Hour devotes the equivalent of twenty-one full-time employees to I-9 inspections, OFCCP the equivalent of eight.

The Commission recognizes DOL concern that from the begining its assumption of an employer sanctions enforcement role created a potential conflict with its broader mission of protecting the wages and working conditions of workers. Its inspectors worry that workers' fears that such employer sanction actions might result in INS apprehension and deportation could have a "chilling effect" on those workers who might—and should—come forward to report workplace abuses. For this reason, DOL has been extremely wary of crossing the hard-to-distinguish line where sanctions-related activities might effectively frustrate its ability to protect deserving workers.

The Commission believes that DOL participation in verifying that only authorized workers are hired should be seen as integral to its mission of protecting U.S. workers. DOL has an essential interest in reducing illegal migration as those employers who hire illegal aliens are more likely to violate the minimum labor standards that DOL is charged with enforcing. A reduction in levels of illegal migration could well be the most effective tool available to enhance protections for legally authorized workers. The primary responsibility of DOL is protecting American workers, and transfer of employer sanctions enforcement to DOL represents the best option for raising the level of enforcement to a point that presents a real deterrent to the employment of undocumented workers.

Enforcement of skill-based immigrant and limited duration **admissions requirements.** In our 1995 report to Congress, the Commission urged adoption of streamlined procedures for the admission of skilled foreign workers whom U.S. businesses wish to hire. We continue to believe that an expedited process is needed for the admission of both temporary and permanent foreign workers, as discussed earlier in this report, as long as adequate safeguards are in place to protect the wages and working conditions of U.S. workers. To prevent abuse of an expedited system, an effective postadmissions enforcement scheme is necessary.

Upon adoption of an expedited process for the admission of both immigrant and temporary workers, DOL should be given responsibility and resources for enhanced monitoring of employers' fulfillment of the attestation terms they filed to bring in workers. As discussed above, decisions on who will be admitted under the various skill-based admission categories would be made by the Department of State.

DOL's other worksite enforcement responsibilities place it in the best position to monitor employers' compliance with the attestations submitted in the admissions process. DOL investigators are experienced in examining employment records and interviewing employees. Penalties should be established for violations of the conditions to which the employer has attested, including payment of the appropriate wages and benefits, terms and conditions of employment, or any misrepresentation or material omissions in the attestation. Such penalties should include both the assessment of administrative fines as well as barring egregious or repeat violators from petitioning for the admission of permanent or temporary workers.

When DOL has concluded that an employer is an egregious or repeat violator, and any subsequent administrative appeal has been decided, it would notify the DOS Bureau of Immigration Affairs of such findings, with a recommendation about barring the employer

from petitioning for the admission of foreign workers for temporary or permanent employment. The Bureau of Immigration Affairs would then determine if such a debarment is to be made and would notify the employer of its decision. The employer would have the option of appealing such a decision.

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive Branch.

Agency for Immigration Review

The Commission recommends that administrative review of all immigration-related decisions be consolidated and be considered by a newly-created independent agency, the Agency for Immigration Review, within the Executive Branch.

The Commission believes that a system of formal administrative review of immigration-related decisions—following internal supervisory review within the initial adjudicating agency—is indispensable to the integrity and operation of the immigration system. Such review guards against incorrect and arbitrary decisions and promotes fairness, accountability, legal integrity, uniform legal interpretations, and consistency in the application of the law in individual cases and across the system as a whole.

Experience teaches that the review function works best when it is well insulated from the initial adjudicatory function and when it is conducted by decisionmakers entrusted with the highest degree of independence. Not only is independence in decisionmaking the hallmark of meaningful and effective review, it is also critical to the reality and the perception of fair and impartial review.

To the extent that administrative review of immigration-related decisions is authorized under current law, such review is conducted by several Boards and units located in the Departments of Justice, Labor, and State. For example, within the Department of Justice, the Executive Office for Immigration Review, a separate agency es-

tablished by regulation in 1983, oversees the system of immigration courts, as well as the Board of Immigration Appeals [BIA]. The BIA, a fifteen-member panel appointed by the Attorney General, has nationwide jurisdiction over a wide range of cases, including decisions of Immigration Judges in exclusion, deportation, and removal proceedings, and requests for relief made in those proceedings. In addition, the BIA adjudicates appeals in several other categories of cases, such as bond determinations, fines, rescission of adjustment of status, and certain family-based visa petitions.

Supplementing their normal hearing docket, Immigration Judges now conduct the final review of the "credible fear" of persecution determinations made in the admission/inspection process, as well as determinations that an alien seeking admission is not currently a lawful permanent resident, refugee, or asylee as he or she claims.

The Office of the Chief Administrative Hearing Officer [OCAHO] also is housed in EOIR and is responsible for administering the hearing process issues arising under the employer sanctions, anti-discrimination, and document fraud provisions of the Immigration and Nationality Act.

Within the Immigration and Naturalization Service there is an Administrative Appeals Office [AAO], whose component parts include the Administrative Appeals Unit [AAU] and the Legalization Appeals Unit [LAU]. Unlike the BIA, the AAO does not have a decisionmaking board. Rather, the Chief of the Unit reviews and signs off on decisions prepared by individual examiners. AAO has appellate jurisdiction over petitions and applications in no fewer than thirty-nine subject areas, among which are decisions relating to the breaching of bonds, employment-based visa petitions, adjustment of status for Indochinese refugees, petitions for Amerasian children, fiancé(e)s, orphans, temporary workers, permission to reapply for admission after deportation or exclusion, reentry permit waivers for certain grounds of excludability, certification of schools

for acceptance of foreign students, applications for refugee travel documents, claims to acquisition of citizenship abroad, applications to preserve residence abroad for naturalization purposes, various applications for certain certificates of naturalization, and applications for temporary or permanent resident status under the regular legalization, Special Agricultural Worker or Replenishment Agricultural Worker programs, and corresponding waivers of inadmissibility.

Appeals of denials of naturalization applications, however, are not considered by the AAO. Instead, review of such decisions occurs at the INS district office level and is conducted by an officer of equal or higher grade as the initial adjudicator. (If the initial decision denying the naturalization application is sustained, the alien may challenge the decision in federal district court, the court having jurisdiction over the ultimate swearing-in of successful naturalization applicants.)

In the Office of the Legal Adviser in the Department of State, there is a Board of Appellate Review [BAR] vested with jurisdiction to hear, in part, appeals of determinations of loss of nationality or expatriation, and denials, revocations, restrictions, or invalidations of passports.

In the Department of Labor, the Board of Alien Labor Certification Appeals [BALCA], created by regulation in 1987, hears appeals of denials of applications for labor certification.

When considering the appellate review function in its totality, it becomes apparent that responsibility for reviewing enforcement-related decisions rests primarily with the individual components of EOIR, while responsibility for reviewing benefit adjudication decisions is spread across several offices and agencies including the BIA, AAO, INS district offices, BALCA, and, for a more limited set of

nationality- and citizenship-related issues, the BAR at DOS. Further, Immigration Judges and the BIA have the authority to provide certain forms of relief during deportation, exclusion, and removal hearings that can result in lawful permanent resident status for aliens.

Inasmuch as the underlying benefits and enforcement functions performed by the immigration system are themselves dispersed among several Departments, it is not surprising to find that formal administrative review of decisions made in the context of performing those functions is likewise dispersed. However, in light of our recommendations that responsibility for the enforcement of the immigration laws be placed with a new Bureau for Immigration Enforcement in the Department of Justice and that all citizenship and immigration benefits adjudications be removed from the Department of Justice and instead be consolidated in the Department of State, we find that a corresponding change in the placement of responsibility for the review function is in order.

Even with the assignment of the benefits adjudication function to DOS and the enforcement function to DOJ, interrelationships will exist between eligibility for benefits and enforcement actions. Indeed, eligibility for an immigration benefit may be an avenue to relief from deportation, exclusion, or removal while certain immigration violations may present barriers to attaining legal status. For example, favorable disposition of a petition or application by the benefits agency may collaterally resolve a deportation or removal issue. Aliens in enforcement proceedings may be eligible for certain forms of relief involving the same types of legal questions arising in the context of benefits adjudication outside of proceedings—or aliens in proceedings may be foreclosed from eligibility for a benefit applied for outside of proceedings. Ultimately, however, there is a need for a uniform administrative interpretation of what the law is and how it should be applied, regardless of whether the questions arise when adjudicating an application for a benefit or resolving an

enforcement action. These considerations lead us to conclude that administrative review of all presently reviewable immigration-related decisions should be consolidated.

In deciding where the review function could best be performed, the Commission considered a number of options, including separate reviewing bodies for enforcement actions within DOJ and forbenefit determinations within DOS, placing responsibility for review entirely with EOIR, and creation of an Article I Immigration Court.

Placing the review function in its entirety with EOIR was an attractive option, particularly given EOIR's success in both insulating the review function and achieving independence of decisionmaking since its inception in 1983. At the same time, EOIR remains located in the Department of Justice, ultimately and predominantly a law enforcement agency. Further, existing procedures permit the Attorney General to reverse or modify any decision reached by the BIA. The Commission, as well as other commentators, find this practice troubling because, at a minimum, it compromises the appearance of independent decisionmaking, injects into a quasi-judicial appellate process the possibility of intervention by the highest ranking law enforcement official in the land, and, generally, can undermine the BIA's autonomy and stature. In the end, the Commission decided the EOIR option was unworkable because of the inherent difficulty of a reviewing agency in one Department rendering decisions in cases initially decided by another Department.

Instead, the Commission was persuaded by the arguments that the review function should be completely independent of the underlying enforcement and benefits adjudication functions and that the reviewing officials should not be beholden to the head of any Department. Although the desired independence could be attained by establishing an Article I Immigration Court, such a court would be part of the Judicial, rather than the Executive Branch. The overall operation of the immigration system requires flexibility and coordi-

nation of function, including the review function, by the various agencies in the Executive Branch. Given this reality, the Commission concluded that the review function should be conducted by a newly-created independent reviewing agency in the Executive Branch. To ensure that the new reviewing agency is independent and will exist permanently across Administrations, we believe it should be statutorily created. It would incorporate the activities now performed by several existing review bodies and offices, including the DOJ Executive Office for Immigration Review, the INS Administrative Appeals Office and district offices (naturalization), the DOL Board of Alien Labor Certification Appeals, and the limited set of nationality and citizenship-related matters presently considered by the DOS Board of Appellate Review. The Agency for Immigration Review also would have additional responsibilities.

Creating any decisional system or tribunal requires attention to several guiding principles. First, no system can work effectively if the personnel who form the base of the decisional pyramid are insufficient in number or deficient in skills and integrity to do the job. Second, the base of any such structure cannot be expanded either in number of its personnel or in extent of its jurisdiction beyond the capacity of the next level above to review and decide the outcome. This must be achieved within a reasonable period and with a reasonable expenditure of resources. Finally, the apex of any decisional pyramid should be relatively small. With these considerations in mind, the Commission proposes the following organization for the new independent Agency for Immigration Review.

This new reviewing agency would be headed by a Director, a presidential appointee, who would coordinate the overall work of the agency, but who would have no say in the substantive decisions reached on cases considered by any division or component within the agency. There would be a trial division headed by a Chief Immigration Judge, appointed by the Director. The Chief Judge would oversee a corps of Immigration Judges sitting in immigration

courts located around the country.[4] The Immigration Judges would hear every type of case presently falling within the jurisdiction of the now sitting Immigration Judges.

The new reviewing agency also would consider appeals of decisions by the benefits adjudication agency, using staff with legal training. Although the benefits adjudication agency will handle a wide range of applications—from tourist visas to naturalization and the issuance of passports—not all determinations will be appealable, as is the case under current law. We envision that those matters that are appealable under current law would remain appealable. The only difference is that the appeal would be lodged with and considered by the new independent Agency for Immigration Review rather than by the various reviewing offices and Boards presently located among the several Departments.

The administrative appeals division also would consider appeals from certain visa denials and visa revocations by consular officers. Under current law, such decisions are not subject to formal administrative or judicial review.

When a visa is denied, important interests are at stake. To be sure, the visa applicant is adversely affected—but more importantly at stake are the interests of the United States citizens, lawful permanent residents, employers, and businesses who have petitioned the admission of the applicant or who otherwise have an interest in having the applicant present in the United States. Given the lack of formal administrative and judicial review of consular decisions, these individuals are left with little or no recourse.

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[4] Admittedly, currently sitting Immigration Judges perform the classic review function only to a very limited degree—for the most part they serve as initial decisionmakers in cases where aliens are placed in proceedings. Notwithstanding this circumstance, however, experience teaches that Immigration Judges should find their home in the same agency as the appellate reviewing Board, not the enforcement agency that is initiating the proceedings against the alien.

The Commission believes that consular decisions denying or revoking visas in specified visa categories, including, all immigrant visas and those LDA categories where there is a petitioner in the United States who is seeking the admission of the visa applicant, should be subject to formal administrative review. The visa applicant would have no right to appeal an adverse determination. Instead, standing to appeal a visa denial or revocation would lie only with United States petitioners, whether U.S. citizens, lawful permanent residents, or employers.

An appellate Board would sit over the trial and administrative appeals divisions of the new independent Agency for Immigration Review. This appellate Board would be the highest administrative tribunal in the land on questions and interpretations of immigration law. It would designate selected decisions as precedents for publication and distribution to the public at large. Its decisions would be binding on all officers of the Executive Branch. To ensure the greatest degree of independence, decisions by the Board would be subject to reversal or modification only as a result of judicial review by the federal courts or through congressional action. Neither the Director of the reviewing agency nor any other agency or Department head could alter, modify, or reverse a decision by the appellate Board.

The appellate Board would be headed a Chairman. Both the Chair and Vice Chair would be appointed by the President for staggered terms of at least ten years. The appellate Board would have as many Members, who would be appointed by the Chair, as needed to decide appeals in a timely manner. It would consider appeals from the categories of cases presently falling within the BIA's jurisdiction, subject to the above-noted modifications. In addition, the appellate Board could entertain appeals from decisions of the administrative appeals division in cases in which a novel or significant

legal issue were presented, or in any other case in which it was deemed necessary or appropriate.

The Office of the Chief Administrative Hearing Officer, presently housed in EOIR, would operate as a separate component in the Agency for Immigration Review and would perform the same work as is presently being conducted. Of course, the precise organizational arrangements and divisional jurisdictions could be subject to future modification following a comprehensive review by the Agency for Immigration Review of the types and volume of cases received. However, to meet the challenges presented by consolidation of all immigration-related appeals in one place, and to perform its critical mission of correctly and expeditiously resolving appeals, the new reviewing agency must be given sufficient resources and staffing.

The Commission urges the federal government to make needed reforms to improve management of the immigration system.

MANAGEMENT REFORM

The Commission urges the federal government to make needed reforms to improve management of the immigration system. While the Commission-recommended structural changes will help improve implementation of U.S. policy, certain management reforms must also be adopted if the agencies responsible for immigration matters are to be effective in performing their functions. Structural reforms will not by themselves solve some of the management problems that have persisted across Administrations in the immigration agencies.

More specifically, the Commission recommends:

- **Setting more manageable and fully-funded priorities**. The Commission urges Congress and the Executive Branch to establish and then appropriately fund a more manageable set of immigration-related priorities. By this we mean establishing fewer objectives, but also setting more integrated

priorities, more realistically-achievable short-term and long-term goals, and greater numerical specificity on expected annual outcomes to which agencies should be held accountable.

The processes by which both Congress and the Executive Branch plan and allocate resources constrain the development of a more manageable set of priorities. Currently, most immigration priorities result from Legislative/Executive interaction through a multiyear budget process. Government budgeting cycles are lengthy and complex. Agencies must work simultaneously with the budgets and reporting cycles of four fiscal years.[5] Congressional action, meanwhile, consists of the doubly bifurcated processes of authorization, followed by separate appropriations in the House of Representatives and the Senate, and then by resolution in conference.

Executive Branch departments seldom identify adequately how much money they need to accomplish the entirety of a specified goal. Nor do they do a good job of scaling back or increasing objectives depending on the resources appropriated. Within the Legislative Branch, there is little coordination among congressional committees to ensure a congruence of agreed-upon priority expectations and resources actually allocated to do the job. Consequently, transparency and accountability are not built into the system. For example, Congress is not held accountable for adding new priorities without appropriating resources to accomplish all of the specified tasks. Federal agencies are neither directly nor easily held accountable for their performance in achieving or not achieving agreed-upon results.

The Commission urges Congress and the Executive Branch to refrain from overpromising what the federal government

can accomplish in implementing immigration policy. For example, rather than defining the removal of all deportable and inadmissible aliens as the priority for removal, a goal that is presently not achievable, the federal government could define removal priorities in terms of specified numbers and categories of aliens (e.g., criminal aliens) and in terms of certain strategies. For example, a "last in, first out" strategy would remove everyone who newly enters the removal system before removing persons whose cases have been pending in backlogs for some time. This priority-setting process worked well in reforming the asylum process and could be replicated in other areas.

Priority setting must be accompanied by sufficient resources to undertake the top objectives. In the case of removals, it should include resources for Investigations, Trial Attorneys, Immigration Judges, the BIA Detention and Deportation Officers, Department of State liaisons with host countries, and such needs as vehicles, equipment, training, and support. The priority should identify the problem completely and clearly and map out which part of that problem will be solved in which of several years of the priority. And then Congress should agree and the Executive Branch should be held accountable.

- **Developing more fully the capacity for policy development, planning, monitoring, and evaluation.** In general,

[5] For example, for the second quarter [January-March] of FY 1997, federal agencies were:
- For FY 1996, completing '96 year-end statistics and reports;
- For FY 1997, continuing work on implementing '97 goals and priorities;
- For FY 1998, finalizing the President's February FY 1998 Budget Submission to the Congress and explaining/defending it at congressional committee hearings;
- For FY 1999, developing the '99 budget initiatives, priorities, and strategies to be submitted to OMB under the "Spring Plan" planning process.

the current immigration system suffers from an inability to develop, sustain, and clearly articulate long-term and short-term policymaking except in times of crisis. Often this has led to bad policymaking, poorly developed programs, inadequate policy coordination across departmental lines, and almost nonexistent program assessment and evaluation of outcomes. None of the main Executive Branch departments has developed a broad-based immigration policymaking capacity.

The most developed policymaking and coordination unit in the immigration system exists in the INS Office of Policy and Planning [OPP]. However, a majority of its eighty-five people and its $5 million personnel budget are related to statistics and other nonpolicymaking activities. Moreover, while it is important for the principal agency responsible for immigration enforcement to have its own policy and planning capability, OPP is not necessarily well positioned to advise the Department of Justice about immigration-related policy issues affecting other DOJ agencies. Further, under the Commission's proposed restructuring, it would make no sense for the agency responsible for enforcement to have lead responsibility for formulating policies related to legal immigration and naturalization or enforcement of immigration-related labor standards.

Each department with immigration-related responsibilities needs to perform a wide range of policy functions, including, but not limited to, long-range and strategic policy planning, interagency policy integration, policy review, policy coordination, priority setting, data collection and analysis, budget formulation, decisionmaking, and accountability. The Domestic Policy Council and the National Security Council, both situated in the White House can also play an important role in coordinating policy development across departments.

Informed policymaking requires systematic review of current policies and programs (which themselves should be informed by reliable and timely statistical information), development of a range of options, and analysis of the advantages and disadvantages (including costs and timeframes) of each. Further, immigration policy affects, and is affected by, a wide range of other issues of interest to the departments. For example, the DOL overall labor policy is affected by immigration as the foreign-born represent a large proportion of the growth in the labor force. As a proportion of the unskilled workforce, immigrants represent an even larger proportion and potential impact. Similarly, international migration and the foreign policy and national security interests of the United States are strongly connected.

The immigration-related policymaking capacities at the departmental level in Justice, State, and Labor tend to be *ad hoc* and understaffed. For example, the Office of the Deputy Attorney General [DAG] has two and one-half to three attorneys working on immigration-related policy and program coordination. These staff serve as a clearinghouse through which immigration-related concerns and policy matters pass from the responsible agencies (e.g., INS, EOIR, Office of Special Counsel for Immigration-Related Unfair Employment Practices, Office of Immigration Litigation) through the DAG to the Attorney General. Given the wide range of policy issues requiring department-level attention, these staff have an all but unmanageable policy portfolio. Much of their time is spent on routine oversight punctuated by crisis management, with little time left for long-range policy development or planning. The Commission believes more sustained and timely attention to immigration policy issues within and across departments will help improve both the formulation and implementation of programs.

Interagency coordination of immigration policymaking also is particularly important. The Domestic Policy Council [DPC] already plays such a role. The Commission recommends strengthening the DPC's capacity to provide policy guidance, particularly when immigration matters affect or are affected by other domestic interests. Designation of a senior focal point for immigration policy in the DPC would enhance its ability to coordinate policy development. This role would be complementary to the enhanced role the Commission recommended for the National Security Council with regard to refugee issues. The DPC and the NSC would coordinate closely when migration issues relate to U.S. foreign policy and national security interests.

More specifically, the DPC should be mandated and staffed to: oversee federal immigration policy development across departmental and agency lines; monitor the execution and impact of new legislation, policies and programs; resolve differences within the Executive Branch, focusing on those that impede the capacity of the federal government to deliver a single, coherent message about immigration policy and priorities; serve as a forum for discussion of new ideas; coordinate liaison with and the input of advocates and other nongovernmental agencies concerned with federal immigration decisionmaking; and relay the resulting recommendations to Congress and the President.

- **Improving systems of accountability.** The Commission believes strongly that staff who are responsible for immigration programs should be held accountable for the results of their activities. Systems should be developed to reward or sanction managers and staff on the basis of their performance. This requires the development of performance measures that relate to expected outcomes. For example, the Commission earlier recommended rewarding Border Pa-

trol staff for their effectiveness in deterring illegal migration rather than their prowess at apprehending illegal aliens. Similarly, managers responsible for adjudication of benefits should be rewarded if they lessen processing time for the approval of applications and, simultaneously, improve their detection of fraudulent cases. By contrast, managers who fail to meet recognized operating standards should be held accountable and be sanctioned for their noncompliance. Systems to reward innovation or sanction managers and staff on the basis of their performance also need to be developed. Too often, staff who try new approaches not only are not rewarded for their initiative, they are sanctioned by their colleagues and supervisors.

- **Recruiting and training managers.** The Commission believes improvements must be made in the recruitment and training of managers. As immigration-related agencies grow and mandated responsibilities increase or evolve, closer attention should be paid to improving the skills and managerial capacity of immigration staff at all levels to ensure more efficient and effective use of resources allocated.

  Since 1993, the immigration system has been undergoing a tremendous infusion of new resources and, since 1996, significantly augmented statutory mandates. Either change would seriously burden even the best-run agencies of the federal government. Such infusions of new resources to INS and to several other agencies burden agency administrative and management systems. INS has not added a sufficient number of experienced, proven managers to help the agency address the many challenges it faces.

  Agencies must be able to rapidly recruit, select, train, deploy, and then support new staff—and they must sustain

this expansionist capacity over several fiscal years. Most of the new staff added are entry-level, necessitating on-the-job training, mentoring, and close supervision before they can be considered fully functional in their jobs.

As new staff are added, new supervisors are needed—and they too need supervisory and management training to be successful. Supervisors usually are drawn from the ranks of the operational staff, and with increased operational responsibilities, they often are unable to be freed soon enough or long enough to attend supervisory training in a timely fashion.

In addition, major changes in the immigration statutes passed in 1996 necessitate the redrafting and repromulgation of hundreds of sections of law and regulations, hundreds of new or revised forms, and training and retraining of staff just to implement these profound changes. Agencies should consider new ways in which staff are trained to do their work: e.g., training in management by objectives, in accountability, in managerial and supervisory skills. For some agencies, the skill levels—and agency cultures—are not yet adequate to be successful in fulfilling present and expected future increased managerial and supervisory responsibilities. Both additional supervisors and new skills are urgently needed.

The infusion of new skills and culture can come from two sources: (1) in-house training and retraining of existing staff; and (2) the addition—from outside the agencies themselves—of new middle- and upper-level management staff possessing those skills and the ability to apply them quickly to the immigration settings. These two sources need not be mutually exclusive; some of both may be required.

One promising recent development is the INS' new "competency-based" assessment process for Border Patrol officer promotions to supervisor. The Border Patrol is the single immigration agency receiving the greatest number of new staff over the coming next several years. The objective is to test Border Patrol officers to predict more accurately their potential for success as future supervisors. According to INS, the main focus of the system is assessment of "thinking skills . . . the way supervisors and managers must think and react on a daily basis."[6] More than 1,000 Border Patrol officers have been tested, another 1,000 will be by the end of summer 1997, and testing of all remaining eligible Border Patrol Officers will be completed by the end of 1997.

- **Strengthening customer service orientation.** The Commission urges increased attention to instilling a customer-service ethic in staff, particularly those responsible for adjudication of applications for benefits. Repeatedly, but most recurringly regarding INS, the public complains of a lack of service from both their dollar and from the personnel charged with serving them. The horror stories are too common. Most individuals coming into contact with the immigration system have paid a fee—whether indirectly (such as at airports and the inspections users fees tacked onto their ticket prices) or directly (such as through the submission of a fee with their application for a benefit). They expect and should receive service that is customer-friendly and timely. Appli-

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[6] The system is based on four assessments:
1. *Decisionmaking Situational Assessment*, measures thinking skills such as reasoning, decisionmaking, and problemsolving;
2. *In-basket Job Simulation*, measures administrative skills, such as planning/organizing and managing/organizing information;
3. *Managerial Writing Skills Exercise*, measures written communication skills; and
4. *Past Achievement Record*, measures personal qualities, such as leadership and flexibility.

cants should be treated courteously, records should be located with ease, and accurate information should be provided in a professional manner.

The absence of a separate career track for benefits adjudicators hampers efforts to attract and retain the best federal employees to these tasks. The structural reforms we recommend should help address this problem. Currently, many of those promoted into management positions within INS moved along the enforcement career track. Its higher-paid designations frequently make them eligible for such promotions before those who spend their careers in benefits adjudication. Benefits adjudication personnel should have a career track that promotes the best performers into positions of management and leadership and provides all employees with appropriate incentives as well as models worth emulating.

The primary currency of service is information—information that should be both accurate and timely. Daily, in many locations throughout the U.S., people seeking forms, information, status checks, and interview appointments, and reporting a change of address, requesting a copy of a form in their file, or requesting or extending employment authorization create long lines around local INS offices.

Immigration customers should not have to stand hours in a line to get information. Immigration processes should be reengineered to ensure that information is easily available at several locations and through several electronic means and, when given, is accurate. Several ways to improve access to forms and information, many electronic, already are in development. Forms increasingly are available on Information Kiosks located in high volume immigration centers; soon they will be available over the Internet. The website devel-

oped by the Department of State's Bureau of Consular Affairs makes available pertinent information on conditions throughout the world.

Customer-service personnel should be both initially well-trained and periodically tested to ensure they remain current with the latest changes and interpretations of policy. In addition, there should be a formal quality assurance program. For customer service representatives working on the lines at district field offices or answering questions on the telephone, quality assurance of their work should include the possibility for supervisors to monitor the correctness and manner of delivery of the service given.

- **Using fees for immigration services more effectively.** The Commission supports the imposition of users fees, but emphasizes that: (1) the fees should reflect true costs; (2) the agencies collecting the fees should retain and use them to cover the costs of those services for which the fees are levied; (3) those paying fees should expect timely and courteous service; and (4) agencies should have maximum flexibility to expand or contract their response expeditiously as applications increase or decrease.

  The current situation has a number of weaknesses. First, some programs are now undercharging (or not charging) fees while others reportedly are overcharging. INS is now reviewing its fees to determine where adjustments should be made. Second, some fees go into the General Treasury while others are held by the agencies collecting them and used for the function for which they were collected. Third, agencies do not have effective systems for accurately anticipating the volume of applications, forecasting their fee receipts, and requesting appropriate levels of funding from fee accounts to meet demand. Fourth, when there is an

unforeseeable increase in the number of applications, there is a significant lag time before an agency is able to use the increased fee revenue to expand its service capacity. For example, it took several months to develop a reprogramming request and then obtain permission for a reprogramming of funds when naturalization and section 245(i) adjustment applications increased significantly. This delay resulted in a growing backlog of persons awaiting service. Providing more flexibility would require agreement from the congressional appropriations committees that they need not approve the reprogramming of fees when the need for additional resources is related solely to an increase in the volume of applications.

IMPROVED DATA AND ANALYSIS

The Commission reiterates its 1994 recommendations[7] regarding the need for improvements in immigration data collection, coordination, analysis, and dissemination. Although progress has been made, much more needs to be done. Reliable and timely data are crucial to the effective enforcement of immigration law. They are the basis for the effective implementation of ongoing and new programs. And, ultimately, they are the only means of assessing results achieved and reaching the conclusions necessary for responsible policymaking.

The Commission reiterates its 1994 recommendations regarding the need for improvments in immigration data collection, coordination, analysis, and dissemination.

Data problems throughout the immigration system have long been evident. The Panel on Immigration Statistics of the National Research Council concluded in 1985 that the "story" about immigrant data was "one of neglect."[8] Despite increases in congressional funding and some notable improvements at the INS, the available data remain incomplete—a problem that exists to some degree in each agency involved in the immigration system.

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[7] U.S. Commission on Immigration Reform. 1994. *U.S. Immigration Policy: Restoring Credibility.* Washington, DC. 179-86.

The Commission believes there is a pressing need for improvements in immigration data collection, standardization, intra- and inter-agency linkages, timely dissemination, rigorous analysis, and use in policymaking. The Commission urges the federal government to support continuing research and evaluation on all aspects of immigration. Further, the Commission urges the Congress to insist upon the organizational structures needed to create and maintain high-quality statistical data.

The statistical function must be given high priority and sufficient institutional control and authority. Quality data do not evolve as a by-product of disjointed administrative data-gathering responsibilities. Quality data ultimately require a statistical system that can satisfy policy-relevant and management information needs through an integrated, centrally-coordinated approach.[9]

In recent years Congress has addressed the statistical problem by requiring improvements in specific arenas—primarily through automation—and by appropriating increased funding. These steps are encouraging and the Administration appears to have embarked successfully on some programs for automated data collection. The INS already has established separate systems for data collection and retrieval for its core enforcement and benefits functions.[10] Under the Commission's proposals it is essential that the statistical systems under DOJ enforcement and DOS benefits retain an automated and integrated design. However, statistical systems cannot be improved simply by automating data collection.

As the Panel on Immigrant Statistics concluded, it would be naive

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[8] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press.

[9] Norwood, J. L. 1995. *Organizing to Count: Change in the Federal Statistical System*. Washington, DC: The Urban Institute Press.

[10] However, there still remain more than one dozen separate data collection systems that often suffer from various internal deficiencies and remain to be integrated into larger core systems.

to assume that automation will solve the problems that have been evident for too long a time in statistical operations.[11] The Panel cited an agency-wide lack of understanding and commitment to high-quality data and the need for the development and acceptance of appropriate standards as the primary causes of today's inadequate state of affairs. It is necessary to change priorities from data collection solely for individual division administrative purposes to the production of data for integrated enforcement, benefits, quality control, and analytic uses.

Congress also has been critical of the way in which data has been disseminated. In the context of congressional debate, sporadic release of data has the potential for politicizing statistics. Regular and scheduled release of statistics, preferably monthly, can go a long way toward depoliticizing data and focusing attention on unbiased analysis. The Department of Labor's Bureau of Labor Statistics, with an autonomous and scheduled release of data, offers one model for the dissemination of data with no relation to the policy calendar.

The Commission believes each agency with immigration responsibilities should have a statistical office charged with final authority over data coordination, agency-wide definitions and systems integration, quality monitoring, research and analysis, and regular dissemination. Data collection and analysis must be a priority and be reflected in the statistical branch's organizational placement. Only sufficiently high placement and authority can ensure that its mission is successfully discharged.

Interagency cooperation and coordination of agencies that produce or use immigration data can enhance the data's timeliness and value significantly. Cooperation also can lead to significant gains in the

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[11] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press. See also: Morris, M.D. 1985. *Immigration—The Beleaguered Bureaucracy*. Washington, DC: Brookings Institution.

use of scarce resources—be they funding, staff, time, or public tolerance. Such coordination must insure monitoring of progress, adherence to standards, common definitions, timeliness in publication, and full disclosure of methods, methodology, procedures, and problems. Only then will significant improvements occur.

Consideration should be given to the creation of a *permanen*t taskforce on immigration statistics that would coordinate interagency efforts to improve all aspects of the statistical system. Various *ad hoc* and temporary governmental working groups have tackled a part of, or the whole of, the data collection system.[12] A formally-charged taskforce would craft the basis for interagency agreements and possible statutory and regulatory changes. To be effective, the taskforce would require appropriate institutional support. It would marshal interagency collaboration on data whenever feasible, especially on definitional issues and on what information is collected. The taskforce should conduct an exhaustive review of the data collected in each agency, identify overlap or potential interagency data linkages, evaluate technical and computer needs, propose standard definitions, and make recommendations.

Information Needs

Little can be done to make significant advances in our understanding of immigration without improvements in data and targeted research. Policymaking is particularly hampered by lack of knowledge from detailed surveys and longitudinal studies in three areas: the experiences and impacts of immigrants; the experiences and impacts of foreign students and foreign workers admitted for limited duration stays; and the patterns and impacts of unlawful mi-

[12] The INS has convened an Interagency Working Group on Immigration Statistics that has reviewed various data problems. It has had a significant impact on Administration funding for an immigration component in the Current Population Survey, the preeminent U.S. source of data on national trends and on the U.S. labor force. It also made significant contributions to ultimate Administration support for the New Immigrant Survey.

gration. There is a seemingly inexhaustible range of options for collecting data and, especially, topic areas needing research.[13] Examples of pressing analytic data needs are discussed below.

Legal Permanent Admissions

The gap between questions about legal immigration and the data needed for answers is greater than in almost any other area of public policy. It is not now possible to address fully pressing policy questions about the changing skill makeup of newly admitted immigrants over time, the transitions between temporary and permanent residence status, the effects of today's immigration on future demand through family reunification, and the success and impact of immigrants in the U.S. economy.

To answer such questions, policymakers have a crucial need for both data on detailed classes of admission and the capacity to track changes over time. Recently, the Administration funded the collection of data on immigrants in the monthly Current Population Survey. However, these and other survey data neither collect detailed information about status nor distinguish between legal and illegal foreign residents, much less between the various temporary or permanent admission statuses.

The INS yearly admissions data are the most immediate source of information on immigrant entry class. Yet, the data serve primarily as a minimalist administrative count of individuals. Identifying family units would make it possible to evaluate admissions as they really are: the immigration not of individuals but of families. The quality and type of data gathered on labor force status depends on definitions that do not conform with modern concepts. Including information about immigrant sponsors would go far to increase our

[13] Edmonston, B. (ed.). 1996. *Statistics on U.S. Immigration: An Assessment of Data Needs for Future Research*. Washington, DC: National Academy Press.

ability to make reliable forecasts about the numbers and skill composition of tomorrow's immigrants.

The New Immigrant Survey discussed in the introduction to this report demonstrates the policy value of expanded data on new admissions. For the first time we have an accurate picture of education and English ability, as well as the capability for studying transitions from temporary to permanent status, the characteristics of sponsors, and the financial well-being of new entrants. Designed as a pilot, the NIS should be seriously evaluated for its costs and for its value as a model for a longitudinal survey.[14] Experts agree that only a longitudinal survey ultimately can answer Congress' most pressing questions.[15]

Finally, it is essential to improve our knowledge of newly naturalizing citizens. In the past few years there have been dramatic increases in the numbers of persons naturalizing, but little is known about the individual circumstances under which residents choose to naturalize. Only more detailed knowledge about such things as eligibility and motivations will yield indicators to forecast the number of future applications. Accurate forecasts are needed to meet demand and to organize processing integrity.

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[14] A longitudinal survey would, among other things, help address serious deficiencies due to "lost data sources." In the 1950s, the U.S. discontinued collecting data on persons leaving permanently. Without accurate emigration data, demographic estimates of the size and growth of the foreign population are imprecise exercises. In the 1980s, the "Alien Address" database was discontinued. Knowing the size of the legal population makes it possible to get significantly more precise estimates of the size and location of illegal residents.

[15] Levine, D. B.; Hill, K.; Warren. R. (eds.). 1985. *Immigration Statistics: A Story of Neglect*. Washington, DC: National Academy Press. Edmonston, B. (ed.). 1996. *Statistics on U.S. Immigration: An Assessment of Data Needs for Future Research*. Washington, DC: National Academy Press**.** National Research Council. (J.P. Smith, B. Edmonston, eds.). 1997. *The New Americans: Economic, Demographic, and Fiscal Effects of Immigration*. Washington, DC: National Academy Press.

Limited Duration Admissions

There exists remarkably little comprehensive or policy-relevant knowledge or research on the administration of the LDA system or its impact on the U.S. economy.[16] Problems in the LDA data system are even more pervasive than in the legal permanent system.

The Commission believes that improvements in data collection and analysis of LDAs and the impact of these admissions should be considered an urgent priority. The INS has made significant efforts to improve its data and has directed funds toward new computer systems. The Commission urges the Congress to support continued innovation in data collection and storage retrieval. As in our last report, the Commission suggests that building upon existing administrative recordkeeping will be most cost-effective.

Improved data and new research efforts are especially critical as there is remarkably little known about the number, characteristics, and impact of LDA workers and foreign students. For example, important basic information is lacking on LDA workers—their geographic location in the U.S., occupations, or labor-market effects. Longitudinal data and analysis are needed regarding the transition of LDA workers to immigrant status—directly or through other temporary categories. Likewise, little is known about the total population and characteristics of foreign students, their geographic distribution, academic status, duration of stay, employment activities, or change and adjustment of legal status.

There is a critical need to continue and extend improvements in departure data—one of the more crucial components of the entire immigrant information system. Precise exit information is necessary to track duration of stay, compliance with visa regulations, and overstays. Further, the utility of current data could be meaningfully

[16] Lowell, B.L. (ed.). 1996. *Temporary Migrants in the United States.* Washington, DC: U.S. Commission on Immigration Reform.

extended, for example, by collecting accurate information on intended destination. The Commission endorses continued emphasis on the improvement and introduction of electronic/paperless mechanisms for the collection of departure data.

Unauthorized Migration

The measurement and study of illegal aliens—a clandestine population—always has been fraught with difficulties. Ironically, a focus on estimates of this population may well have produced more accurate numbers than official figures on legal residents. Yet, if our research knowledge of legal immigrants is circumscribed, and research on LDAs nearly nonexistent, the analysis of the illegal population, while extensive, suffers from combinations of problems.

At a rudimentary level, there is a need to know more about the number of illegal aliens who entered without inspection [EWI] in contrast to temporary admittees who overstay the time permitted on their LDA visa.[17] In terms of enforcement efforts the distinction is important, but there is an unknown range of error in current estimates. What proportion fall into each type? Improvements in existing databases are sorely needed along with research into innovative and reliable means of estimating each population.

Much could be gained from knowing about the varied means by which EWIs and LDA overstayers come to the United States and the length of their stay. If, for example, LDA overstayers had shorter durations of residence in illegal status, then their proportion of the total illegal population is, in a sense, more "fluid." At a more critical extreme, subpopulations of highly mobile and circular mi-

[17] U.S. General Accounting Office. 1995. *Illegal Immigration: INS Overstay Estimation Methods Need Improvement.* GAO/PEMD-95-20. Washington, DC: U.S. Government Printing Office.

grants may stay for only short periods in the United States. These highly mobile individuals would not be fully captured in standard estimates of the illegal population.[18]

[18] There are few reliable estimates of the highly-mobile, illegal subpopulation, nevertheless, *ad hoc* estimates increasingly are heard. A correct estimate of this population should adjust for its average, or "person year," size. For example, if 100 illegal workers spent one-half year working in the United States, they would earn the yearly wages of 50 workers. See Heer, D.M. 1990. *Undocumented Mexicans in the United States*. Cambridge: Cambridge University Press.

CONCLUSION

This report concludes the work of the U.S. Commission on Immigration Reform. Together with our three interim reports, this final set of recommendations provides a framework for immigration and immigrant policy to serve our national interests today and in the years to come. The report outlines reforms that will enhance the benefits of legal immigration while mitigating potential harms, curb unlawful migration to this country, and structure and manage our immigration system to achieve all these goals. Most importantly, this report renews our call for a strong commitment to Americanization, the process by which immigrants become part of our community and we learn and adapt to their presence. Becoming an American is the theme of this report. Living up to American values and ideals is the challenge for us all.

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May 16, 1996. S. Martin. House of Representatives, Committee on the Judiciary, Subcommitte on Immigration and Claims.

October 22, 1996. L. Fuchs. Senate, Committee on the Judiciary, Subcommittee on Immigration.

APPENDIX A

IMMACT: PROVISIONS AND EFFECTS

The Immigration Act of 1990 [IMMACT] attempted to balance a number of competing interests. First, it established annual overall limits on total legal immigration, but allowed those limits to be "pierced" in response to changing levels of nuclear family applications and humanitarian admissions. Second, it created a guaranteed minimum number of visas for close family members if there are increases in the number of immediate relatives of U.S. citizens seeking entry. Third, it increased the number of persons admitted for employment reasons, with higher priority given to professionals and highly-skilled persons. Fourth, it created a diversity class of admissions for persons from nations that have not recently sent many immigrants to the United States.

IMMACT legislated a worldwide level of 675,000 family-based, employment-based, and diversity immigration admissions per year.[1] This ceiling may be pierced if immediate relative applications exceed expectations and does not include refugee, asylum, or other humanitarian admissions. The worldwide pierceable ceiling represented an increase of about 40 percent in the permitted number of admissions compared to previously legislated levels. Prior to IMMACT, immediate relatives (who entered without regard to numerical limits) averaged about 210,000 per year, and numerically-limited categories were set at 270,000. Humanitarian-based admissions were set outside of regular immigration ceilings, as they con-

[1] A transition worldwide level of 700,000 admissions was in effect during FY 1992-1994. Many admissions during the first two years were from the pre-IMMACT backlog and do not necessarily reflect the aims of the new legislation.

tinue to be under IMMACT. Most of IMMACT's legal immigration provisions went into effect in FY 1992, with the permanent diversity program beginning in FY 1995.

More specifically, IMMACT contained the following provisions affecting immigration numbers and immigrant characteristics.

Family-based admissions. IMMACT established a worldwide limit of 480,000 family-based admissions. Immediate relatives—including spouses, minor children, and parents of U.S. citizens—continue to enter without regard to numerical limits. Their actual admission numbers are subtracted from the worldwide limit to determine how many other family members (i.e., adult unmarried children of U.S. citizens, spouses and minor children of legal permanent residents, married children of U.S. citizens, and siblings of adult U.S. citizens) will be permitted to enter the following year. IMMACT set a minimum floor of 226,000 numerically-limited family immigrants. In addition, unused employment visas are transferred to the next year's family admissions.

The actual number of admission slots available and used each year varies. During the past five years, annual family admissions have been as low as 460,653 in FY 1995 and as high as 595,540 in FY 1996.[2] Variation can be seen in both the immediate relative and the numerically-limited categories.

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[2] Processing problems explain some of the below average numbers for FY 1995 and above average ones for FY 1996. Higher demand for adjustment of status within the United States followed enactment of § 245(i) that permits those not in lawful status to pay a penalty to obtain their legal immigration status in the U.S. INS was not prepared for the large increase in applications, resulting in an adjustment backlog. Some of those who normally would have received their green card in FY 1995 had to wait until FY 1996. In the meantime, the large number of unused FY 1995 employment-based admissions were transferred to the family categories for FY 1996.

One goal of IMMACT was to reduce waiting times, particularly for the spouses and minor children of legal permanent residents (FB-2A Preference). Recognizing that the 2.7 million aliens who were given LPR status by the Immigration Reform and Control Act would petition for their immediate families, IMMACT provided three years of additional visas for spouses and minor children of legalized aliens. Because per-country limits sometimes create admission backlogs for affected nationalities, it also required that 75 percent of the FB-2A numbers would be exempt from per-country limits.

The family categories have attracted far more applicants than there are admission visas and, hence, large backlogs have developed. The total backlog of family applicants stood at 3.5 million at the start of FY 1997, essentially unchanged from FY 1996. About one million individuals are awaiting legal admission under FB-2A. As projected by the Commission in its 1995 report, the numbers on the FB-2A waiting list have declined slightly from the prior year.[3] However, the waiting time until admission has continued to grow since IMMACT. From an already long wait of just less than two and one-half years in FY 1992, the waiting time in the backlog has continued to increase each year until, at the time of this report, it is almost four and one-half years. The priority date for admission advances little each month, meaning longer and longer waits for new applicants. Anticipation of such trends led the Commission to recommend in its 1995 report a series of changes to the numerically-limited family categories, but no congressional action was taken. The Commission

[3] Much of the initial rapid increase in the spouse and children of the LPR backlog was due to IRCA legalization. Now most of those family members already have made their applications and, indeed, new applicant numbers have declined steadily since 1992. Even so, there were still 82,521 new applicants entering the backlog in 1996. In most years, about 90,000 admission slots are available for FB-2A, meaning that the waiting list will experience only modest decreases in the future.

has projected that waiting times could reach as long as ten years for applicants at the end of the waiting line.[4]

Employment-based admissions. IMMACT extensively revised the employment-based categories and numbers. The legislation emphasized the admission of high-skilled persons and added a new category for investors. IMMACT allows up to 140,000 employment-based admissions each year, up from an annual limit of 54,000 under previous statute. Covered under these numbers are the principal applicants, as well as their spouses and minor children (both referred to as beneficiaries). The numbers are distributed over several categories, generally reflecting educational and skill level. IMMACT also placed a cap of 10,000 admissions on lesser-skilled admissions.

Employment-based admissions increased significantly under IMMACT, but they have not approached the annual ceiling of 140,000 (except when the Chinese Student Protection Act of 1992 [CSPA] permitted Chinese who had entered the U.S. before Tiananmen Square to become permanent residents under the employment category). Subtracting out the onetime admissions under CSPA, skilled and unskilled employment-based admissions have gone from about 100,000 in FY 1994 to 81,000 in FY 1995 and back up to 117,000 in FY 1996. The increase in FY 1996 appears to reflect a catchup from

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[4] In principle, the recent surge in the naturalization of potential sponsors could reduce the backlog and waiting time of spouses and children of LPRs. Sponsors who have naturalized can petition for the admission of their spouses and minor children under the unlimited citizen reunification category, thus effectively moving them out of the queue. However, this process will not decrease the backlog in an expeditious fashion. Even assuming rather high rates of naturalization, the Commission projections also show that it will take at least another decade before today's backlog can be reduced to acceptable numbers. Surprisingly, early indications are that the large volume of naturalizations since 1995 have not resulted in increases of relatives of U.S. citizens in the family preference total. (DOS Bureau of Consular Affairs. 1997. *Visa Bulletin* 73:7 A7.)

administrative processing delays in the previous year. The most notable increase through this period has been in the first preference, particularly in the subcategory for executives and managers of multinational corporations.[5] The first preference had fewer than 5,500 admissions in IMMACT's first year of implementation but now has more than 25,000 admissions.

In terms of the backlog of employment-based visas, the category of unskilled workers (EB-3B preference) remains heavily oversubscribed as of FY 1997, with nearly a seven-year wait for admission for all nations. Otherwise, only India is oversubscribed with nearly a two-year wait for admission for employment professionals with advanced degrees (EB-2) and skilled workers (EB-3A). Employment-based admissions must be closely monitored to know whether or not they reach their limit in the future and whether per-country limits impede timely entry of the highly-specialized workers who are genuinely needed by U.S. business.

Diversity admissions. The diversity immigrant provisions in IMMACT seek to increase national diversity in the immigrant population by widening access for immigrants from underrepresented countries whose citizens have neither strong family nor job ties to the United States. The permanent program began in October 1994. It provides 55,000 admission slots per year to nationals of countries that have sent fewer than 50,000 legal immigrants to this country over the previous five years. Each applicant must have a high school education or its equivalent or two years of work experience in an occupation requiring at least two years of training or experience. Persons eligible to enter are chosen by lottery. In FY 1996, some eight million applications were received by the Department of State.

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[5] Multinational corporations include U.S.-based companies with overseas operations and large and small foreign businesses that establish U.S. offices, subsidiaries, or affiliates.

About 40,000 diversity immigrants entered in FY 1995 and 58,000 in FY 1996. As with other admission categories, the FY 1995 numbers are misleading because of the delays in processing adjustments of status. Unlike other categories, however, the diversity program does not permit a waiting list of unprocessed applicants who will be interviewed the following year.

Refugee and other humanitarian admissions. Various categories of people may obtain LPR status outside of the worldwide pierceable ceiling. The largest groups are refugees admitted from overseas as part of the refugee resettlement program and asylees granted asylum domestically. After one year, refugees and asylees become eligible to adjust to LPR status. They are counted when the adjustment occurs. Other humanitarian-based admissions include Amerasians, parolees permitted to adjust status under special legislation, and individuals granted suspension of deportation. The total numbers admitted under these categories vary depending largely on the annual refugee admission levels determined through Presidential-Congressional consultation. All humanitarian admissions reached a high in FY 1994 of 160,000 and dropped modestly to 123,000 and 138,000 in FYs 1995 and 1996, respectively.

Future trends. As indicated, the year-to-year admissions under IMMACT have followed an up-and-down course. Future trends are difficult to project. A number of factors may increase future admission levels. Given the pace with which immigrants are naturalizing, growth in the number of immediate relatives may occur as newly naturalized citizens petition for their families. While LPRs may petition for spouses and minor children, until naturalization, they may not petition for the admission of a parent. It is also unlikely that the numerically-limited family preferences will be undersubscribed in the foreseeable future. Continuing backlogs ensure that available family quotas, as well as any unused employment numbers transferred to the family categories, will be filled.

At the same time, new provisions adopted in the recent welfare reform (The Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 may dampen future admissions despite the lengthy waiting lists. In particular, IIRIRA requires all family members to be sponsored by a U.S. petitioner whose income meets at least 125 percent of the poverty level. Sponsors must sign legally-binding affidavits under which they pledge to provide any financial support needed by the new immigrants. In addition, the welfare reform legislation bars noncitizens from most income transfer programs. Some U.S. family members may be unwilling or unable to take on these new financial responsibilities for new immigrants.

APPENDIX B

STATEMENT OF COMMISSIONER WARREN R. LEIDEN

While I agree with most of the findings and recommendations of the Commission majority, there are two subjects of major recommendations on which I am moved to make separate statements —one in dissent (Legal Permanent Admissions) and one in concurrence (Structural Reform).

Legal Permanent Admissions

Legal immigration needs reform of priorities and allocations, but current levels of legal immigration are in the national interest. Virtually all the research and analysis received by the Commission indicated that the current levels of legal immigration continue to provide a net positive benefit to America in a multitude of ways. Whatever interest is examined—economic, social, political, scientific, or cultural—the current levels of legal immigration are found to benefit each of these aspects of American life. The current levels of legal immigration that were established by the Immigration Act of 1990 have served this country well. And, after the current one-time increase that is the result of the 1986 legalization program, the overall number of legal immigrant admissions can be expected to moderate and decrease.

The current overall levels of legal immigration should be maintained until there is another opportunity for review in three to five years.

The majority recommends a one-quarter reduction in legal immigration from current levels, but not now, rather in five to eight years.

This reduction comes at the expense of thousands of American families who have been patiently waiting for legal reunification with their close relatives overseas. It is accomplished by eliminating three of four family preference categories and simply shutting the door on thousands of sons, daughters, and siblings of U.S. citizens.

There is no convincing argument for this drastic reduction in legal immigration now or years from now. Current levels of legal immigration clearly serve the national interest and can better do so if priorities and allocations are reformed.

Prioritize family-based admissions without eliminating family **reunification.** Spouses and minor children of U.S. citizens and lawful permanent residents [LPRs] and parents of U.S. citizens should receive the highest priority for immigration, but this can be accomplished without eliminating the immigrant categories for adult sons and daughters or siblings of U.S. citizens.

The family preference categories should be reordered, placing the spouses and minor children of LPRs at the top, with a "spilldown" of unused visas going to the remaining family categories. This approach would ensure the quickest reduction in the shameful backlog of spouses and minor children of LPRs, without sacrificing the family unification of those sons and daughters who simply turned 21 years old. The majority, by its determination to reduce legal immigration, is forced to call for the elimination of sons and daughters preference categories. It is wholly unnecessary to impose this hardship when simple priority setting can accomplish the same end.

The backlog of spouses and children of LPRs has already begun to decrease, and there are fewer new applicants than there are individuals being accorded immigrant status under the "second preference category." This indicates, as predicted, that the current backlogs can be reduced and that a new stable level of family immigration can be achieved once the one-time "echo" of the legalization

program has been processed. The small increases in the family preference categories for sons and daughters can be quickly made up once the top preference category is current.

Preserve employment-based immigration levels and reform labor market tests without penalizing employers. I dissent from the majority's recommendation to reduce employment-based immigration by almost 30 percent to only 100,000 admissions per year (including spouses and children). This level was already exceeded in FY 1996, when employment based legal immigration reached 117,000. Moreover, the continued growth of the international economy promises to increase employment-based legal immigration up to at least the current level of 140,000 admissions per year. The majority's recommendation to cut annual employment based admissions down to 100,000 per year would result in immediate backlogs, which would recreate precisely the situation that the Immigration Act of 1990 was enacted to cure.

Proposals that would result in the immediate creation of new backlogs are clearly wrong. The employment-based immigration ceiling should be kept at the current level, with review in three to five years.

New requirements and procedures need to be developed to replace the labor certification process to test the *bona fides* of the petitioning employer's need and to avoid adverse effect on similar U.S. workers. I dissent from the majority's recommendation that the solution is that such employers be required to pay a "substantial fee" or tax for the privilege of sponsoring international personnel.

The "substantial fee" approach simply does not address the real issues. It substitutes a penalty on certain employers for an honest assessment of what is beneficial to the national interest and what is practical in an environment of heightened international competition. The majority wants to label the imposition of fees to be a use of

"market forces," but it is obvious that government-imposed tariffs and fees are the complete opposite of market forces. For the government to charge a substantial, arbitrarily-set fee that will be used for purposes other than expense of adjudication and processing the application would be more like a tax, the antithesis of market forces. The majority would not only impose a penalty fee but would also require such employers to meet subjective tests of eligibility, such as whether it took "appropriate steps to recruit U.S. workers." It is hard to imagine that this proposal would not result in a new bureaucracy sitting in judgment on employers' compliance with new regulations and requirements.

The majority's proposal will serve more to penalize U.S. employers who petition for international personnel than to prevent adverse effect. Unfortunately, a proper analysis of these issues and more thoughtful recommendations remain to be done.

Structural Reform

Restructure the federal immigration responsibilities to separate the adjudications function from the enforcement function but keep them in the Department of Justice along with the appeals function. The federal responsibilities to conduct immigration enforcement, both at the border and inside the U.S., and to adjudicate immigration and naturalization applications and petitions have not been managed adequately.

Although it has received substantial increases in appropriations for staff, equipment, and other resources, the enforcement function continues to suffer from a lack of strategic coordination. While important improvements have been made in enforcement at the border, coordination with interior enforcement is tactical at best and often exists in form only. Interior enforcement is led and managed by officials who have been charged with too many other responsibilities.

At most levels of the INS, inadequate attention is given to the glaring imbalances in staff and resource allocations to the sequential steps of the enforcement process so that the consequences of apprehension are neither swift nor certain. Distracted and overloaded management also increases the risk of error and misconduct by its subordinate staff. Simply put, there is not a single, focused, national chain of command to pursue an integrated national enforcement strategy, and the immigration function and the nation suffer as a result.

Similarly on the adjudications side, huge increases in fee account receipts have not resulted in proportional improvements in accuracy or efficiency. Managers at the local, regional, and national levels have not been adequately concentrated on their adjudications responsibilities in immigration and naturalization. The economies of scale and additional resources provided by the substantial caseload (and therefore revenue) increases have not been converted into improvements, rather there is the appearance that there is just too much to do.

The lack of success in enforcement and adjudications is not simply for want of trying. The immigration agencies are served by many talented and determined staff and managers. The current administration of the Immigration and Naturalization Service has made impressive strides forward on a number of fronts and its accomplishments are historic.

If, despite huge increases in funding and dedicated staff and leadership, the federal government still has not achieved adequate management of its immigration responsibilities, it is inescapable that something else must be done in order to arrive at a successful equation. Based on the information, interviews, and analyses the commission has reviewed over the past several years, it becomes an inescapable conclusion that the primary immigration functions need to be separated and restructured.

Separation of the enforcement and adjudications functions is the only solution to the current overload of responsibilities competing for attention that is obvious at every level of the INS. Separation of the functions would permit the establishment of unified, focused chains of command and operations at every level. Separation of enforcement from adjudications would allow each function to have a clear mission and to set clear goals on by which performance could be judged and accountability enforced. Separate functions would benefit greatly from the ability to gear hiring, training, promotions, and discipline to a clear mission.

At present, with its combined missions, the INS is often in internal contradiction, and its personnel, trained primarily in one mission or the other, are asked to crisscross from positions calling for one type of expertise and then the other. The most telling evidence of the value of separating the enforcement and adjudications functions comes the recent history of INS itself. The two most successful examples of INS adjudications programs, the 1986 Legalization program and the creation of an independent corps of asylum officers in 1990, are both instances where adjudications programs were consciously and deliberately kept separate and insulated from the enforcement mission of the INS. These practical, real world examples conclusively make the case for separation of enforcement from adjudications.

Of course, separation and restructuring of the immigration functions is not a panacea in and of itself. The combined missions are far from the only problem confronting the agencies, and the separation of the functions should be seen only as providing a necessary foundation from which real, lasting solutions can be hammered out to the many substantive challenges confronting the government. The substantive problems of operations and policy remain the fundamental issues of concern; structural changes provide means to better accomplishing these ends.

The benefits of restructuring can be gained with far less disruption, at less cost, and with greater chance of success if it is accomplished within the Department of Justice. The two main functions of the INS—enforcement and adjudications—should be separated into two different agencies within the Department of Justice, with separate leadership. This would also permit the insertion of a senior level office in the Department of Justice to coordinate and lead the separate functional agencies.

The creation of the Executive Office for Immigration Review [EOIR], which separated the immigration hearings and appeals function from the rest of INS in 1983, is a good model for this restructuring. Like the EOIR, each agency should have its separate mission, career paths, training, and management, while still benefiting from policy and strategic coordination at senior department level.

The Department of Justice is the proper place for the immigration enforcement function and it is the proper place for the adjudications function. The Department of Justice has long experience with and is the preeminent repository of expertise in both the immigration enforcement and adjudications functions. The Department of Justice epitomizes the values of due process and the rule of law, which are especially important in achieving effective enforcement and fair, accurate adjudications for a well-regulated, highly-selective legal immigration system. The division of these two immigration functions, within the Department of Justice, would be far less disruptive to either responsibility at a time when both adjudications workloads and the need for enforcement activities are at record levels.

In contrast, transferring the adjudications function to the Department of State would require it to integrate into its organization large operations programs with which it has little familiarity. Any department other than Justice would have to undertake the absorption of new missions, expertise, and institutional values with which it has little experience.

Keeping both functions within the Department of Justice would be far less costly than the transfer of all adjudications activities to the Department of State or another department. The personnel, training, facilities, and management are already fully part of and integrated into Department of Justice. Separation of enforcement and adjudications within the Department of Justice raises mostly issues of management and structure, rather the basic re-creation of a substantial institution in an entirely new setting.

Moreover, keeping adjudications within Justice would not require the proposed creation of an entirely new independent agency for immigration review in place of EOIR. There are substantive arguments on both sides of this issue, and it is one that should be decided on the basis of merit, not mandated simply due to interdepartmental restructuring.

As in all cases of organizational change, some predictable disruption and added expense are justifiable if the outcome is most likely to be an improvement. However, the consequences of the proposed transfer of all adjudications functions to the Department of State are far from certain. Unlike the Department of Justice, the Department of State would be undertaking a entirely different mission with which it has had little experience or interest. Historically, immigration and consular matters have received tertiary attention and status at the Department of State. It is a gamble to think that these longstanding attitudes will change for the better. While some argue that the Department of State could and should adopt an entirely new mission in the post-Cold War era, beginning this debate by making the massive implantation of the entire federal immigration adjudications function puts the horse before the cart and is a great risk to take.

The Department of State has not had experience with the large volume of substantive adjudications that heretofore have been done by the Department of Justice. Moreover, elementary concepts of

legal process, including administrative and judicial review, precedent decisions, and the right to counsel, have been vigorously resisted by the Department of State throughout its history of consular affairs. The Department of State has energetically fought all attempts in litigation and in legislation to make individual consular decisions subject to any review within the Department of State itself or by the federal courts. It is difficult for anyone familiar with this history to conceive that these Department of State traditions would soon give way to modern legal concepts and the consistency and accuracy that is their goal.

In contrast, the Department of Justice has the experience and the expertise. It needs only the restructuring and separation of enforcement from adjudications, with dedicated leadership and management for each, to have the best chance of success, at less cost and with less disruption of the fundamental immigration responsibilities.

U.S. COMMISSION ON IMMIGRATION REFORM

Created by the Immigration Act of 1990; Dissolved in December 31, 1997

MANDATE	**Congressional Authorization**
PEOPLE	**Commission Members** **Staff**
ACTIVITIES	**Reports to Congress** **Commission Research Papers** **Mexico-U.S. Binational Migration Study Report** **Binational Research Papers** **Congressional Testimony**

Last updated April 20, 1998.

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